

OFFICIAL PROCEEDINGS
OF THE
BOARD OF COUNTY COMMISSIONERS
OF ST. LOUIS COUNTY, MINNESOTA

JANUARY, 2004

ANNUAL SESSION

OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON JANUARY 6, 2004

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 6th day of January, 2004, at 9:34 A.M. in the forenoon in the County Board Room, Courthouse, Duluth, Minnesota, in annual session, it being the first Tuesday after the first Monday in January, the date set by statute for such session. Upon a roll call by the Clerk, the following members were present: Commissioners Dennis Fink, Joanne Fay, William J. Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Steve Raukar - 7. Absent: None.

Paul Tynjala, Deputy County Auditor, opened the meeting by asking for nominations for Chair of the County Board for 2004. Commissioner Kron, supported by Commissioner Forsman, nominated Commissioner Raukar as Chair. Commissioner Fay nominated Commissioner Nelson for Chair, but he declined the nomination. No other nominations were offered. Commissioner Sweeney, supported by Commissioner Forsman, moved to close nominations; six yeas - one nay, Commissioner Fay. Commissioner Raukar was then elected Chair of the County Board for 2004; six yeas - one nay, Commissioner Fay.

Chair Raukar asked for nominations for Vice-Chair for 2004. Commissioner Forsman, supported by Commissioner Kron, nominated Commissioner Sweeney as Vice-Chair. Commissioner Fay nominated Commissioner Nelson as Vice-Chair, but the nomination died without support. No other nominations were offered. Commissioner Kron, supported by Commissioner Forsman, moved to close nominations; seven yeas - zero nays. Commissioner Sweeney was then elected Vice-Chair for 2004; five yeas - two nays, Commissioners Fay and Nelson.

Chair Raukar made a presentation to Commissioner Fink for his service as Chair of the Board for 2003. Commissioner Fink thanked the Board for their hard work and team effort during a difficult financial year.

Chair Raukar briefly recapped 2003, presented his vision for 2004 and asked Commissioners to take turns bringing an appropriate quote to share at each Board meeting in 2004. Chair Raukar offered the following quotes: "To lead the people, walk behind them" (Lao Tzu, Chinese Philosopher); and "Wise men are not always silent, but know when to be" (unknown origin).

Commissioner Kron noted Duluth Days at the 2004 Minnesota Legislature will include all of St. Louis County for the first time.

Chair Raukar appointed the following as Chairs of the Standing Committees of the County Board for 2004: Commissioner Sweeney - Health and Social Services; Commissioner Forsman - Environment and Natural Resources; Commissioner Nelson - Public Works and Transportation; Commissioner Kron - Finance and Budget; Commissioner Fink - Central Management and

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Intergovernmental; Commissioner Fay - Public Safety and Corrections. Commissioner Kron was assigned to continue his tenure as Chair of the special Economic Development Committee, established in 2002.

Commissioner Fay asked the Chair to reconsider appointments to Health and Social Services (no recent appointments of northern commissioners) and Public Works and Transportation (no female commissioners have ever been appointed). Chair Raukar said he would stand by his designated appointments.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and the following chose to do so:

Jeffrey Anderson, Duluth, expressed support for County Board Resolution No. 785, adopted December 23, 2003, which supported the concept of ATV use on the North Shore State Trail (NSST). Mr. Anderson said ATVs may be the only way disabled persons can enjoy and/or use the area.

David Carman, Duluth, opposed ATV use on the NSST because of possible environmental damage.

John Knutson, Duluth, said environmental concerns are being addressed and designated trails actually enhance the environment by keeping ATVs away from more sensitive areas.

Herb Bergson, newly elected Duluth Mayor, said he would welcome the opportunity to work with the County on areas of mutual interest.

Jeff Brown, Duluth, decried the rush by the Board to support ATV use on the NSST. He demanded the Board rescind Resolution No. 785 and begin a meaningful dialogue with all parties.

David Dill, State Representative, District 6A, said allowing ATV use on established trails is a good compromise that environmental groups generally support to limit off-trail damage.

Jeff Mausolf, Duluth Snowmobile Association, supported the plan and said the resolution was appropriate.

Ron Sluka, North Shore Snowmobile Club, detailed the DNR process, including public hearings, that will be followed prior to approval of ATV use of the NSST. Mr. Sluka said there is some urgency to keeping the process going because trail designation for ATV use will become much more difficult after 2005.

At 10:55 A.M. in the forenoon of Tuesday, January 6, 2004, Chair Raukar moved to recess the Board until 11:00 A.M. on January 6, 2004, in the County Board Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 11:07 A.M. on January 6, 2004, and the regular order of business resumed with all members present.

Commissioner Nelson, supported by Commissioner Fink, moved to approve an alternate schedule for 2004 County Board meetings that establishes the Fayal Town Hall (January), McDavitt Town Hall (April), Mt. Iron City Hall (July) and Gilbert City Hall (October) as sites for meetings normally held in the Virginia Courthouse. There will also not be an August meeting scheduled for the 4-H Camp at Lake Eshquagama this year. Commissioner Sweeney expressed concern how information about the alternate locations would be made available to the public. In response to

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additional Commissioner questions, Ellen Quinn, Public Information Officer, said press releases should suffice and Public Access Television (PACT) is able to cover meetings at any location. After brief discussion, the schedule was approved; seven yeas - zero nays. Resolution No. 1.

Commissioner Nelson, supported by Commissioner Fay, moved to approve a Committee of the Whole schedule that coincided with the adopted Board Meeting schedule; seven yeas - zero nays. Resolution No. 2.

(Note: All terms are for one year unless otherwise noted)

Commissioner Fay, supported by Commissioner Kron, moved to appoint Commissioners Fink and Nelson as representatives to the Arrowhead Counties Association (ad hoc); seven yeas - zero nays. Resolution No. 3.

Commissioner Kron, supported by Commissioner Forsman, moved to appoint Commissioner Fink as representative to the Arrowhead Emergency Medical Services Association Board of Directors; seven yeas - zero nays. Resolution No. 4.

Commissioner Forsman, supported by Commissioner Fink, moved to appoint Commissioners Raukar and Nelson as representatives and Commissioner Forsman as alternate to the Arrowhead Economic Opportunity Agency (AEOA) - no term lengths; seven yeas - zero nays. Resolution No. 5.

Commissioner Fay, supported by Commissioner Forsman, moved to appoint Commissioners Sweeney, Kron and Raukar as representatives and Commissioner Nelson as alternate to Arrowhead Regional Corrections; seven yeas - zero nays. Resolution No. 6.

Commissioner Forsman, supported by Commissioner Sweeney, moved to appoint Commissioners Raukar (2-year term) and Sweeney (3-year term) as representatives and Commissioner Fink (3-year term) as alternate to the Arrowhead Regional Development Commission (ARDC); seven yeas - zero nays. Resolution No. 7.

Commissioner Kron, supported by Commissioner Nelson, moved to appoint Commissioner Sweeney as representative and Commissioner Fay as alternate to the Metropolitan Interstate Committee (ARDC); seven yeas - zero nays. Resolution No. 8.

Commissioner Fink, supported by Commissioner Forsman, moved to appoint Commissioner Forsman as representative and Commissioner Fink as alternate for three-year terms to the Community Health Services Board; seven yeas - zero nays. Resolution No. 9.

Commissioner Forsman, supported by Commissioner Fay, moved to appoint Commissioners Nelson and Fay to three-year terms on the Cooperative Extension Committee; seven yeas - zero nays. Resolution No. 10.

Commissioner Kron, supported by Commissioner Nelson, moved to appoint Commissioner Fay as representative and Commissioner Fink as alternate to the Duluth Area Family Service Collaborative; seven yeas - zero nays. Resolution No. 11.

Commissioner Forsman, supported by Commissioner Sweeney, moved to appoint Commissioners Forsman and Nelson to the St. Louis County Election Canvassing Board for all state/county elections to be held in 2004; seven yeas - zero nays. Resolution No. 12.

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Commissioner Kron, supported by Commissioner Fink, moved to appoint Commissioner Forsman as representative and Commissioner Fay as alternate to the St. Louis County Grievance Board; seven yeas - zero nays. Resolution No. 13.

Commissioner Kron, supported by Commissioner Fink, moved to appoint Commissioner Forsman as representative and Commissioner Nelson as alternate to the Job Training Partnership Act; seven yeas - zero nays. Resolution No. 14.

Commissioner Kron, supported by Commissioner Fay, moved to appoint Commissioners Sweeney (Duluth Law Library), Raukar (Hibbing Law Library) and Nelson (Virginia Law Library) as representatives to the County Law Library Boards; seven yeas - zero nays. Resolution No. 15.

Commissioner Kron, supported by Commissioner Sweeney, moved to appoint Commissioners Kron and Raukar as representatives and Commissioner Sweeney as alternate to the Metropolitan Inter-County Association (MICA); seven yeas - zero nays. Resolution No. 16.

Commissioner Fay, supported by Commissioner Fink, moved to appoint Commissioner Nelson as representative and Commissioner Forsman as alternate to the 9-1-1 Emergency System User Board - North St. Louis County; seven yeas - zero nays. Resolution No. 17.

Commissioner Kron, supported by Commissioner Nelson, moved to appoint Commissioner Fay as representative and Commissioner Sweeney as alternate to the 9-1-1 Emergency System User Board - South St. Louis County; seven yeas - zero nays. Resolution No. 18.

Commissioner Forsman, supported by Commissioner Fay, moved to appoint Commissioners Fink and Kron as representatives and Commissioner Fay as alternate to the Northwest Airlines Tax Increment Financing Board; seven yeas - zero nays. Resolution No. 19.

Commissioner Forsman, supported by Commissioner Sweeney, moved to appoint Commissioner Fink as representative and Commissioner Nelson as alternate to the St. Louis County Planning Commission; seven yeas - zero nays. Resolution No. 20.

Commissioner Fink, supported by Commissioner Sweeney, moved to appoint Commissioners Fay and Nelson as representatives to the St. Louis County Promotional Bureau; seven yeas - zero nays. Resolution No. 21.

Commissioner Fay moved to appoint Commissioners Kron, Nelson and Raukar as representatives and Commissioner Fay as alternate to the St. Louis/Lake Counties Regional Railroad Authority, but the motion died without support. Commissioner Forsman, supported by Commissioner Sweeney moved to appoint Commissioners Kron, Nelson and Raukar as representatives and Commissioner Sweeney as alternate to the Regional Railroad Authority; six yeas - one nay, Commissioner Fay. Resolution No. 22.

Commissioner Kron, supported by Commissioner Sweeney, moved to appoint Commissioner Raukar as representative to the Seaway Port Authority for a six-year term; seven yeas - zero nays. Resolution No. 23.

Commissioner Forsman, supported by Commissioner Kron, moved to appoint Commissioner Sweeney (Chair of the Health and Social Services Committee), and Commissioner Nelson as representatives to the Social Services Advisory Board; seven yeas - zero nays. Resolution No. 24.

Commissioner Fink, supported by Commissioner Sweeney, made a directive motion to Administra-

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tion to contact the St. Louis County Historical Society to determine if a Commissioner could be a representative on the Historical Society Board; seven yeas - zero nays. Commissioner Sweeney, supported by Commissioner Nelson, moved to award contracts for legal publications for 2004 to the Duluth News Tribune (legal notices, board proceedings, two notices of expiration of redemption and the first publication of the financial statement) and the Gilbert Herald (second publication of the financial statement and two publications of the delinquent tax list). Dick Florey, Director of Purchasing, explained results of the bid process; seven yeas - zero nays. Resolution No. 25.

A proposed agreement with Robinson Brothers Environmental, Inc., for asbestos abatement at the Nopeming facility was then considered. A motion by Commissioner Fay, supported by Commissioner Forsman, to award the bid to Robinson Brothers was tabled at the December 23, 2003, County Board meeting. The following persons addressed the issue:

Tony Mancuso, Property Manager, said his inquiries about the firm revealed no negative information concerning violations that might eliminate them as a responsible bidder. Property Manager Mancuso recommended approval of the contract.

Mike Warner, Virginia labor leader, said he would like to see the bid process improved by adding "project labor agreements" to bid specifications. Mr. Warner asked to meet with each Commissioner to discuss his proposal, which would help ensure future construction projects are not delayed because of labor concerns.

After brief discussion, the resolution awarding the contract to Robinson Brothers was approved; seven yeas - zero nays. Resolution No. 26.

Commissioner Forsman, supported by Commissioner Nelson, moved to suspend the rules to consider final approval for Big Lake Point Plat, located in Section 28, Unorganized Township 65-13; seven yeas - zero nays. After brief discussion, Commissioner Forsman, supported by Commissioner Kron, moved to grant final plat approval; seven yeas - zero nays. Resolution No. 27.

Commissioner Sweeney, supported by Commissioner Raukar, moved to reconsider Resolution No. 785, adopted December 23, 2003, which supported the concept of ATV use on the NSST. After discussion about amending the resolution and/or tabling the matter to allow all parties an opportunity to provide information, the motion to reconsider failed; three yeas - four nays, Commissioners Fink, Fay, Forsman and Nelson.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Communications received by the St. Louis County Board for the year 2004.-58168

Letters from the County Administrator for the year 2004 to the County Board regarding items on the Committee of the Whole and County Board Meeting Agendas.-58169

Land Commissioner submitting appraisal reports for the sale of timber for the year 2004.-58170

County Attorney submitting Workers' Compensation Reports for year 2004.-58171

County Auditor submitting applications for license to sell tobacco products for the year 2004.-58172

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Planning Director submitting various plats for approval during 2004.--58173

BY COMMISSIONER NELSON:

RESOLVED, that the St. Louis County Board of Commissioners will meet in 2004 commencing at 9:30 A.M. on Tuesdays according to the following schedule:

January: 6th, 13th - Duluth Courthouse
 27th - Fayal Town Hall
February: 3rd, 17th - Duluth Courthouse
 24th - Hibbing City Council Chambers
March: 9th, 16th - Duluth Courthouse
 23rd - Morse Town Hall
 (30th is fifth Tuesday)
April: 6th, 13th - Duluth Courthouse
 27th - McDavitt Town Hall
May: 4th, 11th - Duluth Courthouse
 25th - Hibbing City Council Chambers
June: 1st, 8th - Duluth Courthouse
 22nd - Semer's Park Pavilion, Ely
 (29th is fifth Tuesday)
July: 6th, 13th - Duluth Courthouse
 27th - Mt. Iron City Hall
August: 3rd - Duluth Courthouse
 10th - Hibbing City Council Chambers
 (August 17th and 24th - no meetings and
 August 31st is fifth Tuesday)
September: 7th, 14th - Duluth Courthouse
 28th - Morse Town Hall
October: 5th, 12th - Duluth Courthouse
 26th - Gilbert City Hall
November: 2nd, 9th - Duluth Courthouse
 23rd - Hibbing City Council Chambers
December: 14th - Duluth Courthouse
 21st - Morse Town Hall, Ely
 (December 28th - no meeting)

NOTE: The following Tuesdays were eliminated for the reasons indicated:
January 20th, April 20th, May 18th, June 15th, September 21st, October 19th and November
16th - Third Tuesdays reserved for workshops
February 10th - Duluth Days at the legislature
March 2 - NACo Conference
July 20th - NACo Annual Conference
December 7th - AMC Annual Conference

Unanimously adopted. January 6, 2004. No. 1

WHEREAS, the following are the Standing Committees of the St. Louis County Board with Chairs as appointed by the Chair of the County Board:

Health and Social Services Committee
Chair - Commissioner Sweeney
Environment and Natural Resources Committee
Chair - Commissioner Forsman
Public Works and Transportation Committee
Chair - Commissioner Nelson
Finance and Budget Committee

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Chair - Commissioner Kron
Central Management and Inter-Governmental Committee
Chair - Commissioner Fink
Public Safety and Corrections Committee
Chair - Commissioner Fay
Economic Development Committee
Chair - Commissioner Kron

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners will meet in 2004 as a Committee of the Whole immediately following the County Board meeting on Tuesdays, according to the following schedule:

January: 6th, 13th - Duluth Courthouse
27th - Fayal Town Hall
February: 3rd, 17th - Duluth Courthouse
24th - Hibbing City Council Chambers
March: 9th, 16th - Duluth Courthouse
23rd - Morse Town Hall
(30th is fifth Tuesday)
April: 6th, 13th - Duluth Courthouse
27th - McDavitt Town Hall
May: 4th, 11th - Duluth Courthouse
25th - Hibbing City Council Chambers
June: 1st, 8th - Duluth Courthouse
22nd - Semer's Park Pavilion, Ely
(29th is fifth Tuesday)
July: 6th, 13th - Duluth Courthouse
27th - Mt. Iron City Hall
August: 3rd - Duluth Courthouse
10th - Hibbing City Council Chambers
(August 17th and 24th - no meetings and
August 31st is fifth Tuesday)
September: 7th, 14th - Duluth Courthouse
28th - Morse Town Hall
October: 5th, 12th - Duluth Courthouse
26th - Gilbert City Hall
November: 2nd, 9th - Duluth Courthouse
23rd - Hibbing City Council Chambers
December: 14th - Duluth Courthouse
21st - Morse Town Hall, Ely
(December 28th - no meeting)

NOTE: The following Tuesdays were eliminated for the reasons indicated:
January 20th, April 20th, May 18th, June 15th, September 21st, October 19th and November
16th - Third Tuesdays reserved for workshops
February 10th - Duluth Days at the legislature
March 2 - NACo Conference
July 20th - NACo Annual Conference
December 7th - AMC Annual Conference

Unanimously adopted. January 6, 2004. No. 2

BY COMMISSIONER FAY:

RESOLVED, that the St. Louis County Board hereby appoints the following as their representatives on the Arrowhead Counties Association (ad hoc) for one-year terms expiring on December 31, 2004:

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Commissioner Dennis Fink
Commissioner Keith Nelson

Unanimously adopted. January 6, 2004. No. 3

BY COMMISSIONER KRON:

RESOLVED, that the St. Louis County Board hereby appoints Commissioner Dennis Fink as a representative on the Arrowhead Emergency Medical Services Association Board of Directors for a one-year term expiring on December 31, 2004.

Unanimously adopted. January 6, 2004. No. 4

BY COMMISSIONER FORSMAN:

RESOLVED, that the St. Louis County Board hereby appoints two (2) Commissioners as representatives to the Arrowhead Economic Opportunity Agency:

Commissioner Keith Nelson
Commissioner Steve Raukar
Commissioner Mike Forsman (alternate)

Unanimously adopted. January 6, 2004. No. 5

BY COMMISSIONER FAY:

RESOLVED, that the St. Louis County Board hereby appoints three (3) Commissioners as representatives to Arrowhead Regional Corrections for one year terms which will expire on December 31, 2004:

Commissioner Peg Sweeney
Commissioner Bill Kron
Commissioner Steve Raukar
Commissioner Keith Nelson (alternate)

Unanimously adopted. January 6, 2004. No. 6

BY COMMISSIONER FORSMAN:

RESOLVED, that the St. Louis County Board hereby appoints two (2) Commissioners as representatives to Arrowhead Regional Development Commission for the following terms:

Commissioner Peg Sweeney - three-year term expiring December 31, 2006
Commissioner Steve Raukar - two-year term expiring December 31, 2005
Commissioner Dennis Fink (alternate) - three-year term expiring December 31, 2006

Unanimously adopted. January 6, 2004. No. 7

BY COMMISSIONER KRON:

RESOLVED, that the St. Louis County Board hereby appoints the following as their representative on the Arrowhead Regional Development Commission Metropolitan Interstate Committee for a one-year term expiring December 31, 2004:

Commissioner Peg Sweeney
Commissioner Joanne Fay (alternate)

Unanimously adopted. January 6, 2004. No. 8

BY COMMISSIONER FINK:

RESOLVED, that the St. Louis County Board hereby appoints one Commissioner as their representative to the Community Health Services Board for a three year term expiring on December 31, 2006:

Commissioner Mike Forsman
Commissioner Dennis Fink (alternate)

Unanimously adopted. January 6, 2004. No. 9

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BY COMMISSIONER FORSMAN:

RESOLVED, that the St. Louis County Board hereby appoints two Commissioners as their representatives to the St. Louis County Cooperative Extension Committee for three-year terms expiring on December 31, 2006:

Commissioner Keith Nelson

Commissioner Joanne Fay

Unanimously adopted. January 6, 2004. No. 10

BY COMMISSIONER KRON:

RESOLVED, that the St. Louis County Board hereby appoints one Commissioner as their representative to the Governing Board of the Duluth Area Family Services Collaborative for a one-year term expiring on December 31, 2004:

Commissioner Joanne Fay

Commissioner Dennis Fink (alternate)

Unanimously adopted. January 6, 2004. No. 11

BY COMMISSIONER FORSMAN:

RESOLVED, that Commissioner Mike Forsman and Commissioner Keith Nelson are hereby appointed to the St. Louis County Election Canvassing Board for elections to be held in the year 2004. Unanimously adopted. January 6, 2004. No. 12

BY COMMISSIONER KRON:

RESOLVED, that the St. Louis County Board hereby appoints one Commissioner as their representative to the St. Louis County Grievance Board for a one year term which will expire on December 31, 2004:

Commissioner Mike Forsman

Commissioner Joanne Fay (alternate)

Unanimously adopted. January 6, 2004. No. 13

RESOLVED, that the St. Louis County Board hereby appoints one Commissioner as their representative on the Job Training Partnership Act for a one-year term expiring December 31, 2004:

Commissioner Mike Forsman

Commissioner Keith Nelson (alternate)

Unanimously adopted. January 6, 2004. No. 14

RESOLVED, that the St. Louis County Board hereby appoints three Commissioners as their representatives on the Law Library Boards for a one-year terms expiring December 31, 2004:

Duluth Law Library - Commissioner Peg Sweeney

Hibbing Law Library - Commissioner Steve Raukar

Virginia Law Library - Commissioner Keith Nelson

Unanimously adopted. January 6, 2004. No. 15

RESOLVED, that the St. Louis County Board hereby appoints two Commissioners as their representatives to the Metropolitan Inter-County Association (MICA) for one-year terms expiring on December 31, 2004:

Commissioner Bill Kron

Commissioner Steve Raukar

Commissioner Peg Sweeney (alternate)

Unanimously adopted. January 6, 2004. No. 16

BY COMMISSIONER FAY:

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RESOLVED, that the St. Louis County Board hereby appoints one Commissioner as their representative to the 9-1-1 Emergency System User Board for North St. Louis County for a one-year term expiring on December 31, 2004:

Commissioner Keith Nelson
Commissioner Mike Forsman (alternate)

Unanimously adopted. January 6, 2004. No. 17

BY COMMISSIONER KRON:

RESOLVED, that the St. Louis County Board hereby appoints one Commissioner as their representative to the 9-1-1 Emergency System User Board for South St. Louis County for a one-year term expiring on December 31, 2004:

Commissioner Joanne Fay
Commissioner Peg Sweeney (alternate)

Unanimously adopted. January 6, 2004. No. 18

BY COMMISSIONER FORSMAN:

RESOLVED, that the St. Louis County Board hereby appoints two Commissioners as their representatives to the Northwest Airlines Tax Increment Financing District Board (Duluth) for one year terms which will expire on December 31, 2004:

Commissioner Dennis Fink
Commissioner Bill Kron
Commissioner Joanne Fay (alternate)

Unanimously adopted. January 6, 2004. No. 19

RESOLVED, that the St. Louis County Board hereby appoints one Commissioner as their representative to the St. Louis County Planning Commission for a one year term which will expire on December 31, 2004:

Commissioner Dennis Fink
Commissioner Keith Nelson (alternate)

Unanimously adopted. January 6, 2004. No. 20

BY COMMISSIONER FINK:

RESOLVED, that the St. Louis County Board hereby appoints two Commissioners as their representatives to the St. Louis County Promotional Bureau for one year terms which will expire on December 31, 2004:

Commissioner Joanne Fay
Commissioner Keith Nelson

Unanimously adopted. January 6, 2004. No. 21

BY COMMISSIONER FORSMAN:

RESOLVED, that the St. Louis County Board hereby appoints three Commissioners as their representatives to the St. Louis/Lake Counties Regional Railroad Authority for one-year terms expiring on December 31, 2004:

Commissioner Bill Kron
Commissioner Keith Nelson
Commissioner Steve Raukar
Commissioner Peg Sweeney (alternate)

Yeas - Commissioners Fink, Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 6

Nays - Commissioner Fay - 1

Adopted January 6, 2004. No. 22

BY COMMISSIONER KRON:

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RESOLVED, that the St. Louis County Board hereby reappoints one Commissioner as their representative to the Seaway Port Authority for a six-year term which will expire on December 31, 2009:

Commissioner Steve Raukar

Unanimously adopted. Adopted January 6, 2004. No. 23

BY COMMISSIONER FORSMAN:

RESOLVED, that the St. Louis County Board hereby appoints two Commissioners as their representatives to the Social Services Advisory Board:

Commissioner Peg Sweeney

Commissioner Keith Nelson

Unanimously adopted. Adopted January 6, 2004. No. 24

BY COMMISSIONER SWEENEY:

RESOLVED, that the Director of Purchasing is hereby authorized to enter into a contract with the Duluth News-Tribune for the 2004 Legal Printing services, in accordance with the specifications of Bid No. 4413 and their bid for Item 1 (Official Newspaper) as follows:

	<u>Per Inch</u>
1. Official Newspaper	
A. Legal Notices	\$ 1.77
B. Board Proceedings	\$ 1.77
C. Notice of Exemption of Redemption	
1 st Publication	\$ 1.77
2 nd Publication	\$ 1.77
D. Financial Statement	
1 st Publication	\$ 1.77

RESOLVED FURTHER, that the Director of Purchasing is hereby authorized to enter into a contract with the Gilbert Herald for the 2004 Legal Printing services, in accordance with the specifications of Bid No. 4413 and their low bid for Item 2 (Financial Statement – 2nd Publication), and Item 3 (Delinquent Tax List – 1st and 2nd Publication) as follows:

	<u>Per Inch</u>
2. Financial Statement	
2 nd Publication/Location	\$ 1.90
3. Delinquent Tax List	
1 st Publication	\$ 0.85
2 nd Publication	\$ 0.50

Yeas - Commissioners Fink, Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 6

Nays - None

Absent - Commissioner Fay - 1

Adopted January 6, 2004. No. 25

BY COMMISSIONER FAY:

WHEREAS, the abandoned boiler/incinerator plant at the Nopeming facility must have asbestos containing material abated, and all hazardous material identified, packaged and disposed of; and WHEREAS, the low bidder for the asbestos abatement project is Robinson Brothers Environmental, Incorporated, of Waunakee, Wisconsin, at \$48,600.

NOW, THEREFORE, BE IT RESOLVED, the Board authorizes the appropriate County officials to execute an agreement with Robinson Brothers Environmental, Inc., of Waunakee, Wisconsin, in an amount of \$48,600, payable from Fund 01, Department 081, Property Management, Org. Nope.

Unanimously adopted. January 6, 2004. No. 26

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Upon motion of Commissioner Forsman, supported by Commissioner Sweeney, the rules were suspended to adopt Resolution No. 27 which was not on the agenda.

BY COMMISSIONER FORSMAN:

WHEREAS, the St. Louis County Planning Commission on July 17, 2003, granted preliminary plat approval to Big Lake Point; and

WHEREAS, the final prints have been submitted and conform with the requirements set forth by the Planning Commission. The County Attorney and County Surveyor have approved the plat.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners grants final approval to Big Lake Point Plat located in Section 28, Township 65 North, Range 13 West. Unanimously adopted. January 6, 2004. No. 27

Upon motion of Commissioner Sweeney, supported by Commissioner Kron, Resolutions No. 28 through 31, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER SWEENEY:

RESOLVED, that the appraisal report for sale of timber, numbered Tract 1, as submitted by the Land Commissioner, on file in the office of the County Auditor, identified as County Board File No. 58170, is approved and the County Auditor is authorized to carry out the recommendations as listed in said appraisal report.

Adopted January 6, 2004. No. 28

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated December 26, 2003, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

Adopted January 6, 2004. No. 29

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, is hereby approved and the County Auditor is authorized to issue the license as follows;

RESOLVED FURTHER, that if named licenseholder sells their licensed business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund to the licenseholder:

Cloquet River Inn, Inc., d/b/a Walt's Cloquet River Inn, Grand Lake Township, Tobacco Products License No. T04132.

Adopted January 6, 2004. No. 30

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, is hereby approved and the County Auditor is authorized to issue the license as follows;

RESOLVED FURTHER, that if named licenseholder sells their licensed business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund to the licenseholder;

The following licenseholder was issued a tobacco violation citation on the date as stated:

Wieber & Associates, Inc., d/b/a Ash Trail Lodge, Unorganized Township 68-19, Tobacco Products License No. T043, August 16, 2003.

Adopted January 6, 2004. No. 31

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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At 12:17 P.M. on Tuesday, January 6, 2004, upon motion of Commissioner Kron, supported by Commissioner Fink, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the
Board of County Commissioners

Attest:
Maureen Langguth, Acting County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON JANUARY 13, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 13th day of January, 2004, at 9:40 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

In response to a request by Chair Raukar that Commissioners take turns reading appropriate quotes at the start of each meeting, Commissioner Fink read the following quotation from Thomas Jefferson: "I know of no safe depository of the ultimate power of society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion . . . When government fears the people you have liberty, when the people fear the government you have tyranny."

Commissioner Fink then presented a gavel to Chair Raukar for use during his tenure as Chair of the County Board.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda, but no one chose to do so.

Commissioner Forsman, supported by Commissioner Sweeney, moved to table indefinitely a resolution supporting a 750-acre land donation from Cleveland Cliffs LLC to the Minnesota Department of Natural Resources for the Darwin S. Myers Wildlife Management Area; seven yeas - zero nays.

At 9:47 A.M. in the forenoon of Tuesday, January 13, 2004, Commissioner Sweeney, supported by Commissioner Kron, moved to recess the Board until 10:00 A.M. on January 13, 2004, in the County Board Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 10:15 A.M. on January 13, 2004, and the regular order of business resumed with all members present except Commissioner Sweeney.

Commissioner Kron, supported by Commissioner Fay, moved to approve a second consent agenda consisting of all items approved at the just-completed Committee of the Whole meeting; six yeas - zero nays.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Finance and Budget Committee submitting recommendations for payment of claims and bills against St. Louis County for the year 2004.-58174

Finance and Budget Committee submitting recommendations for reduction and correction of assessed valuations and taxes for the year 2004.-58175

Annual Report for the Sheriff of St. Louis County for the year 2003.-58176

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Northern Counties Land Use Coordinating Board submitting minutes and agendas of their meetings for the year 2004.-58177

Land Commissioner submitting applications for special sales of tax forfeited lands for the year 2004.-58178

Fund transfers and appropriations for 2003 within various funds.-58179

St. Louis and Lake Counties Regional Railroad Authority submitting agendas and minutes for their meetings held in the year 2004.-58180

County Auditor submitting applications for license to sell intoxicating liquor for the year 2004.-58181

George R. A. Johnson, Law Office of George R. A. Johnson & Associates, relative to the sale or exchange of tax forfeited land located in the SW/NW, Section 1, Township 63, Range 18.-58182

Paul F. Schweiger, Sieben, Grose, Von Holtum & Carey, Ltd., submitting Notice of Claim in the matter of Synnave Patterson versus St. Louis County.-58183

Julie Rose, Senator of Minnesota District 24, relative to her composing a comprehensive methamphetamine bill and encouraging St. Louis County to implement a meth ordinance.-58184

Modification No. 1 to R9-9-99-CA-16 between the U.S.D.A. Forest Service, Superior National Forest, and St. Louis County.-04-01

Purchase Agreement between St. Louis County and James Bechthold for purchase of 2901 Morris Thomas Road (Morris Thomas Toolhouse) located in Section 30, Township 50 North, Range 14 West.-04-02

Employee Safety & Development Training Contract between St. Louis County and Pat Miller for *Becoming a Quick Change Artist - Coping with Change in the Workplace* session.-04-03

State of Minnesota - Department of Transportation Certificate of Final Contract Acceptance, Low S.P. No. 69-716-06, Final Voucher No. 9, Contract No. C97296.-04-04

Agreement for Professional Services between St. Louis County and Northstar Policy Associates for development and lobbying efforts of Natural Resource related programs from the Minnesota Legislature.-04-05

State of Minnesota Grant Contract No. 2000-9246 between the State of Minnesota, through its Commissioner of Public Safety, Division of Emergency Management, and St. Louis County for Part 1 State Homeland Security Grant for purchasing specific types of equipment to respond to mass destruction.-04-06

Loan Agreement between the County of St. Louis and Kelly D. Trumpold for a septic loan.-04-07

Canister Site Lease Agreement between the Kabetogama Lake Association, Inc., and St. Louis County.-04-08

Amendment to Service Agreement for Collection of Residential and Commercial Recyclable Materials between St. Louis County, through its Solid Waste Department, and the City of Mt.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Iron.–04-09

Purchase of Service Agreement between the County of St. Louis, through its Chris Jensen Health and Rehabilitation Center, and Gary Peterson, M.D., for Medical Director services.–04-10

Amendment to Service Agreement for Brookston Waste Transfer Trailer Haulage between St. Louis County and Dougherty Trucking and Aggregate.–04-11

Employee Safety & Development Training Contract between St. Louis County and Susan Mattis Turnham for *WordPerfect to Word: Making the Transition; Introduction to Excel; WordPerfect to Word: Making the Transition; and Excel Intermediate* sessions.–04-12

Employee Safety & Development Training Contract between St. Louis County and Northeast Service Cooperative for *Introduction to MS PowerPoint 2002; Introduction to MS Access 2002; Intermediate MS Access 2002 - Part I Queries; Advanced MS PowerPoint 2002; and Intermediate MS Access 2002 - Part II Reports* sessions.–04-13

Employee Safety & Development Training Contract between St. Louis County and Isernhagen Work Systems for *Office Ergonomics* sessions.–04-14

Contract for Services between St. Louis County Social Services and Arrowhead Regional Development Commission for transition plan for the Rainbow and Lincoln Park Senior Centers.–04-15ss

Amendment to Service Agreement for Collection of Residential and Commercial Recyclable Materials between St. Louis County, through its Solid Waste Department, and the City of Gilbert.–04-16

Amendment to Service Agreement for Collection of Residential and Commercial Recyclable Materials between St. Louis County, through its Solid Waste Department, and the City of Virginia.–04-17

Addendum to Purchase Agreement, Contract No. 13081B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center (SILS) for Softhands Program.–04-18

Employee Safety & Development Training Contract between St. Louis County and Fire and Industrial Sales for a *Fire Extinguisher Training* session.–04-19

Contract between the County of St. Louis and Mesabi Bituminous, Inc., for Grading, Aggregate Base, Bituminous Surfacing and Drainage on S.A.P. 69-600-30 (low) located on Cedar Island Drive between Gilbert/Fayal Corporate Limits and Ely Lake Public Access; S.A.P. 69-600-31 located on Lake Ore-Be-Gone Access Road between Sherwood Forest Drive and Public Access.–04-20

Amendment to Agreement for Collection and Recycling Scrap Metals between the County of St. Louis and Central Scrap Metal Processing, Inc.–04-21

Customized Training Income Contract between the County of St. Louis and Lake Superior College for *The Seven Step Plan to Healthy Living* session.–04-22

Upon motion of Commissioner Kron, supported by Commissioner Sweeney, Resolutions No. 32 through 51, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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BY COMMISSIONER KRON:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of December 16, 2003, are hereby approved.

Adopted January 13, 2004. No. 32

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of December 23, 2003, are hereby approved.

Adopted January 13, 2004. No. 33

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. 58174, are hereby approved and the County Auditor shall issue checks in the following amounts:

<u>FUND</u>		<u>TOTAL</u>
T10	Permits to Carry Firearms	\$ 14,215.42
T21	Beer License	2,946.50
T22	Cities and Towns	12,590.42
T27	Refunds	75,883.63
T50	State of Minnesota	324,109.74
T66	Criminal Fines	105,366.58
T74	Employer/Employee Deductions	1,344,474.89
T80	Lake Superior - Forfeiture	4,233.19
T83	Sheriff Fine Contingency	4,020.91
T84	Attorneys Forfeitures	1,000.00
T85	Sheriffs State Forfeitures	1,785.78
T86	Attorney Trust Accounts	500.00
T87	Assault Fees	1,827.08
01	General Fund	1,101,414.79
02	Public Works	715,967.97
02A	Road Maintenance - Unorg. Townships	12,651.35
03C	State Erosion Loan MPCA	12,650.00
04	Social Services	3,215,772.01
08	County Facilities - Capital Project	3,419.02
08A	State Aid Road	298,270.64
10B	Emergency Shelter 99/00 Funds	3,540.42
11A	Home Grant - All Years	116,383.70
12B	CDBG Grant	229,428.84
127	Enhanced 9-1-1 Fund	1,019.31
128	Law Library	7,019.90
129	City/County Common Antenna Site	198.14
13	St. Louis County HRA	6,366.69
131	Extension Service	5,245.66
15	Forfeited Tax	135,881.02
16	Forest Resources	15,000.00
26	Solid Waste Authorities	230,181.70
370	Jail Refunding Bonds 2002B	373.75
49	Postage/Office Supplies	1,814.57
49A	Plat Book Revolving	5,120.00
50	Printing	22,748.40
51	County Garage	21,182.83
52B	Workers Compensation	189,565.56

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52D	Medical/Dental Self Insurance	885.11
53	Management Information Systems	132,504.29
54	Regional Railroad Authority	28,681.70
55	Telecommunications	108,211.64
57	Retired Employees Health Insurance	50,711.75
64A	Chris Jensen Health & Rehab.	417,943.06
65	Laundry	26,543.27
66	Community Food Services	50,777.34
67	Supervised Living Facilities	9,289.49
73	Arrowhead Regional Corrections	263,273.07
74	Community Health Services	15,539.60
85	Patients Trust Fund	<u>905.71</u>
		\$9,349,436.44

Adopted January 13, 2004. No. 34

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:

Real Estate - Gustave Campanini, \$298.96; City of Duluth, \$85.62; Susan Delmoral, \$682.70; Aaron Dreshar, \$1,168.10; William M. Dulong, \$402.00; Thomas Ernst, \$1,192.80; Paul Forsman, \$15.70; John Gaus, \$183.78; Mylan Gjessing, \$619.98; Randy Goodreau, \$561.20; Barbara Haveri, \$404.66; Byron Hill, \$752.80; Earl Johnson, \$344.50; Richard Kucharski, \$787.72; Lloyd Luke, \$1,142.82; Thornton Maver, \$1,086.47; Terry Nelson, \$201.60; Allie Flinn Ost, \$29.18; S. Elliott Paulson, \$250.82; Timothy Peterson, \$49.48; Thomas Powers, \$138.80; Jason Richardson, \$316.06; Chris Roningen, \$675.98; Martin Schubitzke, \$575.62; Terry Treloar, \$62.24.

Personal Property - Confed Air Force, \$508.70.

Adopted January 13, 2004. No. 35

RESOLVED, that the County Board of Commissioners authorizes the appropriate County officials to enter into contracts with the following providers for the purchase of Home Delivered Meal service for the period January 1, 2004, through December 31, 2004, with the providers as listed below, with the understanding that payments to providers will be adjusted if client contributions received by providers differ from suggested contributions for non-waiver meals:

<u>Provider</u>	<u>Non-waiver Rate</u>	<u>AC/Waiver Rate</u>
Duluth Senior Dining	\$1.25	\$5.81
Norton Park, Morgan Park, Gary, Woodland Gardens		
Lakeshore Lutheran	\$1.75	\$5.81
East & West Duluth		
MITH-East	\$1.84	\$5.81
Duluth-Central Hillside & Park Point		
MITH-West	\$1.84	\$5.81
Duluth-Lincoln Park, Piedmont Heights, Duluth Heights, Hermantown		
Proctor Meals on Wheels	\$1.25	\$5.81
Proctor		
AEOA Meals (AC/Waiver only)	N/A	\$5.81

Budget Reference:

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Revenue Sources:

0020 Local Taxes (Current), 1873 Home Delivered Meals, 9106 Title III Home Delivered Meals, 9118 USDA Reimbursement-Home Delivered Meals, 9318 State-Home Delivered Meals

Expense:

Fund 04 Social Service, Agency SSV Social Service, Organization 2300 Title III Home Delivered Meals, Object 6280 Home Delivered Meals
Adopted January 13, 2004. No. 36

RESOLVED, that the St. Louis County Board of Commissioners authorizes the appropriate County officials to enter into a contract with the Arrowhead Regional Development Commission's Area Agency on Aging for nutrition services related to home delivered meals. ARDC will reimburse St. Louis County \$3.35 for each eligible non-waiver home delivered meal served up to the projected service delivery target of 38,000 meals. This agreement will run from January 1, 2004, through December 31, 2004.

BUDGET REFERENCE:

Revenue Source:

9106 Federal/Title III, 9118 NSIP (formerly USDA) Home Delivered Meals, 9318 State Home Delivered Meals

Expense:

Fund 04 Social Services Department, Agency SSV Social Services Division, Org. 2200 Elderly Services-South & 2300 Home Delivered Meals, Object 6280 Home Delivered Meals
Adopted January 13, 2004. No. 37

RESOLVED, that the St. Louis County Board of Commissioners authorizes the appropriate County officials to enter into an amendment to Contract No. 13030 for CY 2003 with the Arrowhead Regional Development Commission's Area Agency on Aging to make corrective adjustments in the number of meals and corresponding budget.

BUDGET REFERENCE:

Revenue Sources:

9106 Federal/Title III, 9118 USDA Home Delivered Meals, 9318 State Home Delivered Meals

Expense:

Fund 04 Social Services Department, Agency SSV Social Services Division, Org. 2200 Elderly Services-South & 2300 Home Delivered Meals, Object 6280 Home Delivered Meals
Adopted January 13, 2004. No. 38

RESOLVED, that the St. Louis County Board of Commissioners hereby authorizes the appropriate County officials to enter into a contract with Lutheran Social Services for the period January 1, 2004, through December 31, 2004, at the rates listed below for the provision of Supervised Visitation Services with a contract maximum of \$57,500 to be paid from Fund 04, Agency SSV, Objects 1160 Transportation-Child and 1190 Court Related Services-Child.

- LSS Bethany Range Shelter
- (1) \$26.37 per hour for all visits, and
 - (2) Mileage reimbursement at the County Board-approved CY 2004 standard mileage rate of 37.5 cents for travel to off-site visitation locations

Adopted January 13, 2004. No. 39

RESOLVED, that the St. Louis County Board of Commissioners hereby authorizes the appropriate County officials to enter into a Purchase of Service Agreement with the YWCA of Duluth, Minnesota, for the period January 1, 2004, through December 31, 2004, at \$28.00 per hour for the

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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provision of Supervised Visitation Services with a contract maximum of \$37,500 to be paid from Fund 04, Agency SSV, Objects 1160 Transportation - Child and 1190 Court Related Service - Child.

Adopted January 13, 2004. No. 40

RESOLVED, that the St. Louis County Board of Commissioners authorizes the appropriate County officials to enter into purchase of service agreements for residential care services for youth covering the period of January 1, 2004, through December 31, 2004, at the per-diem rates listed:

Bethany Crisis Shelter/Duluth	\$132.21
25-Day Diagnostic Evaluation	\$154.19
Bethany Range Youth Shelter	\$179.28

Budget Reference

Fund 04 Social Service, Agency SSV Social Services, Expense Objects 1710 Child Shelter & 1830 Rule 8 Group Home
Revenue Sources 9102 Title IV-E Cost of Care* & 0020 Local Taxes - Current*

Woodland Hills	
Main Residential Treatment	\$171.59
Chisholm House Short-Term Program	\$114.30
Chisholm House Treatment Program	\$149.92
Community Transition Services	\$148.07
Mesabi Academy	
Secure Residential Program	\$180.00
Sexual Offender Residential Program	\$203.00
Open Residential	\$167.00
Diagnostic Residential	\$191.00
Short-Term Program	\$135.00
Northwood Children's Services (Rule 5 Programs)	
Main, West & Honors Home Programs	\$175.50
Diagnostic & Assessment Center	\$178.95

Budget Reference

Fund 04 Social Service, Agency SSV Social Services, Expense Objects 4830 Rule 5 Child Residential Treatment & 1850 Correctional Facilities Child
Revenue Sources 9102 Title IV-E Cost of Care* & 0020 Local Taxes - Current*

RESOLVED FURTHER, that the St. Louis County Board of Commissioners authorizes the appropriate County officials to enter into purchase of service agreements with Northwood Children's Services, Fond du Lac Foster Care Licensing and Placement Agency and LSS Bethany Foster Care Program for child foster care. The purchase of service agreements with Northwood Children's Services should include therapeutic child foster care services. The therapeutic child foster care service rates for Northwood Children's Services and the child foster care rates with the Fond du Lac Foster Care Licensing and Placement Agency and LSS Bethany Foster Care Program shall comply with Basic Maintenance and Difficulty of Care Rates set by the Minnesota Department of Human Services. Respite child foster care, emergency child foster care and the licensing and placement fees shall be at the per diem rates listed below. This agreement will be in effect from January 1, 2004, through December 31, 2004.

Northwood Children's Services	
Therapeutic Foster Care	
Foster Care	DHS Difficulty of Care (DOC) Guidelines
Licensing & Placement Admin.	\$25.00
Fond du Lac Foster Care Licensing and Placement Agency	

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Family Foster Care		
Foster Care Service	DHS Difficulty of Care (DOC) Guidelines	
Licensing & Placement Admin.		\$18.00
Respite Foster Care		\$27.00
Licensing & Placement Admin.		\$18.00
LSS - Bethany Foster Care Program		
Family Foster Care		
Foster Care Service	DHS Difficulty of Care (DOC) Guidelines	
Licensing & Placement Admin.		\$25.00

Budget Reference

Fund 04 Social Service, Agency SSV Social Services, Expense Objects 1810 Child Foster Care & 1890 Respite Care & 1980 Licensing/Resource Development
Revenue Sources 9102 Title IV-E Cost of Care* & 0020 Local Taxes*

RESOLVED FURTHER, that the St. Louis County Board of Commissioners authorizes the appropriate County officials to enter into purchase of service agreements with the following providers at the below listed rates for child day treatment services effective January 1, 2004, through December 31, 2004.

Northwood Children's Services Day Treatment Program		
Merritt Day Treatment		\$ 79.00 per diem
Main Campus Day Treatment		\$ 79.00 per diem
Little Learner's Enrichment Center		\$ 79.00 per diem
Woodland Hills Day Treatment Program		\$ 68.54 per diem
Range Mental Health Center		
Therapeutic Day Treatment		\$ 20.41 per hour
Diagnostic Assessments		\$ 86.94 per hour

Budget Reference

Fund 04 Social Service, Agency SSV Social Services, Expense Object 4670 Child Day Treatment
Revenue Source 0020 Local Taxes - Current**

* The programs that are Title IV-E eligible are funded by the federal government at a reimbursement rate of approximately 15 to 20 percent. The balance of the cost is paid with local taxes.

**The County pays the entire cost for any child who does not have private insurance coverage or is not MA eligible.

Adopted January 13, 2004. No. 41

RESOLVED, that the St. Louis County Board of Commissioners hereby authorizes the appropriate County officials to:

1. Accept the CY 2004 award of \$20,242 from the Minnesota Department of Human Services to operate the Support for Emancipation and Living Functionally (SELF) Program, depositing such funds in Fund 04, Agency SSV, Revenue Source 9108 as received.
2. Authorize a CY 2004 Lutheran Social Service Grant Agreement in the amount of \$16,750 for the operation of the "Oh No! Eighteen" (ONE) Program, to be paid from Fund 04, Agency SSV, Object 1460 (Adolescent Life Skills Training).

Adopted January 13, 2004. No. 42

RESOLVED, that the St. Louis County Board of Commissioners hereby authorizes the appropriate County officials to enter into a contract with the Human Development Center to include the following rates and services for the period January 1, 2004, to December 31, 2004:

- 1) Mental Health Targeted Case Management:
 - Adult \$313.00 per month per client (maximum of 175 cases)

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Child \$500.00 per month per client (monthly average of 30 cases)

2) Integrative Services, for individuals with functional disorders not eligible for Title XIX Medical Assistance Program. The County will issue a one-time payment of \$12,345.00. Total payment for services provided under terms of this contract shall not exceed \$430,995.00.

BUDGET REFERENCE:
Fund 04 Social Service, Agency SSV Social Services
Object 4300 Child Rule 79 Case Management, 4340 Other Community Support Services (Adult), 4520 Outpatient Treatment, 4920 Children's Mental Health Case Management, 4930 Adult Mental Health Case Management
Adopted January 13, 2004. No. 43

RESOLVED, that the St. Louis County Board of Commissioners hereby authorizes the appropriate County officials to enter into a contract with the Range Mental Health Center to include the following rates and services for the period January 1, 2004, to December 31, 2004:

1) Mental Health Targeted Case Management:

Adult	\$340 per month per client	(maximum of 60 cases)
Child	\$675 per month per client	(average of 7 cases)

2) Integrative Mental Health Services for individuals with functional disorders not eligible for the Title XIX Medical Assistance program. The County will issue four (4) quarterly payments not to exceed a total of \$162,738. Total payment for services provided under terms of this contract shall not exceed \$313,488.00.

BUDGET REFERENCE:
Fund 04 Social Service, Agency SSV Social Services
Object 4340 Other Community Support Services (Adult), 4520 Outpatient Treatment, 4920 Children's Mental Health Case Management & 4930 Adult Mental Health Case Management
Adopted January 13, 2004. No. 44

RESOLVED, the following citizens be appointed by the St. Louis County Board as new members on the Social Service Advisory Committee:

<u>Committee Member</u>	<u>Term Dates</u>
Harold Graham	January 1, 2004 - June 30, 2005
Kathy Heltzer	January 1, 2004 - June 30, 2005

Adopted January 13, 2004. No. 45

WHEREAS, preliminary Land Department plans are to plant trees on 1700-1800 acres in Spring 2004; and

WHEREAS, the containerized portion of those tree seedlings needed for planting have already been purchased; and

WHEREAS, bids were requested and the MN DNR-General Andrews Nursery is the only bidder able and willing to supply the quantity and variety of species of bare-root tree seedlings needed and that bid was less than the estimated cost.

NOW, THEREFORE BE IT RESOLVED, the Director of Purchasing is hereby authorized to execute a contract with MN DNR-General Andrews Nursery, of Willow River, MN, to furnish and deliver 864,500 Bare-Root Tree Seedlings for delivery Spring, 2004, in accordance with the specifications of Bid No. 4429 and subject to approval of the County Attorney, at their low specification bid price of \$145,411.83, payable from: Fund 16 Forest Resources, Agency F41 Resource Development.

Adopted January 13, 2004. No. 46

WHEREAS, the City of Gilbert has offered to purchase the following described State Tax-Forfeited

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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parcel for the appraised value of \$5,000.00 plus fees: City of Gilbert, Lot 1-4, Block 7, Parcel Code Numbers: 060-10-1460, for the purpose of cleaning the site and preparing it for commercial development; and

WHEREAS, Minnesota Statute 282.01, Subd. 1(a) authorizes the sale of state tax forfeited land to an organized governmental subdivision for a public purpose for which the subdivision is authorized to acquire property; and

WHEREAS, the City of Gilbert is authorized by Minnesota Statute 282.01, Subd. 1(a) to acquire property for the purpose of cleaning the old service station site and preparing for commercial development; and

WHEREAS, said parcel of land has been classified as non-conservation land pursuant to Minnesota Statutes, Section 282.01; and

WHEREAS, this parcel of land is not withdrawn from sale pursuant to Minnesota Statutes Sections 84.012, 92.461, 282.01, Subdivision 8; and 282.018, and other statutes that require the withholding of State Tax-Forfeited lands from sale.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the sale of the above described State Tax-Forfeited parcel to the City of Gilbert for the purpose of cleaning the site, removing the tank and preparing for commercial development for the appraised value of \$5,000.00 plus the following fees: 3 Percent Assurance Fee of \$150.00, Deed Fee of \$25.00, Deed Tax of \$16.50, and Recording Fee of \$20.00, for a total of \$5,211.50.

Adopted January 13, 2004. No. 47

RESOLVED, that the fund transfers and appropriations for 2003 within the listed funds, as on file in County Board File No. 58179, are hereby approved.

Adopted January 13, 2004. No. 48

RESOLVED, the St. Louis County Board of Commissioners hereby amends Resolution No. 787, dated December 23, 2003, and elects the following individuals to the Crane Lake Water and Sanitary District Board:

Michael J. White	Term expiring January, 2007
Robert J. Scott	Term expiring January, 2007

Adopted January 13, 2004. No. 49

RESOLVED, the St. Louis County Board of Commissioners authorizes the St. Louis County Sheriff's Office to accept the COPS Homeland Security Overtime Grant for \$68,201, of which there is a 25 percent local cash match, from the U.S. Department of Justice, Office of Community Policing Services.

RESOLVED FURTHER, the St. Louis County Board of Commissioners authorizes the Sheriff and appropriate County staff to execute any necessary agreements.

RESOLVED FURTHER, that funds will be made payable to and authorizes expenditure of the funds from Fund 01, Agency 91, Org. HS01.

Adopted January 13, 2004. No. 50

RESOLVED, the St. Louis County Board of Commissioners accepts the Part 1 State Homeland Security Grant for \$80,825.00 and authorizes the Sheriff to sign any associated contract documents.

RESOLVED FURTHER, that the St. Louis County Board of Commissioners authorizes the Sheriff and appropriate county staff to expend these funds in compliance with the terms of the grant contract.

RESOLVED FURTHER, that funds will be made payable to and authorizes expenditure of the funds from Fund 01, Agency 91, Org. SHS1.

Adopted January 13, 2004. No. 51

Upon motion of Commissioner Kron, supported by Commissioner Fay, Resolutions No. 52 through

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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58, which were approved at the Committee of the Whole meeting this date, were brought forth to this meeting as a second Consent Agenda and were unanimously adopted as follows with Commissioner Sweeney absent:

BY COMMISSIONER KRON:

RESOLVED, that the St. Louis County Board of Commissioners authorizes the Chairperson of the Board, County Auditor, and County Administrator to sign an agreement with Laurie Arndt for Registered/Licensed Dietician services at Chris Jensen Health and Rehabilitation Center for the period January 1, 2004, through December 31, 2005, payable from Fund 64A (Chris Jensen), Agency N71, Org. 6100.

Adopted January 13, 2004. No. 52

RESOLVED, that the St. Louis County Board of Commissioners authorizes the Chairperson of the Board, County Auditor, and County Administrator to sign an agreement with Pam Roline for Registered/Licensed Dietician services at Chris Jensen Health and Rehabilitation Center for the period January 1, 2004, through December 31, 2005, payable from Fund 64A (Chris Jensen), Agency N71, Org. 6100.

Adopted January 13, 2004. No. 53

WHEREAS, the County of St. Louis has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for the construction of project S.P. 69-598-28, County Bridge No. 69644 over the Swan River (Section 18, Township 55 North, Range 19 West), on County Road No. 750; and

WHEREAS, the amount of the grant is anticipated to be \$96,320.61 by reason of the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED, that the County of St. Louis does hereby affirm that any cost of the bridge in excess of the grant will be appropriated from funds available to the County of St. Louis and that any grant monies appropriated for the bridge, but not required, based on the final estimate, shall be returned to the Minnesota State Transportation Fund.

RESOLVED FURTHER, that Federal and Local funds are being used to participate in the cost of the bridge, that grant monies as matching funds shall be transferred directly to the agency account, and that the records of the County of St. Louis shall so state.

Bridge:	\$385,282.45	Federal Funds
	\$96,320.61	Fund 29 (Grant)
	\$262,676.36	Local Funds (Fund 02, Agency A17, Org. 9581, Obj. 528)
Total Project:	\$744,279.42	S.P. 69-598-28, C.P. 9581

Adopted January 13, 2004. No. 54

WHEREAS, the St. Louis County Board of Commissioners supports efforts to enhance the safety of watercraft operations in St. Louis County; and

WHEREAS, the placement of buoys on Lake Vermilion, Shagawa Lake, and Burntside Lake has assisted lake residents and visitors in identifying potential dangers to navigation; and

WHEREAS, bids for buoying services were solicited by the Purchasing Department and three bids were received, the low bid being from Mark Eyre of Cook, Minnesota;

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners authorizes the Sheriff's Department to enter into a contract, subject to the approval of the County Attorney, with Mark Eyre of Cook, Minnesota, to provide buoying services on Lake Vermilion, Shagawa Lake, and Burntside Lake for the boating seasons of 2004 to 2008; and

FURTHER RESOLVED, payment for this contract, \$25,000 for 2004 and subsequent years 2005 through 2008 to be adjusted using the Consumer Price Index, shall be made from Fund 01, Agency 092, Object 299.

Adopted January 13, 2004. No. 55

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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RESOLVED, that a public hearing will be held at 9:35 A.M. on January 27, 2004, in the Fayal Town Hall, Eveleth, Minnesota, for the purpose of considering the granting of an Off-Sale Intoxicating Liquor License to Ash-Ka-Nam Resort, LLC, d/b/a Ash-Ka-Nam, Unorganized Township 68-19.

Adopted January 13, 2004. No. 56

WHEREAS, the St. Louis County Historical Society Executive Director has suggested that a St. Louis County Commissioner be appointed to serve on the organization's Board of Directors; and WHEREAS, the St. Louis County Historical Society is expected to revise its by-laws to include a specific position for a member of the County Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED, that Commissioner Bill Kron and Commissioner Dennis Fink (alternate) are hereby appointed to serve on the Board of Directors of the St. Louis County Historical Society, pending approval of Society by-law changes providing for the position and its term of appointment.

Adopted January 13, 2004. No. 57

WHEREAS, the St. Louis County Board of Commissioners desires that the Sheriff seek ways to improve technologies that will help end crisis situations; and

WHEREAS, the acquisition of a Crisis Communications System/Hostage Negotiations Phone would greatly enhance the safety of Deputies and persons involved in crisis situations.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners authorizes the Sheriff to raise private contributions to fund a Crisis Communications System/Hostage Negotiations Phone; and

RESOLVED FURTHER, the funds raised for this project shall be placed in a reserve fund dedicated to the Sheriff's Crisis Communications System.

Adopted January 13, 2004. No. 58

At 10:17 A.M. on Tuesday, January 13, 2004, upon motion of Commissioner Fay, supported by Commissioner Forsman, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Maureen Langguth, Acting County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON JANUARY 27, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 27th day of January, 2004, at 9:37 A.M. in the Fayal Town Hall, Eveleth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Steven Kniefel, Chair of the Fayal Town Board, welcomed Commissioners to the Fayal Town Hall and introduced other township officials present.

Chair Raukar noted the 12:30 P.M. ceremony to be held in the Northland Office Building, Virginia, to dedicate the Liz Prebich Conference Room.

Chair Raukar also mentioned a Minnesota State Senate Town Meeting to be held that afternoon in Mt. Iron.

At 9:40 A.M., a public hearing was convened pursuant to County Board Resolution No. 56, adopted January 13, 2004, to consider granting an off-sale intoxicating liquor license to Ash-Ka-Nam Resort, LLC, d/b/a Ash-Ka-Nam, Unorganized Township 68-19. Alan Mitchell, County Attorney, advised the Board that: all required County departments had reviewed the application and recommended approval; the Liquor Licensing Committee met with the applicant and, after discussing the propriety and location of the business, recommended approval; all required notices had been given; the establishment was located in an unorganized area so the County Board serves as the town board; and, the required insurance certificate has been submitted. No one else chose to address issuance of the license.

At 9:46 A.M., Commissioner Sweeney, supported by Commissioner Fink, moved to close the public hearing; seven yeas - zero nays. Commissioner Forsman, supported by Commissioner Kron, moved to approve granting the off-sale license to Ash-Ka-Nam Resort; seven yeas - zero nays. Resolution No. 66.

Commissioner Nelson said he was pleased Commissioners approved designation of different city/town halls for the quarterly Board meetings normally held in the Virginia Courthouse. Commissioner Nelson hoped this would encourage greater participation from citizens.

Chair Raukar then opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and the following chose to do so:

Don Anderson, Aurora, said the Board made a mistake by laying off welders. Mr. Anderson was also concerned about unattended, idling Sheriff vehicles and he expressed support for Commissioner Fay.

John Ongaro, Intergovernmental Relations Officer, presented the 2004 legislative agenda. Because of the "short session," Mr. Ongaro limited the priority list to seven items, including retention of disparity and other aid funding and inclusion of County projects in the state bonding package. The state is projecting a \$180 million deficit this year and a regional approach to fend off further local government aid cuts is essential, according to Mr. Ongaro.

No formal action was taken on the legislative priorities.

Commissioner Fink, supported by Commissioner Sweeney, moved to establish a closed session for labor

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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negotiations for 11:00 A.M.; seven yeas - zero nays.

Because a number of persons in attendance were unaware of the earlier opportunity to speak to the Board concerning issues not on the agenda, Chair Raukar once again opened the meeting to persons who wanted to address the Board and the following chose to do so:

Ione Martin, Virginia, said it will be difficult to continue living in her own home because of the elimination of homemaker services.

Ann Busche, Interim County Administrator, said state cutbacks changed the eligibility guidelines and many will have to pay for homemaker services.

Bunny Husten, Social Services, explained the new guidelines and the difference between chore services and homemaker services.

Mary Annette Plesha, Virginia, said she needs help with many home services and she asked the Board to find a way to assist.

Doug Jussila, Virginia, said he needs assistance with many household chores to maintain self-sufficiency and he asked the Board to help.

Amanda Jambor, Virginia, said she would appreciate any assistance the Board could offer.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

St. Louis County Board Committee of the Whole submitting minutes of their meetings for the year 2004.-58185

Mine Inspector submitting notices of inspections, accidents, and to fence mining property during the year 2004.-58186

Mark A. Monacelli, County Recorder, submitting a report of all business transacted and monies received as County Recorder and Registrar of Titles for and during the year 2003.-58187

Darrell A. Johnson, Eveleth, regarding his anger by the County Board's recent passage of Resolution No. 785, adopted December 23, 2003, in support of the concept of using the North Shore State Trail for ATV use; and further, he is requesting that the Board make a fair decision with input from all sides.-58188

Elaine Postudensek, City Clerk/Treasurer, City of Babbitt, submitting their Resolution No. 04-27 regarding the dilemma of rural ambulance service and requesting that current policy be reviewed and changes proposed to assist the rural ambulance departments to enable them to stay operational.-58189

Jim Weikum, Director, Arrowhead Library System, regarding the expiration on June 30, 2004, of three current terms on the Arrowhead Library System Governing Board: Teresa Dawson, Bette Mattson, and Marjorie McPeak; and further, that they are willing to serve another term.-58190

Jeff Brown, Executive Director, Minnesotans for Responsible Recreation, requesting copies of all communications regarding ATV use on the North Shore State Trail.-58191

Roger L. Payne, Executive Secretary, U.S. Board on Geographic Names, relative to the U.S. Board on

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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Geographic Names on November 13, 2003, approved the proposal to name an unnamed island within Vermilion Bay, *Holmbo Island*.-58192

Solid Waste Subcommittee submitting minutes and agendas for their meetings held during the year 2004.-58193

Documentation from public hearing held on January 27, 2004, to consider granting an Off-Sale Intoxicating Liquor License to Ash-Ka-Nam Resort, LLC, d/b/a Ash-Ka-Nam, Unorganized Township 68-19.-58194

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Lutheran Social Services of Minnesota (Carlson).-04-23ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Lutheran Social Services of Minnesota (Southridge).-04-24ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Lutheran Social Services of Minnesota (Westgate).-04-25ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and TLC - Buffalo.-04-26ss

Purchase of Service Agreement, Contract No. 13624, between the St. Louis County Board of Commissioners and Lutheran Social Services of Minnesota - Westgate (MA MR/RC Waivered Services).-04-27ss

Purchase of Service Agreement, Contract No. 13623, between the St. Louis County Board of Commissioners and Lutheran Social Services of Minnesota - Southridge (MA MR/RC Waivered Services).-04-28ss

Purchase of Service Agreement, Contract No. 13622, between the St. Louis County Board of Commissioners and Lutheran Social Services of Minnesota - Carlson (MA MR/RC Waivered Services).-04-29ss

Purchase of Service Agreement, Contract No. 13630, between the St. Louis County Board of Commissioners and Tender Loving Care of Duluth, Inc., for adult foster care services.-04-30ss

Addendum to Purchase Agreement, Contract No. 13230B, between the St. Louis County Board of Commissioners and Tuominen Adult Foster Home.-04-31ss

Addendum to Purchase Agreement, Contract No. 13297B, between the St. Louis County Board of Commissioners and REM Arrowhead, Inc., - Wallace for SLS for adults.-04-32ss

Addendum to Purchase Agreement, Contract No. 13271B, between the St. Louis County Board of Commissioners and Woodsvew Home for SLS for adults.-04-33ss

Addendum to Purchase Agreement, Contract No. 13397B, between the St. Louis County Board of Commissioners and Winter Homes, Inc. - West for SLS for adults.-04-34ss

Addendum to Purchase Agreement, Contract No. 13396B, between the St. Louis County Board of Commissioners and Winter Homes, Inc., for SLS for adults.-04-35ss

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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Addendum to Purchase Agreement, Contract No. 13292B, between the St. Louis County Board of Commissioners and REM Arrowhead, Inc., - Nuvo for SLS for adults.-[04-36ss](#)

Addendum to Purchase Agreement, Contract No. 13507A, between the St. Louis County Board of Commissioners and REM Arrowhead, Inc. - Oneida for SLS for adults.-[04-37ss](#)

Addendum to Purchase Agreement, Contract No. 13293B, between the St. Louis County Board of Commissioners and REM Arrowhead, Inc. - Piedmont for SLS for adults.-[04-38ss](#)

Addendum to Purchase Agreement, Contract No. 13294B, between the St. Louis County Board of Commissioners and REM Arrowhead, Inc. - Spirit Valley for SLS for adults.-[04-39ss](#)

Addendum to Purchase Agreement, Contract No. 13295B, between the St. Louis County Board of Commissioners and REM Arrowhead, Inc. - Springvale for SLS for adults.-[04-40ss](#)

Addendum to Purchase Agreement, Contract No. 13296B, between the St. Louis County Board of Commissioners and REM Arrowhead, Inc. - Tuhkanen for SLS for adults.-[04-41ss](#)

Addendum to Purchase Agreement, Contract No. 13348B, between the St. Louis County Board of Commissioners and North Pines Adult Foster Home for SLS for adults.-[04-42ss](#)

Addendum to Purchase Agreement, Contract No. 13433A, between the St. Louis County Board of Commissioners and Lutheran Social Services, Inc. - In-Home Family Support Services.-[04-43ss](#)

Addendum to Purchase Agreement, Contract No. 13273B, between the St. Louis County Board of Commissioners and KAWS Corporation - House No. 2 for SLS for adults.-[04-44ss](#)

Addendum to Purchase Agreement, Contract No. 13356B, between the St. Louis County Board of Commissioners and J.E. and Associates for adult and child specialist services.-[04-45ss](#)

Addendum to Purchase Agreement, Contract No. 13283B, between the St. Louis County Board of Commissioners and REM Arrowhead, Inc. - Birchwood for SLS for adults.-[04-46ss](#)

Addendum to Purchase Agreement, Contract No. 13284B, between the St. Louis County Board of Commissioners and REM Arrowhead, Inc. - Chester Park for SLS for adults.-[04-47ss](#)

Addendum to Purchase Agreement, Contract No. 13285B, between the St. Louis County Board of Commissioners and REM Arrowhead, Inc. - Endion Park for SLS for adults.-[04-48ss](#)

Addendum to Purchase Agreement, Contract No. 13286B, between the St. Louis County Board of Commissioners and REM Arrowhead, Inc. - Greysolon for SLS for adults.-[04-49ss](#)

Addendum to Purchase Agreement, Contract No. 13287B, between the St. Louis County Board of Commissioners and REM Arrowhead, Inc. - K & D for SLS for adults.-[04-50ss](#)

Addendum to Purchase Agreement, Contract No. 13288B, between the St. Louis County Board of Commissioners and REM Arrowhead, Inc. - Kenwood for SLS for adults.-[04-51ss](#)

Addendum to Purchase Agreement, Contract No. 13289B, between the St. Louis County Board of Commissioners and REM Arrowhead, Inc. - Lakeview for SLS for adults.-[04-52ss](#)

Addendum to Purchase Agreement, Contract No. 13290B, between the St. Louis County Board of

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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Commissioners and REM Arrowhead, Inc. - London Road for SLS for adults.-[04-53ss](#)

Addendum to Purchase Agreement, Contract No. 13436A, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Meridian for SLS for adults.-[04-54ss](#)

Addendum to Purchase Agreement, Contract No. 13223B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Merritt for SLS for adults.-[04-55ss](#)

Addendum to Purchase Agreement, Contract No. 13220B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Northside for SLS for adults.-[04-56ss](#)

Addendum to Purchase Agreement, Contract No. 13218B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Noumenon for SLS for adults.-[04-57ss](#)

Addendum to Purchase Agreement, Contract No. 13217B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Piedmont for SLS for adults.-[04-58ss](#)

Addendum to Purchase Agreement, Contract No. 13502A, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Riverside for SLS for adults.-[04-59ss](#)

Addendum to Purchase Agreement, Contract No. 13202B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Rockridge for SLS for adults.-[04-60ss](#)

Addendum to Purchase Agreement, Contract No. 13205B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - SLS Foster Support for SLS for children and adults.-[04-61ss](#)

Addendum to Purchase Agreement, Contract No. 13203B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Triggs for SLS for children and adults.-[04-62ss](#)

Addendum to Purchase Agreement, Contract No. 13211B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Wheeler for SLS for adults.-[04-63ss](#)

Addendum to Purchase Agreement, Contract No. 13214B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Winona for SLS for adults.-[04-64ss](#)

Addendum to Purchase Agreement, Contract No. 13216B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Woodland for SLS for adults.-[04-65ss](#)

Addendum to Purchase Agreement, Contract No. 13207B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - In-Home Family Support Services.-[04-66ss](#)

Addendum to Purchase Agreement, Contract No. 13206B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Respite Care Services.-[04-67ss](#)

Addendum to Purchase Agreement, Contract No. 13224B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Mankato for SLS for adults.-[04-68ss](#)

Addendum to Purchase Agreement, Contract No. 13482A, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Lambert for SLS for adults.-[04-69ss](#)

Addendum to Purchase Agreement, Contract No. 13219B, between the St. Louis County Board of

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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Commissioners and Duluth Regional Care Center, Inc. - Jitney for SLS for adults.-04-70ss

Addendum to Purchase Agreement, Contract No. 13222B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Glendale for SLS for adults.-04-71ss

Addendum to Purchase Agreement, Contract No. 13215B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Gateway for SLS for adults.-04-72ss

Addendum to Purchase Agreement, Contract No. 13221B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Galere for SLS for adults.-04-73ss

Addendum to Purchase Agreement, Contract No. 13212B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - East Fifth for SLS for adults.-04-74ss

Addendum to Purchase Agreement, Contract No. 13213B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Daniels for SLS for adults.-04-75ss

Addendum to Purchase Agreement, Contract No. 13428B, between the St. Louis County Board of Commissioners and Dallmann Adult Foster Home for SLS for adults.-04-76ss

Addendum to Purchase Agreement, Contract No. 13306B, between the St. Louis County Board of Commissioners and Covenant Enabling Residences of Minnesota, Inc. - Respite Care Services.-04-77ss

Addendum to Purchase Agreement, Contract No. 13305B, between the St. Louis County Board of Commissioners and Covenant Enabling Residences of Minnesota, Inc. - In-Home Family Support Services.-04-78ss

Addendum to Purchase Agreement, Contract No. 13304B, between the St. Louis County Board of Commissioners and Covenant Enabling Residence II of Minnesota, Inc., - Our Place B for SLS for adults.-04-79ss

Addendum to Purchase Agreement, Contract No. 13303B, between the St. Louis County Board of Commissioners and Covenant Enabling Residence II of Minnesota, Inc. - Our Place A for SLS for adults.-04-80ss

Addendum to Purchase Agreement, Contract No. 13272B, between the St. Louis County Board of Commissioners and Arrowhead Psychological Clinic, P.A., for SLS for adults.-04-81ss

Upon motion of Commissioner Kron, supported by Commissioner Forsman, Resolutions No. 59 through 65, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER KRON:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of January 6, 2004, are hereby approved.
Adopted January 27, 2004. No. 59

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of January 13, 2004, are hereby approved.
Adopted January 27, 2004. No. 60

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

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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File No. 58174, are hereby approved and the County Auditor shall issue checks in the following amounts:

<u>FUND</u>		<u>TOTAL</u>
T11	Minnesota Trail Assistance	\$ 7,381.80
T21	Beer License	20.00
T22	Cities and Towns	4,700.16
T27	Refunds	110,675.82
T50	State of Minnesota	459,826.60
T66	Criminal Fines	130,592.82
T74	Employer/Employee Deductions	28,923.13
T77	Cancelled Checks	16.10
T80	Lake Superior - Forfeiture	10,312.58
T86	Attorney Trust Accounts	545.35
T87	Assault Fees	718.08
T90	Boundary Waters - Forfeiture	4,278.81
01	General Fund	929,326.36
02	Public Works	425,468.48
02A	Road Maintenance - Unorg. Townships	4,691.81
04	Social Services	2,555,175.74
08	County Facilities - Capital Project	4,225.09
08A	State Aid Road	180,138.59
10B	Emergency Shelter 99/00 Funds	6,375.81
11A	Home Grant - All Years	40.00
12B	CDBG Grant	129,909.77
127	Enhanced 9-1-1 Fund	8,484.64
128	Law Library	10,425.45
129	City/County Common Antenna Site	253.24
13	St. Louis County HRA	9,242.76
131	Extension Service	3,243.81
15	Forfeited Tax	58,008.13
26	Solid Waste Authorities	174,520.50
49	Postage/Office Supplies	115,000.00
50	Printing	2,244.30
51	County Garage	18,453.85
52A	Property, Casualty, Liability	7,797.52
52B	Workers Compensation	171,004.68
52D	Medical/Dental Self Insurance	1,213.66
53	Management Information Systems	89,186.06
54	Regional Railroad Authority	19,831.85
55	Telecommunications	26,166.35
57	Retired Employees Health Insurance	9,647.06
64A	Chris Jensen Health & Rehab.	191,281.50
65	Laundry	4,260.55
66	Community Food Services	10,194.02
67	Supervised Living Facilities	4,720.43
72	Northern Counties Land Use Coordinating Board	4,984.69
73	Arrowhead Regional Corrections	231,546.82
74	Community Health Services	<u>98,373.09</u>
		<u>\$6,263,427.86</u>

Adopted January 27, 2004. No. 61

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated January 9, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

Adopted January 27, 2004. No. 62

RESOLVED, that the appraisal reports for sale of timber, numbered Tracts 1 through 3, as submitted by the Land Commissioner, on file in the office of the County Auditor, identified as County Board File No. 58170, are approved and the County Auditor is authorized to carry out the recommendations as listed in said appraisal reports.

Adopted January 27, 2004. No. 63

RESOLVED, that the appraisal report for the sale of timber to be offered at a Sealed Bid Timber Auction, Tract 1 (totaling \$53,725.00), as submitted by the Land Commissioner, on file in the office of the County Auditor, identified as County Board File No. 58170, is approved and the County Auditor is authorized to carry out the recommendations as listed in said appraisal report.

Adopted January 27, 2004. No. 64

WHEREAS, the Property Management Department was requested to provide office space for the North St. Louis County Soil and Water Conservation District within the Northland Office Building, if space was available; and

WHEREAS, space is currently available in the Northland Office Building to accommodate the North St. Louis County Soil and Water Conservation District.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the St. Louis County Property Management Department to enter into a one (1) year lease agreement with the North St. Louis County Soil and Water Conservation District to be effective beginning on March 1, 2004, subject to the approval of the St. Louis County Attorney. The annual rent shall be \$2,552.32, payable in equal monthly installments of \$212.70 for approximately 256 square feet of space in Suite 114, Room 1 of the Northland Office Building in Virginia, Minnesota; and

RESOLVED FURTHER, a one-year extension of the lease with the North St. Louis County Soil and Water Conservation District is authorized upon the same terms, covenants, and conditions of the original lease, except and subject to a mutually agreed upon renegotiated rental rate, and subject to the approval of the St. Louis County Attorney. Revenues shall be assigned to Fund 01, Agency 081, Organization NTHD.

Adopted January 27, 2004. No. 65

BY COMMISSIONER FORSMAN:

WHEREAS, Ash-Ka-Nam Resort, LLC, d/b/a Ash-Ka-Nam, Unorganized Township 68-19, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minnesota Statutes, Section 340A.405, Subdivision 2 (d), requires that a public hearing be held prior to the issuance of an off-sale intoxicating liquor license; and

WHEREAS, a public hearing was held on January 27, 2004, at or about 9:35 A.M. in the Fayal Town Hall, Eveleth, Minnesota, for the purpose of considering the granting of the off-sale intoxicating liquor license; and

WHEREAS, with regard to the application for said license Ash-Ka-Nam has complied in all respects with the requirements of Minnesota Law and St. Louis County Ordinance No. 28; and

WHEREAS, the Liquor Licensing Committee of the St. Louis County Board of Commissioners has considered the nature of the business to be conducted and the propriety of the location and has recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, that Off-Sale Intoxicating Liquor License (License Number CMB0480) shall be issued to Ash-Ka-Nam Resort, LLC, d/b/a Ash-Ka-Nam, Unorganized Township 68-19;

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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FURTHER RESOLVED, that said liquor license shall be effective through June 30, 2004;
FURTHER RESOLVED, that said license is approved contingent upon payment of real estate taxes when due;

FURTHER RESOLVED, that if named licenseholder sells the licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of license fee to the licenseholder.

Unanimously adopted. January 27, 2004. No. 66

At 11:05 A.M. on Tuesday, January 27, 2004, upon motion of Commissioner Kron, supported by Commissioner Fay, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Maureen Langguth, Acting County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

OFFICIAL PROCEEDINGS
OF THE
BOARD OF COUNTY COMMISSIONERS
OF ST. LOUIS COUNTY, MINNESOTA

FEBRUARY, 2004

OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON FEBRUARY 3, 2004

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 3rd day of February, 2004, at 9:37 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Keith Nelson, and Vice-Chair Peg Sweeney - 6. Absent: Chair Steve Raukar - 1.

Vice-Chair Sweeney called the meeting to order in the absence of Chair Raukar.

As part of Chair Raukar's plan to have Commissioners take turns presenting a suitable quote at the beginning of each Board meeting, Commissioner Fay recited the 4-H pledge: "I pledge my head to clearer thinking, my hands to larger service, my heart to greater loyalty and my health to better living for my home, my club, my community, my country, my world". Commissioner Fay also recited her oath of office.

Vice-Chair Sweeney then opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and the following chose to do so:

Herb Bergson, City of Duluth Mayor, asked the Board to reclassify and sell four tax-forfeited lots located in the proposed housing development near Hawk Ridge in eastern Duluth to the Duluth Housing and Redevelopment Authority (HRA). Mayor Bergson pledged to complete the forfeited land inventory, resolve neighborhood concerns about the project when possible, look closely at any new tax increment financing (TIF) district proposals and seek ways to close TIF districts when feasible. The Mayor urged action on the sale request so federal funding will not be jeopardized.

Commissioner Fay objected to discussion because the reclassification and sale were not on the agenda and had been tabled at the October 14, 2003, Board meeting until such time as the City of Duluth fulfilled certain conditions. None of the conditions have yet been accomplished, according to Commissioner Fay. Commissioner Kron, supported by Commissioner Forsman, moved to suspend the rules to consider approval of the sale; four yeas - two nays, Commissioners Fink and Fay. Alan Mitchell, County Attorney, pointed out the Standing Rules of the County Board require a five-sevenths vote to suspend and, therefore, the motion failed. After further discussion, Commissioner Kron, supported by Commissioner Forsman, moved to have consideration of the sale back on the floor for discussion; five yeas - one nay, Commissioner Fay. Commissioner Fay moved to table the matter, but the motion died without support. Commissioner Kron said this is a City of Duluth matter and hearings and other public forums should be handled through the City of Duluth planning process. After lengthy discussion about TIF districts and the need to allow area residents an opportunity to address the issue, Commissioner Fay, supported by Commissioner Fink, moved to table the matter until the February 17, 2004, County Board meeting; six yeas - zero nays.

Gary Glass, Duluth, said he appreciated Commissioners tabling the sale to HRA to allow citizens

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an opportunity to be heard.

Kenneth Loeffler-Kemp, Duluth, said he welcomes the development because it will provide "mixed income" housing allowing more Duluthians an opportunity to live in the Lester Park neighborhood. He urged the Board not to delay the housing project.

At the request of Commissioner Forsman, Item No. 5 of the Consent Agenda (Authorization for Ash-Ka-Nam Resort to sell/serve liquor outside the designated serving area on February 14, 2004) was removed for separate consideration under Finance and Budget Committee. Commissioner Fink, supported by Commissioner Nelson, moved to approve the remainder of the Consent Agenda; six yeas - zero nays.

Commissioner Sweeney, supported by Commissioner Forsman, moved to approve creation of a new department consolidating Public Health and Social Services. Linda Anderson, Director of Public Health and Social Services, said the consolidated department will have a new mission/values, with departmental assets blended for better and more efficient public service. In response to a question from Commissioner Nelson, Director Anderson said it was not her intention to "downsize" the department. Commissioner Fink had reservations about the unification and said he would not support the resolution as proposed. After further discussion, the consolidation was approved; five yeas - one nay, Commissioner Fink. Resolution No. 80.

Commissioner Kron, supported by Commissioner Nelson, moved to authorize execution of revised Memorandums of Agreement (MOA) with the University of Minnesota for Extension services. Commissioner Fay asked Administration to determine if there was a problem with the portion of the MOA dealing with 4-H Coordinators; five yeas - one nay, Commissioner Fink. Resolution No. 81.

Item No. 5 of the Consent Agenda was then considered. Commissioner Forsman said the permit was in conjunction with the annual Snowmobile Radar Run held on the ice of Ash River and he was concerned about an alcohol/snowmobile combination close to the race starting line. After brief discussion, Commissioner Forsman, supported by Commissioner Kron, moved to add a contingency to the resolution prohibiting liquor from being sold within 100 yards of the starting line of the race. County Attorney Mitchell said permits are governed by Ordinance No. 28 (Liquor Ordinance). Commissioner Forsman then removed his contingency and the permit was granted; six yeas - zero nays. Resolution No. 82.

Commissioner Fink, supported by Commissioner Fay, moved to suspend the rules to consider establishing a closed session for litigation purposes; six yeas - zero nays. Commissioner Fink, supported by Commissioner Fay, moved to establish a closed session at the conclusion of the Committee of the Whole meeting; six yeas - zero nays.

At 11:05 A.M. in the forenoon of Tuesday, February 3, 2004, Commissioner Fay, supported by Commissioner Nelson, moved to recess the Board until 11:15 A.M. on February 3, 2004, in the in the County Board Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 12:04 P.M. on February 3, 2004, and the regular order of business resumed with all members present except Chair Raukar.

Commissioner Kron, supported by Commissioner Forsman, moved to approve a second consent agenda consisting of all items unanimously passed at the just-completed Committee of the Whole meeting; six yeas - zero nays.

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County Attorney Mitchell then explained limitations contained in County Ordinance No. 28 (Liquor Ordinance) concerning issuance of permits to sell/serve liquor outside the designated serving area. A telephone call was made to Ash-Ka-Nam Resort by County Auditor staff and the resort owners indicated that the proposed service area was on their property and on the opposite side of the river from the starting point of the race.

Discussion was held concerning video recording of interviews with finalists for the County Administrator position on Friday, February 13, 2004. Commissioner Fink indicated he would be unable to attend the public interview session but would like to view the interviews when he returns. Ellen Quinn, Public Information Officer, said this was not part of the Public Access Television (PACT) contract so there may be a charge. After some discussion, it was the consensus of the Board to have Administration check with PACT about taping the sessions.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

County Auditor submitting applications for premises permits for the year 2004.-58195

Richard Clark, Floodwood, requesting compensation from St. Louis County for lost income from his dairy business due to the flooding caused by the ditch bordering his property for which the county is responsible.-58196

George E. Glass, Duluth, submitting a petition requesting assistance in getting the proposed Hawk Ridge Estates housing project to meet all aspects of the community plan before approvals are given for replatting or construction.-58197

Permanent powerline easement to Minnesota Power over various parcels of state tax forfeited lands.-58198

Purchase of Service Agreement, Contract No. 13628, between the St. Louis County Board of Commissioners and Trillium Services, Inc. - Isanti (MA MR/RC Waivered Services).-04-82ss

Purchase of Service Agreement, Contract No. 13629, between the St. Louis County Board of Commissioners and Range Center, Inc. - Bradford (MA MR/RC Waivered Services).-04-83ss

Homes Plus Agreement with BobbieJo Majchrzak for adult foster care/respite care.-04-84ss

Addendum to Purchase Agreement, Contract No. 13111K, between the St. Louis County Board of Commissioners and TBI Residential and Community Services, Inc., for adult foster care services.-04-85ss

Addendum to Purchase Agreement, Contract No. 13390F, between the St. Louis County Board of Commissioners and Spectrum Community Health, Inc., for assisted living plus services.-04-86ss

Addendum to Purchase Agreement No. 13015 between the St. Louis County Board of Commissioners and Spectrum Community Health, Inc., for supplies and equipment.-04-87ss

Purchase of Service Agreement, Contract No. 13541, between the St. Louis County Board of Commissioners and Spectrum Community Health, Inc., for supplies and equipment.-04-88ss

Addendum to Purchase Agreement, Contract No. 13515A, between the St. Louis County Board of Commissioners and Heritage Haven for assisted living plus.-04-89ss

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Addendum to Purchase Agreement, Contract No. 13521A, between the St. Louis County Board of Commissioners and Gentiva Certified Healthcare Corp., d/b/a Gentiva Health Services, for home care services.-04-90ss

Addendum to Purchase Agreement, Contract No. 13124E, between the St. Louis County Board of Commissioners and Edgewood Vista Senior Living, Inc., for assisted living plus.-04-91ss

Addendum to Purchase Agreement, Contract No. 13477B, between the St. Louis County Board of Commissioners and September House for assisted living plus.-04-92ss

Purchase of Service Agreement, Contract No. 13559, between the St. Louis County Board of Commissioners and Access to Employment Too, Inc., for supported employment.-04-93ss

Purchase of Service Agreement, Contract No. 13539, between the St. Louis County Board of Commissioners and Midwest Medical Equipment and Supply.-04-94ss

Addendum to Contract No. 13552B between the St. Louis County Board of Commissioners and the Arrowhead Economic Opportunity Agency for Food Support Employment and Training Services.-04-95ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and REM Arrowhead, Inc. (Lakeview).-04-96ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and REM Arrowhead, Inc. (Wallace).-04-97ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and North Pines Adult Foster Home (Dianna Anderson).-04-98ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Empowerment Services of Minnesota, Inc. (Heritage).-04-99ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Empowerment Services of Minnesota, Inc. (Mountain Iron).-04-100ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Caromin House, Inc. (Tioga).-04-101ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Caromin House, Inc. (60th Avenue East).-04-102ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and TBI - Hanford Avenue.-04-103ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and TBI Residential & Community Services.-04-104ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and BobbieJo Majchrzak, d/b/a Spirit Valley Elder Care.-04-105ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Range Center, Inc. - Bradford.-04-106ss

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Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Trillium Services, Inc. (Isanti).-[04-107ss](#)

Employee Safety & Development Training Contract between St. Louis County and Donna Anderson for *Complementary/Alternative Medicine and Holistic Health* session.-[04-108](#)

Employee Safety & Development Training Contract between St. Louis County and Center for Policy, Planning & Performance for *Increasing Resiliency: Being Agile During Extraordinary Times* session.-[04-109](#)

Employee Safety & Development Training Contract between St. Louis County and Karen Alseth for *Complementary/Alternative Medicine and Holistic Health* session.-[04-110](#)

Purchase of Services Agreement between St. Louis County and Program for Aid to Victims of Sexual Assault, Inc., for public service.-[04-111](#)

Purchase of Services Agreement between St. Louis County and Copeland Community Center for public service.-[04-112](#)

Purchase of Services Agreement between St. Louis County and Sexual Assault Program of Northern St. Louis County for public service.-[04-113](#)

Purchase of Services Agreement between St. Louis County and Arrowhead Center for public service.-[04-114](#)

Purchase of Services Agreement between St. Louis County and Ely Community Resource for public service.-[04-115](#)

Purchase of Services Agreement between St. Louis County and St. Louis County Council on Aging for public service.-[04-116](#)

Purchase of Services Agreement between St. Louis County and Elder Services Network for public service.-[04-117](#)

Addendum to Purchase Agreement, Contract No. 13239B, between the St. Louis County Board of Commissioners and Minnesota State Operated Community Services (MSOCS) North East (NE) MA MR/RC Waiver SLS Programs.-[04-118ss](#)

Addendum to Purchase Agreement, Contract No. 13238B, between the St. Louis County Board of Commissioners and Northern Network East State Operated Community Support Services (MA MR/RC Crisis/Respite).-[04-119ss](#)

Addendum to Purchase Agreement, Contract No. 13240B, between the St. Louis County Board of Commissioners and Minnesota State Operated Community Services (MSOCS) - MA MR/RC Waiver Supported Employment Services.-[04-120ss](#)

Addendum to Purchase Agreement, Contract No. 13069B, between the St. Louis County Board of Commissioners and Minnesota State Operated Community Services (MSOCS) - MA MR/RC Waiver DT&H Programs.-[04-121ss](#)

Purchase of Services Agreement between St. Louis County and Range Women's Advocates for public service.-[04-122](#)

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Upon motion of Commissioner Fink, supported by Commissioner Nelson, Resolutions No. 67 through 79, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER FINK:

RESOLVED, the St. Louis County Board of Commissioners hereby appoints the following individuals to the Community Development Block Grant Advisory Board:

Walter Hautala	Township Officers Association - Northern Representative, term ending December 31, 2006
Ann Taray	Small Cities, term ending December 31, 2006
Anthony Kuznik	Hibbing, term ending December 31, 2006
Robert Mayry	At Large, term ending December 31, 2006

RESOLVED FURTHER, that the Hermantown representative application process will remain open until March 1, 2004.

RESOLVED FURTHER, that the St. Louis County Board of Commissioners hereby appoints the following individuals to the Board of Adjustment:

William Thomas Coombe	At Large, term ending December 31, 2006
Julia Ann Maki	Planning Commission member, term ending December 31, 2006

RESOLVED FURTHER, that the St. Louis County Board of Commissioners hereby appoints the following individuals to the Planning Commission:

Don Nienas	At Large, term ending December 31, 2006
Jack A. Huhta	At Large, term ending December 31, 2006

Adopted February 3, 2004. No. 67

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:

Real Estate - Susanne Bateman, \$54.90; Vickie Creighton, \$637.82; Andrew Frielund, \$220.80; Kelly Frisbie, \$421.06; Carol Gordon, \$40.59; Willard Hawkinson, \$160.57; Head of Lakes Youth, \$8,882.04; Randy Helland, \$454.60; Brandon Johnson, \$241.18; Richard Johnson, \$238.18; Jennifer Kehoe, \$2,451.42; Lesley Norberg, \$105.20; Susan Novak, \$38.03; Rolf Olson, \$39.76; Jason Pedersen, \$189.20; Robert Pristash, \$18.55; George Spolar, \$9.34; Thomas Today, \$122.54; Charles R. Walker, \$414.44; Sean Worthington, \$678.00.

Personal Property - Sheryl Bushinski, \$284.42.

Adopted February 3, 2004. No. 68

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated January 23, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

Adopted February 3, 2004. No. 69

RESOLVED, that the appraisal reports for the sale of timber to be offered at Public Timber Auction, Tracts 1 through 22 (totaling \$635,342.85), as submitted by the Land Commissioner, on file in the office of the County Auditor, identified as County Board File No. 58170, are approved

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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and the County Auditor is authorized to carry out the recommendations as listed in said appraisal reports.

Adopted February 3, 2004. No. 70

RESOLVED, that the St. Louis County Board of Commissioners authorizes the Chairperson of the County Board, County Auditor, and the Health Director to sign an agreement with New Millenium Healthcare to provide professional nursing services to Community Alternative Care Client No. 023. Reimbursement for the services provided shall be from the Minnesota Department of Human Services with no payment of funds being required by St. Louis County.

Adopted February 3, 2004. No. 71

WHEREAS, State of Minnesota, Department of Transportation (State), awarded project S.P. 6908-53 on Trunk Highway No. 2 for grading, bituminous surfacing, lighting and signal construction and other associated construction from Sta. 228+00 to Sta. 263+25; and

WHEREAS, the State is willing to pay for road life consumed by the detours on County State Aid No. 48, 14 and 13 based on the income determined by the "Gas Tax Method"; and

NOW, THEREFORE, BE IT RESOLVED, that the County of St. Louis authorizes the St. Louis County Board Chairman, Auditor, Public Works Director, and Attorney to enter into Agreement No. 82045 with the State of Minnesota, Department of Transportation;

RESOLVED FURTHER, that the compensation shall be in the amount of \$3,512.22, received into Fund 02, Agency 00A, Revenue Source 5035.

Adopted February 3, 2004. No. 72

RESOLVED, that the required signatories are hereby authorized to execute the Letter of Understanding which details the scope and basis of the 2003 proposed audit of St. Louis County by the State Auditor's Office.

Adopted February 3, 2004. No. 73

RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the Sheriff to apply for and accept a grant from the Minnesota Department of Natural Resources for snowmobile safety enforcement in an amount not to exceed \$9,164.72. This authorization will cover the grant period of July 1, 2003, to June 30, 2004; payable to Fund 01, Agency 091, SN07.

RESOLVED FURTHER, the Sheriff is authorized to sign and execute such agreements as are necessary to implement this project, and that such agreements be approved as to form and content by the County Attorney.

RESOLVED FURTHER, that Resolution No. 735, adopted December 2, 2003, is hereby rescinded.

Adopted February 3, 2004. No. 74

RESOLVED, that the Chair of the County Board and the Chief Deputy Auditor are authorized to sign the amended Joint Powers Agreements to participate in the local family service collaboratives. BE IT FURTHER RESOLVED, that the St. Louis County Board authorizes any action necessary to dissolve the Hibbing Collaborative and transfer all assets of the Hibbing Collaborative to the Northern Collaborative.

Adopted February 3, 2004. No. 75

WHEREAS, Roseau County as applied for membership to the Northern Counties Land Use Coordinating Board (NCLUCB); and

WHEREAS, the Northern Counties Land Use Coordinating Board has voted to recommend and accept the application establishing Roseau County membership.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the Northern Counties Land Use Coordinating Board Agreement, St. Louis County hereby ratifies Roseau County's application for membership and agrees to amend the Agreement to include eight counties, namely Cook,

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Koochiching, Lake, Lake of the Woods, Marshall, Pennington, Roseau and St. Louis.
BE IT FURTHER RESOLVED, that Commissioner Steve Raukar, Chair of the County Board, is authorized to sign the amended Northern Counties Land Use Coordinating Board Agreement. Adopted February 3, 2004. No. 76

WHEREAS, it is the intention of St. Louis County to comply in all aspects with Minnesota Statutes, Section 471.345, the Uniform Municipal Contracting Law; and
WHEREAS, the St. Louis County Board has adopted the St. Louis County Purchasing Rules and Regulations providing general direction to the Purchasing Director; and
WHEREAS, the St. Louis County Board believes it is in the best interest of St. Louis County to provide local vendors ample notice of its needs for supplies, materials, equipment or the rental thereof, or the construction, alteration, repair or maintenance of real or personal property; and
WHEREAS, the St. Louis County Board wishes to expand its policy pertaining to the purchase process to provide local vendors with adequate notice.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board respectfully requests the Director of Purchasing to develop a procedure that will advise local vendors of the County's philosophy as set forth in this resolution and will allow vendors of St. Louis County an opportunity to notify the Director of Purchasing of their desire to receive information on the County's needs for specific supplies, materials, equipment, or the construction, alteration, repair or maintenance of real or personal property.

BE IT FURTHER RESOLVED, that in addition to the current notices required pursuant to the County Purchasing Rules and Regulations, that upon request by a local vendor the Purchasing Director shall create and maintain a list of vendors who shall be notified of the County's need for specific products or services to allow those vendors to bid or submit a proposal for that product or service.

Adopted February 3, 2004. No. 77

WHEREAS, title to the Northeast Regional Corrections Center and the underlying land is currently in the name of the Northeast Regional Corrections Commission, a regional jail board under Minnesota Statutes, Sections 641.262 - 641.266; and

WHEREAS, the Commission has not met regularly since 1992; and

WHEREAS, it is necessary to reconvene the Northeast Regional Corrections Commission to convey all property in the Commission's name to the Arrowhead Regional Corrections Board, the successor agency which administers the Northeast Regional Corrections Center; and

WHEREAS, Minnesota Statutes, Section 641.262, provides that each county which is part of the regional jail board shall appoint two commissioners to the board.

NOW, THEREFORE, BE IT RESOLVED, that Commissioners Bill Kron and Steve Raukar are hereby appointed to serve on the Northeast Regional Corrections Commission for the purpose of meeting to pass a resolution to convey all property in its name to the Arrowhead Regional Corrections Board and to dissolve the Northeast Regional Corrections Commission.

Adopted February 3, 2004. No. 78

WHEREAS, the residents of St. Louis County place a high value on the responsiveness of elected officials and policy-makers to their needs; and

WHEREAS, the St. Louis County Board of Commissioners welcomes opportunities for citizens and elected officials to learn more about constituent concerns and resulting policy impact; and

WHEREAS, the Walk A Mile program exists to "bridge" relationships between policymakers and low-income constituents that explore the practical and personal dynamics of public policy; and

WHEREAS, the result of such an experience allows an opportunity for policymakers to get a personal understanding of poverty from an expert - an individual or family living in poverty; and

WHEREAS, the low-income constituent also has an opportunity to play an active role in government; and

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WHEREAS, the Walk A Mile program is based on the belief that mutual respect grows from personal relationships in which individuals have the opportunity to see life from another person's point of view - to walk a mile in another person's shoes.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board recognizes the value of the Walk A Mile program and encourages all Commissioners, particularly those newly elected, to participate in the 2004 Program activities. Some of these activities will include:

- Visit a Social Services Office
- Visit a food bank
- Visit an employment training program
- Attend a public hearing
- Visit the state legislature
- Attend a community meeting
- Visit your partner's home
- Go grocery shopping together
- Visit a head start program

BE IT FURTHER RESOLVED, that the St. Louis County Board of Commissioners shall encourage broad community participation in the Walk A Mile program for policy makers and community members alike.

Adopted February 3, 2004. No. 79

BY COMMISSIONER SWEENEY:

WHEREAS, the St. Louis County Board of Commissioners requested that a study be conducted to determine if the Public Health and Social Service Departments should be consolidated; and

WHEREAS, on May 13, 2003, the St. Louis County Board authorized a professional process consultant and facilitator contract to assist the Joint Leadership Team formed of staff from the two departments to conduct said study; and

WHEREAS, the study was to also address the placement of Environmental Health; and

WHEREAS, the study has recommended that the Public Health and Social Service Departments be consolidated and that a new department be created, and that Environmental Health be included as a component of the Public Health Division; and

WHEREAS, the study has found that Food, Beverage, and Lodging licensing, monitoring and education is a key component of environmental health in preventing food borne diseases and other threats to public health.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners authorizes the creation of a new department that will consolidate the mission and work of the current Public Health and Social Services Departments.

RESOLVED FURTHER, that Environmental Health be included in the newly created department as a component of the Public Health Division.

RESOLVED FURTHER, that St. Louis County continue the agreement with the Minnesota Department of Health for food, beverage, and lodging inspections.

Yeas - Commissioners Fay, Kron, Forsman, Nelson, and Vice-Chair Sweeney - 5

Nays - Commissioner Fink - 1

Absent - Chair Raukar - 1

Adopted February 3, 2004. No. 80

BY COMMISSIONER KRON:

WHEREAS, on November 4, 2003, the St. Louis County Board of Commissioners adopted Resolution No. 684 authorizing the appropriate County officials to execute the Memorandums of Agreement with the University of Minnesota for Extension services; and

WHEREAS, on December 23, 2003, the Board directed Administration to meet and confer with

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the University of Minnesota to determine their willingness to amend the Memorandum of Agreement to delete a 1.0 FTE position of Horticulture Program Coordinator and add a 1.0 FTE position of Horticulture Technical Advisor; and

WHEREAS, the University of Minnesota has agreed to this revision of the Memorandum of Agreement.

NOW, THEREFORE, BE IT RESOLVED, the County Board authorizes the appropriate County officials to execute the revised Memorandums of Agreement with the University of Minnesota.

Yeas - Commissioners Fay, Kron, Forsman, Nelson, and Vice-Chair Sweeney - 5

Nays - Commissioner Fink - 1

Absent - Chair Raukar - 1

Adopted February 3, 2004. No. 81

BY COMMISSIONER FORSMAN:

RESOLVED, that pursuant to Ordinance No. 28, Section 11, Subdivision 11.06, authorization is hereby granted to Ash-Ka-Nam Resort, LLC, d/b/a Ash-Ka-Nam, Unorganized Township 68-19, to sell/serve outside the designated serving area of the County Liquor License for the date of February 14, 2004, as per application on file in the office of the County Auditor, identified as County Board File No. 58181.

Unanimously adopted. February 3, 2004. No. 82

Upon motion of Commissioner Kron, supported by Commissioner Forsman, Resolutions No. 83 through 93, which were approved at the Committee of the Whole meeting this date, were brought forth to this meeting as a second Consent Agenda and were unanimously adopted as follows with Commissioner Raukar absent:

BY COMMISSIONER KRON:

WHEREAS, the City of Duluth has requested the conveyance of State tax forfeited land legally described as: City of Duluth, Duluth Heights 6th Division, Lots 8, 9 & 10 including part of vacated street and alley adjacent, Block 15. Parcel Code No. 010-0890-05430; and

WHEREAS, the Commissioner of Revenue is authorized to convey State tax forfeited property to an organized or incorporated governmental subdivision, for an authorized public use, pursuant to Minnesota Statutes 282.01, Subdivision 1a.

NOW, THEREFORE, BE IT RESOLVED, that the County Board recommends that the Commissioner of Revenue convey tax forfeited land to City of Duluth legally described as: City of Duluth, Duluth Heights 6th Division, Lots 8, 9 & 10 including part of vacated street and alley adjacent, Block 15. Parcel Code No. 010-0890-05430; for the following authorized public use: The City of Duluth will use this property for surface water drainage control needed in the development of Phase II of the City of Duluth, Billman Construction and the Habitat for Humanity Housing Project. The lots are needed for addressing the surface water issues for the existing neighborhood and the new housing development.

RESOLVED FURTHER, that City of Duluth will pay to St. Louis County the following fees: Appraisal Fee of \$100.00, Deed Fee of \$25.00, Deed Tax of \$1.65, and Recording Fee of \$20.00, for a total of \$146.65.

Adopted February 3, 2004. No. 83

WHEREAS, the Land Department has reviewed a request of Minnesota Power for a permanent power line easement across State tax forfeited land and recommends approval.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Auditor, by the authority vested through Minnesota Statutes 282.04, Subdivision 4, is hereby authorized to grant a permanent power line easement to Minnesota Power over the State tax forfeited parcel descriptions included in the exhibits provided and can be reference by the County Board File No. 58198;

RESOLVED FURTHER, that the granting of this easement is conditioned on payment of \$2,400.00

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Land Use Fee, \$100.00 Administration fee, \$6.00 Publication Fee, \$20.00 Recording Fee, for a total cost of \$2,526.00.

Adopted February 3, 2004. No. 84

WHEREAS, the St. Louis County Public Works Department plans to reconstruct County Bridge 648 over the Sturgeon River on County Road 652 - Goodell Road (S.A.P. 69-598-29, County Project 9580); and

WHEREAS, replacement of the bridge has been determined necessary to provide for the safety and convenience of the traveling public; and

WHEREAS, in addition to the existing highway right of way, certain lands are required for said construction, together with temporary construction easements.

NOW, THEREFORE, BE IT RESOLVED, the County Board of Commissioners hereby authorizes the Public Works Director to proceed with the acquisition of the necessary lands and temporary easements.

Adopted February 3, 2004. No. 85

WHEREAS, the St. Louis County Public Works Department has plans to improve a segment of C-SAH 43 (Zimmerman Road), County Project 8180, from the Jean Duluth Road to 2 miles east. This segment of C-SAH 43 is located in Lakewood Township; and

WHEREAS, additional highway right of way is required for the reconstruction; and

WHEREAS, certain tax forfeited property adjoins the proposed reconstruction; and

WHEREAS, Minnesota Statutes 282.04, Subdivision 4, permits the County Auditor to grant easements over tax forfeited lands; and

NOW, THEREFORE, BE IT RESOLVED, that the County Board of Commissioners hereby authorizes the County Auditor to grant the necessary right of way easements for highway purposes over the following parcels:

Parcel 22: East 165 feet of West half of Northwest Quarter of Southeast Quarter (W 1/2 of NW 1/4 of SE 1/4), SECTION Five (5), TOWNSHIP Fifty-one (51) North of RANGE Thirteen (13), West of the Fourth Principal Meridian, according to the United States Government Survey thereof.

Parcel 23: Northwest Quarter of Southeast Quarter (NW 1/4 of SE 1/4), EXCEPT the West 660 feet thereof, SECTION Five (5), TOWNSHIP Fifty-one (51) North of RANGE Thirteen (13) West of the Fourth Principal Meridian, according to the United States Government Survey thereof.

RESOLVED FURTHER, that the Public Works Department pay any timber damages.

Adopted February 3, 2004. No. 86

WHEREAS, the St. Louis County Public Works Department plans to retain a consultant to investigate, conduct a site assessment, and prepare plans for repairs at two existing parking areas adjacent to County-State Aid Highway 61 (North Shore Scenic Drive), Buchanan Town Site and Stony Point Scenic Vista (M.P. 61-3630); and

WHEREAS, the State of Minnesota, through the Minnesota Department of Natural Resources-Waters, administers financial assistance for coastal management purposes, through Minnesota's Lake Superior Coastal Program; and

WHEREAS, St. Louis County desires financial assistance under the Minnesota's Lake Superior Coastal Program; and

WHEREAS, under Board Resolution No. 826, adopted December 17, 2002, the County Board authorized the Public Works Department to apply for the grant with the understanding a 50 percent match is required to pay for the County's share of the project; and

WHEREAS, the County will provide the 50 percent match through a \$29,299.00 payment and \$5,708.00 in kind contribution;

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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NOW, THEREFORE, BE IT RESOLVED, by the St. Louis County Board of Commissioners as follows:

1. That James T. Foldesi is hereby authorized and directed to execute and file an application with the Minnesota Department of Natural Resources and to provide all information and documentation required to become eligible for funding assistance.
2. That the St. Louis County Board Chair, Auditor, Public Works Director/Highway Engineer, and Attorney have signatory authority to enter into an agreement with the State of Minnesota.
3. That the St. Louis County Board does agree to act as legal sponsor and to obligate the funds required in the amount of \$29,299.00 from Fund 2 (Public Works), Agency A11 (Administration & Engineering), Function H056, Object 266 (Engineering), to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the Minnesota's Lake Superior Coastal Program.
4. That the proper County officials are authorized to enter into Coastal Program Grant Agreement 306-04-05 with the Minnesota Department of Natural Resources-Waters Division for the North Shore Scenic Drive Vistas and Activity Parking Project in the amount of \$35,007.00.

Adopted February 3, 2004. No. 87

WHEREAS, the St. Louis County Public Works Department plans to reconstruct and improve two existing parking areas adjacent to County-State Aid Highway 61 (North Shore Scenic Drive), 2.4 and 2.44 miles north of County-State Aid Highway 33 (McQuade Road) (M.P. 61-3620); and

WHEREAS, the improvements consist of reconstructing said parking areas as determined necessary to provide for the safe and reasonable use of the traveling public; and

WHEREAS, the State of Minnesota, through the Minnesota Department of Natural Resources-Waters, administers financial assistance for coastal management purposes, through Minnesota's Lake Superior Coastal Program; and

WHEREAS, St. Louis County desires financial assistance under the Minnesota's Lake Superior Coastal Program; and

WHEREAS, under Board Resolution No. 827, adopted December 17, 2002, the County Board authorized the Public Works Department to apply for the grant with the understanding a 50 percent match is required to pay for the County's share of the project; and

WHEREAS, the County will provide the 50 percent match through a \$20,563.00 payment and \$4,570.00 in kind contributions;

NOW, THEREFORE, BE IT RESOLVED, by the St. Louis County Board of Commissioners as follows:

1. That James T. Foldesi is hereby authorized and directed to execute and file an application with the Minnesota Department of Natural Resources and to provide all information and documentation required to become eligible for funding assistance.
2. That the St. Louis County Board Chair, Auditor, Public Works Director/Highway Engineer, and Attorney have signatory authority to enter into an agreement with the State of Minnesota.
3. That the St. Louis County Board does agree to act as legal sponsor and obligates the funds required for project in the amount of \$20,563.00 from Fund 2 (Public Works), Agency A11 (Administration and Engineering), Function H056, Object 266 (Engineering), to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the Minnesota's Lake Superior Coastal Program.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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4. That the proper County officials are authorized to enter into Coastal Program Grant Agreement 306A-05-05 with the Minnesota Department of Natural Resources-Waters Division for the North Shore Scenic Drive Vistas and Activity Parking Project in the amount of \$25,133.00.

Adopted February 3, 2004. No. 88

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subdivision 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit application, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization:

Knights of Columbus No. 3539 to operate out of Hwy 5 Bar & Grill, Unorganized Township 59-21, renewal.

Adopted February 3, 2004. No. 89

RESOLVED, that the St. Louis County Board authorizes the Sheriff's Office to accept a Local Law Enforcement Block Grant administered by the Bureau of Justice Assistance for \$21,000.00, and the Sheriff's Office will make a cash match of \$2,333.00 from Fund 01, Agency 091.

RESOLVED FURTHER, that the St. Louis County Board of Commissioners authorizes the Sheriff and appropriate County staff to execute any necessary agreements.

RESOLVED FURTHER, that funds will be made payable to and authorizes expenditure of the funds from Fund 01, Agency 91, Org. LLE3.

Adopted February 3, 2004. No. 90

WHEREAS, the St. Louis County Planning Commission initiated a rezoning; and

WHEREAS, the Planning Commission held public hearings on the proposed rezoning on October 9, 2003, and November 13, 2003; and

WHEREAS, the St. Louis County Planning Commission voted to recommend that the St. Louis County Board of Commissioners adopt the rezoning by amending Ordinance 46, zoning maps, and Ordinance 27, Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners will hold a public hearing on Tuesday, February 17, 2003, at 9:35 A.M., St. Louis County Courthouse, Duluth, Minnesota, to consider rezoning multiple sections in T59N, R16W (unorganized) and T58N, R16W (Biwabik).

Adopted February 3, 2004. No. 91

WHEREAS, St. Louis County will receive an increase of \$2,710,642 in its state aid apportionment in 2004; and

WHEREAS, the approved St. Louis County budget assumed an increase of \$1,411,973 in its state aid apportionment in 2004; and

WHEREAS, the additional \$1,298,669 in State Aid will need to be allocated, which breaks down to an additional \$779,201 (60 percent) for construction projects and \$519,467 (40 percent) for operational funds.

NOW, THEREFORE, BE IT RESOLVED, by the St. Louis County Board of Commissioners as follows:

1. That the additional \$779,201 in State Aid construction dollars will remain unallocated at this time.
2. The additional \$519,467 for operations shall be receipted into Fund 02, Agency 00A, Revenue Source 7340, and allocated in the following areas:
 - A. That \$275,874 is appropriated to Fund 2, Department A17, Object 528, Road & Bridge

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Projects.

- B. That the following three FTE's are reinstated to the Department, increasing the Department authorized FTE's as follows:

Engineering Technician Aide (1)	\$36,824
Survey Technician Aid (1)	\$43,385
Principal Engineer (Environmental)(1)	\$82,050

- C. That \$81,334 is appropriated to dust control by purchasing chloride (Fund 02, Dept. A12, Org. 0010, Obj. 534).

Adopted February 3, 2004. No. 92

RESOLVED, the St. Louis County Board hereby appoints Anthony Kuznik to the Public Health Advisory Committee for a three-year term to expire on February 1, 2007.

Adopted February 3, 2004. No. 93

At 12:15 P.M. on Tuesday, February 3, 2004, upon motion of Commissioner Fay, supported by Commissioner Nelson, the Board of County Commissioners adjourned.

Peg Sweeney, Vice-Chair of the
Board of County Commissioners

Attest:
Maureen Langguth, Acting County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON FEBRUARY 17, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 17th day of February, 2004, at 9:35 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Chair Raukar began the meeting by asking Commissioner Kron to present an appropriate quotation and he offered the following:

The Garden of Your Business

(From the National Independent Labor Journal, June 1960)

First, plant four rows of peas: presence, promptness, preparation and perseverance.

Next to these plant three rows of squash: squash gossip; squash indifference; squash criticism.

Then plant five rows of lettuce: Let us obey rules and regulations; let us be true to our obligations; let us be faithful to duty; let us be loyal and unselfish; let us love one another.

No garden is complete without turnips: Turn up for meetings; turn up with a smile; turn up with new ideas; turn up with determination to make everything count for something good and worthwhile.

At 9:38 A.M., a public hearing was convened, pursuant to County Board Resolution No. 91, adopted February 3, 2004, to consider rezoning multiple sections in T59-R16 (unorganized) and the Town of Biwabik by amending Ordinance No. 27 (Land Use Plan) and Ordinance No. 46 (Zoning Map). The following persons addressed the issue:

Barbara Hayden, Planning Director, described the area to be rezoned and said the request was made by Leonard Land Co. to facilitate a housing development. After numerous meetings and plan adjustments, the Planning Commission unanimously approved the rezoning.

Greg Perrella, Principal of Leonard Land Co., said the development protects the land and preserves wetland areas.

Mark Johnson, Planning Department, explained why the term "conservation easement" was included in the density zoning guidelines.

At 9:50 A.M., Commissioner Sweeney, supported by Commissioner Forsman, moved to close the public hearing; seven yeas - zero nays.

Commissioner Fay, supported by Commissioner Sweeney, moved to approve the rezoning. Commissioner Fink offered a friendly amendment - not accepted by the makers - to delete the terms "conservation easement," "donation to a park authority," and "permanently" from guideline Paragraph No. 2 under Density Zoning Concept 14. Alan Mitchell, County Attorney, advised not to delete language presented by the Planning Commission. Commissioner Fink, supported by Commissioner Fay, moved to amend the rezoning text by deleting the three terms. After further discussion, the amendment was approved; four yeas - three yeas, Commissioners Kron, Sweeney and Chair Raukar. The original resolution as amended was then approved; seven yeas - zero nays. Resolution No. 98.

Commissioner Fink, supported by Commissioner Nelson, moved to approve amending Ordinance No. 46(Zoning Map) to incorporate the zoning changes; seven yeas - zero nays. Resolution No. 99.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda, but no one chose to do so.

Reclassification and sale of tax forfeited parcels of land to the Duluth Housing and Redevelopment Authority (HRA) for use in the proposed Hawk Ridge housing development was then considered. An original motion to approve the reclassification and sale was made by Commissioner Raukar, supported by Commissioner Kron, and tabled at the October 14, 2003, Board meeting and the February 3, 2004, Board meeting. The following persons addressed the issue:

Ann Busche, Interim County Administrator, updated the Board concerning conditions requested of the City of Duluth prior to approval of the reclassification and sale.

David Epperly, Land Commissioner, recommended sale to the HRA.

Keith Hamre, City of Duluth Planning, informed the Board on the status of the forfeited land inventory by the City of Duluth.

Charles Froseth, City of Duluth Planning, detailed portions of the plan relating to storm water and provided information on other public lands within the city.

Rick Ball, Executive Director of HRA, said the project will break ground this spring and citizen input has been vital in shaping the project. In response to a question from Commissioner Fink, Director Ball said tax increment financing (TIF) would be used only if necessary.

Gary Glass, Duluth, said a neighborhood list of problems with the plan are being resolved.

Nelson Thomas, Duluth, said the affordable housing is needed and he supported the plan.

Gene Elliott, Duluth, expressed support for the housing project.

Daniel Maddy, Attorney for HRA, was present to answer legal questions.

Jeff Corey, Northern Communities Land Trust, said his organization strongly supports the mixed income housing project.

Scott Marshall, Duluth, said HRA has bent over backwards to address neighborhood concerns and he recommended Board approval of the sale.

Pam Kramer, Local Initiative Support Group, said her group supports the housing development.

Alan Mitchell, County Attorney, in response to a question from Commissioner Fay, advised that it may be inappropriate to add a reversionary clause to the sale if the property is not developed within a certain time frame. Commissioner Fay asked for a division of the question and moved to amend the resolution by adding a clause requiring development within two years. The proposed amendment died without support. After further discussion, the first part of the resolution approving the reclassification and sale to HRA was approved; six yeas - one nay, Commissioner Fay. The remainder of the resolution was then approved; seven yeas - zero nays. Resolution No. 100.

At 11:45 A.M. in the forenoon of Tuesday, February 17, 2004, Chair Raukar moved to recess the Board until 11:55 A.M. on February 17, 2004, in the in the County Board Room, Courthouse, Duluth, Minnesota.

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The Board reconvened at 11:55 A.M. on February 17, 2004, and the regular order of business resumed with all members present.

Commissioner Fink, supported by Commissioner Nelson, moved to establish a closed hearing for 3:00 P.M. for redistricting litigation purposes. Commissioner Fay objected to the closed session to discuss redistricting; six yeas - one nay, Commissioner Fay.

Commissioner Fink, supported by Commissioner Nelson, moved to establish a closed session for labor negotiations for 3:30 P.M.; seven yeas - zero nays.

At 12:00 P.M. in the afternoon of Tuesday, February 17, 2004, Chair Raukar moved to recess the Board until 1:20 P.M. on February 17, 2004, in the County Board Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 1:28 P.M. on February 17, 2004, and the regular order of business resumed with all members present.

Commissioner Fink, supported by Commissioner Forsman, moved to suspend the rules to consider selecting a County Administrator from the list of three finalists: Scott Arneson, Aitkin; Ann Busche, Duluth; and Dana Frey, Danbury, WI; seven yeas - zero nays.

The following persons addressed the selection:

Ted Troolin, Solid Waste Director, said all three finalists would make good administrators but the consensus of department heads was to recommend Ann Busche for position.

Ross Litman, Sheriff, said elected officials also endorsed Ann Busche for Administrator.

A modified nominal group process was used to determine the top candidate. Commissioners were each allowed an opportunity to address the Board about their top choices prior to the first vote. After the first vote, Commissioner Fay, supported by Chair Raukar, moved to offer the position of County Administrator to Dana Frey. After brief discussion, Chair Raukar withdrew his support and the motion died. Commissioner Forsman, supported by Commissioner Nelson moved to eliminate Scott Arneson from the list of finalists; seven yeas - zero nays. After further discussion of candidate qualifications and attributes and a final vote, Commissioner Fay, supported by Chair Raukar, made a directive motion to offer the position to Dana Frey and begin negotiations; four yeas - three nays, Commissioners Kron, Forsman and Sweeney. Chair Raukar suggested establishing a Board committee to assist with negotiations on a compensation package. Commissioner Fink said the negotiations should be within guidelines outlined in the recruitment brochure and application process. It was the consensus of the Board to conduct background checks on the top two candidates. In the event Mr. Frey declines the position, Commissioner Forsman, supported by Commissioner Sweeney, made a directive motion that the position is offered to Ann Busche; six yeas - one nay, Commissioner Nelson.

Commissioner Raukar announced that the closed session for labor negotiations would be canceled at the request of Steven Fecker, Labor Negotiator. It was the consensus of Board members to cancel the session.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Monthly reports of the Sheriff for cash received and disbursed in the year 2004.-58199

County Auditor submitting applications for license to sell 3.2 percent malt liquor for the year 2004.-58200

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County Attorney submitting monthly litigation/claims reports for year 2004.-58201

County Auditor submitting applications for permits authorizing the consumption of and display of intoxicating liquors for the year 2004.-58202

Karen and Brian Rapp, owner/operator of Karen's Day Care, requesting justification of additional fees being charged them to operate licensed day care in their home, and stating licensure rules, various fees and regulations they have complied with over the years.-58203

Voters of Midway Township opposing resolution passed by Board granting an easement over tax forfeited land to Minnesota Power, questioning legality and requesting the Board reconsider its action.-58204

Steps in Modified Nominal Group Process for the selection of a County Administrator.-58205

Office of Community Oriented Policing Services (COPS), Homeland Security Overtime Program Award, between St. Louis County, through its Sheriff's Office, and U. S. Department of Justice.-04-123

Agreement for funding of S.P. 69-595-03, C.P. 3594, between the County of St. Louis, through its Public Works Department, and Lake Superior Railroad Museum, relating to railroad yard upgrade.-04-124

Purchase of Service Agreement, Contract No. 13621, between St. Louis County Board of Commissioners and Minnesota Department of Human Services, acting through its Northern Network East (NNE) State operated Services (SOS) DD Transition (MA MR/RC Waiver) SLS Programs, for adults and children transition services.-04-125ss

Purchase of Services Agreement between St. Louis County, and Safe Haven Shelter for Battered Women, for public services.-04-126

Agreement for Geographic Information System Consulting Services between the County of St. Louis, through its Assessor's Department, and Pro-West & Associates, Inc., providing expertise in the geographic information systems area.-04-127

Purchase of Services Agreement between St. Louis County and Duluth Family Visitation Center - Minnesota Program Development, Inc., for public services.-04-128

Greg Hierlinger, CPA, Deputy State Auditor, State of Minnesota, describing procedures in detail, and confirming understanding by County Auditor of services to be provided by the State Auditor for audit of county financial records for year ended December 31, 2003.-04-129

Purchase of Services Agreement between St. Louis County and First Witness for public services.-04-130

Purchase of Services Agreement between St. Louis County and Bethany Crisis Nursery for public services.-04-131

Upon motion of Commissioner Kron, supported by Commissioner Forsman, Resolutions No. 94 through 97, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER KRON:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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meeting of January 27, 2004, are hereby approved.
Adopted February 17, 2004. No. 94

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated February 6, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.
Adopted February 17, 2004. No. 95

RESOLVED, that the application for a Temporary On-Sale 3.2 Percent Malt Liquor License, on file in the office of the County Auditor, identified as County Board File No. 58200 is hereby approved and the County Auditor is authorized to issue the license to the applicant:
Industrial Volunteer Fire Department, Industrial Township, Temporary On-Sale 3.2 Percent Malt Liquor License No. TB0410, for May 1, 2004.
Adopted February 17, 2004. No. 96

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for permit authorizing the consumption and display of intoxicating liquors is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58202:
Wilkins Pine Aire Resort, Inc., d/b/a Pine Aire Resort, Kabetogama Township, Permit No. S0515.
Adopted February 17, 2004. No. 97

BY COMMISSIONER FAY:

WHEREAS, the St. Louis County Planning Commission initiated a rezoning; and
WHEREAS, the Planning Commission held public hearings on the proposed rezoning on October 9, 2003, and November 13, 2003; and
WHEREAS, the St. Louis County Planning Commission recommended that the St. Louis County Board of Commissioners amend the comprehensive land use plan, Ordinance 27, to add Density Zoning Concept 14 - Pike River Area Density Transfer to the East Range Plan; and
WHEREAS, the St. Louis County Board conducted a public hearing on February 17, 2004; and
WHEREAS, the St. Louis County Board has considered the recommendation of the Planning Commission, the recommendations of staff, and all of the testimony written and verbal, as presented.
NOW THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners affirms the Planning Commission recommendation - as amended by deletion of "conservation easement", "donation to a park authority" and "permanently" from guideline paragraph No. 2 under Density Zoning Concept 14 - and amends Ordinance 27 to add Density Zoning Concept 14 - Pike River Area Density Transfer to the East Range Plan.
BE IT FURTHER RESOLVED, that the effective date of this amendment is March 5, 2004.
Unanimously adopted. February 17, 2004. No. 98

BY COMMISSIONER FINK:

WHEREAS, the St. Louis County Planning Commission initiated a rezoning; and
WHEREAS, the Planning Commission held public hearings on the proposed rezoning on October 9, 2003, and November 13, 2003; and
WHEREAS, the St. Louis County Planning Commission recommended that the St. Louis County Board of Commissioners adopt the rezoning by amending Ordinance 46, zoning maps; and
WHEREAS, the St. Louis County Board conducted a public hearing on February 17, 2004; and
WHEREAS, the St. Louis County Board has considered the recommendation of the Planning Commission, the recommendations of staff, and all of the testimony, written and verbal, as presented.
NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners affirms the

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Planning Commission recommendation and revises the zoning maps for T59N, R16W (Unorganized), and T58N, R16W (Biwabik).

BE IT FURTHER RESOLVED, that the effective date of this amendment is March 5, 2004.

Unanimously adopted. February 17, 2004. No. 99

BY COMMISSIONER RAUKAR:

WHEREAS, the Duluth Housing and Redevelopment Authority has offered to purchase the following described State Tax-Forfeited parcels for the appraised price of \$4,680.00 plus fees: City of Duluth, Crosley Park Addition to Duluth, Lots 2250 & 2251, Block 159, and Lots 2264 & 2265, Block 160; Parcel Code Numbers: 010-790-23040 & 23180; for the purpose of a new housing development; and WHEREAS, Minnesota Statute 282.01, subd. 1(a) authorizes the sale of State Tax Forfeited land to an organized governmental subdivision; and

WHEREAS, these parcels of land are not withdrawn from sale pursuant to Minnesota Statutes Sections 84.012, 92.461, 282.01, subdivision 8; and 282.018, and other statutes that require the withholding of State Tax-Forfeited lands from sale.

WHEREAS, the Land Department recommends that these parcels be reclassified as non-conservation and approved for sale if the County Board does not receive notice of the municipality's disapproval of the re-classification and sale of these parcels within 60 days of the date on which this resolution is delivered to the Clerk of the Municipality.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the re-classification and sale of the above described State Tax-Forfeited parcels to the Duluth Housing and Redevelopment Authority for the purpose of a housing development for mixed income; for the sale price of \$4,680.00 plus the following fees: 3% Assurance Fee of \$140.40, Deed Fee of \$25.00, Deed Tax of \$15.44, and Recording Fee of \$20.00, for a total of \$4,880.84.

BE IT FURTHER RESOLVED, that the request for approval of the reclassification and sale be transmitted by the St. Louis County Land Department to the Clerk of the Municipality in which the parcels are located.

(Division of Question)

Yeas - Commissioners Fink, Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 6

Nays - Commissioner Fay - 1

Yeas - Commissioners Fink, Fay, Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 7

Adopted February 17, 2004. No. 100

At 3:23 P.M. on Tuesday, February 17, 2004, upon motion of Commissioner Sweeney, supported by Commissioner Kron, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:

Maureen Langguth, Acting County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON FEBRUARY 24, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 24th day of February, 2004, at 9:37 A.M. in the City Council Chambers, City Hall, Hibbing, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

It was Commissioner Forsman's turn to present an appropriate quote and he offered two versions of the Golden Rule. In today's society there seems to be a belief that the Golden Rule is "he who has the gold makes the rules" instead of the traditional "do unto others as you would have done unto you". If the latter were followed, there would be less strife and turmoil and everyone's life would be better.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda, but no one chose to do so.

Commissioner Fink, supported by Commissioner Fay, moved to schedule a closed session for labor negotiations for 1:00 p.m.; seven yeas - zero nays.

Commissioner Fink, supported by Commissioner Sweeney, moved to schedule a closed session for litigation purposes. County Attorney Mitchell, in response to a question from Commissioner Fay, said the closed session will be about redistricting. Commissioner Fay objected to a closed session and said redistricting matters should be discussed publicly. The closed session was then approved; six yeas - one nay, Commissioner Fay.

At 9:42 A.M. in the forenoon of Tuesday, February 24, 2004, Chair Raukar moved to recess the Board until 11:15 A.M. on February 24, 2004, in the in the City Council Chambers, City Hall, Hibbing, Minnesota.

The Board reconvened at 11:32 A.M. on February 24, 2004, and the regular order of business resumed with all members present.

Commissioner Forsman, supported by Commissioner Sweeney, moved to approve a second consent agenda consisting of all items unanimously passed earlier at Committee of the Whole. Ann Busche, Interim County Administrator, requested - and the makers agreed - an amendment to the motion correcting clerical errors to two of the resolutions; seven yeas - zero nays.

Commissioner Forsman, supported by Commissioner Sweeney, moved to approve sale of non conforming tax forfeited land located on Lake Vermilion to adjoining landowners. Commissioner Fay insisted the sale should be open to the public and not be limited to adjacent landowners; six yeas - one nay, Commissioner Fay. Resolution No. 126.

Commissioner Kron, supported by Commissioner Sweeney, moved to approve purchase of new vehicles up to one-ton capacity for various County departments; seven yeas - zero nays. Resolution No. 127.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

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Petition by St. Louis County residents requesting the Commissioners be in opposition of Board Letter No. 04-48 allowing American Transmission Company and Minnesota Power to build the Arrowhead-Weston powerline.-58206

Documentation from public hearing held on February 17, 2004, to amend Ordinance No. 27 (Land Use Plan) to allow rezoning for Township 59 North, Range 16 West (Unorganized), and Township 58 North, Range 16 West (Biwabik).-58207

Documentation from public hearing held on February 17, 2004, to amend County Zoning Map, Ordinance No. 46, to include revised zoning map for Township 59 North, Range 16 West (Unorganized), and Township 58 North, Range 16 West (Biwabik).-58208

Purchase of Services Agreement between St. Louis County and AEOA - Retired Senior Volunteer Program (RSVP) for public services.-04-132

Implementation Agreement with respect to License Agreement No. SLC-28-Jan-04-HL between St. Louis County and High Line Corporation for the installation, implementation and training with respect to Licensed Software.-04-133

Addendum to Agreement between St. Louis County and USDA - APHIS Wildlife Services Co. for Beaver Damage Control Program.-04-134

Purchase of Services Agreement between St. Louis County and Legal Aid Service of Northeastern Minnesota for public services.-04-135

Purchase of Services Agreement between St. Louis County and AEOA - Meals on Wheels for public services.-04-136

Purchase of Services Agreement between St. Louis County and AEOA - Lives in Transition for public services.-04-137

Purchase of Services Agreement between St. Louis County and AEOA - Senior Services for public services.-04-138

Employee Safety & Development Training Contract between St. Louis County and Maria Stalzer Wyant Cuzzo for "Business Ethics" session.-04-139

Addendum to Agreement between St. Louis County and North Shore Wildlife Control for Beaver Damage Control services.-04-140

Agreement between the City of Duluth and County of St. Louis, through its Public Works Department, for installation and maintenance of traffic signals and street lights and traffic signage on Rice Lake Road (CSAH-4) at entrance to United Health Care.-04-141

Grant Contract between the State of Minnesota, through the Department of Natural Resources, Waters Division, and Minnesota's Lake Superior Coastal Program, and St. Louis County, through its Public Works Department, to retain consultant for Buchanan Town Site and Stony Point Historical Sites - Assessment and Rehabilitation Plans. (M.P. 61-3630).-04-142

Detour Agreement No. 82045 between State of Minnesota, Department of Transportation, and St. Louis County, through its Public Works Department, for grading, bituminous surfacing, lighting and signal construction on Project No. S.P. 6908-53, Trunk Highway No. 2.-04-143

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Agreement for Professional Nursing Services between St. Louis County, through its Health Department, and New Millenium Healthcare for services provided to Community Alternative Care Client No. 023.-04-144

Lease Agreement between County of St. Louis and North Saint Louis County Soil and Water Conservation District for approximately 256 square feet of floor space in Room 1, Northland Office Building, Virginia, Minnesota.-04-145

Grant Contract between the State of Minnesota, through the Department of Natural Resources, Waters Division, and Minnesota's Lake Superior Coastal Program, and St. Louis County, through its Public Works Department, to reconstruct and improve two existing parking areas adjacent to C-SAH 61 (North Shore Scenic Drive) and C-SAH 33 (McQuade Road).-04-146

Addendum to Purchase Agreement, Contract No. 13003B, between St. Louis County Board of Commissioners and HealthLine Medical Supply for the provision of supplies and equipment.-04-147ss

Addendum to Purchase Agreement, Contract No. 13347B, between St. Louis County Board of Commissioners and Empowerment Services of Minnesota, Inc. (ESI) - Aurora for SLS adults.-04-148ss

Addendum to Purchase Agreement, Contract No. 13342B, between St. Louis County Board of Commissioners and Empowerment Services of Minnesota, Inc. (ESI) for In-Home Family Support.-04-149ss

Addendum to Purchase Agreement, Contract No. 13460A, between St. Louis County Board of Commissioners and Empowerment Services of Minnesota, Inc. - Consumer-Directed Community Support.-04-150ss

Addendum to Purchase Agreement, Contract No. 13343B, between St. Louis County Board of Commissioners and Empowerment Services of Minnesota, Inc. (ESI) - Mountain Iron for SLS adults and children.-04-151ss

Addendum to Purchase Agreement, Contract No. 13344B, between St. Louis County Board of Commissioners and Empowerment Services of Minnesota, Inc. (ESI) - Heritage for SLS adults.-04-152ss

Addendum to Purchase Agreement, Contract No. 13345B, between St. Louis County Board of Commissioners and Empowerment Services of Minnesota, Inc. (ESI) - Embarrass for SLS adults.-04-153ss

Addendum to Purchase Agreement, Contract No. 13346B, between St. Louis County Board of Commissioners and Empowerment Services of Minnesota, Inc. (ESI) - Biwabik for SLS adults.-04-154ss

Addendum to Purchase Agreement, Contract No. 13340B, between St. Louis County Board of Commissioners and Empowerment Services of Minnesota, Inc. (ESI), for SLS.-04-155ss

Upon motion of Commissioner Sweeney, supported by Commissioner Kron, Resolutions No. 101 through 118, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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BY COMMISSIONER SWEENEY:

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. 58174, are hereby approved and the County Auditor shall issue checks in the following amounts:

<u>FUND</u>		<u>TOTAL</u>
T10	Permits to Carry Firearms	\$ 15,264.27
T11	MN Trail Assistance	29,851.57
T21	Beer License	10.00
T22	Cities and Towns	1,163,765.51
T27	Refunds	118,017.78
T28	School Districts	873,668.71
T49	Taconite Production Tax	1,464,249.88
T50	State of Minnesota	241,942.60
T66	Criminal Fines	111,874.21
T74	Employer/Employee Deductions	501,313.86
T75	Savings Bonds	390.00
T77	Cancelled Checks	1,236.31
T80	Lake Superior - Forfeiture	2,000.00
T83	Sheriff Fine Contingency	1,809.75
T84	Attorneys Forfeitures	3,900.00
T85	Sheriffs State Forfeitures	80.00
T86	Attorney Trust Accounts	13.65
T87	Assault Fees	935.07
01	General Fund	1,756,820.81
02	Public Works	886,361.94
03	Federal Septic Loan EPA Funds	85.81
04	Social Services	3,717,545.36
08	County Facilities - Capital Project	3,511.00
08A	State Aid Road	138,171.94
08B	Road & Bridge Building Const.	439.78
08O	Duluth Courthouse HVAC/Electrical	114,510.96
10B	Emergency Shelter 99/00 Funds	6,290.41
11A	Home Grant - All Years	144,824.04
12B	CDBG Grant	230,476.35
127	Enhanced 9-1-1 Fund	4,793.49
128	Law Library	11,471.66
13	St. Louis County HRA	14,828.10
131	Extension Service	67,988.30
15	Forfeited Tax	102,103.36
16	Forest Resources	224.69
26	Solid Waste Authorities	272,520.22
49	Postage/Office Supplies	91,024.17
50	Printing	66,546.72
51	County Garage	49,235.87
52A	Property, Casualty, Liability	7,293.08
52B	Workers Compensation	109,643.68
52D	Medical/Dental Self Insurance	1,307.08
53	Management Information Systems	83,265.72
54	Regional Railroad Authority	108,876.54
55	Telecommunications	90,082.82

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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57	Retired Employees Health Insurance	402,849.32
64A	Chris Jensen Health & Rehab.	452,991.90
65	Laundry	55,766.50
66	Community Food Services	53,761.96
67	Supervised Living Facilities	10,570.40
72	Northern Counties Land Use Coordinating Board	60.00
73	Arrowhead Regional Corrections	365,520.35
74	Community Health Services	<u>98,966.25</u>
		\$14,051,053.75

Adopted February 24, 2004. No. 101

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:

Real Estate - Kathleen Carl, \$184.80; William Higgins, \$401.93; Brook Johnson, \$248.28; Douglas McCorison, \$235.26.

Personal Property - Benjamin Squires, \$206.02.

Adopted February 24, 2004. No. 102

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for an intoxicating liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58181; FURTHER RESOLVED, that said license is approved contingent upon licenseholder paying real estate or personal property taxes when due;

FURTHER RESOLVED, that if named licenseholder sells their licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of the license fees to the licenseholder;

FURTHER RESOLVED, that said license shall be effective through June 30, 2004:

Porky's Restaurant & Lounge, LLC, d/b/a Porky's Restaurant & Lounge, LLC, Gnesen Township, On-Sale Intoxicating Liquor License No. CMB0481 and Sunday On-Sale Intoxicating Liquor License No. SUN0481.

Adopted February 24, 2004. No. 103

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following applications for permits authorizing the consumption and display of intoxicating liquor are hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58202:

Ely Golf Club Corp., Inc., d/b/a Ely Golf Club, Morse Township, Permit No. BC051;

Barbara Jean Boisjolie, d/b/a Jerry's Place, Unorganized Township 63-19, Permit No. S057;

Hellman's Store, Inc., d/b/a Hellman's Store, Inc., Ault Township, Permit No. S054;

Michael James Grubb, d/b/a Hitching Post, Gnesen Township, Permit No. S056.

Adopted February 24, 2004. No. 104

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, is hereby approved and the County Auditor is authorized to issue the license as follows;

RESOLVED FURTHER, that if named licenseholder sells their licensed business, the County

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund to the licenseholder:

Porky's Restaurant & Lounge, LLC, d/b/a Porky's Restaurant & Lounge, LLC, Gnesen Township, Tobacco Products License No. T04194.

Adopted February 24, 2004. No. 105

RESOLVED, that the County Board of Commissioners authorizes the Social Service Department to pay \$100,000.00 to the Human Development Center for the second year of a two-year Grant Agreement involving a Co-Occurring Disorders Grant funds received by St. Louis County. These funds will allow the Co-Occurring Disorders Project to continue from January 1, 2004, through December 31, 2004.

Funding:

Budget Reference -

Expenditures: Fund 04, Agency SSV, Org. 6800

Adopted February 24, 2004. No. 106

RESOLVED, that the County Board of Commissioners hereby authorizes the appropriate County officials to enter into a contract between the Community Food Service and the City of Duluth for the period from January 1, 2004, through December 31, 2004, for the Congregate Meals Program. The City of Duluth will purchase meals for the Rainbow and Lincoln Park Senior Centers at the following rates:

- Noon meals at Rainbow Senior Center

Eligible persons	\$4.41 per meal
Underage and ineligible guests	\$4.79 per meal

- Noon and evening meals at Lincoln Park Senior Center

Eligible persons	\$4.69 per meal
Underage and ineligible guests	\$5.07 per meal

Budget Reference:

Fund 66 Community Foods, Agency A66 Community Food Services, Org. 4200 Community Food Services

Revenue Source: 1942 Food Service

Adopted February 24, 2004. No. 107

RESOLVED, that the County Board of Commissioners hereby authorizes the appropriate County officials to enter into a contract between the Community Food Service and the City of Duluth for the provision of raw and partially prepared food to eight senior nutrition sites for the period from January 1, 2004, to December 31, 2004. The City of Duluth will pay the following rates per meal:

Regular Meals	\$3.13
Meals with Pre-Preparation	\$3.37
Ready-to-Serve Meals	\$3.81
Meatless Meals	\$2.04

Budget Reference:

Fund 66 Community Foods, Agency A66 Community Food Services, Org. 4200 Community Food Services

Revenue Source: 1942 Food Service

Adopted February 24, 2004. No. 108

RESOLVED, that the Chairperson of the County Board, County Auditor and the Health Director be authorized to sign an agreement with the Lake Superior Community Health Center to provide diagnosis and treatment of sexually transmitted diseases in an amount not to exceed \$20,000 for the time period of January 1, 2004, through December 31, 2004, payable from Fund 1, Agency 220

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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(Public Health Nursing), Org. 220.
Adopted February 24, 2004. No. 109

WHEREAS, the Minnesota Board of Water and Soil Resources has awarded a 2004 Natural Resources Block Grant in the amount of \$121,062 to St. Louis County for wetland, shoreland, and water plan purposes.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board accepts the 2004 Natural Resources Block Grant (NRBG) in the amount of \$121,062 and authorizes appropriate county officials to execute the grant agreement and documents related thereto;

RESOLVED FURTHER, the St. Louis County Board authorizes a local match of \$150,517 from the Planning Department budget funds and the 2004 County allocation to the Soil and Water Conservation District;

RESOLVED FURTHER, the Planning Department budget is amended to include receipt of \$121,062 from the Natural Resources Block Grant, with said funds to be deposited into Fund 01, Agency 021, Org. 239J;

RESOLVED FURTHER, the St. Louis County Board authorizes payment in the amount of \$10,237 to the North St. Louis County Soil and Water Conservation District, payable from Fund 01, Agency 021, Org. 239J;

RESOLVED FURTHER, the St. Louis County Board authorizes payment in the amount of \$10,237 to the South St. Louis County Soil and Water Conservation District, payable from Fund 01, Agency 021, Org. 239J.

Adopted February 24, 2004. No. 110

RESOLVED, that the appropriate County officials are hereby authorized to enter into agreements with Alden, Ault, Bassett, Duluth, Fairbanks, Gnesen, Lakewood, Normanna, North Star, Pequaywan, and Rice Lake Townships in the Second Maintenance District whereby the County will provide general surface and snowplowing on the Township roads listed in the agreement at the rates set forth in the agreements;

RESOLVED, that the term of these agreements shall be for a period of one (1) year, and unless terminated unilaterally or by mutual agreement, these agreements shall renew on October 1st for each and every year hereafter;

RESOLVED, that the funds received for this work will be receipted into Fund 02, Agency 00A, Revenue Source 5046.

Adopted February 24, 2004. No. 111

RESOLVED, that the appropriate County officials are hereby authorized to enter into an agreement with Lake County whereby St. Louis County will pay St. Louis County's local share items listed in the Estimated Quantities in the Plan described as M.P. 42-1010. The County portion will be paid from Fund 02, Agency A17, Org. 1010, Object 528.

Adopted February 24, 2004. No. 112

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subdivision 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit application, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization:

Chicagami to operate out of Silverado Saloon, Unorganized Township 59-16, renewal.

Adopted February 24, 2004. No. 113

WHEREAS, the County requires the services of a consultant to assist with federal legislative and administrative matters; and

WHEREAS, Lockridge, Grindal & Nauen has demonstrated professional expertise and knowledge of federal legislation and administrative activities; and

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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WHEREAS, the contractor desires and is capable of providing legislative consultant services to St. Louis County during 2004.

NOW, THEREFORE, BE IT RESOLVED, that the appropriate County officials are authorized to enter into an agreement with Lockridge, Grindal & Nauen in 2004 for an amount not to exceed \$48,925.00.

RESOLVED FURTHER, that this agreement be funded through the Inter-Governmental Affairs Division (Fund 01, Agency 016, Object 299).

Adopted February 24, 2004. No. 114

RESOLVED, that the County Sheriff, County Auditor, Executive Director of Arrowhead Regional Corrections, and Chair of the St. Louis County Board are hereby authorized to execute an agreement on behalf of St. Louis County with the Arrowhead Interfaith Council for 2004 chaplaincy services at the County Jail, Northeast Regional Corrections Center (NERCC) and Arrowhead Juvenile Center (AJC) in the amount of \$38,164.

RESOLVED FURTHER, that \$13,240 of the contract shall be payable from Fund 01, Agency 101, Object 299; and \$24,924 payable from Fund 73, Agency 15, Object 299.

Adopted February 24, 2004. No. 115

RESOLVED, that a public hearing will be held at 9:35 A.M. on March 16, 2004, in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering the granting of an Off-Sale Intoxicating Liquor License to Porky's Restaurant & Lounge, LLC, d/b/a Porky's Restaurant & Lounge, LLC, Gnesen Township.

Adopted February 24, 2004. No. 116

WHEREAS, the St. Louis County Regional Landfill will require additional operational capacity by the summer of 2005; and

WHEREAS, the Solid Waste Department hired Northeast Technical Services, Inc., (Board Resolution 03-512) to provide design, development of construction specification documents, and bidding assistance services for Phase 4; and

WHEREAS, the construction of this project was competitively bid and the lowest responsible bid was received from Louis Leustek & Sons, at a cost of \$751,429.10.

NOW, THEREFORE, BE IT RESOLVED, that the Solid Waste Department is authorized to enter into a contract with Louis Leustek & Sons, subject to the approval of the County Attorney, for the construction of Phase 4 at the Regional Landfill at a cost of \$751,429.10, payable from Fund 26, Agency J-48 Landfill.

Adopted February 24, 2004. No. 117

WHEREAS, the Soil and Water Conservation Districts, in cooperation with Itasca County and St. Louis County, have submitted a funding proposal to the Minnesota Board of Water and Soil Resources (BWSR) for a grant to protect and improve water quality in the Lake Superior Basin; and

WHEREAS, BWSR has agreed to fund the cooperative challenge grant proposal for the Lake Superior Basin in the amount of \$19,000 and the Rainy/Upper Mississippi River Basin in the amount of \$28,375; and

WHEREAS, St. Louis County must be the grantee for the \$19,000 grant in the Lake Superior Basin; and

WHEREAS, St. Louis County intends to subcontract with St. Louis County Soil and Water Conservation Districts (SWCDs) to administer the grant.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners accepts the challenge grant entitled "Connecting Water Quality with Land Use Planning" and authorizes the appropriate county officials to sign grant agreements and related documents and contracts necessary to implement the grant.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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BE IT FURTHER RESOLVED, that the county authorizes the matching contribution and subcontracts to the St. Louis County SWCDs to administer the grant.

BE IT FURTHER RESOLVED, that the Planning Department budget be amended to include the \$19,000 from the grant and that funds be payable from Fund 01, Agency 021, Organization LAKE2.

Adopted February 24, 2004. No. 118

Upon motion of Commissioner Forsman, supported by Commissioner Sweeney, Resolutions No. 119 through 127, which were approved at the Committee of the Whole meeting this date, were brought forth to this meeting as a second Consent Agenda and were unanimously adopted:

BY COMMISSIONER FORSMAN:

WHEREAS, St. Louis County owns the access road serving the Hudson Transfer Station located near Aurora, Minnesota; and

WHEREAS, Keith Pelto Logging, Inc., cannot access a portion of the lands for which they purchased logging rights from Allete, Inc., due to physical barriers such as mine pits, mine dumps and ponds; and

WHEREAS, Keith Pelto Logging, Inc., could gain temporary access to their logging area by utilizing the west 700 feet of the Hudson Transfer Station access road; and

WHEREAS, the temporary Access/Use License Agreement would begin on March 1, 2004, and end on December 31, 2004, and

WHEREAS, Keith Pelto Logging, Inc., would pay the County \$100 for the temporary access rights; and

WHEREAS, the County is in favor of entering into the Agreement with Keith Pelto Logging, Inc. NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners authorizes the Solid Waste Department to enter into a temporary Access/Use License Agreement that would allow the company to utilize the west 700 feet of the Hudson Transfer Station access road for a payment of \$100 for the period of March 1, 2004 through December 31, 2004.

Adopted February 24, 2004. No. 119

WHEREAS, the St. Louis County Public Works Department budgeted for the purchase of two articulating wheel loaders while trading in a tractor-loader-backhoe and a five yard wheel loader; and

WHEREAS, the Public Works provided specifications to the Purchasing Department for preparation of Bid No. 4459 - 3.5 Cubic Yard and 5.0 Cubic Yard Front End Loaders; and

WHEREAS, St. Joseph Equipment, Inc., of Duluth, Minnesota, submitted the lowest with trade-in bid for the 3.5 Cubic Yard Front End Loader of \$131,242 and also submitted the lowest with trade-in bid for the 5.0 Cubic Yard Front End Loader of \$169,000 and an option price for joy-stick control of \$115 each, plus an additional \$19,530.68 State of Minnesota sales tax, for a total of \$320,002.68.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners authorizes the Director of Purchasing to issue a purchase order to St. Joseph Equipment, Inc., of Duluth, Minnesota, for the with trade-in purchase of a Case 821C 3.5 Cubic Yard and a Case 921C 5.0 Cubic Yard Front End Loader, for a purchase price of \$300,472 plus the applicable State of Minnesota Sales Tax of \$19,530.68, for a total purchase of \$320,002.68. Funding for this purchase is payable from Fund 02, Agency A14, Object 664.

Adopted February 24, 2004. No. 120

WHEREAS, the St. Louis County Public Works Department's Second and Seventh Highway Districts budgeted for replacement of motor graders for snow & ice control and gravel road maintenance; and

WHEREAS, the Purchasing Department solicited State of Minnesota Contract Pricing from the two

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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area vendors offering six-wheel drive motor grader models that have proven acceptable in our operations; and

WHEREAS, Nortrax Equipment Company of Duluth, Minnesota, utilizing the State of Minnesota contract through RDO Equipment of Burnsville, Minnesota, provided the lowest with-trade prices for new motor graders meeting the Public Works Department specifications; and

WHEREAS, the motor grader for the Second Highway District with trade-in Unit No. 2074 has a purchase price of \$142,559, and the motor grader for the Seventh Highway District with trade-in of Unit No. 7216 has a purchase price of \$140,679. The sale will be subject to a State of Minnesota sales tax of \$18,410.47, for a total cost to St. Louis County of \$301,648.47.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners authorizes the Director of Purchasing to issue a purchase order to Nortrax Equipment Company of Duluth, Minnesota, for the with trade-in purchase of two John Deere 772Ch II motor graders for a purchase price of \$283,238, plus the applicable State of Minnesota sales tax of \$18,410.47, for total of \$301,648.47. Funding for this purchase is payable from Fund 02, Agency A14, Object 664. Adopted February 24, 2004. No. 121

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subd. 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit application, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization: Climb Theatre to operate out of Homestead Restaurant, Clinton Township, new. Adopted February 24, 2004. No. 122

WHEREAS, Minnesota Statute 471.59, Subd. 10, empowers the State of Minnesota to enter into an agreement with St. Louis County to perform on behalf of the County any service or function which the State is authorized to provide for itself; and

WHEREAS, the State of Minnesota and St. Louis County are in need of contractors to implement forest development projects for the purpose of enhancement of natural resource management. Both parties require reputable and reliable contractors, at the lowest possible cost, and this can best be obtained by awarding the State contract and the County contract to a single bidder; and

WHEREAS, pursuant to this agreement, the State of Minnesota will request, open, award, and administer business aspects of the bids. St. Louis County will indicate to the State which tax forfeited sites they would like to include on a particular contract, and will monitor, supervise, approve, and pay for work completed on those sites.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby authorizes the St. Louis County Land Department to enter into a Joint Powers Agreement with the State of Minnesota for the implementation of forest development projects for the purpose of enhancement of natural resource management.

Adopted February 24, 2004. No. 123

WHEREAS, that pursuant to St. Louis County Ordinance No. 28, Section 4. General Provisions, Subd. 4.07. If, during the term of any liquor license, the place of business of any licensee shall be destroyed or so damaged by fire or otherwise, that the licensee shall cease to carry on the licensed business the County Board may refund to the licensee such part of the license fee paid by him as corresponds to the time such license had yet to run; and

WHEREAS, that the establishment known as 4 Seasons Restaurant & Bottle Shop located at 6482 Highway 53, Virginia, Minnesota, was forced to cease operations because of reconstruction of the junction of Highways 53 and 169.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby authorizes a refund of Combination On/Off-Sale and Sunday On-Sale Intoxicating Liquor License fees paid by Lynda Erickson, President, LMI of Virginia, Inc., d/b/a 4 Seasons Restaurant & Bottle Shop, Wuori Township.

RESOLVED FURTHER, that said refund will be as follows:

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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On-Sale Intoxicating Liquor License Fee	\$500.00
Off-Sale Intoxicating Liquor License Fee (In combination with on-sale)	\$125.00
Sunday On-Sale Intoxicating Liquor License Fee	<u>\$100.00</u>
TOTAL	<u>\$725.00</u>

Payable from: Fund 01, Agency 051, Revenue Source 4040
Adopted February 24, 2004. No. 124

RESOLVED, that the St. Louis County Board of Commissioners will conduct public interviews on Friday, March 12, 2004, beginning at 10:00 A.M. in the Commissioners' Conference Room, Second Floor, Courthouse, Duluth, MN, for finalists to fill the vacancy in term for the office of St. Louis County Auditor.

Adopted February 24, 2004. No. 125

BY COMMISSIONER FORSMAN:

WHEREAS, the County Board of Commissioners of the County of St. Louis, State of Minnesota, desires to offer for sale, as recommended by the Land Commissioner, a certain parcel of land described as: Lots 11 & 12, Block 5, Hollywood Beach, Section 18, Township 63, Range 17; Plat/Parcel Code: 698-40-500 and 698-40-510; and

WHEREAS, the County Auditor has determined that a non-public sale to adjacent property owners will encourage the return of the land to the tax rolls; and

WHEREAS, the Commissioner of Natural Resources has approved the sale of this parcel to an adjacent owner; and

WHEREAS, this parcel of land is not withdrawn from sale pursuant to Minnesota Statutes Sections 84.012, 92.461, 282.01, subdivision 8; and 282.018, and other statutes that require the withholding of tax-forfeited lands from sale; and

WHEREAS, this parcel cannot be improved because it is less than the minimum size required by the applicable zoning ordinance; and

WHEREAS, said parcel of land has been classified as non-conservation land pursuant to Minnesota Statutes Section 282.01.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the sale of the above described State Tax-Forfeited parcel starting at a minimum bid of \$25,000.00 plus fees, and the County Auditor is hereby authorized to offer said lands at a non-public sale limited to the adjacent property owners to encourage return of the land to the tax rolls.

Yeas - Commissioners Fink, Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 6

Nays - Commissioner Fay - 1

Adopted February 24, 2004. No. 126

BY COMMISSIONER KRON:

WHEREAS, the Purchasing Department has prepared bid specifications for new 2004 vehicles up to one ton capacity; and

WHEREAS, bids were received and compared with the State of Minnesota contracts as they became available; and

WHEREAS, several vehicles were priced lower on the State of Minnesota contracts; and

WHEREAS, local qualifying bids within \$300.00 of the State of Minnesota Contract prices will be awarded to local bidders; and

WHEREAS, build-out dates are often announced with short lead times for placing orders;

NOW, THEREFORE, BE IT RESOLVED, that the Director of Purchasing is hereby authorized to purchase, in accordance with the specifications of Bid No. 4428, and State of Minnesota Contract Releases, 2004 vehicles as follows:

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- 1.0 Six (6) Class III, full-size, four door sedans, with police package, from Lundgren Motors of Eveleth, MN, at their low specification bid price of \$20,316.36 each delivered to Duluth for a total of \$121,898.16 (this vehicle is not subject to state sales tax), for a total purchase price of \$121,898.16, payable from Fund 01 (General), Agency 091 (Sheriff), Object Code 661 (Automobiles).
- 2.0 Deleted.
- 3.0 One (1) Class IIA, mid-size, four door sedan, from Mike Motors of Ely, MN, at their low specification bid price of \$14,157.00 each delivered to Duluth for a total of \$14,157.00, plus 6.5% State Sales Tax of \$920.21 per unit, for a total purchase price of \$15,077.21, payable from Fund 02 (Public Works - Jean Duluth), Agency A14 (Equipment & Shops), Object Code 661 (Automobiles).
- 3.1 One (1) Class IIA, mid-size, four door sedan, from Mike Motors of Ely, MN, at their low specification bid price of \$14,127.00 each delivered to Virginia for a total of \$14,127.00, plus 6.5% State Sales Tax of \$918.26 per unit, for a total purchase price of \$15,045.26, payable from Fund 02 (Public Works - Engineers - Virginia), Agency A14 (Equipment & Shops), Object Code 661 (Automobiles).
- 3.2 One (1) Class IIA, mid-size, four door sedan, from Mike Motors of Ely, MN, at their low specification bid price of \$14,157.00 each delivered to Duluth for a total of \$14,157.00, plus 6.5% State Sales Tax of \$920.21 per unit, for a total purchase price of \$15,077.21, payable from Fund 02 (Public Works - Engr Con So), Agency A14 (Equipment & Shops), Object Code 661 (Automobiles).
- 3.3 One (1) Class IIA, mid-size, four door sedan, from Mike Motors of Ely, MN, at their low specification bid price of \$14,157.00 each delivered to Duluth for a total of \$14,157.00, plus 6.5% State Sales Tax of \$920.21 per unit, for a total purchase price of \$15,077.21, payable from Fund 02 (Public Works - Brg Engr - Duluth), Agency A14 (Equipment & Shops), Object Code 661 (Automobiles).
- 3.4 Two (2) Class IIA, mid-size, four door sedans, from Mike Motors of Ely, MN, at their low specification bid price of \$14,127.00 each delivered to Virginia for a total of \$28,254.00, plus 6.5% State Sales Tax of \$918.26 per unit, for a total purchase price of \$30,090.52, payable from Fund 51 (Motor Pool - Virginia), Agency M21 (Motor Pool), Object Code 661 (Automobiles).
- 3.5 Three (3) Class IIA, mid-size, four door sedans, from Mike Motors of Ely, MN, at their low specification bid price of \$14,157.00 each delivered to Duluth for a total of \$42,471.00, plus 6.5% State Sales Tax of \$920.21 per unit, for a total purchase price of \$45,231.63, payable from Fund 51 (Motor Pool - Duluth), Agency M11 (Motor Pool), Object Code 661 (Automobiles).
- 4.0 Five (5) Class II, mid-size, four door sedans, from Nelson Dodge - GMC of Fergus Falls, MN, at their low specification bid price of \$11,483.00 each delivered to Virginia for a total of \$57,415.00, plus 6.5% State Sales Tax of \$746.40 per unit, for a total purchase price of \$61,147.00, payable from Fund 51 (Motor Pool - Virginia), Agency M21 (Motor Pool), Object Code 661 (Automobiles).
- 4.1 Seven (7) Class II, mid-size, four door sedans, from Nelson Dodge - GMC of Fergus Falls, MN, at their low specification bid price of \$11,472.00 each delivered to Duluth

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for a total of \$80,304.00, plus 6.5% State Sales Tax of \$745.68 per unit, for a total purchase price of \$85,523.76, payable from Fund 51 (Motor Pool - Duluth), Agency M11 (Motor Pool), Object Code 661 (Automobiles).

- 5.0 One (1) 6000 GVWR, full size, 2-wheel drive, pickup truck with 8 ft. box, from Luther Eggebrecht of Duluth, MN, at their low specification bid price of \$12,895.00 each delivered to Duluth for a total of \$12,895.00, plus 6.5% State Sales Tax of \$838.18 per unit, for a total purchase price of \$13,733.18, payable from Fund 02 (Public Works - Pike Lake), Agency A14 (Equipment & Shops), Object Code 662 (Pickups/Vans).
- 5.1 One (1) 6000 GVWR, full size, 2-wheel drive, pickup truck with 8 ft. box, from Luther Eggebrecht of Duluth, MN, at their State of Minnesota Contract price of \$12,707.00 each delivered to Duluth for a total of \$12,707.00, plus 6.5% State Sales Tax of \$825.96 per unit, for a total purchase price of \$13,532.96, payable from Fund 02 (Public Works - Sign), Agency A14 (Equipment & Shops), Object Code 662 (Pickups/Vans).
- 5.2 One (1) 6000 GVWR, full size, 2-wheel drive, pickup truck with 8 ft. box, from Luther Eggebrecht of Duluth, MN, at their State of Minnesota Contract price of \$12,750.00 each delivered to Virginia for a total of \$12,750.00, plus 6.5% State Sales Tax of \$828.75 per unit, for a total purchase price of \$13,578.75, payable from Fund 02 (Public Works - Engr Con No), Agency A14 (Equipment & Shops), Object Code 662 (Pickups/Vans).
- 6.0 One (1) 6050 GVWR, full size, extended cab, 2-wheel drive, pickup truck with 6 1/2 ft. box, from Superior Ford of Plymouth, MN, at their State of Minnesota Contract price of \$13,818.75 each delivered to Virginia for a total of \$13,818.75, plus 6.5% State Sales Tax of \$898.22 per unit, for a total purchase price of \$14,716.97, payable from Fund 02 (Public Works - Ely), Agency A14 (Equipment & Shops), Object Code 662 (Pickups/Vans).
- 6.1 One (1) 6050 GVWR, full size, extended cab, 2-wheel drive, pickup truck with 6 1/2 ft. box, from Superior Ford of Plymouth, MN, at their State of Minnesota Contract price of \$13,818.75 each delivered to Virginia for a total of \$13,818.75, plus 6.5% State Sales Tax of \$898.22 per unit, for a total purchase price of \$14,716.97, payable from Fund 02 (Public Works - Hibbing), Agency A14 (Equipment & Shops), Object Code 662 (Pickups/Vans).
- 6.2 Three (3) 6050 GVWR, full size, extended cab, 2-wheel drive, pickup trucks with 6 1/2 ft. box, from Superior Ford of Plymouth, MN, at their State of Minnesota Contract price of \$13,818.75 each delivered to Virginia for a total of \$41,456.25, plus 6.5% State Sales Tax of \$898.22 per unit, for a total purchase price of \$44,150.91, payable from Fund 02 (Public Works - Engr Con No), Agency A14 (Equipment & Shops), Object Code 662 (Pickups/Vans).
- 6.3 Two (2) 6050 GVWR, full size, extended cab, 2-wheel drive, pickup trucks with 6 1/2 ft. box, from Superior Ford of Plymouth, MN, at their State of Minnesota Contract price of \$13,785.75 each delivered to Duluth for a total of \$27,571.50, plus 6.5% State Sales Tax of \$896.07 per unit, for a total purchase price of \$29,363.64, payable from Fund 02 (Public Works - Engr Con So), Agency A14 (Equipment & Shops), Object Code 662 (Pickups/Vans).
- 6.4 One (1) 6050 GVWR, full size, extended cab, 2-wheel drive, pickup truck with 6 1/2 ft.

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box, from Superior Ford of Plymouth, MN, at their State of Minnesota Contract price of \$13,818.75 each delivered to Virginia for a total of \$13,818.75, plus 6.5% State Sales Tax of \$898.22 per unit, for a total purchase price of \$14,716.97, payable from Fund 02 (Public Works - Brg Engr), Agency A14 (Equipment & Shops), Object Code 662 (Pickups/Vans).

- 7.0 Three (3) 6250 GVWR, full size, extended cab, 4-wheel drive, pickup trucks with 6 1/2 ft. box, from Thane Hawkins Polar Chevrolet of White Bear Lake, MN, at their State of Minnesota Contract price of \$18,711.20 each delivered to Virginia for a total of \$56,133.60, plus 6.5% State Sales Tax of \$1,216.23 per unit, for a total purchase price of \$59,782.29, payable from Fund 15 (Forfeited Tax), Agency E21 (Land Administration), Object Code 662 (Pickups/Vans).
- 8.0 One (1) 8500 GVWR, full size, 2-wheel drive, pickup truck with 8 ft. box, from Wick Ford of Olivia, MN, at their State of Minnesota Contract price of \$14,782.00 each delivered to Virginia for a total of \$14,782.00, plus 6.5% State Sales Tax of \$960.83 per unit, for a total purchase price of \$15,742.83, payable from Fund 02 (Public Works - Ely), Agency A14 (Equipment & Shops), Object Code 662 (Pickups/Vans).
- 8.1 One (1) 8500 GVWR, full size, 2-wheel drive, pickup truck with 8 ft. box, from Wick Ford of Olivia, MN, at their State of Minnesota Contract price of \$14,739.00 each delivered to Duluth for a total of \$14,739.00, plus 6.5% State Sales Tax of \$958.04 per unit, for a total purchase price of \$15,697.04, payable from Fund 02 (Public Works - Pike Lake), Agency A14 (Equipment & Shops), Object Code 662 (Pickups/Vans).
- 8.2 Two (2) 8500 GVWR, full size, 2-wheel drive, pickup trucks with 8 ft. box, from Wick Ford of Olivia, MN, at their State of Minnesota Contract price of \$14,782.00 each delivered to Virginia for a total of \$29,564.00, plus 6.5% State Sales Tax of \$960.83 per unit, for a total purchase price of \$31,485.66, payable from Fund 02 (Public Works - Hibbing), Agency A14 (Equipment & Shops), Object Code 662 (Pickups/Vans).
- 8.3 One (1) 8500 GVWR, full size, 2-wheel drive, pickup truck with 8 ft. box, from Wick Ford of Olivia, MN, at their State of Minnesota Contract price of \$14,739.00 each delivered to Duluth for a total of \$14,739.00, plus 6.5% State Sales Tax of \$958.04 per unit, for a total purchase price of \$15,697.04, payable from Fund 02 (Public Works - Brg), Agency A14 (Equipment & Shops), Object Code 662 (Pickups/Vans).
- 9.0 One (1) 9200 GVWR, full size, crew cab, 4-wheel drive, pickup truck with 8 ft. box, from Lee Motor Company of Dawson, MN, at their State of Minnesota Contract price of \$22,498.00 each delivered to Virginia for a total of \$22,498.00, plus 6.5% State Sales Tax of \$1,462.37 per unit, for a total purchase price of \$23,960.37, payable from Fund 02 (Public Works - Linden Grove), Agency A14 (Equipment & Shops), Object Code 662 (Pickups/Vans).
- 10.0 One (1) 5000 GVWR, mid size, 4-wheel drive, sport utility vehicle, from Luther Eggebrecht of Duluth, MN, at their low specification bid price of \$18,686.00 each delivered to Virginia for a total of \$18,686.00, plus 6.5% State Sales Tax of \$1,214.59 per unit, for a total purchase price of \$19,900.59, payable from Fund 26 (Solid Waste), Agency J32 (Administration), Object Code 662 (Pickups/Vans).
- 11.0 One (1) 6500 GVWR, full size, 4-wheel drive, sport utility vehicle, from Nelson Dodge - GMC of Fergus Falls, MN, at their low specification bid price of \$23,397.00 each

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delivered to Duluth for a total of \$23,397.00, plus 6.5% State Sales Tax of \$1,520.81 per unit, for a total purchase price of \$24,917.81, payable from Fund 15 (Forfeited Tax), Agency E21 (Land Administration), Object Code 662 (Pickups/Vans).

12.0 Deleted.

13.0 One (1) 8600 GVWR, full size, 4-wheel drive, sport utility vehicle, from Mike Motors of Ely MN, at their low specification bid price of \$30,636.00 each delivered to Duluth for a total of \$30,636.00, plus 6.5% State Sales Tax of \$1,991.34 per unit, for a total purchase price of \$32,627.34, payable from Fund 01 (General), Agency 095 (Rescue Squad), Object 662 (Pickups/Vans).

14.0 One (1) 9300 GVWR, 12 passenger van (diesel), from Lee Motor Company of Dawson, MN, at their State of Minnesota Contract price of \$24,539.00 each delivered to Duluth for a total of \$24,539.00, plus 6.5% State Sales Tax of \$1,595.04 per unit, for a total purchase price of \$26,134.04, payable from Fund 01 (General), Agency 101 (Jail Prisoners), Object 662 (Pickups/Vans).

Unanimously adopted. February 24, 2004. No. 127

At 11:41 A.M. on Tuesday, February 24, 2004, upon motion of Commissioner Fay, supported by Commissioner Nelson, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Maureen Langguth, Acting County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

OFFICIAL PROCEEDINGS
OF THE
BOARD OF COUNTY COMMISSIONERS
OF ST. LOUIS COUNTY, MINNESOTA

MARCH, 2004

OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON MARCH 9, 2004

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 9th day of March, 2004, at 9:41 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

This was Commissioner Sweeney's turn to present an appropriate quotation and she offered the following from Conscience of a Liberal by the late Senator Paul Wellstone:

We should never separate the lives we live from the words we speak. To me, the most important goal is to live a life consistent with the values I hold dear and to act on what I believe in. . . . I think the future will not belong to those who are content with the present. I think the future also will not belong to those who are cynical or those who stand on the sidelines. The future will belong to those who have passion and are willing to work hard to make our country better. The future will belong to those, in Eleanor Roosevelt's words, "who believe in the beauty of their dreams".

Chair Raukar then opened the meeting to persons who wanted to address the Board concerning issues not on the agenda, but no one chose to do so.

Commissioner Nelson, supported by Commissioner Forsman, moved to award the contract for S.P. 69-616-040 (C-SAH 16 in Makinen) to Louis Leustek & Sons, Ely, MN, on their low bid of \$2,561,405. Marcus Hall, Public Works Director, said the contractor is in compliance with certain federal regulations and he recommended approval of the contract. Commissioner Nelson noted the bid was 7.89 percent below the engineer's estimate; seven yeas - zero nays. Resolution No. 135.

A request by the City of Duluth for St. Louis County to waive a thirty-day waiting period for establishment of a tax increment financing (TIF) district was then considered. The following persons addressed the issue:

Tom Cotruvo, Business Development Manager for the City of Duluth, explained that the new TIF district is a rearrangement of two existing districts and is being created to facilitate the St. Mary's Duluth Clinic (SMDC) Health System Expansion Project. The TIF will be used to construct skywalks and parking ramps. Two half-block areas may be added to the district in the future. Mr. Cotruvo explained the economic impact of the SMDC project.

Harvey Anderson, Vice-President of SMDC, said the medical facility needs to grow and he provided details of the project, which will link downtown Duluth with the hospital.

Neil Hessen, Attorney representing SMDC, said a TIF district is needed because the site, like much of the downtown area, has underlying rock which makes construction very expensive. With SMDC serving as regional medical facility, it's sensible to link the hospital with government offices and local businesses, according to Attorney Hessen.

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Ann Busche, Interim County Administrator, presented a report on TIF districts prepared by Administration. Administrator Busche emphasized that the County and affected school districts have no real say in creation of TIF districts and she compared TIF with tax abatement policies.

Richard Olson, Deputy County Auditor, in response to questions from Commissioners, clarified when TIF districts expire.

After lengthy discussion about the large economic value of the project versus the drawbacks of TIF districts, Commissioner Fink, supported by Commissioner Kron, moved to waive the thirty-day waiting period for creation of this TIF district; seven years - zero nays. Resolution No. 136.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Keith Hamre, Executive Director, Duluth Economic Development Authority, regarding the City of Duluth and the Duluth Economic Development Authority proposed Sixth Amendment to the Development Program for Development District No. 17, Tax Increment Financing Plan for Tax Increment Financing District No. 22 and Amendments to TIF Districts 2 and 4.-58209

Sewage Subcommittee submitting minutes of their meetings for the year 2004.-58210

David Dill, District 6A Representative, relative to the establishment of a State Corridor ATV Trail on the North Shore State Corridor Snowmobile Trail alignment in St. Louis and Lake County.-58211

Highway Engineer submitting award of bids for county construction projects for the year 2004.-58212

Documentation relative to the creation of Tax Increment Financing District No. 22 in conjunction with the St. Mary's Duluth Clinic (SMDC) Health System Expansion Project.-58213

State of Minnesota Income Contract for Bare-Root Seedlings between the Department of Natural Resources, Division of Forestry, and St. Louis County.-04-156

Consolidated Chemical Dependency Treatment Fund Purchase of Service Agreement, Contract No. 13560, between St. Louis County Board of Commissioners and Arrowhead Center, Inc.-04-157ss

Consolidated Chemical Dependency Treatment Fund Purchase of Service Agreement, Contract No. 13562, between the St. Louis County Board of Commissioners and Duluth Bethel Society.-04-158ss

Consolidated Chemical Dependency Treatment Fund Purchase of Service Agreement, Contract No. 13563, between the St. Louis County Board of Commissioners and Miller-Dwan Medical Center.-04-159ss

Consolidated Chemical Dependency Treatment Fund Purchase of Service Agreement, Contract No. 13565, between the St. Louis County Board of Commissioners and University Medical Center - Mesabi.-04-160ss

Consolidated Chemical Dependency Treatment Fund Purchase of Service Agreement, Contract No. 13564, between the St. Louis County Board of Commissioners and Minnesota Indian Primary Residential Treatment Center, Inc.-04-161ss

Purchase of Service Agreement, Contract No. 13545, between the St. Louis County Board of Commissioners and Fairview Healthline Medical Supply for supplies and equipment.-04-162ss

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Purchase of Service Agreement, Contract No. 13631, between the St. Louis County Board of Commissioners and Donna Tracy Adult Foster Home for SLS for adults.-04-163ss

Addendum to Purchase Agreement, Contract No. 13432B, between the St. Louis County Board of Commissioners and Matthew and Yvette Lange - Respite Care Services.-04-164ss

Grant Agreement, Contract No. 20552, between the St. Louis County Board of Commissioners and the City of Duluth for supported work services grant.-04-165ss

Addendum to Purchase Agreement, Contract No. 13526A, between the St. Louis County Board of Commissioners and Spectrum Community Health, Inc.-04-166ss

Addendum to Purchase Agreement, Contract No. 13081B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center (SILS).-04-167ss

Addendum to Parking Space Lease between Kegler's, Inc., d/b/a The Incline Station Bowling Center and the County of St. Louis.-04-168

Joint Powers Agreement between the County of St. Louis, St. Louis County School District No. 2142, Hibbing School District No. 701, Arrowhead Economic Opportunity Agency Community Action Program and Arrowhead Regional Corrections for establishing the Northern St. Louis County Family Services Collaborative.-04-169

Purchase of Services Agreement between St. Louis County and Lake Superior Community Health Center for public service.-04-170

Joint Powers Agreement between the County of St. Louis, Independent School District No. 700, Independent School District No. 704, Arrowhead Economic Opportunity Agency, Community Action Duluth, and Arrowhead Regional Corrections for establishing the Duluth Area Family Services Collaborative.-04-171

Loan Agreement between the County of St. Louis and Michael G. Cashin and Kathleen E. Cashin for a septic loan.-04-172

Loan Agreement between the County of St. Louis and Charles D. Danielson and Jennifer D. J. Danielson for a septic loan.-04-173

Snowmobile Enforcement Grant Contract between the State of Minnesota, acting through its Commissioner of Natural Resources, Division of Enforcement, and St. Louis County Sheriff's Office.-04-174

Purchase of Services between St. Louis County and Indian Legal Assistance Program for public service.-04-175

Purchase of Services Agreement between St. Louis County and Valley Youth Center for public service.-04-176

Project Contract (Contract No. 42231) between the County of St. Louis and Robinson Brothers Environmental, Inc., for asbestos abatement at the Nopeming Care Center boiler house.-04-177

Fourth Modification of Lease between The Hibbing Economic Development Authority and St. Louis County.-04-178

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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St. Louis County On-Line Software Subscriber Agreement between the County of St. Louis, through its Auditor's Office, and Cope & Peterson, Ltd.-04-179

Purchase of Services Agreement between St. Louis County and The Salvation Army for public service.-04-180

Upon motion of Commissioner Sweeney, supported by Commissioner Fink, Resolutions No. 128 through 134, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER SWEENEY:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of February 3, 2004, are hereby approved.

Adopted March 9, 2003. No. 128

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of February 17, 2004, are hereby approved.

Adopted March 9, 2003. No. 129

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of February 24, 2004, are hereby approved.

Adopted March 9, 2003. No. 130

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. 58174, are hereby approved and the County Auditor shall issue checks in the following amounts:

<u>FUND</u>		<u>TOTAL</u>
T11	MN Trail Assistance	\$ 15,802.00
T21	Beer License	20.00
T22	Cities and Towns	206,174.24
T27	Refunds	33,958.91
T49	Taconite Production Tax	4,161,349.00
T74	Employer/Employee Deductions	615,970.06
T77	Cancelled Checks	39,862.03
T80	Lake Superior - Forfeiture	2,000.00
01	General Fund	877,911.53
02	Public Works	352,744.96
04	Social Services	2,518,027.41
08A	State Aid Road	60,992.76
08O	Duluth Courthouse HVAC/Electrical	59,191.93
10B	Emergency Shelter 99/00 Funds	7,557.04
12B	CDBG Grant	8,374.03
127	Enhanced 9-1-1 Fund	8,754.66
128	Law Library	45.00
129	City/County Common Antenna Site	269.20
13	St. Louis County HRA	25.00
131	Extension Service	1,857.41
15	Forfeited Tax	35,042.33
16	Forest Resources	12,690.45
26	Solid Waste Authorities	83,060.62
49	Postage/Office Supplies	1,568.37

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49A	Plat Book Revolving	1,740.00
50	Printing	6,812.35
51	County Garage	15,376.82
52A	Property, Casualty, Liability	1,047.52
52B	Workers Compensation	44,197.46
52D	Medical/Dental Self Insurance	23.24
53	Management Information Systems	219,659.66
54	Regional Railroad Authority	32,584.20
55	Telecommunications	66,651.03
57	Retired Employees Health Insurance	243,998.39
64A	Chris Jensen Health & Rehab.	190,608.85
65	Laundry	10,892.15
66	Community Food Services	62,821.72
67	Supervised Living Facilities	5,676.53
72	Northern Counties Land Use Coordinating Board	5,170.62
73	Arrowhead Regional Corrections	252,382.12
74	Community Health Services	<u>30,186.07</u>
		\$10,293,077.67

Adopted March 9, 2003. No. 131

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated February 20, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

Adopted March 9, 2003. No. 132

RESOLVED, that the application for a Temporary On-Sale 3.2 Percent Malt Liquor License, on file in the office of the County Auditor, identified as County Board File No. 58200, is hereby approved and the County Auditor is authorized to issue the license to the applicant:

Lake 14 - Leander Club, Unorganized Township 60-19, Temporary On-Sale 3.2 Percent Malt Liquor License No. TB0411 for July 3, 2004 (rain date July 4, 2004).

Adopted March 9, 2003. No. 133

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following applications for permits authorizing the consumption and display of intoxicating liquor are hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58202:

Every Buddy's Tavern, Inc., d/b/a Every Buddy's Tavern, Inc., Cherry Township, Permit No. S052;
Vernon James Skoglund, d/b/a Silver Fox Lodge, Gnesen Township, Permit No. S0511.

Adopted March 9, 2003. No. 134

BY COMMISSIONER NELSON:

WHEREAS, bids have been received by the County Auditor for the following project: S.P. 69-616-040, C.P. 9254, MN Project No. HPP MN 32(100), located on C-SAH 16 (Townline Road) from 0.1 mile West of C-SAH 108 to C-SAH 4 in Makinen, MN. Project to consist of Grading, Aggregate Base, Bituminous Reclamation, Bituminous Surfacing and Replace Br. No. L4164.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., February 17, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder subject to proper authorization of the contract, including the Minnesota Department of Transportation EEO Office. Federal and State Aid Funds (Fund 08A, Agency 525, Org. 9254, Object 527):

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Louis Leustek & Sons	1715 E. Sheridan St. Ely, MN 55731-1928	\$2,561,405.00

Unanimously adopted. March 9, 2004. No. 135

BY COMMISSIONER FINK:

RESOLVED, that St. Louis County hereby waives the required thirty-day waiting period for establishment of a new tax increment financing (TIF) district by the City of Duluth created in conjunction with the St. Mary's Duluth Clinic (SMDC) Health System Expansion Project and legally described in Exhibit C, a copy of which is contained in County Board File No. 58213.

Unanimously adopted. March 9, 2004. No. 136

At 11:15 A.M. on Tuesday, March 9, 2004, upon motion of Commissioner Kron, supported by Commissioner Nelson, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Maureen Langguth, Acting County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON MARCH 16, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 16th day of March, 2004, at 9:35 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Commissioner Nelson read a quote from President John F. Kennedy: With a good conscience, our only sure reward with history the final judge of our deeds, let us go forth to lead the land we love asking his blessing and his help, but knowing that here on earth God's work must truly be our own".

At 9:38 A.M. a public hearing was convened pursuant to Resolution No. 116, adopted February 24, 2004, to consider the granting of an Off-Sale Intoxicating Liquor License to Porky's Restaurant & Lounge, LLC, d/b/a Porky's Restaurant & Lounge, LLC, Gnesen Township. Alan Mitchell, County Attorney, advised the Board that: all required County departments had reviewed the application and recommended approval; the Liquor Licensing Committee met with the applicant and, after discussing the propriety and location of the business, recommended approval; all required notices had been given; the Town Board of Gnesen reviewed the application and recommended it for approval; and the required insurance certificate has been submitted.

Jayne Heim-Beron, one of the owners of Porky's Restaurant & Lounge, thanked the Board for its consideration and said she did understand and intended to follow all the rules connected with the license. No one else chose to address issuance of the license.

At 9:45 A.M., Commissioner Sweeney, supported by Commissioner Fink, moved to close the public hearing; seven yeas - zero nays. Commissioner Sweeney, supported by Commissioner Fink, moved to approve granting the off-sale license to Porky's Restaurant & Lounge; seven yeas - zero nays. Resolution No. 154.

Commissioner Kron, supported by Commissioner Forsman, moved to support the Land Department's recommendation for the sale of state tax forfeited parcels to the Duluth Economic Development Authority (DEDA) for residential development for a total consideration of \$9,344.70: City of Duluth, Carlton Place Addition to Duluth, Block 11, Lots 5, 6, and 7.

Land Commissioner David Epperly recommended against the County placing any revert clauses into the sale agreement. Commissioner Sweeney asked if the three lots together would be a buildable site and whether DEDA owned the land on either side of the lots. Mr. Scott Occhino, Land Department, said yes, it is a buildable site and no, DEDA does not own the adjacent land. Commissioner Fay inquired whether the lots had ever been put up for public auction and Mr. Occhino informed her no, that they had been pulled prior to sale upon the request of the City of Duluth.

Commissioner Fink introduced a friendly amendment, seconded by Commissioner Kron, to replace the words "and is not in a TIF district" at the end of the third paragraph with "Whereas the city had indicated this is not a TIF district". After further discussion the resolution passed; six yeas - one nay, Commissioner Fay. Resolution No. 155.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Commissioner Forsman, supported by Commissioner Fink, moved to pass the reclassification and sale of tax forfeited parcels located in the City of Duluth, Gary First Division, as stated in Item No. 2. This sale is for about 9 buildable sites located within the two-block area of 95th to 97th Avenues West. Interim County Administrator Ann Busche reviewed what was involved in the proposed sale as stated in the Board letter. Commissioner Fay expressed her belief that the land should be offered in public auction rather than being sold to a governmental agency. Commissioner Kron asked whether private citizens had requested the lots be put up for sale and Mr. Occhino replied the four best lots had been requested to be put on the auction, but not the remaining five. After further discussion the motion passed; six yeas - one nay, Commissioner Fay. Resolution No. 156.

Commissioner Fink requested a change in the order of the Agenda to consider the selection of Auditor after the closed session in the afternoon.

Commissioner Fink, supported by Commissioner Nelson, moved to adopt an agreement to participate with the 2004 Joint Property Tax Study Group.

In the discussion that followed, Commissioners Forsman, Nelson and Raukar indicated they supported it at least for this year. Commissioner Fink stated that this tax study group provides accurate information on tax issues; seven yeas - zero nays. Resolution No. 157.

Commissioner Fink, supported by Commissioner Sweeney, moved to continue in closed session at 1:30 P.M. today; seven yeas - zero nays.

Commissioner Forsman, supported by Commissioner Kron, moved to suspend the rules, seven yeas - zero nays, to consider the following motion:

Motion to request of the City of Duluth to consider the feasibility of a free conveyance to St. Louis County of a 10 foot by 10 foot piece of property located on the SE corner of the City Hall property located directly under the Ten Commandments monument. St. Louis County asks the City to leave the monument in place on the property requested to be conveyed to St. Louis County.

Commissioner Forsman, supported by Commissioner Kron, moved to approve the resolution.

In the discussion that followed, Commissioner Fay put forth a friendly amendment that the motion give the monument and not the property. Commissioner Forsman did not accept the friendly amendment.

Commissioner Fink stated the Hibbing Courthouse also has a Ten Commandments monument that may come under attack soon and that St. Louis County may well defend both at once. Commissioner Kron said he wholeheartedly supports the motion.

Commissioner Nelson said it deserved defending but questioned what the potential cost would be to the taxpayer.

Commissioner Raukar moved to table the motion but it died without support. The resolution was then approved; six yeas - zero nays, with Commissioner Raukar abstaining on a conflict of conscience. Resolution No. 159.

At 10:47 A.M. in the forenoon of Tuesday, March 16, 2004, Chair Raukar moved to recess the Board until 11:30 A.M. on March 16, 2004, in the County Board Room, Courthouse, Duluth, Minnesota.

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The Board reconvened at 3:43 P.M. on March 16, 2004, and the regular order of business resumed with all members present.

Commissioner Fink, supported by Commissioner Nelson, moved the rules be suspended for the issue of hiring the County Auditor; seven yeas - zero nays.

Commissioner Forsman, supported by Commissioner Nelson suggested having an initial ballot of one vote by each Commissioner and if a super majority was reached, the Board could forgo the nominal group process. County Attorney Mitchell confirmed that Board could change the hiring process if it so desired.

The paper ballot was taken and a super majority resulted, five votes for Donald Dicklich and two votes for Maureen Langguth.

Commissioner Sweeney, supported by Commissioner Kron, moved to have Mr. Dicklich fill the unexpired term of County Auditor and, after some discussion, to have the salary start at Grade 29, Step A; five yeas - two nays, Commissioners Fink and Fay. Resolution No. 158.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Agreement for Economic Development Services between the County of St. Louis and the Seaway Port Authority.-04-181

Road Maintenance Agreement between St. Louis County and Rice Lake Township.-04-182

Road Maintenance Agreement between St. Louis County and Pequaywan Township.-04-183

Road Maintenance Agreement between St. Louis County and North Star Township.-04-184

Road Maintenance Agreement between St. Louis County and Normanna Township.-04-185

Road Maintenance Agreement between St. Louis County and Lakewood Township.-04-186

Road Maintenance Agreement between St. Louis County and Gnesen Township.-04-187

Road Maintenance Agreement between St. Louis County and Fairbanks Township.-04-188

Road Maintenance Agreement between St. Louis County and Duluth Township.-04-189

Road Maintenance Agreement between St. Louis County and Bassett Township.-04-190

Road Maintenance Agreement between St. Louis County and Ault Township.-04-191

Road Maintenance Agreement between St. Louis County and Alden Township.-04-192

Minnesota Board of Water and Soil Resources 2004 Natural Resources Block Grant Agreement.-04-193

Lease Agreement between the County of St. Louis and Manney Realty, Inc., for office space in the Graysher Shopping Center in Hibbing for the Social Service Department.-04-194

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Agreement for Services between the County of St. Louis, through its Department of Public Health, and Lake Superior Community Health Center for diagnosis and treatment of sexually transmitted diseases.—04-195

Upon motion of Commissioner Kron, supported by Commissioner Sweeney, Resolutions No. 137 through 153, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER KRON:

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:

Real Estate - Patrick Bailey, \$721.10; Steven Buresh, \$480.30; Joseph DeLoia, \$539.78; Gregory Gaskell, \$235.42; Jackie Kilby, \$354.10; Brett Larson, \$97.04; Marshall Pearlman, \$175.48; Racquel Rice, \$262.38; Lori Shelton, \$236.16; David Urshan, \$219.60; USA, \$113.78.

Personal Property - Walter Welsh, \$160.00.

Adopted March 16, 2004. No. 137

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated March 5, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

Adopted March 16, 2004. No. 138

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following applications for permits authorizing the consumption and display of intoxicating liquor are hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58202:

James Butchart, d/b/a Fall Inn Tavern, Rice Lake Township, Permit No. S053;

James Oluf Saugestad, d/b/a Melrude Pub, Ellsburg Township, Permit No. S0513;

Sportsman's Last Chance, Inc., d/b/a Sportsman's Last Chance, Inc., Portage Township, Permit No. S0512.

Adopted March 16, 2004. No. 139

WHEREAS, St. Louis County administers the Minnesota Wetland Conservation Act and has adopted the St. Louis County Water Management Plan; and

WHEREAS, the Minnesota Board of Water and Soil Resources provides funding for administration of the Wetland Conservation Act in the annual Natural Resources Block Grant; and

WHEREAS, the North and South St. Louis County Soil and Water Conservation Districts propose to assist in the administration of the Wetland Conservation Act and to implement the Water Management Plan.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners does hereby authorize the County Planning Director and a representative of the County Attorney to execute one year agreements between St. Louis County and the following entities:

South St. Louis County Soil and Water Conservation District

Wetland Conservation Act administration	\$10,000
Water Management Plan implementation	\$4,000

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North St. Louis County Soil and Water Conservation District

Wetland Conservation Act administration	\$10,000
Wetland TAC agendas and minutes	\$2,000
Water Management Plan implementation	\$4,000

RESOLVED FURTHER, disbursements pertaining to the agreements will be made from the Natural Resources Block Grant, Fund 01, Agency 021, Organization 239.
Adopted March 16, 2004. No. 140

WHEREAS, the County Board of Commissioners of the County of St. Louis, State of Minnesota, desires to offer for sale, as recommended by the Land Commissioner, certain parcels of land identified in County Board File No. 58178; and

WHEREAS, the County Auditor has determined that a non-public sale to adjacent property owners will encourage the return of the land to the tax rolls; and

WHEREAS, these parcels of land are not withdrawn from sale pursuant to Minnesota Statutes, Section 84.012, 92.461, 282.01, Subdivision 8; and 282.018, and other statutes that require the withholding of tax forfeited lands from sale; and

WHEREAS, these parcels of land have been classified as non-conservation land pursuant to Minnesota Statutes, Section 282.01; and

WHEREAS, these parcels cannot be improved because they are less than the minimum size required by the applicable zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the sale of the parcels, identified in County Board File No. 58178, and the County Auditor is hereby authorized to offer said land at a non-public sale limited to the adjacent property owners to encourage return of the land to the tax rolls.

Adopted March 16, 2004. No. 141

WHEREAS, the City of Duluth has offered to purchase the following described state tax forfeited parcels for the appraised price of \$10,500 plus fees: City of Duluth, Lincoln Park Terrace, Block 1, Lots 1 - 9; Parcel Code Numbers 10-2920-10 & 60; for public purpose; and

WHEREAS, Minnesota Statute 282.01, Subdivision 1(a), authorizes the sale of state tax forfeited land to an organized governmental subdivision; and

WHEREAS, the Land Department recommends that these parcels be reclassified as non-conservation and approved for sale.

WHEREAS, these parcels of land are not withdrawn from sale pursuant to Minnesota Statutes, Section 84.012, 92.461, 282.01, Subdivision 8; and 282.018, and other statutes that require the withholding of state tax forfeited lands from sale.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the reclassification and sale of the above described state tax forfeited parcels to the City of Duluth for the purpose of gas-line and roadway construction projects; for the appraised price of \$10,500 plus the following fees: 3 percent Assurance Fee of \$315.00, Deed Fee of \$25.00, Deed Tax of \$34.65, and Recording Fee of \$20.00; for a total of \$10,894.65.

BE IT FURTHER RESOLVED, that the request for approval of the reclassification be transmitted by the St. Louis County Land Department to the Clerk of the Municipality.

Adopted March 16, 2004. No. 142

WHEREAS, the City of Hibbing has offered to purchase the following described state tax forfeited parcels for the appraised price of \$500.00 plus fees: City of Hibbing, First Addition to Brooklyn, Lot 18, Block 22; Parcel Code Number 140-60-290; for public purpose; and

WHEREAS, Minnesota Statute 282.01, Subdivision 1(a), authorizes the sale of state tax forfeited land to an organized governmental subdivision; and

WHEREAS, said parcel of land has been classified as non-conservation land pursuant to Minnesota

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Statutes, Section 282.01; and

WHEREAS, this parcel of land is not withdrawn from sale pursuant to Minnesota Statutes, Section 84.012, 92.461, 282.01, Subdivision 8; and 282.018, and other statutes that require the withholding of tax forfeited lands from sale.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the sale of the above described tax forfeited parcel to the City of Hibbing for the purpose of demolishing a dilapidated structure and selling the lot to neighbors. The parcel will be sold for the amount of \$500.00 plus the following fees: 3 percent Assurance Fee of \$15.00, Deed Fee of \$25.00, Deed Tax of \$1.65, and Recording Fee of \$20.00; for a total of \$561.65.

Adopted March 16, 2004. No. 143

WHEREAS, Camp 5 Township has offered to purchase the following described state tax forfeited parcel for the appraised price of \$7,023.00 plus fees: That part of the SE 1/4 of the NW 1/4 of the NW 1/4 of Section 15, Township 66, Range 19, of the Fourth Principal Meridian lying north of County Road No. 180. Pelican Lake Memorial Forest; Parcel Code: 278-50-2101; for the purpose of building a Town Hall and garage; and

WHEREAS, Pelican Lake Memorial Forest is currently dedicated as Memorial Forest; and

WHEREAS, this parcel of land is not withdrawn from sale pursuant to Minnesota Statutes, Sections 84.012, 92.461, 282.01, Subdivision 8; and 282.018, and other statutes that require the withholding of state tax forfeited lands from sale; and

WHEREAS, all parcels of land becoming the property of the State of Minnesota in trust through forfeiture for nonpayment of real estate taxes shall be classified or reclassified as "conservation" or "non-conservation" as required by Minnesota Statutes, Section 282.01, Subdivision 1; and

WHEREAS, Minnesota Statute 282.01, Subd. 1(a), authorizes the sale of state tax forfeited land to an organized governmental subdivision; and

WHEREAS, the Land Department recommends that this parcel be withdrawn from Memorial Forest, reclassified as non-conservation, and approved for sale after considering, among other things, the present use of adjacent land; the productivity of the soil; the character of forest or other growth; the accessibility of lands to established roads, schools, and other public services; and the peculiar suitability or desirability of lands for particular uses.

WHEREAS, said parcel of land is located inside the boundaries of a municipality, and Minnesota Statutes, Section 282.01, provides that classification or reclassification and sale of lands situated within a municipality must be approved by the governing body of the municipality; and

WHEREAS, reclassification and sale of said parcel will be deemed approved if the County Board does not receive notice of the municipality's disapproval.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the release from Memorial Forest, reclassification to non-conservation, and sale of the above described state tax forfeited parcel to Camp 5 Township for the purpose of building a town hall and garage; for the appraised price of \$7,023.00 plus the following fees: 3 percent Assurance Fee of \$210.69, Deed Fee of \$25.00, Deed Tax of \$23.17, and Recording Fee of \$20.00; for a total of \$7,301.86.

BE IT FURTHER RESOLVED, that the St. Louis County Board of Commissioners hereby requests approval from the Commissioner of Natural Resources for the sale of the above described parcel, and that the request for approval of the reclassification be transmitted by the St. Louis County Land Department to the Clerk of the Municipality.

Adopted March 16, 2004. No. 144

WHEREAS, County-State Aid Highway No. 100 in the western portion of the City of Aurora is subject to controlled access restrictions; and

WHEREAS, the City of Aurora and Blue Cross Blue Shield of Minnesota have requested an opening in the controlled access on C-SAH 100; and

WHEREAS, the St. Louis County Public Works Department has approved the location of said

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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access for driveway construction purposes.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby grants the request for an opening in the controlled access. Said opening will be on the North side of C-SAH 100 and will be over the Westerly 100 feet of the Easterly 125.00 feet of the NW 1/4 of NW 1/4, Section 9, Township 58 North, Range 15 West, lying Northerly of C-SAH 100. Adopted March 16, 2004. No. 145

RESOLVED, that the Court Administrator, Purchasing Agent and County Board Chair are authorized to sign and execute a 2004 Purchase of Service Agreement between the County and Range Women's Advocates, in an amount not to exceed \$15,000.00.

RESOLVED FURTHER, that payment for these services is payable from the Court Administrator's budget (Fund 01, Agency 27, Org. RWAD). Adopted March 16, 2004. No. 146

WHEREAS, the City of Duluth has requested the transfer of ownership of a 3.9 acre parcel of land on the St. Louis River described as Government Lot 3, Section 10, Township 48 North, Range 15 West (Parcel Code 010-2730-01200); and

WHEREAS, this parcel is classified as wetland, is considered non-buildable, and has no access; and WHEREAS, the St. Louis County "property acquisition team" has reviewed this parcel and has no objection to transferring it for a public purpose; and

WHEREAS, the City of Duluth has agreed to pay the \$500 property transfer administration fee as required by the County.

RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the appropriate County officials to transfer a 3.9 acre parcel of County fee land legally described as Government Lot 3, Section 10, Township 48 North, Range 15 West (Parcel Code 010-2730-01200), to the City of Duluth for the public purpose of inclusion in a designated "Natural Areas Program". Adopted March 16, 2004. No. 147

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subdivision 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit applications, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization:

CC Riders Snowmobile Club to operate out of the following:

The Dawghouse Bar & Grill, Northland Township, renewal;

El Toro Lounge, Cotton Township, renewal;

Melrude Pub, Ellsburg Township, renewal.

Adopted March 16, 2004. No. 148

RESOLVED, that the St. Louis County Board of Commissioners authorizes acceptance of the 2004 Boat and Water Safety Grant in the amount of \$77,781.00 from the State of Minnesota, Department of Natural Resources, payable to Fund 01, Boat and Water Safety, 092 GRNT; and

RESOLVED FURTHER, that the necessary County officials are hereby authorized to sign the grant agreement.

Adopted March 16, 2004. No. 149

WHEREAS, the St. Louis County Planning Commission initiated a rezoning; and

WHEREAS, the Planning Commission held a public hearing on the proposed rezoning on October 9, 2003; and

WHEREAS, the St. Louis County Planning Commission voted to recommend that the St. Louis County Board of Commissioners adopt the rezoning by amending Ordinance No. 46, zoning maps, and Ordinance No. 27, Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners will hold

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a public hearing on Tuesday, April 6, 2004, at 9:35 A.M., St. Louis County Courthouse, Duluth, Minnesota, to consider rezoning multiple sections in Township 60 North, Range 18 West, and Township 60 North, Range 19 West (Unorganized).
Adopted March 16, 2004. No. 150

RESOLUTION CALLING FOR A PUBLIC HEARING
ON A CAPITAL IMPROVEMENT PLAN UNDER
MINNESOTA STATUTES, SECTION 373.40

BE IT RESOLVED, by the Board of Commissioners of St. Louis County, Minnesota (the "County"), as follows:

- Section 1. Under and pursuant to Minnesota Statutes, Section 373.40, the Board of Commissioners has authorized preparation of a Capital Improvement Plan for the years 2004 through 2009 (the "Plan").
- Section 2. The Board of Commissioners shall hold a public hearing at 9:40 A.M. on Tuesday, April 6, 2004, at the St. Louis County Courthouse, Duluth, Minnesota, to provide an opportunity for residents to express their views on the Plan.
- Section 3. The County Auditor shall publish a notice of public hearing for the Plan on a date which is not less than 14 days nor more than 28 days from the hearing in the official newspaper of the County.

Adopted March 16, 2004. No. 151

RESOLVED, that the St. Louis County Board of Commissioners hereby authorizes the appropriate County officials to begin a transition process for the Lincoln Park and Rainbow Senior Centers that will lead to the outcome of one governing body that oversees the operation and activities at both centers. Each center will have equal representation and the new governing body would either collaborate with an established community organization with a similar mission that could serve as a fiscal agent or would become a non-profit organization. Each center would design services to fit the needs of the residents in the buildings attached to the centers as well as the neighbors, evolving to become a community center instead of "senior" focused. This process should be completed by the end of September 2004. Partners in the planning will be the Arrowhead Regional Development Commission and the St. Louis County Planning Department.

Adopted March 16, 2004. No. 152

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, is hereby approved and the County Auditor is authorized to issue the license as follows;

RESOLVED FURTHER, that if named licenseholder sells their licensed business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund to the licenseholder:

Country Market, Inc., d/b/a Country Market, City of Meadowlands, Tobacco Products License No. T04195, transfer.

Adopted March 16, 2004. No. 153

BY COMMISSIONER SWEENEY:

WHEREAS, Porky's Restaurant & Lounge, LLC, d/b/a Porky's Restaurant & Lounge, LLC, Gnesen Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and WHEREAS, Minnesota Statutes, Section 340A.405, Subdivision 2(d), requires that a public hearing be held prior to the issuance of an off-sale intoxicating liquor license; and

WHEREAS, a public hearing was held on March 16, 2004, at or about 9:35 A.M. in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering the granting of the off-sale

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intoxicating liquor license; and

WHEREAS, with regard to the application for said license Porky's Restaurant & Lounge, LLC, has complied in all respects with the requirements of Minnesota Law and St. Louis County Ordinance No. 28; and

WHEREAS, the Liquor Licensing Committee of the St. Louis County Board of Commissioners has considered the nature of the business to be conducted and the propriety of the location and has recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, that Off-Sale Intoxicating Liquor License (License Number CMB0481) shall be issued to Porky's Restaurant & Lounge, LLC, d/b/a Porky's Restaurant & Lounge, LLC, Gnesen Township;

FURTHER RESOLVED, that said liquor license shall be effective through June 30, 2004;

FURTHER RESOLVED, that said license is approved contingent upon payment of real estate taxes when due;

FURTHER RESOLVED, that if named licenseholder sells the licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of license fee to the licenseholder.

Unanimously adopted. March 16, 2004. No. 154

BY COMMISSIONER KRON:

WHEREAS, the Duluth Economic Development Authority (DEDA) has offered to purchase the following described state tax forfeited parcel for the appraised price of \$9,000.00 plus fees: City of Duluth, Carlton Place Addition to Duluth Block 11, Lots 5, 6, & 7; Parcel Code Number: 10-370-890; for public purpose; and

WHEREAS, Minnesota Statute 282.01, Subdivision 1(a) authorizes the sale of state tax forfeited land to an organized governmental subdivision; and

WHEREAS, said parcel of land has been classified as non-conservation land pursuant to Minnesota Statutes Section 282.01; and

WHEREAS, said parcel of land is not withdrawn from sale pursuant to Minnesota Statutes, Sections 84.012, 92.461, 282.01, Subdivision 8; and 282.018, and other statutes that require the withholding of state tax forfeited lands from sale.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the sale of the above described state tax forfeited parcel to the Duluth Economic Development Authority for the purpose of residential development; for the appraised price of \$9,000 plus the following fees: 3 percent Assurance Fee of \$270.00, Deed Fee of \$25.00, Deed Tax of \$29.70, and Recording Fee of \$20.00, for a total of \$9,344.70.

Yeas - Commissioners Fink, Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 6

Nays - Commissioner Fay - 1

Adopted March 16, 2004. No. 155

BY COMMISSIONER FORSMAN:

WHEREAS, the Duluth Economic Development Authority has offered to purchase the following described state tax forfeited parcels for the appraised price of \$61,108 plus fees: City of Duluth, Gary First Division, Block 32, Lots 1 - 9 & 25 - 27, Block 33, Lots 23 - 30, Block 51, Lots 4 - 9 & 18 - 20; Parcel Code Numbers 10-1800-7730, 7770, 7800, 7810, 7970, 7980, 7990, 8250, 13400, 13420, 13430, 13440, 13450, 13540, 13550, 13560; for the purpose of constructing single family homes; and

WHEREAS, Minnesota Statute 282.01, Subdivision 1(a), authorizes the sale of state tax forfeited land to an organized governmental subdivision; and

WHEREAS, Parcel 10-1800-7990 must be reclassified as non-conservation and will be deemed approved if the County Board does not receive notice of the municipality's disapproval of the classification and sale of this parcel within 60 days of the date on which this resolution is delivered to the Clerk of the Municipality; and

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WHEREAS, these parcels of land are not withdrawn from sale pursuant to Minnesota Statutes, Sections 84.012, 92.461, 282.01, Subdivision 8; and 282.018, and other statutes that require the withholding of state tax forfeited lands from sale.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the reclassification and sale of the above described state tax forfeited parcels to the Duluth Economic Development Authority for the purpose of residential development for the appraised price of \$61,108 plus the following fees: 3 percent Assurance Fee of \$1833.24, Deed Fee of \$25.00, Deed Tax of \$201.65, and Recording Fee of \$300.00 for a total of \$63,467.89.

BE IT FURTHER RESOLVED, that the request for approval of the reclassification of Parcel 10-1800-7990 be transmitted by the St. Louis County Land Department to the Clerk of the Municipality in which the parcel is located.

Yeas - Commissioners Fink, Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 6

Nays - Commissioner Fay - 1

Adopted March 16, 2004. No. 156

BY COMMISSIONER FINK:

RESOLVED, that the St. Louis County Board of Commissioners hereby authorizes participation in the Joint Property Tax Study Group for 2004 and authorizes the expenditure of \$11,500 as St. Louis County's share for the Joint Property Tax Study Group for the period of January 1, 2004, through December 31, 2004, payable from Fund 01, Agency 016, Object 299.

Unanimously adopted. March 16, 2004. No. 157

BY COMMISSIONER SWEENEY:

WHEREAS, Gordon D. McFaul retired as St. Louis County Auditor effective December 31, 2003, creating a vacancy in the office of County Auditor for a term expiring the first Monday in January, 2007; and

WHEREAS, Minnesota Statutes, Section 375.08, require the County Board to fill the vacancy by appointment.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby offers the appointment to fill the vacancy in term for the office of County Auditor to Donald Dicklich, Saginaw, MN.

RESOLVED FURTHER, that compensation shall be set at Salary Grade 29, Step A, of the Management Compensation Plan.

Yeas - Commissioners Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 5

Nays - Commissioners Fink and Fay - 2

Adopted March 16, 2004. No. 158

BY COMMISSIONER FORSMAN:

RESOLVED, that the St. Louis County Board of Commissioners requests the City of Duluth to consider the feasibility of a free conveyance to St. Louis County of a 10 foot by 10 foot piece of property located on the southeast corner of the City Hall property directly beneath the Ten Commandments monument.

RESOLVED FURTHER, that St. Louis County asks the City of Duluth to leave the monument in place on the property requested to be conveyed to St. Louis County.

Yeas - Commissioners Fink, Fay, Kron, Forsman, Sweeney, and Nelson - 6

Nays - None

Abstained - Chair Raukar - 1

Adopted March 16, 2004. No. 159

At 3:57 P.M. on Tuesday, March 16, 2004, upon motion of Commissioner Forsman, supported by Commissioner Kron, the Board of County Commissioners adjourned.

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Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Maureen Langguth, Acting County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON MARCH 23, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 23rd day of March, 2004, at 9:37 A.M. in the Morse Town Hall, Ely, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 6. Absent: Commissioner Dennis Fink - 1.

Chair Raukar, taking his turn presenting appropriate quote(s) to begin each Board meeting, chose to offer the following concerning a wide variety of subjects under the title of "Ely Logic at the Edge of the Wilderness":

"The opposite of a correct statement is a false statement but the opposite of a profound truth may well be another profound truth." Neils Bohr, Danish physicist.

"Shake off all the fears of servile prejudices, under which weak minds are servilely crouched. Fix reason firmly in her seat, and call on her tribunal for every fact, every opinion. Question with boldness even the existence of a God; because, if there is one, he must more approve of the homage of reason, than that of blindfolded fear." Thomas Jefferson, on the separation of church and state.

"I believe in God. However, I call it nature." Frank Lloyd Wright

"If I had known they were going to do this, I would have become a shoemaker." Albert Einstein after the U. S. used atomic weapons on Japan.

"Peace cannot be kept by force; it can only be achieved by understanding." Albert Einstein

"I do not know of any political activity more harmful than regarding one's ally or opponent as if he were cast in a fixed mold . . . Only when we pay attention to the fact that human nature is much more the same the world over will we be able to come to reality." Martin Buber, theologian, philosopher.

"In the truest sense, freedom cannot be bestowed . . . it must be achieved and . . . the only limit to our realization of tomorrow, will be our doubts of today." Franklin Delano Roosevelt.

"It's not the voting that's democracy . . . it's the counting." Tom Stoppard, dramatist, writer.

"On account of being a democracy and run by the people, we are the only nation in the world that has to keep a government four years, no matter what it does." Will Rogers

To conclude his quotations, Chair Raukar, noting the value and extent of water resources in St. Louis County, cited poet Hilda Conkling, "The world turns softly not to spill its lakes and rivers."

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and the following chose to do so:

Marian Chase, Eveleth, asked the Board to reinstate homemaker services for fifty-four persons. Ms. Chase said it would be cost effective to keep persons in their own homes rather than force them

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to enter costly nursing facilities. Copies of the Olmstead v L. C. Supreme Court decision were distributed to Board members.

David Waisanen, Aurora, said it was vital that homemaker services are reinstated.

Doug Jussila, Virginia, said he desperately needs homemaker services to stay in his home.

Mary Annette Plesha, Virginia, urged the Board to reinstate homemaker services so she can remain in her home.

Lloyd Powell, Duluth, talked about the seniority issue in the Public Works/Teamsters contract negotiations.

Leonard Raati, Virginia, said the County has offered a poor proposal to Teamsters.

Barry LeDoux, Hermantown, said he has worked in numerous departments within the County and seniority was always respected until recently. Job assignments in Public Works should be considered by seniority and he urged the Board to reconsider their contract proposal.

Mike O'Donnell, Business Agent for Teamsters Local 320, said seniority is the lifeblood of the union and he asked the Board to reconsider their proposal. Mr. O'Donnell also noted the excellent work ethic in St. Louis County.

At 10:20 A.M. in the forenoon of Tuesday, March 23, 2004, Chair Raukar moved to recess the Board until 10:30 A.M. on March 23, 2004, in the Morse Town Hall, Ely, Minnesota.

The Board reconvened at 10:36 A.M. on March 23, 2004, and the regular order of business resumed with all members present except Commissioner Fink.

At the request of Interim County Administrator Ann Busche, Item No. 14 of the Consent Agenda (Updating the bylaws of the Makinen Volunteer Firefighters Relief Association to enable adjustment of the amount paid for benefits to retired firefighters.) was removed for separate consideration under Finance and Budget Committee. Commissioner Fay, supported by Commissioner Sweeney, moved to approve the remainder of the Consent Agenda; six yeas - zero nays.

Commissioner Sweeney, supported by Commissioner Fay, moved to approve compensation for Vicki Maher as Interim Director of Public Health and Social Services at Step C of Salary Grade 32 of the Management Compensation Plan. Interim Administrator Busche, in response to a Commissioner question, said compensation will amount to \$95,071 annually; six yeas - zero nays. Resolution No. 179.

Commissioner Kron, supported by Commissioner Sweeney, moved to table Item No. 14 from the Consent Agenda until the April 6 County Board meeting; six yeas - zero nays.

Commissioner Sweeney, supported by Commissioner Forsman, moved to establish a closed session for litigation purposes at the end of all Board business; six yeas - zero nays.

At 10:41 A.M. in the forenoon of Tuesday, March 23, 2004, Chair Raukar moved to recess the Board until 11:00 A.M. on March 23, 2004, in the Morse Town Hall, Ely, Minnesota.

The Board reconvened at 11:25 A.M. on March 23, 2004, and the regular order of business resumed

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with all members present except Commissioner Fink.

Commissioner Sweeney, supported by Commissioner Forsman, moved to approve a second consent agenda consisting of all items passed unanimously at the just-completed Committee of the Whole meeting; six yeas - zero nays.

Commissioner Nelson, supported by Commissioner Raukar, moved to approve a request from the Greyhound Bus Museum in Hibbing to have Public Works staff and equipment transport a donated bus from Sheboygan, Wisconsin, to the museum. The museum would pay traveling expenses, including gas, food and lodging for the driver. Commissioner Fay moved to table the matter to the April 6 Board meeting, but the motion failed without support. Commissioner Fay said the resolution was incomplete and she objected to giving final approval to a last-minute agenda addition: five yeas - one nay, Commissioner Fay. Resolution No. 189.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

St. Louis County Extension Committee submitting minutes and reports for the year 2004.--58214

Paper ballots of original votes for the selection of the new County Auditor.--58215

Mayor Herb W. Bergson, City of Duluth, submitting a copy of his letter to James Oberstar requesting assistance in directing Northwest Airlines to comply with their jobs guarantee at the Duluth facility.--58216

Allen Johnson and Betty J. Munger expressing their appreciation for the St. Louis County Board's vote on the City of Duluth's Ten Commandments monument and also special thanks for Mike Forsman's statement on state religion.--58217

Greyhound Bus Museum - The Greyhound Story from Hibbing to Everywhere pamphlet on hours and admission fees.--58218

Marian Chase, Eveleth, submitting information on Americans with Disabilities Act/Olmstead Decision.--58219

Commissioner Joanne Fay submitting information on "America and the Ten Commandments" written by David Barton, a leading authority on early American History and two articles from the Duluth News Tribune relative to Kids and Peace.--58220

Commissioner Steve Raukar's quotes entitled "Ely Logic at the Edge of Wilderness".--58221

Post Retirement Health Care Savings Plan for employees of the St. Louis County Health Care Basic Unit.--04-196

Upon motion of Commissioner Fay, supported by Commissioner Sweeney, Resolutions No. 160 through 178, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER FAY:

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

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Board File No. 58174, are hereby approved and the County Auditor shall issue checks in the following amounts:

<u>FUND</u>		<u>TOTAL</u>
T21	Beer License	\$ 10.00
T22	Cities and Towns	5,632.99
T27	Refunds	33,354.02
T49	Taconite Production Tax	937,805.00
T50	State of Minnesota	26,247.50
T74	Employer/Employee Deductions	122,212.20
T77	Cancelled Checks	322.90
T80	Lake Superior - Forfeiture	2,000.00
T83	Sheriff Fine Contingency	3,222.85
T85	Sheriff's State Forfeitures	585.80
01	General Fund	738,539.22
02	Public Works	616,662.08
02A	Road Maintenance - Unorg. Townships	6,059.85
04	Social Services	2,443,794.01
08	County Facilities - Capital Projects	10,171.29
08A	State Aid Road	163,891.99
08N	Hibbing Courthouse Improvements	43,727.98
10B	Emergency Shelter 99/00 Funds	2,245.79
11A	Home Grant - All Years	20,310.06
12B	CDBG Grant	60,692.24
128	Law Library	795.95
129	City/County Common Antenna Site	251.65
13	St. Louis County HRA	17,451.46
131	Extension Service	1,503.32
15	Forfeited Tax	130,174.17
16	Forest Resources	65.00
26	Solid Waste Authorities	105,158.93
49	Postage/Office Supplies	28.07
50	Printing	3,057.83
51	County Garage	35,111.98
52B	Workers Compensation	53,981.74
52D	Medical/Dental Self Insurance	967.17
53	Management Information Systems	20,531.88
54	Regional Railroad Authority	10,587.36
55	Telecommunications	24,452.68
57	Retired Employees Health Insurance	1,815.67
64A	Chris Jensen Health & Rehab.	229,974.40
65	Laundry	14,085.43
66	Community Food Services	16,202.64
67	Supervised Living Facilities	6,484.86
72	Northern Counties Land Use Coordinating Board	1,753.50
73	Arrowhead Regional Corrections	251,586.98
74	Community Health Services	<u>32,511.09</u>
		\$ 6,196,021.53

Adopted March 23, 2004. No. 160

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, is hereby approved and the County Auditor is authorized to issue the license as

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follows;

RESOLVED FURTHER, that if named licenseholder sells their licensed business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund to the licenseholder;

FURTHER RESOLVED, that said license shall be effective March 28, 2004, through December 31, 2004:

Boondocks-Forbes, LLC, d/b/a Boondocks, Clinton Township, Tobacco Products License No. T04196, transfer.

Adopted March 23, 2004. No. 161

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for an intoxicating liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58181; FURTHER RESOLVED, that said license is approved contingent upon licenseholder paying real estate or personal property taxes when due;

FURTHER RESOLVED, that if named licenseholder sells their licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of the license fees to the licenseholder;

FURTHER RESOLVED, that said license is approved contingent upon Rice Lake Township approval;

FURTHER RESOLVED, that said license shall be effective through June 30, 2004:

Tanski Liquor Corporation, d/b/a Tanski's Ridgeview Lanes, Rice Lake Township, On-Sale Intoxicating Liquor License No. CMB0482 and Sunday On-Sale Intoxicating Liquor License No. SUN0482.

Adopted March 23, 2004. No. 162

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for an intoxicating liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58181; FURTHER RESOLVED, that said license is approved contingent upon licenseholder paying real estate or personal property taxes when due;

FURTHER RESOLVED, that if named licenseholder sells their licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of the license fees to the licenseholder;

FURTHER RESOLVED, that said license shall be effective March 28, 2004, through June 30, 2004:

Boondocks-Forbes, LLC, d/b/a Boondocks, Clinton Township, On-Sale Intoxicating Liquor License No. ON0424 and Sunday On-Sale Intoxicating Liquor License No. ONS0424.

Adopted March 23, 2004. No. 163

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for a permit authorizing the consumption and display of intoxicating liquor is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58202:

Heron Bay, Inc., d/b/a Hi Banks Resort, Fredenberg Township, Permit No. S055.

Adopted March 23, 2004. No. 164

WHEREAS, the St. Louis County Land Department has been conducting a Biophysical resource

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inventory on County lands since 1991 as part of the Department's long term data collection and ecosystem monitoring program; and

WHEREAS, the Department contracted with Natural Resource Services, Limited, to develop the inventory, train field staff and inventory crews and analyze the data. For 2002/2003 the Department anticipated \$50,500 for expenditures; however, additional field visits with staff to clarify Biophysical Landscape Unit Key Descriptions have necessitated a contract increase for services; and

WHEREAS, the Department has a need to amend its contract with Natural Resource Services, Limited, to increase the amount by \$2,038 to cover the project costs.

NOW, THEREFORE, BE IT RESOLVED, the appropriate St. Louis County officials are authorized to execute an amendment to the agreement with Natural Resource Services, Limited, to increase the total amount of compensation by \$2,038, payable from Fund 16-F11.

Adopted March 23, 2004. No. 165

WHEREAS, the St. Louis County Director of Purchasing solicited bids for Mechanical Site Preparation by Disc Trenching on state tax forfeited lands for the year 2004; and

WHEREAS, Future Forests, Inc., of Askov, MN, submitted the only bid in the amount of \$68,191.00.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Director of Purchasing is hereby authorized to execute a contract with Future Forests, Inc., of Askov, MN, for the mechanical site preparation by disc trenching of 26 sites totaling 780.5 acres during the fall of 2004, in accordance with the specifications of Bid No. 4468, and subject to approval of the County Attorney, at their low specification bid price of \$68,191.00, payable from Fund 16 (Forest Resources), Agency F41 (Resource Development).

Adopted March 23, 2004. No. 166

WHEREAS, St. Louis County is committed to protecting the environment; and

WHEREAS, the St. Louis County Land Department is developing an Environmental Management System under the ISO 14001 standard to meet the objectives of the Sustainable Forestry Initiative (SFI) Program; and

WHEREAS, third party certification of ISO 14001 and the SFI standard will verify that St. Louis County is achieving the SFI objectives on state tax forfeited trust lands.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners authorizes the Director of Purchasing to enter into an agreement with Quality Management Institute (QMI), Cleveland, OH, for the purpose of SFI Certification and ISO 14001 Registration Services for the next three years, payable from Fund 16, Agency 16, Org. F11, for a total cost of \$78,400.

Adopted March 23, 2004. No. 167

WHEREAS, the County of St. Louis has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for the construction of project S.P. 69-609-34, County Bridge No. 69653, over the Tischer Creek (between Arrowhead Road and St. Marie Street) on County-State Aid Road No. 9 (Wallace Avenue); and

WHEREAS, the amount of the grant is anticipated to be \$203,285.25 by reason of the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED, that the County of St. Louis does hereby affirm that any cost of the bridge in excess of the grant will be appropriated from funds available to the County of St. Louis and that any grant monies appropriated for the bridge, but not required, based on the final estimate, shall be returned to the Minnesota State Transportation Fund.

RESOLVED FURTHER, that Federal and State Aid funds are being used to participate in the cost of the bridge, that grant monies as matching funds shall be transferred directly to the agency account, and that the records of the County of St. Louis shall so state.

Bridge: \$203,285.25 Federal Funds

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	\$203,285.25	Fund 29 (Grant)
	\$9,000.00	State Aid Funds (Fund 08A, Agency A17, Org. 8265, Obj. 527)
Total Project:	\$415,570.50	S.P. 69-609-34, C.P. 8265
Adopted March 23, 2004.	<u>No. 168</u>	

WHEREAS, the St. Louis County Public Works Department owns and no longer has need for Unit No. 4120, a 1981 International F2574 tandem semi-tractor; and
WHEREAS, the Public Works Department contacted other St. Louis County departments; and
WHEREAS, there is no need for Unit No. 4120 in other county departments; and
WHEREAS, the City of Ely requested the tandem semi-tractor be conveyed for use by their Ely Fire Department; and
WHEREAS, the unit will remain available for the County's needs as well as those of the U.S. Forest Service.
NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners authorizes the Director of Purchasing to convey Unit No. 4120, a 1981 International F2574 tandem semi tractor, S/N 1HTCF257XBHA27231 to the City of Ely at no cost.
Adopted March 23, 2004. No. 169

RESOLVED, that the Public Works Department is hereby authorized to enter into an agreement with the St. Louis and Lake Counties Regional Railroad Authority authorizing the appropriate County officials to sign the agreement for S.P. 69-090-17, County Project 3622, whereby the Railroad Authority will pay the local dollar match of twenty percent (20%) of the actual project costs, and other costs including but not limited to advertising, mailing of plans and proposals, and other construction materials testing. Funds will be received into Fund 08A, Agency 525, Org. 3622, Object 527.
Adopted March 23, 2004. No. 170

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subdivision 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit application, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization:
VFW Post 8510 Auxiliary to operate out of Bimbo's Octagon, French Township, renewal.
Adopted March 23, 2004. No. 171

WHEREAS, the St. Louis County 2004 Action Plan was submitted on November 15, 2003 to the U.S. Department of Housing and Urban Development for the FY 2004 Emergency Shelter Grant (ESG), HOME Investment Partnerships (HOME), and Community Development Block Grant (CDBG) programs; and
WHEREAS, the U.S. Department of Housing and Urban Development has approved the FY 2004 Action Plan and has allocated St. Louis County \$108,678 for the ESG program, \$819,734 for the HOME program, and \$2,931,000 for the CDBG program; and
WHEREAS, the St. Louis County Board of Commissioners approved the FY 2004 Community Development Block Grant (CDBG) program awards to 27 communities and agencies totaling \$2.6 million by Board Resolution No. 681 on November 4, 2003; and
WHEREAS, the advisory board for the Northeast Minnesota HOME Consortium has recommended HOME funding of \$594,000 for priority housing activities identified in the Consolidated Plan in the five-county region, and \$181,127 for the Housing Development Fund.
NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners accepts the 2004 HUD grants and authorizes the County Planning Director to execute the grant agreements on behalf of St. Louis County, along with all the necessary forms, attachments, addendums, and certifications to implement the program and complete the agreements between St. Louis County

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and the U.S. Department of Housing and Urban Development; and
RESOLVED FURTHER, grant funds will be allocated as follows:

\$ 108,678 ESG Grant to Fund 10
\$ 819,734 HOME Grant to Fund 11
\$ 2,931,000 CDBG Grant to Fund 12

RESOLVED FURTHER, the St. Louis County Board of Commissioners allocates 2004 projects and authorizes the Planning Director and a representative of the County Attorney to execute agreements for approved projects and that disbursements related to the CDBG subrecipient agreements be made from CDBG Fund 12 and HOME agreements from HOME Fund 11:

<u>Project No.</u>	<u>Amount</u>	<u>Project Name - CDBG Fund 12</u>
200401	65,000	AEOA Home Ownership Assistance Program
200402	550,000	AEOA Single Family Housing Rehabilitation Program
200403	75,000	Northeast Entrepreneur Microenterprise Development/Small Business Development
200405	140,000	Aurora Water Treatment Plant Improvements
200406	185,000	Biwabik Sewer/Water Improvements
200407	130,000	Buhl Sewer/Water Improvements
200408	325,000	Cook Storm Sewer Improvements
200409	56,000	Ely Recreation Improvements
200410	48,000	Embarrass Township Historic Finnish Homes Restoration
200411	150,000	Eveleth Sewer Improvements
200412	16,000	Floodwood Services and Training Facility Improvements
200413	145,000	Hibbing Sewer Improvements
200414	10,000	Meadowlands Water Tower Demolition
200415	20,000	Tower Recreation Improvements
200416	20,000	Virginia Recreation Improvements
200417	90,000	White Township Water Improvements
200418	38,000	AEOA Homeless Shelter
200419	10,000	AEOA Raising Our Children's Kids (ROCK)
200420	45,000	Legal Aid Housing Counseling, Information and Litigation Project
200421	20,000	Life House - Proctor House
200422	15,000	Project SOAR Career Development & Self-Employment Training
200423	35,000	Range Transitional Housing
200424	22,000	Range Women's Advocates Children's Program
200425	12,000	Salvation Army-Hibbing Melting Pot Meals Program
200426	15,000	Salvation Army-No. St. Louis County Money Management Program
200427	15,000	Salvation Army-Virginia Supper Club
200428	23,000	Sexual Assault Youth Outreach Services

<u>Agency - ESG Fund 10</u>	<u>Amount</u>
Arrowhead Economic Opportunity Agency	\$ 33,775
Legal Aid Service of NE Minnesota	\$ 12,250
Life House	\$ 12,900
Range Transitional Housing	\$ 26,275
Salvation Army - Duluth	\$ 1,925
Salvation Army - Hibbing	\$ 9,150
Salvation Army - Virginia	\$ 9,150

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<u>Agency - HOME Fund 11</u>	<u>Amount</u>
<u>Arrowhead Economic Opportunity Agency</u>	
Home Ownership Assistance	\$225,000
CHDO Set Aside Activities	100,000
CHDO Operating	8,000
Administration	<u>18,000</u>
	\$351,000

<u>KOOTASCA Community Action, Inc.</u>	
Home Ownership Assistance	\$150,000
CHDO Set Aside Activities	75,000
CHDO Operating	6,000
Administration	<u>12,000</u>
	\$243,000

Adopted March 23, 2004. No. 172

WHEREAS, it is the intent of the St. Louis County Board to adopt a policy for implementation of a Post Retirement Health Care Savings Plan for employees of the St. Louis County Health Care Basic Unit;

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby adopts the Post Retirement Health Care Savings Policy for members of the St. Louis County Health Care Basic Unit, a copy of which is on file in Contract File No. 04-196, effective March 23, 2004.

Adopted March 23, 2004. No. 173

WHEREAS, Braafladt, LLC, d/b/a CP Telcom, has a 9-1-1 Agreement in place with St. Louis County and the State of Minnesota; and

WHEREAS, the company is changing its name to Computer Pro, Inc., d/b/a CP Telcom and d/b/a CP Internet; and

WHEREAS, a First Amendment to said 9-1-1 Agreement has been drafted to reflect the company name change and make adjustments to the company identification code and auditing requirements; and

WHEREAS, the 9-1-1 User Boards and Communications Department recommend approval of the First Amendment to the 9-1-1 Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby authorizes the Chair of the Board and County Auditor, with approval by the County Attorney, to approve the First Amendment to the 9-1-1 Agreement with the State of Minnesota and Braafladt, LLC, d/b/a CP Telcom, to reflect the company name change to Computer Pro, Inc., d/b/a CP Telcom and d/b/a CP Internet, and make appropriate adjustments to the company identification code and auditing requirements.

Adopted March 23, 2004. No. 174

RESOLVED, that the St. Louis County Board authorizes the Sheriff's Office to apply for a 2004 Law Enforcement Terrorism Prevention Program (LETPP) Grant to the Minnesota Division of Homeland Security and Emergency Management (HSEM).

Adopted March 23, 2004. No. 175

RESOLVED, that the Sheriff is authorized to enter into an agreement with Constellation Justice Systems for the development, implementation and ongoing maintenance and support of a DAMION Jail Management/Offender Management System (JMS/OMS) with full integration to the DAMION Shield Records Management System and DAMION Attorney Case Management System and with all necessary interfaces to other local, state and federal systems as defined in their proposal. The

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cost of this development is not to exceed \$565,000 for all application and database management software (Oracle licenses) and interfaces including all necessary vendor travel and lodging expenses for the duration of the project.

FURTHER RESOLVED that the Sheriff is authorized to use the MIS 5 Year Plan to fund this expenditure at a total cost of \$595,867.20 with five annual equal repayments to the fund of \$96,373.44 beginning in 2005 and ending in 2009 for a total of \$481,867.20. Costs are to be paid out of Fund 53, Agency 560, Org. 100, Object 299, in the amount of \$114,000 and Fund 53, Agency 560, Org. 101, Object 299, in the amount of \$481,867.20. Ongoing maintenance and support costs to be paid out of Fund 53, Agency 550, Org. ADMN, Object 348.

Adopted March 23, 2004. No. 176

RESOLVED, the St. Louis County Board of Commissioners hereby reappoints the following individuals to the Arrowhead Library System Governing Board for three year terms expiring June 30, 2007:

Teresa Dawson, Duluth, MN (representing Duluth Area)

Bette Mattson, Iron, MN

Marjorie McPeak, Tower, MN

Adopted March 23, 2004. No. 177

WHEREAS, Linda Anderson, Director of Public Health and Social Services, has announced her retirement effective April 8, 2004.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby appoints Vicki Maher as Interim Director of Public Health and Social Services effective April 9, 2004, and she shall be compensated at the Salary Grade 32 of the Management Compensation Plan.

Adopted March 23, 2004. No. 178

BY COMMISSIONER SWEENEY:

WHEREAS, Resolution No. 178, dated March 23, 2004, appointed Vicki Maher as Interim Director of Public Health and Social Services effective April 9, 2004, at Salary Grade 32 of the Management Compensation Plan.

NOW, THEREFORE, BE IT RESOLVED, that Vicki Maher shall be compensated at Step C.

Unanimously adopted. March 23, 2004. No. 179

Upon motion of Commissioner Sweeney, supported by Commissioner Forsman, Resolutions No. 180 through 188, which were approved at the Committee of the Whole meeting this date, were brought forth to this meeting as a second Consent Agenda and were unanimously adopted as follows with Commissioner Fink absent:

BY COMMISSIONER SWEENEY:

RESOLVED, that the St. Louis County Board of Commissioners authorizes the Chairperson of the Board, County Auditor and Health Director to sign the agreement with Laura Bodin to provide professional nursing services to Community Alternative Care Client No. 19 for the period March 8, 2004, through December 31, 2005.

Adopted March 23, 2004. No. 180

RESOLVED, that the County Board of Commissioners authorizes the Board Chairperson, County Auditor and Health Director to accept \$266,700 for Services for Chemically Dependent Pregnant Women Grant with the Minnesota Department of Human Services beginning July 1, 2004, through June 30, 2006, payable to Fund 1, Agency 220, Org. 261J;

RESOLVED FURTHER, that the expenditure/revenue budgets are hereby amended as follows:

Salaries	\$106,000
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Fringes	19,080
Contracted Services	80,000
Travel	4,000
Supplies & Materials	10,000
Evaluation	12,620
Other	20,000
Indirect Costs	<u>15,000</u>
TOTAL	\$266,700

Adopted March 23, 2004. No. 181

RESOLVED, that the Public Works Department is hereby authorized to enter into an agreement with the St. Louis and Lake Counties Regional Railroad Authority and the appropriate County officials are hereby authorized to sign the agreement for S.P. 69-090-15, County Project 3624, whereby the Railroad Authority will pay the local dollar match of twenty percent (20%) of the actual project costs, and other costs including but not limited to advertising, mailing of plans and proposals, and construction materials testing. Funds will be receipted into Fund 08A, Agency 525, Org. 3624, Object 527.

Adopted March 23, 2004. No. 182

RESOLVED, that the appropriate County officials are authorized to execute Agreement 86202 under State Project No. 8821-48, with the State of Minnesota, Department of Transportation, and Barr Engineering Company for an environmental site assessment of T.H. 53 between T.H. 194 and C-SAH 13 (Midway Road), C-SAH 6 (Maple Grove Road) from T.H. 53 to Westberg Road, and T.H. 194 from T.H. 53 to Anderson Road in accordance with the terms and conditions set forth and contained in Agreement No. 86202. The County portion is associated with project S.P. 69-606-17, County Project No. 8275. This agreement requires that the County pay for its share of the cost estimated at \$4,765.52 (10% of \$47,655.16), payable from Fund 08A, Agency 525, Object 527.

Adopted March 23, 2004. No. 183

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subdivision 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit applications, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organizations:

Gnesen Volunteer Fire Relief to operate out of Island Pines Restaurant & Lounge, Gnesen Township, new;

Crane Lake Voyageur Snowmobile Club to operate out of Myrtle Lake Resort, Portage Township, new.

Adopted March 23, 2004. No. 184

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:

Real Estate - David Swager, \$25.36; Douglas Swanstrom, \$735.13; John Tahja, \$903.60.

Personal Property - Velvet Kaasa, \$132.76; Rolene Ritter, \$156.40.

Adopted March 23, 2004. No. 185

WHEREAS, St. Louis County has expressed a commitment to maintaining the Nutrition Education Programs (NEP) for the provision of nutrition education to eligible residents of the county; and WHEREAS, the University of Minnesota Extension Nutrition Education Programs are funded with

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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a grant from the United States Department of Agriculture (USDA) which is secured by matching cost-share contributions of state, county and local public funds; and

WHEREAS, approximately \$50,000 of USDA funding is necessary to support each Nutrition Education Assistant (the staff person who delivers the NEP) in a county, and counties in Minnesota contribute an average of \$11,500 of cost-share for each Nutrition Education Assistant serving their counties; and

WHEREAS, St. Louis County has been able to identify appropriate in-kind support to maintain the program for 2004, and there is no actual cost to the County Extension Service budget. Currently there are two NEAs working with the County Extension Program and one additional NEA is expected to be added in the Virginia office later in the year, causing the total cost-share for St. Louis County for the term of the agreement to be \$34,500;

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners approves the Memorandum of Intent between St. Louis County and the University of Minnesota Extension Service Nutrition Education Program for the USDA contract year of October 1, 2003 - September 30, 2004, and directs the Chair of the Board to sign the agreement after review and approval by the County Attorney.

Adopted March 23, 2004. No. 186

RESOLVED, that a public hearing will be held at 9:35 A.M. on April 13, 2004, in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering the granting of an Off-Sale Intoxicating Liquor License to Tanski Liquor Corporation, d/b/a Tanski's Ridgeview Lanes, Rice Lake Township.

Adopted March 23, 2004. No. 187

WHEREAS, St. Louis County is committed to providing comprehensive waste management services including land disposal to its residents; and

WHEREAS, St. Louis County continues to expand and develop its Regional Landfill in Virginia to provide land disposal services to residents of its solid waste service area and utilization of the St. Louis County Regional Landfill will require construction of Phase 4 of the landfill in 2004; and WHEREAS, the County requires the services of an engineer to provide construction management and certification services for the development of Phase 4 landfill construction; and

WHEREAS, Northeast Technical Services represents that it is qualified to provide engineering and/or architectural services as required by the Agreement and is duly registered to provide said services pursuant to Minnesota Statutes, Sections 326.02 through 326.15; and

WHEREAS, St. Louis County requested that Northeast Technical Services provide the County with a proposal for engineering services for construction management for the development of Phase 4 of the Regional Landfill; and

WHEREAS, St. Louis County has reviewed and evaluated the proposal submitted by Northeast Technical Services and found it acceptable and meeting the County's needs; and

WHEREAS, funds not to exceed \$68,565 have been appropriated for said engineering services.

NOW, THEREFORE, BE IT RESOLVED, that the appropriate County officials are authorized to enter into an agreement with Northeast Technical Services to provide landfill construction management services for the development of Phase 4 landfill construction at a cost not to exceed \$68,565, payable from Fund 26, Agency J-48 Landfill Construction.

Adopted March 23, 2004. No. 188

BY COMMISSIONER NELSON:

WHEREAS, the Greyhound Bus Museum of Hibbing, MN, has requested that St. Louis County partner with the museum to transport a 1964 GMC PD4106 bus donated to the museum by Discovery Tours of Sheboygan, WI; and

WHEREAS, the Greyhound Bus Museum recognizes Hibbing, MN, as the birthplace of the bus industry in the United States with an interactive display of 10 historic buses, and a program telling

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the story of the men, women and machines that created the Greyhound Bus Lines; and WHEREAS, the museum is a popular tourist attraction for the City of Hibbing and St. Louis County, hosting retired drivers reunions and a successful "Bus Bash" in 2003, which offered national exposure for the Hibbing area as a tourist destination; and

NOW THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners approves of the request by the Greyhound Bus Museum of Hibbing, MN, to partner with the museum in the transport of a 1964 GMC PD 4106 bus, donated by the Discovery Tours of Sheboygan, WI, by providing the free use of its "low boy" hauling equipment and a driver, subject to review by the County Attorney.

RESOLVED FURTHER, that the St. Louis County Board accepts the terms of this partnership to include the coverage of all travel expenses including gas, food, and lodging by the Greyhound Bus Museum of Hibbing, MN.

RESOLVED FURTHER, that the Public Works Department be reimbursed for all expenditures associated with the transportation of the bus, payable from Fund 125, Economic Development Fund.

Yeas - Commissioners Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 5

Nays - Commissioner Fay - 1

Absent - Commissioner Fink - 1

Adopted March 23, 2004. No. 189

At 11:30 A.M. on Tuesday, March 23, 2004, upon motion of Commissioner Kron, supported by Commissioner Forsman, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Maureen Langguth, Acting County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

OFFICIAL PROCEEDINGS
OF THE
BOARD OF COUNTY COMMISSIONERS
OF ST. LOUIS COUNTY, MINNESOTA

APRIL, 2004

OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON APRIL 6, 2004

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 6th day of April, 2004, at 9:35 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Chair Raukar opened the meeting by recognizing Ann Busche, Chief Deputy County Administrator, and her staff for their excellent work during her term as Interim County Administrator. Chair Raukar then introduced new County Administrator Dana Frey. Administrator Frey listed myriad challenges facing County government and said local governments are "laboratories" for innovation.

Chair Raukar said there will be a press conference at 1:30 P.M. in the County Board Room to conduct a Blue Ribbon Pinning Ceremony by the St. Louis County Council to Prevent Child Abuse.

Commissioner Sweeney, Chair of Health and Social Services Committee, presented a plaque proclaiming April 5-11 as National Public Health Week to Linda Anderson, Director of Health and Social Services, and Guy Peterson, Health Department. Mr. Peterson thanked the Board for their support, adding that when the Health Department is not noticed it usually means they are doing their job.

As part of an Association of Minnesota Counties (AMC) County Public Information Program on Public Safety and Corrections, the following made presentations to the Board:

Sheriff Ross Litman detailed some of the costs to St. Louis County associated with recent legislation such as conceal/carry handgun permits and housing of short-term prisoners at local jails. New "get tough on crime" initiatives, such as the .08 blood alcohol limit, will have significant future financial impacts on the County.

Tom Roy, Director of Arrowhead Regional Corrections, said sex offenders have dominated the news lately and costs for lengthier prison terms and lifetime supervision/monitoring will be considerable. Hopefully, some funding will be restored this year so preventive programs can be reinstated, according to Director Roy.

At 10:17 A.M. in the forenoon of Tuesday, April 6, 2004, Chair Raukar moved to recess the Board until 10:25 A.M. on April 6, 2004, in the County Board Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 10:29 A.M. on April 6, 2004, and the regular order of business resumed with all members present.

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Commissioner Fink cited examples of prominent persons who neglected to maintain balance in their lives and subsequently descended from enormous success to final, abject failure. He then offered the following quote from Albert Einstein concerning a proper balance between people and government:

“In a healthy nation there is a kind of dramatic balance between the will of the people and the government, which prevents its degeneration into tyranny.”

Commissioner Nelson noted that Arrowhead Transit recently celebrated 30 years of service in Northeastern Minnesota. Commissioner Nelson also announced that St. Louis County Purchasing would be conducting seminars in Virginia and Hibbing on April 19 to familiarize businesses with County purchasing procedures.

At 10:35 A.M., a public hearing was convened pursuant to County Board Resolution No. 150, adopted March 16, 2004, to consider a request to amend Ordinance No. 46 (Zoning Map) and Ordinance No. 27 (Land Use Plan) to rezone multiple sections in Unorganized Townships 60-18 and 60-19. Barbara Hayden, Planning Director, described the rezoning and said the Planning Commission unanimously approved the request. No one else chose to address the issue.

At 10:40 A.M., Commissioner Fink, supported by Commissioner Fay, moved to close the public hearing; seven yeas - zero nays.

Commissioner Forsman, supported by Commissioner Kron, moved to approve amending Ordinance No. 27; seven yeas - zero nays. Resolution No. 197.

Commissioner Fay, supported by Commissioner Sweeney, moved to approve amending Ordinance No. 46; seven yeas - zero nays. Resolution No. 198.

At 10:44 A.M., a public hearing was convened pursuant to County Board Resolution No. 151, adopted March 16, 2004, to allow the public an opportunity to express their views on the proposed 2004-2009 Capital Improvement Plan (CIP). The following persons addressed the issue:

Ann Busche, Chief Deputy Administrator, summarized projects listed in the CIP and described the process for submission of the plan to the State of Minnesota for approval. Deputy Administrator Busche emphasized that adoption of a CIP does not constitute approval of individual projects.

Jim Hofsommer, Colvin, commented on the following subjects:

1. Construction problems with C-SAH 4 have cost Colvin Township \$1250 because other township roads are being used as detours. Mr. Hofsommer was referred to Public Works to determine if a reimbursement was possible.
2. Is the Hibbing Annex project contained in the CIP affordable at this time?
3. Copies of the CIP should be available at no charge. He asked the Board to table a final decision to allow more time to study the CIP.
4. There are rumors and/or indications that a County presence in Virginia is being phased out.

No one else chose to address the matter.

At 11:14 A.M., Commissioner Kron, supported by Commissioner Sweeney, moved to close the public hearing; seven yeas - zero nays. Commissioner Sweeney, supported by Commissioner Fink, moved to approve the CIP for 2004-2009; seven yeas - zero nays. Resolution No. 199.

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Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and the following chose to do so:

Susan Roper, Duluth, asked the County to pursue all avenues to keep the Ten Commandments monument at its current location on the City Hall grounds. Ms. Roper said there is widespread community support to retain the monument.

Rosemary Mitchell, Duluth, said actions of the Minnesota Civil Liberties Union discriminate against Christians. The Ten Commandments are the foundation of our legal system, according to Ms. Mitchell.

Jim Hofsommer, Colvin, thanked the Board for their previous stand supporting the retention of the Ten Commandments monument.

Commissioner Fink, supported by Commissioner Sweeney, moved to remove from the agenda a proposed resolution approving an update of the Makinen Volunteer Firefighters' Relief Association by-laws. Gary Eckenberg, Deputy County Administrator, asked for removal of the matter from the agenda to allow time for Administration to obtain financial records from the association. Commissioner Nelson noted that adjustments/updates such as this have been approved on numerous occasions and there was no reason to delay approval. Alan Mitchell, County Attorney, said statutes require the Board to verify the financial status of the fire association prior to approving a bylaw change and he advised the Board to remove or table the matter. After further discussion, Commissioner Nelson offered a friendly amendment - accepted by the makers - to table the matter to the April 27 Board meeting; seven yeas - zero nays.

Commissioner Fink, supported by Commissioner Fay, moved to suspend the rules to consider approval of a County Administrator contract for Dana Frey; seven yeas - zero nays. Commissioner Fink, supported by Commissioner Nelson, moved to approve the contract; seven yeas - zero nays. Resolution No. 200.

Commissioner Sweeney, supported by Commissioner Kron, moved to approve a settlement of litigation in the matter of Robert B. Patterson, as guardian ad litem on behalf of Synnave A. Patterson, versus St. Louis County and Chris Jensen Health and Rehabilitation Center. County Attorney Mitchell explained that the settlement resolution was revised to reflect a change in the distribution of settlement funds; seven yeas - zero nays. Resolution No. 201.

Commissioner Fink, supported by Commissioner Sweeney, moved to approve a settlement of litigation in the matter of Laurel A. Lamb versus St. Louis County; seven yeas - zero nays. Resolution No. 202.

Commissioner Fink, supported by Commissioner Sweeney, moved to establish a closed session for discussion pertaining to employee benefits litigation; seven yeas - zero nays.

Commissioner Fink, supported by Commissioner Nelson, moved to establish a closed session for labor negotiations for 2:00 P.M.; seven yeas - zero nays.

**Amendment to Ordinance No. 46 - Zoning Ordinance to include
revised zoning maps for Township 60 North,**

Range 18 West, and Township 60 North, Range 19 West (Unorganized)

It is hereby ordained that Ordinance No. 46 - St. Louis County Zoning Ordinance is hereby amended by rezoning multiple sections in Township 60 North, Range 18 West, and Township 60 North, Range 19 West, from Forest Agricultural Management, FAM-3, to Multiple Use Non-

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Shoreland, MUNS-4.

An official copy of Ordinance No. 46, as amended, is on file in the office of the County Auditor.

**Amendment to Ordinance No. 27 - Comprehensive Land
Use Plan, Section 7 - West Range Plan to
Allow Rezoning for Township 60 North, Range 18 West,
and Township 60 North, Range 19 West (Unorganized)**

It is hereby ordained that Ordinance No. 27 - Comprehensive Land Use Plan, Section 7 - West Range Plan be amended to reclassify Township 60 North, Range 18 West, and Township 60 North, Range 19 West (Unorganized), from Concept 3, Forestry, to Concept 6, Rural Residential.

An official copy of Ordinance No. 27, as amended, is on file in the office of the County Auditor.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Letters relative to the issue of the Ten Commandments monument located on the Duluth City Hall property.--[58222](#)

Civil Service Director submitting Personnel Transactions for the year 2004.--[58223](#)

Liquor Licensing Committee submitting minutes for the year 2004.--[58224](#)

2004 - 2009 Capital Improvement Plan for St. Louis County.--[58225-D](#)

Barry D. Lesar, Inspector of Mines, submitting the Annual Report of the Inspector of Mines for 2003.--[58226-D](#)

Association of Minnesota Counties regarding "Focus on Public Safety & Corrections in Minnesota"--[58227](#)

Dana Frey, County Administrator, and Barbara Hayden, Planning Director, submitting Board Letter No. 04-133 regarding amending county zoning map, Ordinance No. 46, to include revised zoning maps for Township 60 North, Range 18 West, and Township 60 North, Range 19 West (Unorganized).--[58228](#)

Dana Frey, County Administrator, and Barbara Hayden, Planning Director, submitting Board Letter No. 04-132 regarding amending Ordinance No. 27 (Land Use Plan) to allow rezoning for Township 60 North, Range 18 West, and Township 60 North, Range 19 West (Unorganized).--[58229](#)

County Administrator Employment Agreement between the County of St. Louis and Dana W. Frey.--[04-197](#)

Purchase of Service Agreement between the County of St. Louis, through its Court Administration Department, and The Arrowhead Center for chemical use assessments.--[04-198](#)

Annual County Boat and Water Safety Grant Agreement between the State of Minnesota, through its Commissioner of Natural Resources, Bureau of Information, Education, and Licensing, and the St. Louis County Sheriff's Department.--[04-199](#)

Access/Use License Agreement between St. Louis County, through its Solid Waste Department, Keith Pelto Logging, Inc., easement to cross Hudson Transfer Road.--[04-200](#)

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Amendment to Service Agreement for Collection and Proper Disposal/Recycling of Lead Acid Batteries between St. Louis County and Interstate Battery.-04-201

Purchase of Services Agreement between St. Louis County and Life House for public service.-04-202

Purchase of Service Agreement, Contract No. 13632, between the St. Louis County Board of Commissioners and Occupational Development Center, Inc. (ODC), for extended employment services.-04-203ss

Purchase of Service Agreement, Contract No. 13633, between the St. Louis County Board of Commissioners and Goodwill Industries Vocational Enterprises, Inc., for extended employment services.-04-204ss

Purchase of Service Agreement, Contract No. 13650, between the St. Louis County Board of Commissioners and Trillium Services, Inc. - Jackson Estates (MA MR/RC Waivered Services) for SLS for adults.-04-205ss

Addendum - Contract No. 13548A between the St. Louis County Board of Commissioners and the City of Duluth for Food Support Employment and Training Services.-04-206ss

Addendum to Purchase Agreement, Contract No. 13430B, between the St. Louis County Board of Commissioners and Range Respite for respite care services.-04-207ss

Purchase of Service Agreement, Contract No. 13651, between the St. Louis County Board of Commissioners and Cole Schneider - Possibilities Plus for SLS for adults.-04-208ss

Purchase of Service Agreement, Contract No. 13659, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Fairview (MA MR/RC Waivered Services) for SLS for adults.-04-209ss

Purchase of Service Agreement, Contract No. 13647, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Bishop Woods for SLS for children.-04-210ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and RSI - Harvey.-04-211ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Mike and Heidi Cooney.-04-212ss

Addendum to Purchase Agreement, Contract No. 13564A, between the St. Louis County Board of Commissioners and Minnesota Indian Primary Residential Treatment Center, Inc., for chemical dependency treatment services.-04-213ss

Purchase of Service Agreement, Contract No. 13635, between the St. Louis County Board of Commissioners and Range Mental Health Center for detoxification services.-04-214ss

Purchase of Service Agreement, Contract No. 13642, between the St. Louis County Board of Commissioners and Lutheran Social Services of Minnesota (Bethany Range Shelter) for supervised visitation services.-04-215ss

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Purchase of Service Agreement, Contract No. 13643, between the St. Louis County Board of Commissioners and Young Women's Christian Association for supervised visitation services.-04-216ss

Purchase of Service Agreement, Contract No. 13637, between the St. Louis County Board of Commissioners and Northwood Children's Services for child residential services.-04-217ss

Purchase of Service Agreement, Contract No. 13641, between the St. Louis County Board of Commissioners and Fond du Lac Foster Care Licensing and Placement Agency.-04-218ss

Purchase of Service Agreement, Contract No. 13645, between the St. Louis County Board of Commissioners and Lutheran Social Service of Minnesota (Bethany Range Youth Shelter) for children's residential services.-04-219ss

Purchase of Service Agreement, Contract No. 13646, between the St. Louis County Board of Commissioners and Lutheran Social Service of Minnesota (Bethany Foster Care Program).-04-220ss

Purchase of Service Agreement, Contract No. 13644, between the St. Louis County Board of Commissioners and Lutheran Social Service of Minnesota (Bethany Crisis Shelter).-04-221ss

Purchase of Service Agreement, Contract No. 13655, between the St. Louis County Board of Commissioners and Lifeway Services, LLC, for child foster care services.-04-222ss

Addendum to Purchase Agreement, Contract No. 13516A, between the St. Louis County Board of Commissioners and the Duluth Regional Care Center for CADI services.-04-223ss

Addendum to Purchase Agreement, Contract No. 13153B, between the St. Louis County Board of Commissioners and Solstice Corporation, d/b/a Golden Oaks, for assisted living plus services.-04-224ss

Addendum to Purchase Agreement, Contract No. 13528A, between the St. Louis County Board of Commissioners and TLC Home Care for home care services.-04-225ss

Addendum to Purchase Agreement, Contract No. 13130A, between the St. Louis County Board of Commissioners and Premier Snow Removal.-04-226ss

Addendum to Purchase Agreement, Contract No. 13111J, between the St. Louis County Board of Commissioners and TBI Residential and Community Services, Inc., for adult foster care services.-04-227ss

Addendum to Purchase Agreement, Contract No. 13408A, between the St. Louis County Board of Commissioners and the Arrowhead Economic Opportunity Agency for home delivered meals services.-04-228ss

Purchase of Service Agreement, Contract No. 13552, between the St. Louis County Board of Commissioners and the Arrowhead Economic Opportunity Agency for food support employment and training services.-04-229ss

Addendum to Purchase Agreement, Contract No. 13522A, between the St. Louis County Board of Commissioners and Healthline Homecare for home care services.-04-230ss

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Addendum to Purchase Agreement, Contract No. 13172E, between the St. Louis County Board of Commissioners and Community Connection of Minnesota, Inc., for adult foster care services.-04-231ss

Addendum to Purchase Agreement, Contract No. 13519A, between the St. Louis County Board of Commissioners and Interim Health Care of Lake Superior, Inc., for home care services.-04-232ss

Homes Plus Agreement between the St. Louis County Board of Commissioners and Mike and Heidi Cooney for adult foster care/respite care.-04-233ss

Addendum to Purchase Agreement, Contract No. 13462A, between the St. Louis County Board of Commissioners and Lifeway Services, LLC, for SLS for children.-04-234ss

Addendum to Purchase Agreement, Contract No. 13327B, between the St. Louis County Board of Commissioners and Nora Austin Adult Foster Home for SLS for adults.-04-235ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Community Connections - Arlington House.-04-236ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Interim Health Care Vent Care Residence.-04-237ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Community Connections - Arlington House.-04-238ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Trillium Services, Inc. (Jackson Estates).-04-239ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Colonial Home II.-04-240ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. (Fairview).-04-241ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and TLC of Duluth - Gearhart.-04-242ss

Purchase of Service Agreement, Contract No. 13568, between the St. Louis County Board of Commissioners and the City of Duluth (Senior Dining Program) for home delivered meals.-04-243ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Westview Arrowhead.-04-244ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Westview Grand.-04-245ss

Software Support and Maintenance Agreement between St. Louis County, through its Emergency Communications Department, and Tiburon, Inc.-04-246

Customized Training Income Contract between St. Louis County and Lake Superior College for an *Effective Business Writing II* session.-04-247

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Agreement for Professional Nursing Services between St. Louis County, through its Health Department, and Laura Bodin for Community Alternative Care Client No. 19.-04-248

Agreement between the County of Lake and the County of St. Louis for resurfacing C-SAH 9/C-SAH 42 (West Knife River Road).-04-249

Employee Safety & Development Training Contract between St. Louis County and Denise Moreland for *Strategic Leadership* session.-04-250

Employee Safety & Development Training Contract between St. Louis County and Thea Sheldon for *Coaching for Peak Performance* session.-04-251

Employee Safety & Development Training Contract between St. Louis County and Northeast Service Cooperative for *Introduction to Palm Handheld Computers and Advanced Palm Handheld Computers* session.-04-252

Employee Safety & Development Training Contract between St. Louis County and Pat Miller for *Team Skills* session.-04-253

Employee Safety & Development Training Contract between St. Louis County and Ramona Scarpace for *Strategic Leadership* session.-04-254

Employee Safety & Development Training Contract between St. Louis County and Amy Marline for *Developing a Personalized Exercise Program: Energize Your Life - Fitness Frenzy at Home* session.-04-255

Employee Safety & Development Training Contract between St. Louis County and Susan Mattis Turnham for *Introduction to WordPerfect* session.-04-256

Employee Safety & Development Training Contract between St. Louis County and Susan Mattis Turnham for *Introduction to Excel; WordPerfect to Word: Making the Transition; Excel Intermediate; and GroupWise Intermediate* session.-04-257

Employee Safety & Development Training Contract between St. Louis County and Northeast Service Cooperative for *Introduction to MS Access 2002; Intermediate MS Access 2002 - Part 1 Queries; Intermediate MS Access 2002 - Part 2 Reports; Introduction to MS PowerPoint 2002; and Intermediate MS PowerPoint 2002* session.-04-258

Customized Training Income Contract between St. Louis County and Lake Superior College for an *Effective Business Writing I* session.-04-259

Project Contract No. 44091 between the County of St. Louis and Louis Leustek & Sons for construction of St. Louis County Regional Landfill Phase 4.-04-260

Upon motion of Commissioner Sweeney, supported by Commissioner Fay, Resolutions No. 190 through 196, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER SWEENEY:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of March 9, 2004, are hereby approved.

Adopted April 6, 2004. No. 190

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of March 16, 2004, are hereby approved.
Adopted April 6, 2004. No. 191

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of March 23, 2004, are hereby approved.
Adopted April 6, 2004. No. 192

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. 58174, are hereby approved and the County Auditor shall issue checks in the following amounts:

<u>FUND</u>		<u>TOTAL</u>
T11	Minnesota Trail Assistance	\$ 11,785.56
T21	Beer License	10.00
T27	Refunds	18,318.45
T50	State of Minnesota	238,368.45
T66	Criminal Fines	180,578.95
T74	Employer/Employee Deductions	37,205.14
T77	Cancelled Checks	762.22
T80	Lake Superior - Forfeiture	2,734.63
T83	Sheriff Fine Contingency	1,705.73
T85	Sheriff's State Forfeitures	75.00
T87	Assault Fees	2,497.55
01	General Fund	709,118.33
02	Public Works	412,525.64
03C	State Erosion Loan MPCA	16,500.00
04	Social Services	2,872,751.65
08	County Facilities - Capital Projects	24,977.45
08A	State Aid Road	49,032.48
10B	Emergency Shelter 99/00 Funds	4,799.14
11A	Home Grant - All Years	22,236.78
12B	CDBG Grant	1,292.69
127	Enhanced 9-1-1 Fund	12,088.63
128	Law Library	5,142.49
13	St. Louis County HRA	25.00
131	Extension Service	14,094.63
15	Forfeited Tax	27,003.28
26	Solid Waste Authorities	77,993.13
37L	Hibbing Public Works Facility Debt	68,966.15
49	Postage/Office Supplies	29,896.29
50	Printing	21,562.02
51	County Garage	12,504.08
52B	Workers Compensation	123,470.38
52D	Medical/Dental Self Insurance	860.61
53	Management Information Systems	59,712.89
54	Regional Railroad Authority	37,340.44
55	Telecommunications	26,085.99
57	Retired Employees Health Insurance	232,223.40
64A	Chris Jensen Health & Rehab.	227,984.93
65	Laundry	22,508.83

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ST. LOUIS COUNTY, MINNESOTA**

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66	Community Food Services	11,501.69
67	Supervised Living Facilities	4,650.37
72	Northern Counties Land Use Coordinating Board	65.00
73	Arrowhead Regional Corrections	257,662.89
74	Community Health Services	<u>4,147.23</u>
		\$5,884,766.19

Adopted April 6, 2004. No. 193

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated March 19, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

Adopted April 6, 2004. No. 194

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, is hereby approved and the County Auditor is authorized to issue the license as follows;

RESOLVED FURTHER, that if named licenseholder sells their licensed business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund to the licenseholder:

Susan M. Piontek-Kopic, d/b/a Piontek's Minnows & Munchies, Fine Lakes Township, Tobacco Products License No. T04167.

Adopted April 6, 2004. No. 195

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, is hereby approved and the County Auditor is authorized to issue the license as follows;

RESOLVED FURTHER, that if named licenseholder sells their licensed business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund to the licenseholder;

The following licenseholder was issued a tobacco violation citation on the date as stated:

Pauline Hill, d/b/a Pauline's Baits & Boats, Bassett Township, Tobacco Products License No. T04102, December 29, 2003.

Adopted April 6, 2004. No. 196

BY COMMISSIONER FORSMAN:

WHEREAS, the St. Louis County Planning Commission initiated a rezoning; and

WHEREAS, the Planning Commission held a public hearing on the proposed rezoning on October 9, 2003; and

WHEREAS, the St. Louis County Planning Commission voted to recommend that the St. Louis County Board of Commissioners adopt the rezoning by amending Ordinance 46, zoning maps; and

WHEREAS, the St. Louis County Board conducted a public hearing on April 6, 2004; and

WHEREAS, the St. Louis County Board has considered the recommendation of the Planning Commission, the recommendations of staff, and all of the testimony, written and verbal, as presented.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners affirms the Planning Commission recommendation and revises the zoning maps for Township 60 North, Range 18 West and Township 60 North, Range 19 West (unorganized).

BE IT FURTHER RESOLVED, that the effective date of this amendment is May 7, 2004.

Unanimously adopted. April 6, 2004. No. 197

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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BY COMMISSIONER FAY:

WHEREAS, the St. Louis County Planning Commission initiated a rezoning; and
WHEREAS, the Planning Commission held a public hearing on the proposed rezoning on October 9, 2003; and

WHEREAS, the St. Louis County Planning Commission voted to recommend that the St. Louis County Board of Commissioners amend the comprehensive land use plan, Ordinance 27, to reclassify the land indicated from Concept 3, Forestry, to Concept 6, Rural Residential; and
WHEREAS, the St. Louis County Board conducted a public hearing on April 6, 2004; and
WHEREAS, the St. Louis County Board has considered the recommendation of the Planning Commission, the recommendations of staff, and all of the testimony, written and verbal, as presented.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners affirms the Planning Commission recommendation and amends Ordinance 27, Section 7, West Range Plan, to reclassify the land indicated from Concept 3, Forestry, to Concept 6, Rural Residential.

BE IT FURTHER RESOLVED, that the effective date of this amendment is May 7, 2004.

Unanimously adopted. April 6, 2004. No. 198

BY COMMISSIONER SWEENEY:

WHEREAS, the Board of County Commissioners (the "Board") of St. Louis County, Minnesota (the "County"), pursuant to Minnesota Statutes, Section 373.40 (the "Act"), previously approved a Capital Improvement Plan (the "Plan"); and

WHEREAS, the Board has proposed an amendment to the Plan; and

WHEREAS, a public hearing, as required by the Act, was held on the proposed amendment to the Plan on April 6, 2004.

NOW, THEREFORE, BE IT RESOLVED, by the Board that:

1. The Capital Improvement Plan, as amended, presented to the Board of County Commissioners, and on file as County Board Document File No. 58225, is hereby approved.
2. The County Administrator is hereby directed to cause the Capital Improvement Plan to be submitted to the Community Development Division of the Department of Trade and Economic Development for approval.

Unanimously adopted. April 6, 2004. No. 199

Upon motion of Commissioner Fink, supported by Commissioner Fay, the rules were suspended to adopt Resolution No. 200 which was not on the agenda.

BY COMMISSIONER FINK:

WHEREAS, the County has established the position of County Administrator, but currently has a vacant position it desires to fill; and

WHEREAS, Dana Frey has exhibited the necessary requirements to assume the position and has indicated a willingness to accept the position pursuant to the terms and conditions as set forth in the County Administrator Employment Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the necessary County officials to execute the County Administrator Employment Agreement as contained in Contract File No. 04-197.

Unanimously adopted. April 6, 2004. No. 200

BY COMMISSIONER SWEENEY:

WHEREAS, there is presently pending a claim for personal injury against St. Louis County and Chris Jensen Health and Rehabilitation Facility made by Robert B. Patterson as guardian ad litem on behalf of Synnave A. Patterson; and

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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WHEREAS, Synnave A. Patterson suffered injuries as the result of an accident occurring at the Chris Jensen Health and Rehabilitation Facility on October 29, 2003; and

WHEREAS, after investigation of the facts relevant to this matter the St. Louis County Attorney has recommended that the matter be settled as to any and all claims against St. Louis County and its Chris Jensen Health and Rehabilitation Facility on the terms set forth hereunder hereinafter; and WHEREAS, St. Louis County makes no admission of liability.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the matter be settled upon the following terms:

1. That the sum of Eighty Thousand Dollars (\$80,000.00) is authorized to claimant in full and final settlement of any and all claims whatsoever which exist as of the date of the settlement.
2. That the sum of Six Thousand Seven Hundred Ninety-Seven and 76/100ths Dollars (\$6,797.76) is authorized to Medicare for their subrogation/lien interests in the matter.
3. That the sum of Nine Hundred Two and 84/100ths Dollars (\$902.84) is authorized to Medica Insurance for their subrogation/lien interests in the matter.
4. That total payment of Sixty-Three Thousand Seven Hundred Dollars and 60/100ths Dollars (\$63,700.60) be made to the firm of Sieben, Grose, Von Holtum and Carey, Ltd., and Twenty-Four Thousand Dollars (\$24,000.00) to Jamestown Life Insurance Co., as a structured settlement annuity issued through First Colony Life Insurance Co. for distribution pursuant to the settlement agreement and release approved by the St. Louis County Attorney and the District Court.
5. That upon receipt of the necessary release of all claims of this matter said payment to be from the Self-Insurance Fund, Fund 52, Agency P11.

Unanimously adopted. April 6, 2004. No. 201

BY COMMISSIONER FINK:

WHEREAS, Laurel Lamb was previously employed by St. Louis County; and

WHEREAS, Lamb has sued the County, making claims for lost wages, attorneys fees, and emotional distress arising out of the allegedly wrongful termination of her employment and an alleged violation of the Americans with Disabilities Act by the County; and

WHEREAS, the County has a claim against Lamb for the reimbursement of \$12,008.10 in benefits paid to Lamb; and

WHEREAS, both parties dispute any liability for the claims against them; and

WHEREAS, it is the best of interest of both parties to fully resolve any and all disputes without resort to further legal proceedings.

NOW, THEREFORE, BE IT RESOLVED, in order to fully settle the case identified as *Laurel A. Lamb v. St. Louis County*, St. Louis County District Court File No. C6-02-602645, the appropriate County officials are hereby authorized to sign the Settlement Agreement and Mutual Release as approved by the County Attorney.

BE IT FURTHER RESOLVED, upon receipt of a release duly executed by Laurel Lamb and approved by the County Attorney, the St. Louis County Auditor is hereby authorized to make the following payment totaling Twenty Three Thousand One Hundred Fifty Two and No/100th Dollars (\$23,152.00) directly to, or on behalf of, Laurel Lamb, from Fund 52A, Agency P11.

- a. Check payable to Laurel Lamb \$14,000.00
- b. Check payable to the law firm of
Knudson, Gee & Torvinen, S.C.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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in payment of attorneys fees of \$7,000.00 and costs of \$1,582.00	8,582.00
c. Check payable to the law firm of Reyelts Leighton Bateman Hylden & Sturdevant, Ltd., in payment of \$1,140.00 mediation costs; payment of Lamb's portion	<u>570.00</u>
Total	\$23,152.00

Unanimously adopted. April 6, 2004. No. 202

At 12:10 P.M. on Tuesday, April 6, 2004, upon motion of Commissioner Kron, supported by Commissioner Nelson, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Maureen Langguth, Acting County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON APRIL 13, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 13th day of April, 2004, at 9:39 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Chair Raukar began the meeting by reading a proclamation recognizing April 11-17 as National Public Safety Telecommunicators Week. Paul Kent, Communications Director, said the ten-year recognition program has been expanded over the years to honor everyone involved in 9-1-1 Communications.

Chair Raukar read a second proclamation recognizing the week of April 18-24 as National County Government Week. The designated week is an attempt to acknowledge all the services provided to citizens by county government.

Commissioner Fay, taking her turn presenting a suitable quote, offered the following short poem that her mother often recited to her entitled God's Minute (author unknown):

“God’s Minute. I have only just a minute; Only sixty seconds in it; Forced upon me, can’t refuse it; Didn’t seek it, didn’t choose it; But it’s up to me to use it; I must suffer if I lose it; Give account if I abuse it; Just a tiny little minute - But Eternity is in it.”

Commissioner Fay tied the poem in with April’s designation as Organ Donor Awareness Month. Commissioner Fay related how her husband, a heart transplant recipient, is alive and well today because someone took a minute to sign up as an organ donor. Tom Klenz, Duluth, appeared before the Board and said he had a liver transplant sixteen years ago and is doing well. Mr. Klenz urged everyone to consider organ donation.

At 9:53 A.M., a public hearing was convened, pursuant to County Board Resolution No. 187, adopted March 23, 2004, to consider granting an off-sale intoxicating liquor license to Tanski Liquor Corporation, d/b/a Tanski’s Ridgeview Lanes, Rice Lake Township. Alan Mitchell, County Attorney, advised the Board that: all required County departments have reviewed the application and recommended approval; the Liquor Licensing Committee met with the applicant and, after discussing the location and propriety of the business, recommended approval; all required notices were given; and, the necessary insurance certificate submitted. Attorney Mitchell noted the license is contingent on the Town of Rice Lake formally recommending approval at their township meeting scheduled for that evening. Richard Tanski, owner, was present and said he understands and will abide by the provisions of County Ordinance No. 28 (Liquor Ordinance). No one else chose to address the issue.

At 10:02 A.M., Commissioner Sweeney, supported by Commissioner Fay, moved to close the public hearing; seven yeas-zero nays. Commissioner Sweeney, supported by Commissioner Fay, moved to approve granting the off-sale license to Ridgeview Lanes; seven yeas-zero nays. Resolution No. 217.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda, but no one chose to do so.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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Commissioner Forsman, supported by Commissioner Fay, moved to authorize a one-year contract with Future Forests, Askov, MN, for broadcast application of herbicides on 1944 acres for the Land Department on their bid price of \$251,959.50. Commissioner Nelson expressed dismay because only one bid was received, adding that the County needs to do more to encourage/solicit local bidders. After brief discussion, the resolution was approved; six years - one nay, Commissioner Nelson. Resolution No. 218.

At 10:10 A.M. in the forenoon of Tuesday, April 13, 2004, Chair Raukar moved to recess the Board until 11:15 A.M. on April 13, 2004, in the in the Commissioners' Conference Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 11:48 A.M. on April 13, 2004, and the regular order of business resumed with all members present.

Commissioner Kron, supported by Commissioner Fink, moved to approve a second consent agenda consisting of all items unanimously passed at the just-completed Committee of the Whole meeting; seven yeas - zero nays.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Ness Township Board of Supervisors regarding the passage of a resolution at its March 9, 2004, meeting to petition the St. Louis County Board to blacktop County Road No. 5 from the intersection of Highways 5 and 29 South.-58230

Civil Service Director submitting specifications for various classifications for the year 2004.-58231

Documentation from public hearing held on April 13, 2004, to consider granting an Off-Sale Intoxicating Liquor License to Tanski Liquor Corporation, d/b/a Tanski's Ridgeview Lanes, Rice Lake Township.-58232

Commissioner Joanne Fay's comments on celebrating the gift of life and life choices.-58233

Agreement for Professional Services between the County of St. Louis and Anderson, Goldschmidt & Roberts for appraisal on Basswood Avenue lots.-04-261

Professional and Technical Services Contract between the State of Minnesota, through its Commissioner of Transportation, St. Louis County, through its Public Works Department, and Barr Engineering Company for Phase I Environmental Site Assessment, State Project No. 8821-48, Trunk Highway 53.-04-262

Agreement for Professional Services between St. Louis County and Northeast Technical Services for the proposed reconstruction of C-SAH 43, S.A.P. 69-643-014, County Project No. 8214.-04-263

Amendment No. 1 to Grant Contract No. 2000-8579 between the State of Minnesota, through its Commissioner of Public Safety, Division of Emergency Management and St. Louis County for time extension.-04-264

Engineering Services Agreement between the County of St. Louis and Northeast Technical Services for Regional Landfill Phase 4 Construction Management and Certification Services.-04-265

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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First Amendment to 9-1-1 Agreement between the County of St. Louis, the State of Minnesota, and Computer Pro, Inc., d/b/a C.P. Telcom and d/b/a CP Internet Company.—04-266

Employee Safety & Development Training Contract between St. Louis County and Julie Tilsen for *Beyond Diversity: An Experiential Exploration of Power and Privilege* session.—04-267

Upon motion of Commissioner Kron, supported by Commissioner Sweeney, Resolutions No. 203 through 216, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER KRON:

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:

Real Estate - Helene Agne, \$275.74; Patrick Bailey, \$882.98; Kimberly Benes, \$473.50; Peter Berg, \$384.20; Kenneth Bergman, \$260.54; Aaron Bernick, \$482.70; Shane Betters, \$476.30; Brian Brandt, \$166.50; Scott Brunette, \$220.92; Travis Bumgardner, \$251.18; Kathleen Carl, \$206.80; Michael Ceynowa, \$288.52; City of Biwabik, \$139.40; David Debevec, \$384.98; Dawn Duvall, \$452.38; Katherine Eagle, \$246.80; Easy Housing, \$623.74; Carl Folsom, \$496.80; Jason Francisco, \$183.32; Julie Gagnon, \$192.80; Gregory Gaskell, \$139.80; Alex Haapala, \$591.18; Tim Hagley, \$312.62; Stanley Hammer, \$792.76; Susan Hammond, \$183.94; James Hogle, \$423.60; Bonnie Holz, \$246.94; Jennifer Jackson, \$292.66; Justin Jackson, \$166.40; Warren Jamar, \$525.68; Angela James, \$11.70; Michael Jershe, \$366.44; Joan Johnson, \$293.56; Edward Jonak, \$280.12; Jackie Kilby, \$208.60; Brett D. Larson, \$63.92; LTV Steel, \$96.30; Jessica Lucia, \$265.60; Brian Lundgren, \$856.85; Catherine Martineau, \$302.74; Deneice Matthews, \$485.90; Douglas McCorison, \$435.02; Phyllis Noss, \$536.40; Scott Oertel, \$262.46; Thomas Palechek, \$16.46; Marshall Pearlman, \$151.80; Darrell Pearson, \$340.64; Steve Peterson, \$53.02; Andy Pickett, \$138.00; Racquel Rice, \$290.58; Michael Rusten, \$3,780.08; John Ruvelson, \$388.30; Daniel Schmiechen, \$680.44; Randy Schwanz, \$760.54; Lonnie Scipioni, \$123.84; Bonnie Shea, \$562.48; Joseph F. Sopp, \$665.62; St. James Church, \$491.76; Scott Stewart, \$302.20; Jason Sutula, \$292.12; David Swager, \$26.82; John Tahja, \$529.00; Andrew Topka, \$247.04; Mark Tuominen, \$590.12; Brock Urie, \$914.14; David Urshan, \$246.00; USA, \$117.08; Mike Vukelich, \$123.46; Western National Bank, \$2,038.96; R.B. Whiteside, \$280.14; Steven Wilson, \$598.08; Tim Wolff, \$108.54; Ed Wood, \$212.70; Tracie Wood, \$494.64.

Personal Property - Patty Mahan, \$73.20.

Adopted April 13, 2004. No. 203

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated April 2, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

Adopted April 13, 2004. No. 204

RESOLVED, that the County Board of Commissioners authorizes the Chairperson of the Board, County Auditor, Interim County Administrator and Public Health and Social Services Director to sign the agreements with the Carlton-Cook-Lake-St. Louis Community Health Board to accept \$160,000 for the period January 1, 2004, through December 31, 2005, payable to Fund 01, Agency 220, Org. 261I, and Arrowhead Center, Inc., for \$83,404 for the period January 1, 2004, through December 31, 2005, payable from Fund 01, Agency 220, Org. 261 I.

Adopted April 13, 2004. No. 205

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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WHEREAS, the Land Department has reviewed a request of City of Duluth for a permanent utility easement across state tax forfeited land and recommends approval; and

WHEREAS, the description of the state tax forfeit property to be crossed is: Lot 9, Auditor's Plat No. 27, Outlot "J", Morgan Park of City of Duluth, St. Louis County, MN. Part of Parcel Code: 010-0139-00020L; and

WHEREAS, exercising the easement will not cause significant adverse environmental or natural resource management impacts.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Auditor, by the authority vested in him by Minnesota Statutes 282.04, Subd. 4, is hereby authorized to grant a permanent sewer-line utility easement to City of Duluth described as follows: A thirty (30) foot utility easement being fifteen (15) feet on each side of a line described as follows: Commencing at a point on the southwest line of Lot 9, fifty (50) feet southeasterly of the northwest corner of said Lot 9; thence northeasterly approximately 114.0 feet to a point located on the northeast line of Lot 9, located fifty (50) feet southeasterly from the north corner of said Lot 9 and thence terminating. The granting of this easement is conditioned on payment of \$1,500.00 land use fee, \$100.00 administration fee, \$6.00 publication fee, and \$20.00 recording fee; for a total cost of \$1,626.00. Adopted April 13, 2004. No. 206

RESOLVED, that the Public Works Department is hereby authorized to enter into an agreement with the St. Louis and Lake Counties Regional Railroad Authority authorizing the appropriate County officials to sign the agreement for S.P. 69-595-05, County Project 3596, whereby the Railroad Authority will pay the local dollar match of twenty percent (20%) of the actual project costs, and other costs including but not limited to advertising, mailing of plans and proposals, and construction materials testing. Funds will be received into Fund 08A, Agency 525, Org. 3596, Object 527.

Adopted April 13, 2004. No. 207

RESOLVED, that pursuant to Minnesota Statutes, Section 161.36, the Commissioner of Transportation be appointed as Agent of the County of St. Louis to accept, as its agent, federal aid funds which may be made available for eligible transportation related projects.

FURTHER RESOLVED, the Chairman of the Board and the Auditor are hereby authorized and directed for and on behalf of St. Louis County to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 86434", which is made a part hereof by reference. This agreement corresponds with the AC Process for S.P. 69-716-008, County Project No. 9255.

Adopted April 13, 2004. No. 208

RESOLVED, that the Court Administrator, Auditor, and County Board Chair are authorized to sign and execute a 2004 Purchase of Service Agreement between the County and Arrowhead Center, Inc., in an amount not to exceed \$33,000.00;

RESOLVED FURTHER, that payment for these services is payable from the Court Administrator's budget (Fund 01, Agency 27, Org. ALCH).

Adopted April 13, 2004. No. 209

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subdivision 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit application, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization:

CC Riders Snowmobile Club to operate out of Boondocks-Forbes, LLC, Clinton Township, new.

Adopted April 13, 2004. No. 210

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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RESOLVED, that the new job classification titled Health Unit Coordinator is hereby adopted and placed in Salary Grade 6 of the Health Care Basic Unit Pay Plan, effective April 1, 2004.
Adopted April 13, 2004. No. 211

WHEREAS, the County has a computer which has been deemed surplus equipment; and
WHEREAS, the City of Proctor has expressed an interest in acquiring this computer equipment through a conveyance from the County Board; and
WHEREAS, the St. Louis County Board wishes to convey the computer to the City of Proctor.
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners authorizes the Director of Purchasing to convey the above referenced surplus property to the City of Proctor.
Adopted April 13, 2004. No. 212

RESOLVED, the St. Louis County Board of Commissioners hereby appoints Kay Knight to the Community Development Block Grant Advisory Board for a three (3) year term ending December 31, 2006.
Adopted April 13, 2004. No. 213

RESOLVED, the St. Louis County Board of Commissioners hereby appoints Olaf C. Clemenson to the Civil Service Commission to complete an unfinished term expiring December 31, 2004.
Adopted April 13, 2004. No. 214

RESOLVED, that all meetings of St. Louis County boards, committees, and commissions shall be held in ADA compliant facilities, with consideration given also to distance from parking, elevators, and accessibility ramps.
Adopted April 13, 2004. No. 215

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, is hereby approved and the County Auditor is authorized to issue the license as follows;
RESOLVED FURTHER, that if named licenseholder sells their licensed business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund to the licenseholder:
Alan Jenny/Rose Jenny, d/b/a Island Beach Campground, Fredenberg Township, Tobacco Products License No. T0472.
Adopted April 13, 2004. No. 216

BY COMMISSIONER SWEENEY:

WHEREAS, Tanski Liquor Corporation, d/b/a Tanski's Ridgeview Lanes, Rice Lake Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and
WHEREAS, Minnesota Statutes, Section 340A.405, Subdivision 2(d), requires that a public hearing be held prior to the issuance of an off-sale intoxicating liquor license; and
WHEREAS, a public hearing was held on April 13, 2004, at or about 9:35 A.M. in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering the granting of the off-sale intoxicating liquor license; and
WHEREAS, with regard to the application for said license Tanski's Ridgeview Lanes has complied in all respects with the requirements of Minnesota Law and St. Louis County Ordinance No. 28; and
WHEREAS, the Liquor Licensing Committee of the St. Louis County Board of Commissioners has considered the nature of the business to be conducted and the propriety of the location and has recommended approval of the application.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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NOW, THEREFORE, BE IT RESOLVED, that Off-Sale Intoxicating Liquor License (License Number CMB82) shall be issued to Tanski Liquor Corporation, d/b/a Tanski's Ridgeview Lanes, Rice Lake Township;

FURTHER RESOLVED, that said liquor license shall be effective through June 30, 2004;

FURTHER RESOLVED, that said license is approved contingent upon payment of real estate taxes when due;

FURTHER RESOLVED, that said license is approved contingent upon Rice Lake Township approval;

FURTHER RESOLVED, that if named licenseholder sells the licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of license fee to the licenseholder.

Unanimously adopted. April 13, 2004. No. 217

BY COMMISSIONER FORSMAN:

WHEREAS, the St. Louis County Purchasing Agent solicited bids for Broadcast Application on tax forfeited land for the year 2004; and,

WHEREAS, Future Forests of Askov, Minnesota, submitted the low bid in the amount of \$251,959.50.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Director of Purchasing is hereby authorized to execute a one-year contract with Future Forests of Askov, Minnesota, for the chemical site preparation of 40 sites totaling 1319.5 acres and the chemical release of 16 sites totaling 624.6 acres, during the summer of 2004, in accordance with the specifications of Bid No: 4470 and subject to approval of the County Attorney, at their low specification bid price of \$251,959.50, payable from Fund 16 (Forest Resources), Agency F41 (Resource Development).
Yeas - Commissioners Fink, Fay, Kron, Forsman, Sweeney, and Chair Raukar - 6

Nays - Commissioner Nelson - 1

Adopted April 13, 2004. No. 218

Upon motion of Commissioner Kron, supported by Commissioner Fink, Resolutions No. 219 through 224, which were approved at the Committee of the Whole meeting this date, were brought forth to this meeting as a second Consent Agenda and were unanimously adopted as follows:

BY COMMISSIONER KRON:

WHEREAS, the U.S. Department of Agriculture - Forest Service has granted St. Louis County road easements for the reconstruction of County Bridge 648 over the Sturgeon River on County Road 652 - Goodell Road (S.A.P. 69-598-29, County Project 9580); and

WHEREAS, a Certificate of Acceptance of the terms of the easement must be executed by the Chair of the County Board prior to recording the easement.

NOW, THEREFORE, BE IT RESOLVED, that the Chair of the County Board of Commissioners is hereby authorized to accept and sign the Certificate of Acceptance on behalf of the County.

Adopted April 13, 2004. No. 219

RESOLVED, that the Purchasing Agent is hereby authorized to increase the fee for service with RLK Kuusisto, Ltd., in the amount of \$11,538.35 related to the engineering services C-SAH 152 (Camp Street) in Ely, payable from Fund 02, Agency A11, Organization 0008, Object 266.

Adopted April 13, 2004. No. 220

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subdivision 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit application, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization:

Elks Lodge No. 1003 to operate out of Britt Lounge, Unorganized Township 60-18, renewal.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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Adopted April 13, 2004. No. 221

WHEREAS, Arrowhead EMS Association is offering grant funding for Emergency Medical Dispatch training; and

WHEREAS, it is in the best interest of St. Louis County to accept such grant funding to help ensure adequate resources for on-going EMD training requirements; and

WHEREAS, it has been recommended by the Communications Department to accept said grant funding.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby approves acceptance of the Arrowhead EMS EMD training grant funding up to \$4,000 total for the County's two 9-1-1 Communications Centers, payable to Fund 01, Dept. 098, Org. EMD4.

Adopted April 13, 2004. No. 222

WHEREAS, St. Louis County Board of Commissioners approved the submittal of the Northeast Minnesota Regional JOBZ application for subzones throughout St. Louis County; and

WHEREAS, the Minnesota Department of Employment and Economic Development approved the Northeast Minnesota Regional JOBZ application for 4,031 acres, including 351.12 acres in Duluth; and

WHEREAS, the City of Duluth wishes to amend the boundaries of their approved subzones and create two additional subzones, maintaining 351.12 acres in JOBZ subzones; and

WHEREAS, the Job Opportunity Building Zone (JOBZ) Program created in Minnesota Session Laws 2003, 1st Special Session, Chapter 21, Article 1, allows for the formation of tax free zones and for subzone boundaries to be amended with the approval of all taxing authorities;

NOW, THEREFORE, BE IT RESOLVED, that St. Louis County agrees to amend subzones within the City of Duluth as follows:

- Clyde/Oneota subzone #101 - remove 6.3 acres
- Box Factory subzone #98.1 - create new subzone with 2.2 acres
- Polaris Wilbert Vault subzone #98.2 - create new subzone with 4.1 acres

BE IT FURTHER RESOLVED, that St. Louis County agrees to provide all of the local tax exemptions and credits required and provided for under the Job Opportunity Building Zones (JOBZ) Legislation and agrees to forego the tax benefits resulting from the local and state tax exemptions and credits provided under the Job Opportunity Building Zones (JOBZ) Legislation.

Adopted April 13, 2004. No. 223

WHEREAS, the St. Louis County Board of Commissioners established their schedule of Board and Committee of the Whole meetings at their annual meeting in January, 2004; and

WHEREAS, the Board now wishes to change the location of one of the established Board and Committee of the Whole meetings.

NOW, THEREFORE, BE IT RESOLVED, the May 11, 2004, meeting of the Board of Commissioners and the Committee of the Whole, shall occur at 9:30 A.M. at the St. Louis County Heritage and Arts Center (the Depot).

Adopted April 13, 2004. No. 224

At 11:49 A.M. on Tuesday, April 13, 2004, upon motion of Commissioner Fay, supported by Commissioner Forsman, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON APRIL 27, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 27th day of April, 2004, at 9:38 A.M. at the McDavitt Town Hall, Zim, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Jim Fisher, McDavitt Township Supervisor, welcomed Commissioners to the McDavitt Town Hall and presented a brief history of the township, which was established in 1894.

Commissioner Nelson thanked the Board for allowing the meeting to be held in McDavitt.

Commissioner Kron took his turn presenting an appropriate quotation and he dedicated his remarks to Workers Memorial Day (April 28) and workers who lost their lives on the job. Commissioner Kron honored area employees, including those in the armed forces, who lost their lives in 2003-2004 and he recited the following poem written by Mike Baird, LaCrosse, WI:

I write these words of honor, for those who gave their lives;
And for the families, their husbands and their wives;
For those whose lives were spent, doing what they must
Working for a living like one of us.
Their time cut short, by things that didn't have to be;
To make the workplace safer, for people like you and me,
To make sure their stories will never go untold;
To always keep their memories from ever growing cold.
We must remember the price they all had to pay;
When we honor the men and women
On Workers Memorial Day.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and the following chose to do so:

David Eilertson, Britt, who owns property in an unorganized township adjacent to the Town of Crane Lake, asked the Board to cancel the fire protection contract with the Crane Lake Volunteer Fire Department. Limited access makes costly fire protection services useless to Mr. Eilertson and neighboring property owners in the unorganized area.

Commissioner Fink, supported by Commissioner Nelson, moved to approve an update of the bylaws of the Makinen Volunteer Firefighters' Relief Association to enable adjustment of the amount paid for benefits to retired firefighters. Gary Eckenberg, Deputy County Administrator, said the financial report for the association was received and the County Attorney's Office has determined that the amount to be paid to retirees is within the statutory limits; seven yeas - zero nays. Resolution No. 230.

Commissioner Fink, supported by Commissioner Fay, moved to schedule a closed session for litigation purposes at the end of the regular Board agenda. Alan Mitchell, County Attorney, said the closed session was needed to discuss resolution of the employee grievance of Kerry A. Johnson; seven yeas - zero nays.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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Commissioner Fink, supported by Commissioner Sweeney, moved to authorize settlement and execution of release in the matter of Sturgis v. St. Louis County in the amount of \$200,000. County Attorney Mitchell said the litigation resulted from a car accident that occurred in 2002 involving a Sheriff's vehicle and a vehicle driven by Martha Sturgis, who suffered significant injuries in the collision; seven years - zero nays. Resolution No. 232.

At 10:23 A.M. in the forenoon of Tuesday, April 27, 2004, Chair Raukar moved to recess the Board for fifteen minutes to go into closed session in the McDavitt Town Hall, Zim, Minnesota.

The Board reconvened at 11:06 A.M. on April 27, 2004, and the regular order of business resumed with all members present.

Commissioner Forsman, supported by Commissioner Sweeney, moved to approve a settlement agreement and release in the matter of an employee grievance filed by Kerry Allen Johnson. County Attorney Mitchell said the employee has agreed to a settlement which includes a resignation by the employee and a \$20,000 payment to Johnson to fully resolve the matter. Commissioner Fay said she does not support the settlement because there is an employee grievance process in place that should be followed. Commissioner Nelson said there were better ways to spend County dollars and he objected to the settlement. After further discussion, the resolution was approved; five years - two nays, Commissioners Fay and Nelson. Resolution No. 231.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Alan L. Mitchell, County Attorney, submitting Settlement Agreement and Release of All Claims in the matter of Kerry Allen Johnson.-58234

Employee Safety & Development Training Contract between St. Louis County and Coach for Success, Inc., for *Coaching for Peak Performance* session.-04-268

Purchase of Service Agreement between St. Louis County, through its Chris Jensen Health and Rehabilitation Center, and Laurie Arndt for Registered/Licensed Dietician services.-04-269

Purchase of Service Agreement between St. Louis County, through its Chris Jensen Health and Rehabilitation Center, and Pam Roline for Registered/Licensed Dietician services.-04-270

Jean Zoch, Lease Assistant, Division of Lands & Minerals, Minnesota Department of Natural Resources, submitting a copy of Boathouse Lease No. 144-071-0052, Site No. 117, between the State of Minnesota, through its Commissioner of Natural Resources, and John Bystrom and Betsy Bystrom.-04-271

Addendum to Agreement for Services between the County of St. Louis, Arrowhead Regional Corrections, and Arrowhead Interfaith Council for chaplaincy services.-04-272

Purchase of Service Agreement between St. Louis County, through its Department of Public Health and Long Term Medical Care, and Arrowhead Center, Inc., for Fetal Alcohol Syndrome Grant Project.-04-273

Grant Project Agreement between the Carlton-Cook-Lake-St. Louis Community Health Board and St. Louis County for Fetal Alcohol Syndrome Grant Project.-04-274

Service Contract No. 4427 between the County of St. Louis and Mark Eyre for buoying services on

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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Lake Vermilion, Burntside and Shagawa Lakes.-04-275

Funding Agreement for S.P. 69-090-15 between the St. Louis & Lake Counties Regional Railroad Authority and the County of St. Louis for road grading and trail construction near the future Mesabi Station in Virginia.-04-276

State of Minnesota Board of Water and Soil Resources 2004 Natural Resources Block Grant Agreement between St. Louis County and the State of Minnesota, through its Board of Water and Soil Resources.-04-277

Funding Agreement for S.P. 69-090-17 between the St. Louis & Lake Counties Regional Railroad Authority and the County of St. Louis for construction of three short trail segments within the City of Mountain Iron.-04-278

Engineering Services Agreement between the County of St. Louis and Northeast Technical Services, Inc., for Regional Landfill Phase 4 Construction Management and Certification Services.-04-279

Employee Safety & Development Training Contract between St. Louis County and Maria Stalzer Wyant Cuzzo for an *Appreciative Inquiry* session.-04-280

Upon motion of Commissioner Sweeney, supported by Commissioner Kron, Resolutions No. 225 through 229, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER SWEENEY:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of April 6, 2004, are hereby approved.

Adopted April 27, 2004. No. 225

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of April 13, 2004, are hereby approved.

Adopted April 27, 2004. No. 226

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. 58174, are hereby approved and the County Auditor shall issue checks in the following amounts:

<u>FUND</u>		<u>TOTAL</u>
T10	Permits to Carry Firearms	\$ 293.41
T11	Minnesota Trail Assistance	16,980.99
T21	Beer License	20.00
T27	Refunds	30,353.43
T49	Taconite Production Tax	135,228.00
T50	State of Minnesota	69,963.91
T66	Criminal Fines	173,673.15
T74	Employer/Employee Deductions	720,180.35
T77	Cancelled Checks	1,619.78
T80	Lake Superior - Forfeiture	2,500.00
T83	Sheriff Fine Contingency	9,016.62
T84	Attorney's Forfeitures	61.20
T85	Sheriff's State Forfeitures	936.17

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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T87	Assault Fees	1,765.99
01	General Fund	965,604.80
02	Public Works	657,911.15
03C	State Erosion Loan MPCA	20,000.00
04	Social Services	4,488,293.91
08	County Facilities - Capital Projects	20,432.34
08A	State Aid Road	353,348.28
10B	Emergency Shelter 99/00 Funds	1,595.00
11A	Home Grant - All Years	3,825.95
12B	CDBG Grant	67,816.87
127	Enhanced 9-1-1 Fund	180.00
129	City/County Common Antenna Site	234.13
13	St. Louis County HRA	667.07
131	Extension Service	73,417.69
15	Forfeited Tax	106,590.61
26	Solid Waste Authorities	182,929.41
49	Postage/Office Supplies	25,901.95
50	Printing	3,225.28
51	County Garage	42,904.13
52A	Property, Casualty, Liability	111,253.20
52B	Workers Compensation	113,393.74
52D	Medical/Dental Self Insurance	1,859.66
53	Management Information Systems	95,473.92
54	Regional Railroad Authority	47,746.77
55	Telecommunications	16,012.80
57	Retired Employees Health Insurance	1,216,607.95
64A	Chris Jensen Health & Rehab.	233,200.91
65	Laundry	22,547.17
66	Community Food Services	51,781.96
67	Supervised Living Facilities	3,998.19
72	Northern Counties Land Use Coordinating Board	8,392.94
73	Arrowhead Regional Corrections	251,201.63
74	Community Health Services	48,118.52
		<u>\$10,399,060.93</u>

Adopted April 27, 2004. No. 227

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated April 16, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

Adopted April 27, 2004. No. 228

RESOLVED, that the appraisal reports for the sale of timber to be offered at Sealed Bid Timber Auction, Tracts 1 through 28 (totaling \$1,035,194.87), as submitted by the Land Commissioner, on file in the office of the County Auditor, identified as County Board File No. 58170, are approved and the County Auditor is authorized to carry out the recommendations as listed in said appraisal reports.

Adopted April 27, 2004. No. 229

BY COMMISSIONER FINK:

WHEREAS, the Makinen Volunteer Firefighter's Relief Association has updated the Association's bylaws to adjust the amount paid for benefits to retired firepersons as follows:

Article VII, Section 1 - change sum of \$400.00 to \$500.00

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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Article VIII, Sections 1, 2 and 3 - change sum of \$400.00 to \$500.00
NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves the updated bylaws of the Makinen Volunteer Firefighter's Relief Association.
Unanimously adopted. April 27, 2004. No. 230

BY COMMISSIONER FORSMAN:

WHEREAS, Kerry Allen Johnson is employed by St. Louis County; and
WHEREAS, the County received a complaint causing an investigation to consider disciplinary action against Johnson up to and including possible termination; and
WHEREAS, Johnson has filed a grievance disputing any and all action taken by the County and has indicated an intention to seek a hearing under Minnesota Statutes, Section 197.46, the Veterans Preference Act; and
WHEREAS, both parties dispute any and all liability or claims against them; and
WHEREAS, it is the best of interest of both parties to fully resolve any and all disputes without resort to further legal proceedings.

NOW, THEREFORE, BE IT RESOLVED, in order to fully settle this matter, the appropriate County officials are hereby authorized to sign the Settlement Agreement and Release as approved by the County Attorney.

BE IT FURTHER RESOLVED, upon receipt of Kerry Allen Johnson's resignation and a Release duly executed by Kerry Allen Johnson, AFSCME Council 96, and approved by the County Attorney, the St. Louis County Auditor is hereby authorized to make payment totaling Twenty Thousand and No/100th Dollars (\$20,000.00) directly to, or on behalf of, Kerry Allen Johnson from Fund 4, Agency Adm.

Yeas - Commissioners Fink, Kron, Forsman, Sweeney, and Chair Raukar - 5

Nays - Commissioners Fay and Nelson - 2

Adopted April 27, 2004. No. 231

BY COMMISSIONER FINK:

WHEREAS, there is presently pending litigation for personal injury against St. Louis County brought by Martha and William Sturgis; and

WHEREAS, Martha Sturgis suffered injuries as a result of a collision with a St. Louis County squad car occurring on Highway 100 in White Township on September 2, 2002; and

WHEREAS, after investigation of the facts relevant to this matter and pretrial discovery, the St. Louis County Attorney has recommended that the matter be settled as to any and all claims against St. Louis County on the terms set forth hereunder and hereinafter; and

WHEREAS, St. Louis County makes no admission of liability.

NOW, THEREFORE IT IS HEREBY RESOLVED, that the matter be settled on the following terms:

1. That the sum of One Hundred Thousand and 00/100s Dollars (\$100,000.00) is authorized to Plaintiffs, and their attorney, and the sum of One Hundred Thousand and 00/100s Dollars (\$100,000.00) is authorized to Hartford CEBSCO to purchase a qualified assignment paying monthly benefits to Martha Sturgis for her lifetime as full and final settlement of any and all claims whatsoever which exist as of the date of this settlement.
2. That upon receipt of the necessary release of all claims of this matter, said payments to be from the Self-Insurance Fund, Fund 52, Agency P11.

Unanimously adopted. April 27, 2004. No. 232

At 11:15 A.M. on Tuesday, April 27, 2004, upon motion of Commissioner Fay, supported by Commissioner Nelson, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

OFFICIAL PROCEEDINGS
OF THE
BOARD OF COUNTY COMMISSIONERS
OF ST. LOUIS COUNTY, MINNESOTA

MAY, 2004

**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON MAY 4, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 4th day of May, 2004, at 9:38 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Commissioner Kron began the meeting by presenting to Chair Raukar a framed print done by a local artist entitled "Dignity Thru Unity" commemorating the Grand Opening of Veterans' Memorial Hall at the St. Louis County Heritage and Arts Center (Depot).

Commissioner Forsman, taking his turn presenting appropriate quotes, began by offering the following:

"We trained hard, but it seemed that every time we were beginning to form into teams we would be reorganized.

I was to learn later in life that we tend to meet any new situation by reorganization and what a wonderful method it can be for creating the illusion of progress while producing confusion, inefficiency and demoralization." (Patronius Areiten, Greek Navy, 210 B.C.)

And from the top of his brother's toolbox, came this quote:

"Life is not a journey to the grave with the intention of arriving safely in a pretty and well-preserved body, but rather to skid in broadside, thoroughly used up, totally worn out, and loudly proclaiming, 'Wow . . . what a ride'!!!!"

Chair Raukar noted a May 3 editorial in the Duluth News Tribune commemorating World Press Freedom Day and he emphasized what a free press means to a free society.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda, but no one chose to do so.

Commissioner Sweeney, supported by Commissioner Fay, moved to authorize acceptance of a grant and approval of a contract with the Department of Human Services in the amount of \$82,052 for the Child Care Resources and Referral Program. Dick Pingry, Social Services, explained the three-year process to streamline and consolidate provider districts. Customers/clients should notice few, if any, changes when accessing child care referral services. After further discussion, the motion was approved; seven yeas - zero nays. Resolution No. 252.

Commissioner Nelson, supported by Commissioner Forsman, moved to award the contract for M.P. 3656 (Aggregate Crushing, Southern St. Louis County) to North Central Aggregates, Gilbert, MN,

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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on their low bid of \$297,599.20. Commissioner Fink offered a friendly amendment - not accepted by the makers - to reject all bids because North Central Aggregates failed to complete a portion of their bid proposal. Commissioner Fink, supported by Commissioner Fay, moved to amend the motion by rejecting all bids. The following persons addressed the issue:

Marcus Hall, Public Works Director, explained that the bid was not read at the opening because it was incomplete, but was later accepted after consultation with the County Attorney's Office.

Alan Mitchell, County Attorney, said the oversight by North Central Aggregates was not a material omission because the contractor merely neglected to carry over final amounts to a back recap page.

After further discussion of fairness in the bidding process and the immediate need for crushed aggregate, the amendment failed; two yeas - five nays, Commissioners Kron, Forsman, Sweeney, Nelson and Chair Raukar. The original motion to accept the bid was then approved; six yeas - one nay, Commissioner Fay. Resolution No. 253.

Commissioner Kron, supported by Commissioner Nelson, moved to authorize an agreement with the St. Louis and Lake Counties Regional Railroad Authority in the amount of \$5,500 for provision of accounting services by the County Auditor. Donald Dicklich, County Auditor, explained how costs were determined and, even though there has not been an increase since 1997, \$5,500 covers all costs to the County. Commissioner Fink offered a friendly amendment - not accepted by the makers - to increase the amount to \$5,700 to reflect inflation since 1997. Commissioner Fink then moved to formally amend the resolution but the motion died without support. The original motion was then approved; six yeas - one nay, Commissioner Fink. Resolution No. 254.

Commissioner Sweeney, supported by Commissioner Nelson, moved to require the Director of Purchasing to include projects labor agreements (PLA) in all future construction bid specifications in excess of \$150,000. Alan Mitchell, County Attorney, suggested - and the makers agreed - to add language to the resolution that reiterates that the PLAs apply only to construction projects in excess of \$150,000. In response to a question from Commissioner Nelson, Attorney Mitchell said the PLAs would apply to all contracts subsequent to passage of the resolution. The following persons also addressed the issue:

Jay Koning, owner of Gartner Refrigeration, said his company is a non-union shop and PLAs will effectively limit his firm's ability to bid on County projects. Mr. Koning urged the Board to reject the PLA proposal.

Craig Olson, Duluth Building Trades Council, said courts have upheld the legality of PLAs and contracts are still awarded to low bidders.

John Grahek, Iron Range Building Trades, explained how PLA-required contributions to the union health and welfare fund would apply to a non-union firm.

Alan Netland, President of the AFL-CIO Labor Body, requested the Board support the resolution because PLAs will set a community standard and create a level playing field for local workers.

George Sundstrom, retired sheet metal worker, reminded the Board that a non-union firm could bid on projects and he urged the Board to adopt the PLA resolution.

Concerned about the financial impact of PLAs, Commissioner Fink offered a friendly amendment - not accepted by the makers - to direct Administration to review the process at a Board Workshop next spring. Commissioner Fink, supported by Commissioner Forsman, moved to amend the

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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resolution by adding a review provision. Dana Frey, County Administrator, indicated that a consensus of the Board would be sufficient. County Attorney Mitchell noted that items for future Board Workshop discussions are usually not included in resolutions. Marcus Hall, Public Works Director, suggested that any review take place no earlier than Fall 2005 to allow a full construction year to unfold. After further discussion, the motion failed; two yeas - five nays, Commissioners Fay, Kron, Sweeney, Nelson and Chair Raukar. The original motion to approve PLAs was then adopted; seven yeas - zero nays. Resolution No. 255.

Commissioner Fink, supported by Commissioner Sweeney, moved to approve a resolution supporting the Association of Minnesota Counties position in favor of disability voting equipment for each precinct and opposing the Minnesota Secretary of State plan to require every polling place in Minnesota to use optical scan voting machines. The resolution would also support legislation specifically permitting continued use of mail balloting as currently allowed. County Auditor Dicklich explained that small jurisdictions face unwarranted future election costs if compelled to purchase and use optical scan machines. Expressing concern that the optical scan portion of the resolution might discriminate against voters in certain areas, Commissioner Fay asked for a division of the question. After further discussion, the first part of the resolution was approved; seven yeas - zero nays. The portion of the resolution opposing mandated use of optical scan equipment for every precinct was then approved; six yeas - one nay, Commissioner Fay. Resolution No. 256.

Commissioner Fink, supported by Commissioner Forsman, moved to direct Administration to monitor PLAs for a future workshop discussion; seven yeas - zero nays.

Commissioner Kron noted that Phase I of the Airpark Industrial Area is now complete and ground has been broken on the next phase, which will add 47 acres for development.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Project Labor Agreement for all construction projects in excess of \$150,000.-58235

Christine M. Scotillo, Executive Director, Municipal Boundary Adjustments, Minnesota Department of Administration, in the matter of the orderly annexation agreement between the City of Floodwood and the Town of Floodwood.-58236

Christine M. Scotillo, Executive Director, Municipal Boundary Adjustments, Minnesota Department of Administration, in the matter of the orderly annexation agreement between the City of Ely and the Town of Morse.-58237

Christine M. Scotillo, Executive Director, Municipal Boundary Adjustments, Minnesota Department of Administration, in the matter of the orderly annexation agreement between the City of Mountain Iron and Unorganized Township 59 - Range 18.-58238

Keith Hamre, Executive Director, Duluth Economic Development Authority, regarding the City of Duluth and the Duluth Economic Development Authority proposed Tax Increment Financing Plan for Tax Increment Financing District No. 23.-58239

Ed Carlson, President, Arrowhead Retirees Association, requesting that the St. Louis County Board join in an effort to resolve the continuing health insurance challenge for its employees by sitting down with employee groups to examine potential and mutually acceptable solutions.-58240

Gail Anne Hill, Clerk, Alango Township, wondering if the percentage of salt to sand used on roads

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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be reduced and still keep the roads in good driving condition.–58241

Kevin Skwira-Brown, District 8 Representative, requesting that the Vassar Street Parcel 10-2720-340 be excluded from St. Louis County's June land sale.–58242

Art Dunn, Director, Minnesota Office of Environmental Assistance, notifying that St. Louis County has satisfied the requirements for distribution of the Second FY04 Block Grant.–58243

Jim Weikum, Director, Arrowhead Library System, submitting the summary pages of the 2004 Budget for the Arrowhead Library System.–58244

Robert Heise, President of Minnesota Associated Builders & Contractors, urging the County Board to oppose union-only Project Labor Agreement (PLA).–58245

Addendum to Agreement between St. Louis County, through its Land Department, and Natural Resource Services for development of a bio-physical resource on tax forfeited land.–04-281

Funding Agreement between the St. Louis and Lake Counties Regional Railroad Authority for S.P. 69-595-05, Mesabi Trail Head at Ironworld.–04-282

Lease Renewal and Modification between Ely Independent School District No. 696 and St. Louis County for rental of office space in the JFK Business Complex, Kennedy School, Ely.–04-283

State of Minnesota Agency Agreement No. 86434 between Department of Transportation and St. Louis County for Federal Participation in Advance Construction for S.P. 69-716-08; M.P. HPP-STP MN54(100).–04-284

Agreement for Therapy Services between the County of St. Louis, through its Chris Jensen Health and Rehabilitation Center, and Health Dimensions Rehabilitation, Inc.–04-285

Agreement for Professional Services between St. Louis County and Onsite Medical Service, Inc., for employee audiometric testing.–04-286

Upon motion of Commissioner Kron, supported by Commissioner Sweeney, Resolutions No. 233 through 251, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER KRON:

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. 58174, are hereby approved and the County Auditor shall issue checks in the following amounts:

<u>FUND</u>		<u>TOTAL</u>
T27	Refunds	\$ 9,621.24
T74	Employer/Employee Deductions	586,219.54
T77	Cancelled Checks	2,293.00
T85	Sheriff's State Forfeitures	81.90
T86	Attorney Trust Accounts	149.85
01	General Fund	635,838.40
02	Public Works	238,411.57
04	Social Services	705,422.06

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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08	County Facilities - Capital Projects	38,494.71
10B	Emergency Shelter 99/00 Funds	11,325.88
11A	Home Grant - All Years	59,380.19
12B	CDBG Grant	26,879.63
128	Law Library	3,708.12
13	St. Louis County HRA	1,702.50
131	Extension Service	864.85
15	Forfeited Tax	26,256.09
26	Solid Waste Authorities	56,364.97
49	Postage/Office Supplies	1,797.67
49A	Plat Book Revolving	5,105.00
50	Printing	620.00
51	County Garage	88,613.13
52A	Property, Casualty, Liability	5,757.60
52B	Workers Compensation	64,071.43
52D	Medical/Dental Self Insurance	751.25
53	Management Information Systems	132,075.41
54	Regional Railroad Authority	149.67
55	Telecommunications	60,247.67
57	Retired Employees Health Insurance	1,293.72
64A	Chris Jensen Health & Rehab.	164,980.84
65	Laundry	7,473.59
66	Community Food Services	9,899.17
67	Supervised Living Facilities	4,041.40
73	Arrowhead Regional Corrections	132,000.68
74	Community Health Services	<u>3,314.48</u>
		\$3,085,207.21

Adopted May 4, 2004. No. 233

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:

Real Estate - Lisa Abrahams, \$86.56; Boyer & Wells, \$454.10; John Bradovich, \$24.00; Joni Brigan, \$114.40; Sara Byrns, \$195.60; Susan Chandler, \$119.60; Jeffrey Chopp, \$16.36; Mark Conklin, \$464.20; County Auditor, Cncl. Forfeiture; Amy Dunstan, \$427.34; Beverly Eck, \$405.58; Allen Frider, \$347.46; Steven Gehrke, \$361.40; Susan Gillespie, \$317.86; Donald Hansen, \$326.34; Peter Hutar, \$799.78; Chad Jacobsen, \$589.94; Edwin Kanninen, \$82.12; John Karish, \$438.70; Danette Kealey, \$225.60; Paul Koski, \$136.12; Robert Macey, \$163.60; David McGregor, \$618.10; Blake Monkman, \$1,622.64; Charles Neil, \$56.14; Amanda Nelson, \$286.10; Charles Nelson, \$189.78; Nuthak & Cloyd, \$506.70; John & Becky Perry, \$371.84; Mark Peterson, \$469.12; Grace Petri, \$368.96; James Polzin, \$968.00; Mary Rosencrans, \$300.66; David Rutford, \$121.48; Stacia Sabetti, \$523.10; Michael Sailor, \$368.02; Roberta Santelli, \$490.30; Sally Saylor, \$289.42; Michael Seigley, \$550.96; Paul Tessier, \$890.20; Dennis Young, \$142.00.

Personal Property - Lemoine Mfg., Inc., \$1,049.97.

Adopted May 4, 2004. No. 234

RESOLVED, that the appraisal reports for sale of timber, numbered Tracts 1 and 2, as submitted by the Land Commissioner, on file in the office of the County Auditor, identified as County Board File No. 58170, are approved and the County Auditor is authorized to carry out the recommendations as listed in said appraisal reports.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Adopted May 4, 2004. No. 235

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, is hereby approved and the County Auditor is authorized to issue the license as follows;

RESOLVED FURTHER, that if named licenseholder sells their licensed business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund to the licenseholder:

Mooseline Enterprises, Inc., d/b/a Mooseline Café, Unorganized Township 56-14, Tobacco Products License No. T04197, change of officers.

Adopted May 4, 2004. No. 236

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for an intoxicating liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58181; FURTHER RESOLVED, that said license is approved contingent upon licenseholder paying real estate or personal property taxes when due;

FURTHER RESOLVED, that if named licenseholder sells their licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of the license fees to the licenseholder;

FURTHER RESOLVED, that said license shall be effective through June 30, 2004:

Mooseline Enterprises, Inc., d/b/a Mooseline Café, Unorganized Township 56-14, Combination On/Off-Sale Intoxicating Liquor License No. CMB0483 and Sunday On-Sale Intoxicating Liquor License No. SUN0483, change of officers.

Adopted May 4, 2004. No. 237

RESOLVED, that the St. Louis County Board of Commissioners authorizes the Chairperson of the County Board, County Auditor, and the Public Health & Social Services Director to sign an agreement with Residential Services to provide professional nursing services to Community Alternative Care Client No. 011. Reimbursement for the services provided shall be from the Minnesota Department of Human Services with no payment of funds being required by St. Louis County.

Adopted May 4, 2004. No. 238

WHEREAS, the St. Louis County Attorney's Office and Public Health & Social Services Department work collaboratively with law enforcement agencies in the county to assess, investigate, prosecute, and adjudicate child maltreatment; and

WHEREAS, the Minnesota Department of Human Services has grant funds available to train professionals and purchase needed equipment used in the assessment, investigation, prosecution, and adjudication of child maltreatment and to reduce trauma to child maltreatment victims.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the Public Health & Social Services Department to submit the grant application for the Children's Justice Act funds from the Minnesota Department of Human Services to purchase equipment in the amount of \$8,474.00.

Fund 04, Agency SS, Org. 1400

Adopted May 4, 2004. No. 239

RESOLVED, that the County is authorized to execute an agreement with Lutheran Social Service for provision of the LifeWorks Employee Assistance Program, in the amount of \$29,605 for 2004 and \$30,046 for 2005, payable from Fund 01, Department 63.

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RESOLVED FURTHER, that any service exceeding the contracted amount because of higher than anticipated utilization must be approved by the County Administrator and Civil Service/Personnel Director.

Adopted May 4, 2004. No. 240

RESOLVED, the St. Louis County Board of Commissioners authorizes the Sheriff to apply for and accept the 2004 Boating Safety Enforcement grant from the State of Minnesota Department of Natural Resources in an amount not to exceed \$11,000; and

RESOLVED FURTHER, funds obtained through this grant shall be deposited in Fund 01, 091, PWC8; and

RESOLVED FURTHER, the appropriate County representatives are authorized to sign contracts associated with this grant.

Adopted May 4, 2004. No. 241

RESOLVED, the Board authorizes the Chair, the Auditor, and the Sheriff to execute an agreement with the Regents of the University of Minnesota, the University of Minnesota-Duluth School of Medicine, and the University of Minnesota-Duluth for the support and maintenance of the Medical Examiner facility at a cost of \$2,300.00 per month, payable from General Fund 01, Sheriff's Office, Medical Examiner 093.

Adopted May 4, 2004. No. 242

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

M.P. 3655 (Aggregate Crushing Central St. Louis County) located in five selected sites in Central St. Louis County consisting of Crushing, Screening & Stockpiling Aggregate;

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., April 26, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Louis Leustek & Sons, Inc.	1715 E. Sheridan St. Ely, MN 55731	\$186,860.00

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from Local Funds (Fund 02, Agency A12, Org. 0010, Object 502).

Adopted May 4, 2004. No. 243

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

S.A.P. 69-605-042, County Project No. 9288, located on C-SAH 5 from C-SAH 52 (Arkola Road) to C.R. 750 (Oja Road), length 4.88 miles consisting of Reclamation, Centerline Culverts, P.M. Bituminous Surface, Aggregate Shouldering;

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., April 26, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

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NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Ulland Brothers, Inc.	P.O. Box 340 Cloquet, MN 55720	\$636,691.12

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project, payable from State Aid Funds (Fund 08A, Agency 525, Org. 9288, Object 527).

Adopted May 4, 2004. No. 244

WHEREAS, bids have been received by the County Auditor for the following project:
MP 34-1008 (low), County Project No. 1008, located on C-SAH 34 (Howard Gnesen Road), from C-SAH 43 (Emerson Road) to C-SAH 44 (Normanna Road), length 2.01 miles consisting of Reclamation, Centerline Culvert, Aggregate Base, P.M. Bituminous Surface, Aggregate Shouldering; S.A.P. 69-644-024, County Project No. 1248, located on C-SAH 44 (Pequaywan Lake Road), from C-SAH 37 (Jean Duluth Road) to C.R. 272 (Barrs Lake Road), length 7.05 miles consisting of Culvert Replacement, Reclamation, Aggregate Base, P.M. Bituminous Surface, Aggregate Shouldering.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., April 26, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Northland Bituminous	4843 Rice Lake Rd. Duluth, MN 55803	\$953,683.70

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project, payable from M.P. 34-1008 (low): Local Funds (Fund 02, Agency A17, Org. 1008, Object 528) \$242,126.33. S.A.P. 69-644-024, C.P. 1248: State Aid Funds (Fund 08A, Agency 525, Org. 1248, Object 527) \$711,557.37.

Adopted May 4, 2004. No. 245

WHEREAS, bids have been received by the County Auditor for the following project:
S.A.P. 69-733-023, County Project No. 1265, located on C-SAH 133 from T.H. 53 to C-SAH 7, length 6.01 miles consisting of Reclamation, Aggregate Base, P.M. Bituminous Surface, Aggregate Shouldering.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., April 26, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the

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award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Ulland Brothers, Inc.	P.O. Box 340 Cloquet, MN 55720	\$710,325.59

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project, payable from State Aid Funds (Fund 08A, Agency 525, Org. 1265, Object 527).

Adopted May 4, 2004. No. 246

WHEREAS, bids have been received by the County Auditor for the following project: S.P. 69-595-003, MINN Project TEAX 6903(092), County Project No. 3594, located at Lake Superior Railroad Museum below Railroad Alley between 6th Ave. W. and 8th Ave. W. in Duluth, MN, length 0.295 miles consisting of Restoration of Historic Railroad Facilities, Grading, Track Ballast, Track Salvage and Installation.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., April 26, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract, including the Minnesota Department of Transportation EEO Office, and receipt of 95 percent of the local share to be paid by the Lake Superior Railroad Museum. Federal Funds 80 percent paid through State Aid Funds (Fund 08A, Agency 525, Org. 3594, Object 527), local 20 percent share reimbursed by Lake Superior Railroad Museum.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
North Shore Track Constructors	4843 Rice Lake Road Duluth, MN 55802	\$148,756.00

Adopted May 4, 2004. No. 247

WHEREAS, bids have been received by the County Auditor for the following project: M.P. 6-1002 (low) located on C-SAH 6 Maple Grove Rd. from T.H. 2 to C-SAH 13 (Midway Road), length 4.469 miles consisting of Reclamation, Aggregate Base, Plant Mixed Bituminous Surface & Aggregate Shouldering; M.P. 11-8119 located on C-SAH 11 Stark Road from C-SAH 13 (Midway Road) to Fourth St. in Proctor, length 2.209 miles consisting of Centerline Culverts, Reclamation, Aggregate Base, Plant Mixed Bituminous Surface, & Aggregate Shouldering; S.A.P. 69-698-11 located on C-SAH 98 Canosia Road from T.H. 2 to T.H. 194, length 2.754 miles consisting of Reclamation, Aggregate Base, Plant Mixed Bituminous Surface & Aggregate Shouldering.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., April 19, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the

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award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Northland Bituminous	4843 Rice Lake Road Duluth, MN 55803	\$1,005,276.57

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from M.P. 6-1002 (low): Local Funds (Fund 02, Agency A17, Org. 1002, Object 528) \$405,834.17. M.P. 11-8119: Local Funds (Fund 02, Agency A17, Org. 8119, Object 528) \$285,660.56. S.A.P. 69-698-011: State Aid Funds (Fund 08A, Agency 525, Org. 1243, Object 527) \$313,781.84.
Adopted May 4, 2004. No. 248

WHEREAS, St. Louis County owns property located in Hibbing, Minnesota, described as follows: That part of the Northeast Quarter of Section 18, Township 57 North, Range 20 West, St. Louis County, Minnesota, described as follows: Commencing at the east 1/16th corner of said NE 1/4; thence South 89 degrees 18 minutes 31 seconds West a distance of 1942.17 feet to the point of beginning (for purposes of this description, the east line of said NE 1/4 bears South 0 degrees 01 minute 35 seconds West); thence South 9 degrees 49 minutes 54 seconds West a distance of 235.00 feet; thence North 80 degrees 10 minutes 06 seconds West a distance of 159.72 feet; thence North 9 degrees 49 minutes 54 seconds East a distance of 235.00 feet; thence South 80 degrees 10 minutes 06 seconds East a distance of 159.72 feet to the point of beginning. Subject to and together with any valid easements, reservations or restrictions, if any; and

WHEREAS, that property is currently leased to the Hibbing Youth Hockey Association, Inc., a Minnesota non-profit corporation, under the authority of Minnesota Statutes 373.44 and 471.191 and they have built, improved and maintained the arena since 1972 for purposes of providing ice related recreational activities for many area programs; and

WHEREAS, Minnesota Statutes 471.191 authorizes the sale of such property to lessees such as the Hibbing Youth Hockey Association, Inc., for the purpose of fulfilling its mission of providing recreational activities including the operation of a skating rink and arena, for such price as may be agreed upon by the parties; and

WHEREAS, the Hibbing Youth Hockey Association, Inc., has tendered an offer to purchase the above described property from St. Louis County for the price of One Dollar (\$1.00).

NOW, THEREFORE, BE IT RESOLVED, that St. Louis County sell that property located in Hibbing, Minnesota, and currently leased to the Hibbing Youth Hockey Association, Inc., and described as follows:

That part of the Northeast Quarter of Section 18, Township 57 North, Range 20 West, St. Louis County, Minnesota, described as follows:

Commencing at the east 1/16th corner of said NE 1/4; thence South 89 degrees 18 minutes 31 seconds West a distance of 1942.17 feet to the point of beginning (for purposes of this description, the east line of said NE 1/4 bears South 0 degrees 01 minute 35 seconds West); thence South 9 degrees 49 minutes 54 seconds West a distance of 235.00 feet; thence North 80 degrees 10 minutes 06 seconds West a distance of 159.72 feet; thence North 9 degrees 49 minutes 54 seconds East a distance of 235.00 feet; thence South 80 degrees 10 minutes 06 seconds East a distance of 159.72 feet to the point of beginning. Subject to and together with any valid easements, reservations or restrictions, if any.

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to the Hibbing Youth Hockey Association, Inc., for the consideration of One Dollar (\$1.00).
Adopted May 4, 2004. No. 249

RESOLVED, that the MIS Department is hereby authorized to eliminate 1.5 full time positions with the titles of Information Specialist I, Grade B04, and to add 1.0 full time position with the title of PC Support Technician I, Grade B14.
Adopted May 4, 2004. No. 250

WHEREAS, a Building Maintenance Crew Leader retired on March 31, 2004, from the Duluth Courthouse; and

WHEREAS, the Property Management Department desires to appropriate funding of this position from a Building Maintenance Crew Leader to a Building Maintenance Helper for assignment to the Government Services Center; and

WHEREAS, upon completion of this reapportionment, the Property Management Department will be adequately staffed to maintain the Government Services Center, therefore, the "Engineering/Maintenance" portion of the Oneida Realty Company's contract can be discontinued; and

WHEREAS, the County acquired the Northland Office Building from the City of Virginia on October 31, 2003; and

WHEREAS, the Property Management Department has a vacant Duluth area Janitor position it desires to appropriate funding to a Building Maintenance Helper position at the Northland Office Building Virginia area; and

WHEREAS, upon completion of this reapportionment, the Property Management Department will be adequately staffed to maintain the Northland Office Building, therefore, the maintenance service provided by the City of Virginia can be discontinued.

NOW, THEREFORE, BE IT RESOLVED, the Board authorizes the discontinuation of the "Engineering/Maintenance" portion of the Oneida Realty Company's contract and the discontinuation of the maintenance service provided by the City of Virginia, effective May 31, 2004.

BE IT FURTHER RESOLVED, the Board authorizes the following budgetary and staff changes to the Property Management Department's 2004 budget:

		<u>2004 Budget</u>
<u>Property Management - Duluth</u>		
Fund 01, Agency 081, Org. DUL, Obj. 101 Salaries - Regular	Delete 1 Maintenance Crew Leader (June - December 2004)	(\$39,956)
<u>Government Services Center</u>		
Fund 01, Agency 081, Org. GSC	Delete 1 Janitor (position is vacant)	0
Fund 01, Agency 081, Org. GSC, Obj. 299 Professional Services	Oneida Realty Company, Engineering Services, (June - December 2004)	(\$33,075)
Fund 01, Agency 081, Org. GSC, Obj. 101 Salaries - Regular	Add 1 Maintenance Helper (June - December 2004)	\$23,695
<u>Northland Office Building</u>		
Fund 01, Agency 081, Org. NTHD, Obj. 309 Building/Grounds Upkeep	City of Virginia, Maintenance Services,	(\$17,150)

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(June - December 2004)

Fund 01, Agency 081, Org. NTHD, Obj. 101 Salaries - Regular	1 Maintenance Helper (June - December 2004)	\$23,695
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Adopted May 4, 2004. No. 251

BY COMMISSIONER SWEENEY:

RESOLVED, that the County Board accepts the grant and approves the contract in the amount of \$80,052.00 from the Department of Human Services for the Child Care Resource and Referral operating grant.

RESOLVED FURTHER, that the Public Health and Social Services Department is to include these funds in the 2004 and 2005 budget requests that will be submitted to the County Administrator.

Fund 04, Agency SSV

Unanimously adopted. May 4, 2004. No. 252

BY COMMISSIONER NELSON:

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

M.P. 3656 (Aggregate Crushing Southern St. Louis County) located in six selected sites in Southern St. Louis County consisting of Crushing, Screening & Stockpiling Aggregate.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., April 19, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

LOW BIDDER

North Central Aggregates

ADDRESS

4590 W. Raymond Road
Gilbert, MN 55741

AMOUNT

\$297,599.20

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from Fund 02, Agency A12, Org. 0010, Object 502.

Yeas - Commissioners Fink, Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 6

Nays - Commissioner Fay - 1

Adopted May 4, 2004. No. 253

BY COMMISSIONER KRON:

RESOLVED, that the Chair of the County Board, the County Auditor, and the County Attorney are hereby authorized to sign, on behalf of St. Louis County, an agreement with the St. Louis and Lake Counties Regional Rail Authority in the amount of \$5,500 for the provision of 2004 accounting services for the Rail Authority.

Yeas - Commissioners Fay, Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 6

Nays - Commissioner Fink - 1

Adopted May 4, 2004. No. 254

BY COMMISSIONER SWEENEY:

WHEREAS, the St. Louis County Board of Commissioners is desirous of efficient and timely completion of construction projects undertaken by St. Louis County; and

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WHEREAS, the courts have upheld the implementation of project labor agreements for public projects; and

WHEREAS, project labor agreements facilitate the timely completion of projects by: making available a ready and adequate supply of skilled craft workers; providing a negotiated commitment which is a legally enforceable means of assuring labor stability and labor peace over the life of a project; avoiding work stoppage following expiration of a collective bargaining agreement between the union and an employer performing work on the project and facilitating equal employment opportunities on a project.

NOW, THEREFORE, BE IT RESOLVED, that project labor agreements be utilized by the County for all future construction projects, in excess of \$150,000, unless otherwise prohibited by law.

RESOLVED FURTHER, that the St. Louis County Board of Commissioners hereby directs the St. Louis County Purchasing Director to utilize the Project Labor Agreement, identified as County Board File No. 58235, or a variation of the Agreement approved by the St. Louis County Attorney, for all future construction projects in excess of \$150,000.

RESOLVED FURTHER, that the Purchasing Director shall implement the Project Labor Agreement by requiring adherence to the Agreement in the bid specifications and all relevant bid documents.

Unanimously adopted. May 4, 2004. No. 255

BY COMMISSIONER FINK:

WHEREAS, the Federal Government has passed the Help America Vote Act (HAVA) of 2002 in an effort to improve election administration throughout the nation; and

WHEREAS, HAVA provides funding to individual states for election administration and Minnesota's share is estimated at \$39 million; and

WHEREAS, counties, cities and townships in Minnesota are given authority to provide election administration on behalf of the State of Minnesota and fund the majority of election costs in Minnesota; and

WHEREAS, HAVA requires use of assisted voter technology equipment allowing disabled voters to cast their ballots in private; and

WHEREAS, HAVA requires that a voter be given an opportunity to correct a spoiled ballot prior to casting and outlines a number of ways a jurisdiction can meet this requirement; and

WHEREAS, federal HAVA funds should be used to meet federal requirements in an efficient and effective manner that does not obligate any local unit of government to significant on-going capital or operational costs after the federal funds are expended; and

WHEREAS, any bill that appropriates federal HAVA funding should conform to the following criteria:

1. Local governments should retain authority over decisions on how to meet the federal requirements in the most efficient manner.
2. Purchasing of equipment from vendors who can provide certified equipment should be allowed.
3. Federal funds should be made available to all counties for both purchase of equipment and for the substantial costs associated with the operation, storage, maintenance, training and programming of electronic voting equipment.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby supports providing assisted voting technology equipment under HAVA for use by disabled voters.

RESOLVED FURTHER, the Board does not support the requirement that every polling place in Minnesota be required to use precinct-based optical scan voting equipment as proposed in House File 1703, now part of House File 2684.

RESOLVED FURTHER, that any final election legislation passed by the Minnesota Legislature

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to conform with HAVA requirements include language contained in Section 4 of Senate File 1666, which allows for continued use of mail balloting in those precincts where it is allowed under current state law.

RESOLVED FURTHER, that the position of the St. Louis County Board be transmitted to the St. Louis County Legislative Delegation.

Division of the Question--

All except first Resolved Further paragraph:

Yeas - Commissioners Fink, Fay, Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 7

Nays - None

First Resolved Further paragraph:

Yeas - Commissioners Fink, Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 6

Nays - Commissioner Fay - 1

Adopted May 4, 2004. No. 256

At 11:55 A.M. on Tuesday, May 4, 2004, upon motion of Commissioner Sweeney, supported by Commissioner Nelson, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:

Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON MAY 11, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 11th day of May, 2004, at 9:40 A.M. in the Great Hall, The Depot (St. Louis County Heritage and Arts Center), 506 West Michigan Street, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Joanne Coombe, Executive Director of the St. Louis County Historical Society, welcomed the Board to the Depot and presented a brief history of the facility.

Commissioner Sweeney, taking her turn presenting an appropriate quote, offered the following from John Brinckerhoff Jackson, *Discovering the Vernacular Landscape*, and reprinted in *From Milestones to Mile Markers*:

“If, as the Greeks believed, the gods in their wandering made the first roads, then I daresay it is an act of piety to follow in their footsteps, and politically speaking, the best of all landscapes, the best of all roads, are those which foster movement toward a desirable social goal.”

Tying the quote to the meeting at the Depot and the recently completed Veterans’ Memorial Hall, Commissioner Sweeney added the following: “Today, we will take a walk back in time and in a small way walk the milestones of our Vietnam Veterans. I have already had the opportunity to visit this and it is as powerful for me as the visit I made to the Holocaust Museum in Chicago.”

As part of an Association of Minnesota Counties (AMC) initiative, affected County departments made a presentation on the impact of methamphetamine (meth) in St. Louis County. The following persons addressed the issue:

Joe Austin, Director of Employee Safety and Development, said meth labs are on the increase nationwide and St. Louis County responded by forming the Clandestine Drug Labs/Methamphetamine Response Team in 2001. The proliferation of meth impacts various County departments. Meth lab waste, often dumped along roadsides, is also becoming a public safety issue.

Brian Poppenberg, Loss Control Coordinator, described how meth is produced and the effects on users. Rural, isolated areas are favored locations to “cook” the drug because of chemicals and odors produced.

Sheriff Ross Litman said the County is ahead of the game and pointed to recent statistics indicating a decrease in meth lab seizures since 2001. Sheriff Litman outlined his department’s response to the problem, including conduct of educational and awareness training. More female prisoners and an increase in drug-related incarcerations have resulted from the escalating meth problem, according to Sheriff Litman.

Dick Pingry, Social Services, said his department is involved because drugs and drug addiction are a primary reason for out-of-home placements.

Guy Peterson, Health Department, said his department is concerned with the safety of structures

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and properties used to cook meth.

Thomas Stanley, County Attorney's Office, outlined meth bills pending before the state legislature.

Wally Pfister, Duluth, said more media coverage is needed and he suggested release of a comprehensive ingredient list so the public will be aware of what to look for if a meth lab location or waste dump is suspected.

At 10:55 A.M. in the forenoon of Tuesday, May 11, 2004, Chair Raukar moved to recess the Board until 11:00 A.M. on May 11, 2004, in the Great Hall, The Depot (St. Louis County Heritage and Arts Center), Duluth, Minnesota.

The Board reconvened at 11:06 A.M. on May 11, 2004, and the regular order of business resumed with all members present.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and the following chose to do so:

Wally Pfister, Duluth, asked the Board to consider assisting in establishing an ATV/Snowmobile/Dirt Bike recreation area for youth, possibly at the Proctor Fairgrounds.

Commissioner Kron said he would suggest making Mr. Pfister's proposal an agenda item for the Youth Task Force. Commissioner Sweeney said the Proctor Fairgrounds are already being used for a four-wheeler race and expansion may be possible. Commissioner Fay asked Mr. Pfister to contact the new 4-H Director for possible assistance.

Commissioner Fink noted that Item No. 10 of the Consent Agenda was a resolution supporting the continued operation of the Twin Ports Veterans Administration Outpatient Clinic in Superior, WI.

Commissioner Forsman, supported by Commissioner Fink, moved to approve a two-year contract with PRT Dryden, Inc., Ontario, Canada, for delivery of 840,000 containerized tree seedlings for spring planting in 2006 and 2007. The following persons addressed the issue:

Commissioner Nelson said he will not support awarding the contract to a Canadian firm, emphasizing that a multitude of incentives are routinely offered to attract businesses to the area but little effort is made to support businesses already here.

William Sayward, owner of Itasca Greenhouse, Inc., said local businesses need a level playing field to compete against government-sponsored Canadian tree nurseries. Mr. Sayward detailed the economic impact to the area's economy when contracts are awarded to local companies.

Bert Swanson, Minnesota Nursery & Landscape Industry, urged the Board to support Minnesota tree nurseries.

Marion Figgins, Minnesota trucking firm owner, said government sponsorship makes competition impossible, noting that his trucks encounter numerous problems accessing Canadian markets.

Dick Florey, Director of Purchasing, detailed purchasing rules and statutes, including the provision that contracts more than \$50,000 are subject to a competitive bid process.

David Epperly, Land Commissioner, explained how a bid rejection and subsequent delay could adversely affect future tree planting.

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Alan Mitchell, County Attorney advised the Board concerning bid rejection.

Commissioner Forsman withdrew his motion to approve the contract. Commissioner Sweeney, supported by Commissioner Nelson, moved to reject all bids. After further discussion, the motion to reject all bids failed; two yeas - five nays, Commissioners Fink, Fay, Kron, Forsman and Chair Raukar. Commissioner Fink, supported by Commissioner Nelson, moved to table the matter to the May 25 County Board meeting; seven yeas - zero nays.

Commissioner Fink, supported by Commissioner Sweeney, moved to suspend the rules to consider establishing a closed session for litigation; seven yeas - zero nays. County Attorney Mitchell said the closed session would concern a personnel issue. Commissioner Fink, supported by Commissioner Sweeney, moved to schedule the closed session; seven yeas - zero nays.

At 1:04 P.M. in the afternoon of Tuesday, May 11, 2004, Chair Raukar moved to recess the Board until 2:10 P.M. on May 11, 2004, in the Great Hall, The Depot (St. Louis County Heritage and Arts Center), Duluth, Minnesota.

The Board reconvened at 3:45 P.M. on May 11, 2004, and the regular order of business resumed with all members present except Commissioner Fink.

Commissioner Kron, supported by Commissioner Fay, moved to approve a second consent agenda consisting of all items unanimously approved at the just-completed Committee of the Whole meeting; five yeas - zero nays, with Commissioner Sweeney temporarily away from the meeting.

Commissioner Kron, supported by Commissioner Forsman, moved to grant an extension of a purchase agreement with James Erlemeir, John K. Baker and Paul T. Larson for purchase of the Willow Street Garage. The purchasers will be required to make a 10 percent non refundable down payment prior to July 2, 2004. If payment is received, an additional sixty-day extension will be granted to complete the transaction; five yeas - zero nays. Resolution No. 286.

At 3:49 P.M., Commissioner Sweeney rejoined the County Board meeting.

Commissioner Sweeney noted that a dinner meeting would be held Wednesday evening with the St. Louis County Legislative Delegation.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Land Commissioner submitting lists of tax forfeited lands in rural and urban areas of St. Louis County and withdrawals from Memorial Forest to be offered for public sale during the year 2004.-58246

Land Commissioner submitting applications for repurchases of tax forfeited property for the year 2004.-58247

Bert Swanson, Swanson's Nursery Consulting, Inc., Minnesota Nursery & Landscape Association Board of Directors, urging St. Louis County to support Minnesota businesses and jobs for Minnesotans and to accept the fair and competitive bids from private nurseries.-58248

Documentation from discussion on methamphetamine problem in St. Louis County.-58249

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Sales of County fee land for 2004.-58250

Agreement between St. Louis County and Historic Union Depot, Inc., regarding the sale of liquor at the Depot.-04-287

Agreement for Professional Services between St. Louis County and Gale-Tec Engineering, Inc., for a subsurface geotechnical exploration to aid in the proposed reconstruction of C-SAH 63, S.A.P. 69-663-012, C.P. 9258.-04-288

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and Sexual Assault Program of Northern St. Louis County.-04-289

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and The Salvation Army - Virginia.-04-290

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and The Salvation Army - Northern St. Louis County.-04-291

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and The Salvation Army - Hibbing.-04-292

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and Range Women's Advocates.-04-293

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and Range Transitional Housing, Inc.-04-294

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and Project SOAR of Northeast Minnesota.-04-295

Contract for Professional Services between the County of St. Louis and Lockridge, Grindal, Nauen, P.L.L.P., for expertise and knowledge of federal legislative and administrative activities.-04-296

2004/2005 Highway Maintenance Division Bargaining Unit Agreement.-04-297

Upon motion of Commissioner Kron, supported by Commissioner Sweeney, Resolutions No. 257 through 272, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER KRON:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of April 27, 2004, are hereby approved.

Adopted May 11, 2004. No. 257

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:

Real Estate - Laura Amendola, \$398.40; Diane Anderson, \$227.32; Christopher Antus, \$358.20; Alex Batinich, \$1,124.78; Darrell Beechler, \$116.60; Derek Beyer, \$301.84; Gayle Carlson,

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\$222.66; Wayne Cheney, \$155.32; Vincent Christy, \$407.16; Daniel Courneya, \$517.20; Michael Daugherty, \$253.74; Donald Debelak, \$252.46; Bryan Druar, \$287.60; Thomas Dunder, \$1,015.28; Michele Enright, \$301.30; Christopher Freeman, \$197.30; Charles Funke, \$253.86; Frank Glapa, \$152.62; Larry Golbeck, \$672.10; Shawn Gulbranson, \$527.22; Robert Halvorson, \$552.86; Christopher Hannine, \$394.06; Courtney Heaslip, \$317.46; Jack Heikkinen, \$358.22; Brandon Hietala, \$388.50; Hopkins Johnson, \$251.84; Kenneth Johnson, \$197.72; John Keuning, \$618.04; Terry Kosola, \$261.96; Daniel Kreidler, \$509.60; Scott Kuiti, \$541.44; Dennis Labine, \$592.20; Mary Lapointe, \$545.38; Brant Larson, \$913.50; Timothy Legarde, \$634.34; David Lynch, \$388.08; Rachel Matuszak, \$294.28; Timothy McGath, \$213.74; Michael Michelizzi, \$256.12; Kenneth Miller, \$558.82; Chad Nelson, \$235.32; Craig Nelson, \$585.70; Carol Oleson, \$193.78; Crystal Peterson, \$174.58; Mark Pirila, \$583.98; James Polzin, \$297.78; Kevin Roche, \$567.98; John Salmela, \$0.00; Douglas Scheibe, \$286.66; Dean Seopa, \$580.92; Mark Sertich, \$182.50; Joseph Simpson, \$226.88; Thomas Stonich, \$1,092.40; James Weir, \$288.52; Kyle Weisinger, \$531.56; Gary Wiita, \$250.86; William Wilson, \$2,747.12; Roland Wivoda, \$580.38.

Personal Property - City of Tower, \$779.64.

Adopted May 11, 2004. No. 258

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated April 30, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

Adopted May 11, 2004. No. 259

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, are hereby approved and the County Auditor is authorized to issue the licenses as follows;

RESOLVED FURTHER, that if named licenseholders sell their licensed business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund to the licenseholders:

Elaine Goodrum, d/b/a Birch Grove Resort, Kabetogama Township, Tobacco Products License No. T0411, renewal;

S & J Liquor, Inc., d/b/a Rascal's Lounge, City of Proctor, Tobacco Products License No. T04198, transfer.

Adopted May 11, 2004. No. 260

RESOLVED, that the County Board of Commissioners authorizes the Public Health and Social Services Department to enter into a contract with Range Mental Health Center to utilize Consolidated Chemical Dependency Treatment Fund (CCDTF) for chemical dependency treatment services for the period from June 1, 2004, through December 31, 2004, as follows:

Non-Residential:

Adult & Youth

Evening	\$35.69 per hour
Day	\$35.69 per hour

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Residential:

Residential

Adult

\$273.07 per day

Youth

\$273.07 per day

Funding:

Budget Reference:

Expenditures:

Fund 04 Social Service

Agency SSV Social Services

Org. 2700 CD Services

Obj. 3590 Consolidated Chemical Dependency/Treatment

Revenue 0020 Local Property Tax

Adopted May 11, 2004. No. 261

WHEREAS, The Duluth Economic Development Authority has offered to purchase the following described State Tax-Forfeited parcel for the appraised value of \$65,250.00 plus fees: City of Duluth, Section 9, Township 50 North, Range 14 West, NW 1/4 - NW 1/4. Parcel Code Number: 010-2710-2600; for the purpose of selling the land to a developer who has access to the parcel and is developing building sites (North Ridge Estates) on adjacent property. The land will be used for recreation and green space by area residents; and

WHEREAS, Minnesota Statute 282.01, Subd. 1(a), authorizes the sale of State Tax Forfeited land to an organized governmental subdivision; and

WHEREAS, this parcel of land is not withdrawn from sale pursuant to Minnesota Statutes Sections 84.012, 92.461, 282.01, Subdivision 8; and 282.018, and other statutes that require the withholding of State Tax-Forfeited lands from sale; and

WHEREAS, the Land Department recommends that this parcel be reclassified as non-conservation and approved for sale after considering, among other things, the present use of adjacent land; the productivity of the soil; the character of forest or other growth; the accessibility of lands to established roads, schools, and other public services; and the peculiar suitability or desirability of lands for particular uses.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the reclassification and sale of the above described State Tax-Forfeited parcel to the Duluth Economic Development Authority for the purpose of recreation and green space; for the appraised value of \$65,250.00 plus the following fees: 3 Percent Assurance Fee of \$1957.50, Deed Fee of \$25.00, Deed Tax of 216.15, and Recording Fee of \$20.00; for a total of \$67,468.65.

BE IT FURTHER RESOLVED, that the request for approval of the reclassification and sale be transmitted by the St. Louis County Land Department to the Clerk of the City of Duluth.

Adopted May 11, 2004. No. 262

RESOLVED, that St. Louis County Board Resolution No. 84, dated February 3, 2004, is amended to correct the legal description in Exhibit A-4 of the permanent right-of-way easement crossing State Tax forfeited land granted to Minnesota Power. The corrected legal description is identified as Exhibit A-4, on file in County Board File No. 58198.

Adopted May 11, 2004. No. 263

WHEREAS, the Land Department has reviewed a request of the St. Louis and Lake Counties Regional Rail Authority for a permanent recreational trail easement across State Tax Forfeited land and recommends approval; and

WHEREAS, exercising the easement will not cause significant adverse environmental or natural resource management impacts.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Auditor, by the authority vested in him by Minnesota Statutes, Section 282.04, Subd. 4, is hereby authorized to grant a

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permanent easement for recreational purposes to the St. Louis and Lake Counties Regional Rail Authority. The description of the easement is: A parcel of land 30.0 feet in width, 15.0 feet on each side of a line described as follows: Commencing at the northeast corner of the northeast one-quarter of the northwest one-quarter of Section 33, Township 63 North, Range 12 West of the Fourth Principal Meridian, St. Louis County, Minnesota; thence northerly on a projection of the east line of said northeast one-quarter of the northwest one-quarter which has an assumed azimuth of 359.3872 degrees a distance of 71.71 feet to the intersection with the southern right-of-way line of an abandoned railroad grade; thence southwesterly along the said southern right-of-way which has an azimuth of 235.8816 degrees a distance of 811.92 feet to an iron pin boundary marker; thence continuing on the previous azimuth a distance of 15.0 feet to the point of beginning; thence southeasterly parallel to and 15.0 feet distant to the boundary line to the northeast at an azimuth of 145.8817 degrees a distance of 175.0 feet; thence at an azimuth of 154.8817 degrees a distance of 102 feet more or less to the northerly right-of-way line of State Highway No. 169.

The granting of this easement is conditioned on payment of \$1300.00 Land Use Fee, \$100.00 Administration fee, \$6.00 Publication Fee, and \$20.00 Recording Fee; for a total cost of \$1426.00. Adopted May 11, 2004. No. 264

WHEREAS, the City of Duluth has requested the conveyance of State Tax Forfeited land for an authorized public use; and

WHEREAS, the Commissioner of Revenue is authorized to convey State Tax Forfeited property to an organized or incorporated governmental subdivision, for an authorized public use, pursuant to Minnesota Statutes 282.01, Subd. 1a.

NOW, THEREFORE, BE IT RESOLVED, the County Board recommends that the Commissioner of Revenue convey Tax Forfeited land to the City of Duluth legally described as: City of Duluth, Duluth Heights 6th Division, Lots 24-30, Block 7 inc. vacated Street & alley adj. Parcel Code No. 010-0890-02630; for surface water drainage control required in the development of Phase II of the City of Duluth, Billman Construction and the Habitat for Humanity Housing Project.

RESOLVED FURTHER, the City of Duluth will pay to St. Louis County the following fees: Appraisal Fee of \$100.00, Deed Fee of \$25.00, Deed Tax of \$1.65, and Recording Fee of \$20.00; for a total of \$146.65.

Adopted May 11, 2004. No. 265

WHEREAS, the Twin Ports Veterans Administration Outpatient Clinic was opened in October, 1989, after years of effort by countless veterans, community organizations, and individuals, to secure a local clinic for our region's veterans; and

WHEREAS, the Twin Ports Outpatient Clinic serves over 5,600 veterans and handles more than 20,000 patient visits each year, providing quality health care to our veterans in a professional, caring manner, and is one of the best performing facilities in the Upper Midwest; and

WHEREAS, if it was not for this extremely valuable clinic, many veterans in the region would not receive any health care; and

WHEREAS, the Veterans Administration has notified both veterans and staff that serious consideration is being given to the privatization of the Twin Ports Veterans Clinic, which may reduce the quality and availability of health care services to veterans; and

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners goes on record supporting the presence of the Twin Ports Veterans Administration Outpatient Clinic in Superior, Wisconsin.

FURTHER RESOLVED, that upon passage of this resolution, certified copies of the resolution be sent to President George W. Bush, U.S. Secretary of Veterans Affairs Anthony J. Principi, VA Midwest Health Care Network Director Dr. Robert A. Petzel, Minneapolis Medical Center Director Steven P. Kleinglass, Representative Obey (WI) Senator Kohl (WI), Senator Feingold (WI),

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Representative Oberstar, Senator Dayton, Senator Coleman, Governor Doyle (WI) and Governor Pawlenty.

Adopted May 11, 2004. No. 266

RESOLVED, that the appropriate County officials are hereby authorized to enter into an agreement with Lake County whereby Lake County will pay 95 percent of the project's costs prior to the award of the striping contract to St. Louis County as detailed in the plan and proposal and referenced in the agreement. The remaining cost will be paid to St. Louis County at the completion of the project, or any funds received by St. Louis County in excess of the project will be returned to Lake County. The funds will be received into Fund 02, Agency A12, Org. 0010, Object 518. Adopted May 11, 2004. No. 267

RESOLVED, the St. Louis County Board of Commissioners authorizes the Sheriff to apply for and accept the 2004 Off Highway Vehicle Enforcement Grant in the amount of \$18,662.00 from the State of Minnesota, Department of Natural Resources, payable to Fund 01, Agency 091, Org. ATV1; and

RESOLVED FURTHER, the St. Louis County Sheriff and Auditor are authorized to cooperatively work with and reimburse the City of Gilbert for All Terrain Vehicle Patrols within the Gilbert Off-Road Vehicle Park in an amount not to exceed \$5,000.00 as provided for in the grant agreement; and

RESOLVED FURTHER, the necessary County officials are hereby authorized to sign the grant agreement.

Adopted May 11, 2004. No. 268

WHEREAS, the County Board of Commissioners of the County of St. Louis, State of Minnesota, desires to offer for sale, as recommended by the Land Commissioner, certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes; and

WHEREAS, said parcels of land, as described in County Board File No. 58246, have been classified as non-conservation land as provided for in Minnesota Statutes, Section 282.01; and

WHEREAS, said parcels of land are not withdrawn from sale pursuant to Minnesota Statutes, Section 84.012, 92.461, 282.01, Subd. 8, and 282.018, and other statutes that require the withholding of tax forfeited lands from sale; and

WHEREAS, the classification and sale of these lands has been approved by the government subdivision in which they are located.

NOW, THEREFORE, BE IT RESOLVED, that the County Auditor is hereby authorized to offer said lands at public sale at not less than the basic sale price in accordance with terms set forth in the Land Department Policy No. 5450-1, and in a manner provided for by law on Tuesday, June 8, 2004, at 10:00 A.M. at the Duluth Entertainment & Convention Center, Paulucci Hall, Duluth, MN.

BE IT FURTHER RESOLVED, that the St. Louis County Board of Commissioners hereby requests approval from the Commissioner of Natural Resources for the sale of said lands.

Adopted May 11, 2004. No. 269

WHEREAS, the County Board of Commissioners of the County of St. Louis, State of Minnesota, desires to offer for sale, as recommended by the Land Commissioner, certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes; and

WHEREAS, the parcel of land described as:

CVT & Plat

10-2720 Township 51N, Range 14W, Section 35

Parcel Description

340 NW 1/4 of SE 1/4 of SE 1/4 except Southerly 33 feet

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has been classified as non-conservation land as provided for in Minnesota Statutes, Section 282.01; and

WHEREAS, said parcel of land is not withdrawn from sale pursuant to Minnesota Statutes, Sections 84.012, 92.461, 282.01, Subd. 8, and 282.018, and other statutes that require the withholding of tax forfeited lands from sale; and

WHEREAS, the classification and sale of this parcel has been approved by the government subdivision in which it is located.

NOW, THEREFORE, BE IT RESOLVED, that the County Auditor is hereby authorized to offer said land at public sale at not less than the basic sale price in accordance with terms set forth in the Land Department Policy No. 5450-1, and in a manner provided for by law on Tuesday, October 12, 2004.

BE IT FURTHER RESOLVED, that the St. Louis County Board of Commissioners hereby requests approval from the Commissioner of Natural Resources for the sale of said lands.

Adopted May 11, 2004. No. 270

WHEREAS, bids have been received by the County Auditor for the following project: M.P. 3654 (Aggregate Crushing Northern St. Louis County) located in five selected sites in Northern St. Louis County consisting of Crushing, Screening & Stockpiling Aggregate.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., May 3, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Hoover Construction Company	P.O. Box 1007 302 S. Hoover Rd. Virginia, MN 55792	\$154,890.00

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from Fund 02, Agency A12, Org. 0010, Obj 502.

Adopted May 11, 2004. No. 271

WHEREAS, bids have been received by the County Auditor for the following project: M.P. 61-3620 located at parking areas 2.4 mi and 2.48 miles NE of C-SAH 33 (McQuade Rd) on C-SAH 61 (North Shore Scenic Drive) NE of Duluth, MN, consisting of Grading, Aggregate Base, P.M. Bituminous Base and Surface;

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., May 3, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

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<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Duluth-Superior Erection, Inc.	2301 Becks Rd. P.O. Box 1076 Duluth, MN 55810	\$37,950.00

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from Local Match of 50 percent which consists of eligible design and construction engineering costs and the remainder from Local Funds (Fund 02, Agency A17, Org. 3620, Obj. 528), Lake Superior Coastal Grant from NOAA 50 percent.
Adopted May 11, 2004. No. 272

Upon motion of Commissioner Kron, supported by Commissioner Fay, Resolutions No. 273 through 285, which were approved at the Committee of the Whole meeting this date, were brought forth to this meeting as a second Consent Agenda and were unanimously adopted as follows with Commissioners Fink and Sweeney absent:

BY COMMISSIONER KRON:

RESOLVED, that the St. Louis County Board of Commissioners authorizes the Interim Public Health & Social Services Director and the County Administrator to sign a grant agreement with the National Association of Counties to support indoor air quality in the amount of \$5,000 for the period May 17, 2004, through October 31, 2004, payable to Fund 1, Agency 230, Org. 260.
Adopted May 11, 2004. No. 273

WHEREAS, under the provisions of Minnesota Statutes, Section 282.241, State Tax Forfeited land may be repurchased by the previous owner subject to payment of taxes and/or assessments and penalties, interest and costs; and

WHEREAS, Jeannie Owens, of 12 Vermilion Drive, Virginia, MN 55792, has applied to repurchase the following parcel: Plat/Parcel Code: 90-10-7630; City of Virginia, Lot 9, Block 31, Plat of Virginia;

WHEREAS, Jimmie and Jeannie Owens were the owners of record at the time of forfeiture, and are eligible to repurchase this property; and

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

NOW, THEREFORE, BE IT RESOLVED, that the repurchase application of Jeannie Owens, is on file in County Board File No. 58247, is approved for the property described above, and will be subject to payment including taxes and assessments of \$2448.81, a Repurchase Application Fee of \$114.00, a Deed Tax of \$8.08, a Deed Fee of \$25.00, and a Recording Fee of \$20.00; for a total of \$2615.89.

Adopted May 11, 2004. No. 274

WHEREAS, under the provisions of Minnesota Statutes, Section 282.241, State Tax Forfeited land may be repurchased by the previous owner subject to payment of taxes and/or assessments and penalties, interest and costs; and

WHEREAS, Jeannie Owens, of 12 Vermilion Drive, Virginia, MN 55792, has applied to repurchase the following parcel: Plat/Parcel Code: 90-10-10550; City of Virginia, all of Lot 21, W 1/2 Lot 22 ex. that part beg 5 feet E of NW corner thence deflect 90 degrees right 44 54/100 feet thence deflect 23 degrees 15 minutes left 19 feet thence deflect 156 degrees 45 minutes left 62 feet to N line thence W 7.5 feet to point of beginning, Block 41;

WHEREAS, Jimmie and Jeannie Owens were the owners of record prior to forfeiture, and are eligible to repurchase this property; and

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WHEREAS, approving the repurchase will correct undo hardship and promote the use of lands that will best serve the public interest;
NOW, THEREFORE, BE IT RESOLVED, that the repurchase application of Jeannie Owens, is on file in County Board File No. 58247, is approved for the property described above, and will be subject to payment including taxes and assessments of \$3450.42, a Repurchase Application Fee of \$114.00, a Deed Tax of \$11.38, a Deed Fee of \$25.00, and a Recording Fee of \$20.00; for a total of \$3620.80.
Adopted May 11, 2004. No. 275

WHEREAS, under the provisions of Minnesota Statutes, Section 282.241, State Tax Forfeited land may be repurchased by the previous owner subject to payment of taxes and/or assessments and penalties, interest and costs; and
WHEREAS, Raymond J. Abel, of 507 E. Howard St., Hibbing, MN 55746, has applied to repurchase the following parcel: Plat/Parcel Code: 140-70-790; City of Hibbing, Lot 7 except E'ly 2 68/100 feet, Block 5, Central Addition to Hibbing;
WHEREAS, Raymond J. Abel was the owner of record at the time of forfeiture, and is eligible to repurchase this property; and
WHEREAS, approving the repurchase will correct undo hardship and promote the use of lands that will best serve the public interest;
NOW, THEREFORE, BE IT RESOLVED, that the repurchase application of Raymond J. Abel, is on file in County Board File No. 58247, is approved for the property described above, and will be subject to payment including taxes and assessments of \$9748.75, a Repurchase Application Fee of \$114.00, a Deed Tax of \$32.17, a Deed Fee of \$25.00, and a Recording Fee of \$20.00; for a total of \$9939.92.
Adopted May 11, 2004. No. 276

WHEREAS, under the provisions of Minnesota Statutes, Section 282.241, State Tax Forfeited land may be repurchased by the previous owner subject to payment of taxes and/or assessments and penalties, interest and costs; and
WHEREAS, Kubena Construction, Inc., of 3523 Second Avenue East, Hibbing, MN 55746, has applied to repurchase the following parcel: Plat/Parcel Code: 141-50-2035; City of Hibbing, SE 1/4 of NW 1/4 except railway right of way and except part commencing at SE corner thence North 300 feet thence North 85 degrees 42 minutes 34 seconds West 150 feet to point of beginning thence continuing along the same line 250 feet thence North 450 feet thence South 85 degrees 42 minutes 34 seconds East 250 feet thence South to point of beginning, Section 15, Township 57N, Range 21W; and
WHEREAS, Kubena Construction, Inc. was an unrecorded owner of record at the time of forfeiture, and is eligible to repurchase this property; and
WHEREAS, approving the repurchase will correct undo hardship and promote the use of lands that will best serve the public interest;
NOW, THEREFORE, BE IT RESOLVED, that the repurchase application of Kubena Construction, Inc., on file in County Board File No. 58247, is approved for the property described above, and will be subject to payment including taxes and assessments of \$571.29, a Repurchase Application Fee of \$114.00, a Deed Tax of \$1.88, a Deed Fee of \$25.00, and a Recording Fee of \$20.00; for a total of \$732.17.
Adopted May 11, 2004. No. 277

WHEREAS, under the provisions of Minnesota Statutes, Section 282.241, State Tax Forfeited land may be repurchased by the previous owner subject to payment of taxes and/or assessments and penalties, interest and costs; and
WHEREAS, Kubena Construction, Inc., of 3523 Second Avenue East, Hibbing, MN 55746, has

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applied to repurchase the following parcel: Plat/Parcel Code:141-50-2040; City of Hibbing, NE 1/4 of SW 1/4 Section 15, Township 57, Range 21; and
WHEREAS, Kubena Construction, Inc., was the unrecorded owner of record at the time of forfeiture, and is eligible to repurchase this property; and
WHEREAS, approving the repurchase will correct undo hardship and promote the use of lands that will best serve the public interest;
NOW, THEREFORE, BE IT RESOLVED, that the repurchase application of Kubena Construction, Inc., on file in County Board File No. 58247, is approved for the property described above, and will be subject to payment including taxes and assessments of \$604.47, a Repurchase Application Fee of \$114.00, a Deed Tax of \$1.99, a Deed Fee of \$25.00, and a Recording Fee of \$20.00; for a total of \$765.46.

Adopted May 11, 2004. No. 278

WHEREAS, under the provisions of Minnesota Statutes, Section 282.241, State Tax Forfeited land may be repurchased by the previous owner subject to payment of taxes and/or assessments and penalties, interest and costs; and

WHEREAS, Jack Widmer Smith, of Box 558, Hayward, WI 54843, has applied to repurchase the following parcel: Plat/Parcel Code: 305-20-410; Town of Cotton, NE 1/4 of SW 1/4 except that portion lying West of middle line of South bound lane of U.S. Hwy. 53 and except highway right-of-way and except part East of centerline of North bound lane, Section 3, Township 54N, Range 17W; and

WHEREAS, Jack Widmer Smith is the owner of record at the time of forfeiture, and is eligible to repurchase this property; and

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

NOW, THEREFORE, BE IT RESOLVED, that the repurchase application of Jack Widmer Smith, on file in County Board File No. 58247, is approved for the property described above, and will be subject to payment including taxes and assessments of \$417.94, a Repurchase Application Fee of \$114.00, a Deed Tax of \$1.65, a Deed Fee of \$25.00, and a Recording Fee of \$20.00; for a total of \$578.59.

Adopted May 11, 2004. No. 279

RESOLVED, that the Director of Purchasing is hereby authorized to execute a contract with Univar USA, Inc., of St. Paul, MN, in accordance with the plans and specifications of Bid No. 4477, to Furnish and Apply 465,000 gallons of 38 percent Liquid Calcium Chloride, at their low specification bid of \$316,448.78, which includes approximately \$19,313.78 of State of Minnesota sales tax based on both material and application cost being taxable, from Fund 02 (Public Works), Agency A12 (Road Maintenance), and Object 534 (Dust Control).

Adopted May 11, 2004. No. 280

WHEREAS, the County of St. Louis is planning on implementing additional County-State Aid Highway Projects in 2004 which will require State Aid funds in excess of those available in its State Aid Regular Construction Account; and

WHEREAS, said County is prepared to proceed with the construction of said projects through the use of advance encumbrances from the general State Aid Construction Account to supplement the available funds in their State Aid Regular Construction Account; and

WHEREAS, repayment of the funds so advanced will be made in accordance with the provisions of Minnesota Statutes 162.08, Subdivision 7, and Minnesota Rules, Chapter 8820.

NOW, THEREFORE, BE IT RESOLVED, that the Commissioner of Transportation is hereby requested to approve this advance for financing approved County-State Aid Highway Projects of St. Louis County in an amount up to \$10.0 Million in accordance with Minnesota Rules 8820.1500, Subparagraph 9, and to authorize repayments from the following year's accruals to the Regular

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Construction Account of the County-State Aid Highway fund for said County.
Adopted May 11, 2004. No. 281

RESOLVED, that the County of St. Louis enter into Agreement 86445R under State Project No. 6915-122, S.A.P. No. 202-010-01, Federal Aid Project No. NH-HES 0053 (305), S.A.P. No. 69-648-27, County Project No. 8279, with the State of Minnesota, Department of Transportation, and the City of Hermantown for the purpose of: Installing a new Traffic Control Signal with street lighting and signing on Trunk Highway No. 53/Trunk Highway No. 194 (Miller Trunk Highway) at County-State Aid Highway No. 48 (Lavaque Road) - in accordance with the terms and conditions set forth and contained in Agreement No. 86445R, a copy of which was before the Board.

This agreement requires that the County pay for its 2.5 percent share of the estimated construction cost of \$200,000.00, or \$5,000.00, payable from Fund 08A, Agency 525, Org. 8279, Object 527, and an additional 8 percent share of the construction engineering costs through the same fund.
FURTHER RESOLVED, that the proper County officers be and hereby are authorized to execute such agreement and any amendments, and thereby assume for and on behalf of the County all of the obligations contained herein.
Adopted May 11, 2004. No. 282

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subdivision 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit applications, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization:
Crane Lake Voyageur Snowmobile Club to operate out of the following:
Trails End Resort, Portage Township, New;
Voyagaire Lodge, Crane Lake Township, New.
Adopted May 11, 2004. No. 283

RESOLVED, that the 2004/2005 Highway Maintenance Division Bargaining Unit Agreement, a copy of which is on file in Contract File No. 04-297, is hereby approved, and the appropriate County officials are authorized to execute said contract.
Adopted May 11, 2004. No. 284

RESOLVED, that the St. Louis County Public Health and Social Service Department is hereby authorized to submit a Family Group Decision Making Grant application for the maximum amount of funds allowed by May 15, 2004.
Adopted May 11, 2004. No. 285

RESOLVED, that County Board Resolution No. 532, adopted September 2, 2003, which authorized execution of a Purchase Agreement with James V. Erlemeier, John K. Baker and Paul T. Larson for County fee land and buildings located at 24 East Willow Street, Duluth, Minnesota, and was amended on December 23, 2003, by Resolution No. 778, extending the duration to nine months, is hereby amended as follows:

That the Purchase Agreement be for the duration of ten months and that on or before July 2, 2004, the buyers shall pay St. Louis County \$10,000 of the total purchase price of \$100,000 to extend the Purchase Agreement to September 2, 2004, at which time the buyers shall pay St. Louis County the balance of the purchase price, \$90,000. The failure to make either payment in full shall cause the termination of the Purchase Agreement and forfeiture of any amounts paid.

RESOLVED FURTHER, that all other provisions not directly affected by this amendment shall

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remain in full force and effect.
Adopted May 11, 2004. No. 286

At 3:50 P.M. on Tuesday, May 11, 2004, upon motion of Commissioner Fay, supported by Commissioner Sweeney, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON MAY 25, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 25th day of May, 2004, at 9:37 A.M. in the City Council Chambers, City Hall, Hibbing, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Chair Raukar began the meeting by reading a proclamation recognizing the week of May 15 through 22 as Emergency Medical Services Week.

Commissioner Fay, Chair of Public Safety and Corrections, presented the annual 9-1-1 Lifesaver Awards to the following persons/groups for their roles in rescuing a hunter who fell from a tree in the Crane Lake area and suffered a broken neck: Crane Lake First Responders; Orr Ambulance; Crane Lake Firefighters; Luke's One (helicopter); St. Louis County Rescue Squad; St. Louis County Sheriff's Department; St. Louis County 9-1-1 Communications personnel; Emy Lou Anderson, who initiated the emergency call.

Commissioner Nelson, taking his turn presenting an appropriate quotation, opted to share an observation concerning a recent local junior high school band concert he attended that had many empty chairs and a diminishing number of band members. Commissioner Nelson said his vision for this area is to have a sustainable economy so local residents will not be forced to drive to Minneapolis and other distant locations to see their grandchildren perform at concerts.

Chair Raukar then opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and the following chose to do so:

Vic Gunderson, Gold Mine Resort, said the issue of the Gold Mine Road has still not been resolved and he asked the Board to bring the road up to grade level.

Alan Burchell, Kabetogama, asked the Board to consider passing a resolution recommending the Park Service destroy a beaver dam that has ruined the Gold Portage on Lake Kabetogama. Commissioner Forsman said he would introduce a resolution at Committee of the Whole recommending the Park Service remove the dam and restore the portage to its natural state.

Commissioner Forsman, supported by Commissioner Fay, moved to award the contract for provision of 840,000 containerized seedlings for planting in 2006-2007 to PRT Dryden, Canada, on their low bid of \$85,800. Commissioner Forsman said NAFTA and state statutes force counties to award contracts to low bidders regardless of origin. Commissioner Nelson said it was a job issue and he also objected to the County putting "all their eggs in one basket." After further discussion, the resolution was approved; six yeas - one nay, Commissioner Nelson. Resolution No. 295.

Commissioner Fink, supported by Commissioner Fay, moved to approve Sick Leave Bank Guidelines for the Law Enforcement Labor Services, Inc., Local 288. The following persons addressed the issue:

Alan Mitchell, County Attorney, explained the history of sick leave banks and said there was a problem with this bargaining unit because double payments were made when workers'

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compensation issues occurred. There apparently was a policy in place that was never officially adopted by resolution, according to Attorney Mitchell.

David Lovaas, Deputy Sheriff, agreed that double payments should be stopped but he asked the Board to put the matter on hold until a current grievance is resolved and contract negotiations are complete.

Tim Harkonen, Deputy Sheriff, said the original policy started in the mid-1970s and never involved payback issues.

After further discussion, the resolution establishing sick leave bank guidelines was approved; seven years - zero pay. Resolution No. 296.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

St. Louis County Board Sick Leave Bank Guidelines for the Law Enforcement Labor Services, Inc., Local 288, bargaining unit.-58251

Mike Bourey, Twig, requesting that all hunting shack leases be at least a mile apart.-58252

Richard W. Ball, Executive Director, Housing and Redevelopment Authority of Duluth, regarding the Housing and Redevelopment Authority of Duluth and the proposed establishment of the Hawk Ridge Estates Tax Increment Financing District.-58253

Richard Hudelson, Duluth, regarding the affairs of the St. Louis County Historical Society.-58254

Eric and Amy Holte, Cloquet, requesting support at the June 8th meeting of Stoney Brook Township relative to the possible sale of the land where the West Twin Lake public beach/boat access is located.-58255

St. Louis County Emergency Communications Department recognizing individuals by granting the "9-1-1 Lifesaver Award".-58256

Agreement for Professional Nursing Services between St. Louis County, through its Health Department, and Residential Services for Community Alternative Care Client No. 11.-04-298
Mechanical Site Preparation by Disc Trenching, Project Contract No. 4468, between the County of St. Louis and Future Forests, Inc.-04-299

Federal Boating Safety Supplement Grant Agreement between the State of Minnesota, through its Commissioner of Natural Resources, Bureau of Information, Education and Licensing, and the St. Louis County Sheriff's Department.-04-300

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and Arrowhead Economic Opportunity Agency for Home Ownership Assistance Program.-04-301

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and Northeast Entrepreneur Fund, Inc., for Northeast Entrepreneur Microenterprise Development/Small Business Development.-04-302

St. Louis County Community Development Block Grant Program FY 2004 Agreement between

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St. Louis County and City of Aurora for water treatment plant improvements.–[04-303](#)

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and Life House, Inc., for Proctor House.–[04-304](#)

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and Arrowhead Economic Opportunity Agency for homeless shelter.–[04-305](#)

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and Town of White for water improvements.–[04-306](#)

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and Arrowhead Economic Opportunity Agency for single family housing rehab program.–[04-307](#)

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and City of Buhl for sewer/water improvements.–[04-308](#)

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and City of Cook for storm sewer improvements.–[04-309](#)

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and Town of Embarrass for historic Finnish homes restoration.–[04-310](#)

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and City of Eveleth for sewer improvements.–[04-311](#)

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and Floodwood Services and Training for services and training facility improvements.–[04-312](#)

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and City of Hibbing for sewer improvements.–[04-313](#)

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and City of Meadowlands for water tower demolition.–[04-314](#)

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and City of Virginia for recreation improvements.–[04-315](#)

Broadcast Application of Herbicides for Tree Plantation Site Preparation, Project Contract No. 4470, between the County of St. Louis and Future Forests, Inc.–[04-316](#)

State of Minnesota 2004-2005 Board of Water and Soil Resources Local Water Resources Protection and Management Program Challenge Grant Agreement with St. Louis County.–[04-317](#)

Contract between the County of St. Louis and Ulland Brothers, Inc., for S.A.P. 69-605-042, C.P. 9288, for Reclamation, Centerline Culverts, Plant Mixed Bituminous Surface and Aggregate Shouldering.–[04-318](#)

Contract between the County of St. Louis and Northland Bituminous for M.P. 6-1002 (low), M.P.

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11-8119, S.A.P. 69-698-11, for Reclamation, Aggregate Base, Plant Mixed Bituminous Surface & Aggregate Shouldering and additional work on M.P. 11-8119 consisting of Centerline Culverts.-04-319

Contract between the County of St. Louis and North Central Aggregates for M.P. 3656 - Southern St. Louis County Crushing.-04-320

Contract between the County of St. Louis and Louis Leustek & Sons for M.P. 3655 - Crushing, Screening and Stockpiling Aggregate.-04-321

Contract between the County of St. Louis and Ulland Brothers, Inc., for S.A.P. 69-733-023, C.P. 1265, for Reclamation, Aggregate Base, Plant Mixed Bituminous Surface & Aggregate Shouldering.-04-322

Purchase of Service Agreement, Contract No. 13648, between St. Louis County Board of Commissioners and Range Mental Health Center for targeted case management.-04-323ss

Addendum to Purchase Agreement, Contract No. 20534A, between the St. Louis County Board of Commissioners and Range Mental Health Center for adult mental health initiative flex fund grant.-04-324ss

Addendum to Purchase Agreement, Contract No. 20526A, between the St. Louis County Board of Commissioners and Range Mental Health Center for PATH state homeless grant services.-04-325ss

Addendum to Purchase Agreement, Contract No. 20524A, between the St. Louis County Board of Commissioners and Range Mental Health Center for community support program services.-04-326ss

Addendum to Purchase Agreement, Contract No. 20528A, between the St. Louis County Board of Commissioners and Arrowhead House East for adult mental health initiative flex fund grant.-04-327ss

Addendum to Purchase Agreement, Contract No. 20539A, between the St. Louis County Board of Commissioners and Arrowhead House for Rule 12 Integrated Fund grant.-04-328ss

Addendum to Purchase Agreement, Contract No. 20541A, between the St. Louis County Board of Commissioners and Merritt House for Rule 12 Integrated Fund grant.-04-329ss

Addendum to Purchase Agreement, Contract No. 20532A, between the St. Louis County Board of Commissioners and Merritt House - Virginia for adult mental health initiative flex fund grant.-04-330ss

Addendum to Purchase Agreement, Contract No. 20535A, between the St. Louis County Board of Commissioners and St. Louis County Health and Long Term Care Department for adult mental health initiative flex fund grant.-04-331ss

Addendum to Purchase Agreement, Contract No. 20540A, between the St. Louis County Board of Commissioners and Makalu, Inc., d/b/a Fresh Start, for Rule 12 Integrated Fund grant.-04-332ss

Addendum to Purchase Agreement, Contract No. 20542A, between the St. Louis County Board of Commissioners and Parkside Homes, Incorporated, for Rule 12 Integrated Fund grant.-04-333ss

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Addendum to Purchase Agreement, Contract No. 20533A, between the St. Louis County Board of Commissioners and Occupational Development Center for adult mental health initiative flex fund grant.–04-334ss

Addendum to Purchase Agreement, Contract No. 20529A, between the St. Louis County Board of Commissioners and Makalu, Inc., d/b/a Fresh Start, for adult mental health initiative flex fund grant.–04-335ss

Purchase of Service Agreement, Contract No. 13567, between the St. Louis County Board of Commissioners and Arrowhead Economic Opportunity Agency, d/b/a Arrowhead Meals on Wheels, for home delivered meals.–04-336ss

Purchase of Service Agreement, Contract No. 13569, between the St. Louis County Board of Commissioners and Personal Staff Senior Care, Inc., for home care services.–04-337ss

Purchase of Service Agreement, Contract No. 13570, between the St. Louis County Board of Commissioners and Lakeshore Lutheran Home for home delivered meals.–04-338ss

Purchase of Service Agreement, Contract No. 13680, between the St. Louis County Board of Commissioners and Community Connection of Minnesota, Inc., for adult foster care services and out-of-home respite services.–04-339ss

Purchase of Service Agreement, Contract No. 13537, between the St. Louis County Board of Commissioners and Interim Health Care of Lake Superior, Inc., for supplies and equipment.–04-340ss

Purchase of Service Agreement, Contract No. 13699, between the St. Louis County Board of Commissioners and Interim Healthcare of Lake Superior, Inc., for assisted living plus services and out-of-home respite services.–04-341ss

Purchase of Service Agreement, Contract No. 13716, between the St. Louis County Board of Commissioners and Interim Healthcare of Lake Superior, Inc., for assisted living service and out-of-home respite services.–04-342ss

Purchase of Service Agreement, Contract No. 13713, between the St. Louis County Board of Commissioners and St. Francis Health Services of Morris, Inc., d/b/a Home Care Service Options of Duluth/Mt. Royal Pines III, LLP, for assisted living plus services and out-of-home respite services.–04-343ss

Purchase of Service Agreement, Contract No. 13714, between the St. Louis County Board of Commissioners and St. Francis Health Services of Morris, Inc., d/b/a Home Care Service Options of Duluth/Mt. Royal Pines III, LLP, for assisted living services.–04-344ss

Purchase of Service Agreement, Contract No. 13707, between the St. Louis County Board of Commissioners and McCarthy Manor for assisted living plus services.–04-345ss

Purchase of Service Agreement, Contract No. 13656, between the St. Louis County Board of Commissioners and CHOICE, Unlimited, for non-residential services.–04-346ss

Purchase of Service Agreement, Contract No. 13709, between the St. Louis County Board of Commissioners and Senior Friend Associates, Inc., for assisted living plus services.–04-347ss

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Purchase of Service Agreement, Contract No. 13636, between the St. Louis County Board of Commissioners and Mesabi Academy of Kids Peace, Inc., for children's residential services.-04-348ss

Purchase of Service Agreement, Contract No. 13638, between the St. Louis County Board of Commissioners and Woodland Hills for children's residential services.-04-349ss

Purchase of Service Agreement, Contract No. 13652, between the St. Louis County Board of Commissioners and Bois Forte Reservation for family-based services.-04-350ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Hillcrest Alice South.-04-351ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Hillcrest Alice North.-04-352ss

Addendum to Purchase Agreement, Contract No. 13204B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Valley.-04-353ss

Homes Plus Agreement between the St. Louis County Board of Commissioners and LaRae Olson for adult foster care/respice care.-04-354ss

Homes Plus Agreement between the St. Louis County Board of Commissioners and Tracey Tammaro for adult foster care/respice care.-04-355ss

Purchase of Service Agreement, Contract No. 13705, between the St. Louis County Board of Commissioners and Hillside Homes of Duluth, Inc., for assisted living plus services.-04-356ss

Homes Plus Agreement between the St. Louis County Board of Commissioners and Allan and Michelle Kiminki for adult foster care/respice care.-04-357ss

Purchase of Service Agreement, Contract No. 13653, between the St. Louis County Board of Commissioners and the Center for Alcohol and Drug Treatment, d/b/a Duluth Detox Center, for meals.-04-358ss

Purchase of Service Agreement, Contract No. 13634, between the St. Louis County Board of Commissioners and the Center for Alcohol and Drug Treatment for sub-acute detoxification services.-04-359ss

Consolidated Chemical Dependency Treatment Fund Purchase of Service Agreement, Contract No. 13561, between the St. Louis County Board of Commissioners and Center for Alcohol & Drug Treatment.-04-360ss

Addendum to Purchase Agreement, Contract No. 13686A, between the St. Louis County Board of Commissioners and Edgewood Vista Senior Living, Inc., for assisted living plus services.-04-361ss

Purchase of Service Agreement, Contract No. 13686, between the St. Louis County Board of Commissioners and Edgewood Vista Senior Living, Inc., for assisted living plus services.-04-362ss

Purchase of Service Agreement, Contract No. 13649, between the St. Louis County Board of Commissioners and Human Development Center for targeted case management.-04-363ss

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Addendum to Purchase Agreement, Contract No. 20523A, between the St. Louis County Board of Commissioners and Human Development Center for community support program services.–[04-364ss](#)

Addendum to Purchase Agreement, Contract No. 20525A, between the St. Louis County Board of Commissioners and Human Development Center for PATH state homeless grant services.–[04-365ss](#)

Addendum to Purchase Agreement, Contract No. 20530A, between the St. Louis County Board of Commissioners and Human Development Center for Adult Mental Health Initiative Flex Fund Grant.–[04-366ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Carrie Anderson, d/b/a Anderson's Victorian Luxury Estates.–[04-367ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Hillside West.–[04-368ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Tracey Tammaro, d/b/a North Haven Hospice & Adult Foster Care.–[04-369ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and LaRae Olson.–[04-370ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Allan and Michelle Kiminki.–[04-371ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Clayridge Assisted Living.–[04-372ss](#)

Grant Agreement, Contract No. 20555, between the St. Louis County Board of Commissioners and Lutheran Social Services for crisis nursery services.–[04-373ss](#)

Purchase of Service Agreement, Contract No. 13654, between the St. Louis County Board of Commissioners and Northwood Children's Services for child foster care services.–[04-374ss](#)

Homes Plus Agreement between the St. Louis County Board of Commissioners and Carrie Anderson for adult foster care/respice care.–[04-375ss](#)

Addendum to Purchase Agreement, Contract No. 13123D, between the St. Louis County Board of Commissioners and Range Development Company of Chisholm for assisted living plus.–[04-376ss](#)

Purchase of Service Agreement, Contract No. 13676, between the St. Louis County Board of Commissioners and Range Development Company of Chisholm, Inc., for assisted living plus services and out-of-home respice services.–[04-377ss](#)

Purchase of Service Agreement, Contract No. 13657, between the St. Louis County Board of Commissioners and TL Care Services, LLC, d/b/a Westview Services, for adult foster care services and out-of-home services.–[04-378ss](#)

Purchase of Service Agreement, Contract No. 13674, between the St. Louis County Board of

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Commissioners and Salmi Homes, Inc., for assisted living plus services.-04-379ss

Addendum to Purchase Agreement, Contract No. 13674A, between the St. Louis County Board of Commissioners and Salmi Homes, Inc., for assisted living plus services.-04-380ss

Purchase of Service Agreement, Contract No. 13677, between the St. Louis County Board of Commissioners and Woodhill Homes, Inc., for adult foster care services and out-of-home respite services.-04-381ss

Purchase of Service Agreement, Contract No. 13672, between the St. Louis County Board of Commissioners and Residential Services of Northeastern Minnesota, Inc., for adult foster care services and out-of-home respite services.-04-382ss

Purchase of Service Agreement, Contract No. 13690, between the St. Louis County Board of Commissioners and Lakeview Residence, Inc., for residential care services.-04-383ss

Purchase of Service Agreement, Contract No. 13683, between the St. Louis County Board of Commissioners and TBI Residential and Community Services, Inc., for residential care services.-04-384ss

Purchase of Service Agreement, Contract No. 13679, between the St. Louis County Board of Commissioners and TBI Residential and Community Services, Inc., for adult foster care services.-04-385ss

Purchase of Service Agreement, Contract No. 13682, between the St. Louis County Board of Commissioners and Family Counseling and Extended Services, Inc., for adult foster care services and out-of-home respite services.-04-386ss

Purchase of Service Agreement, Contract No. 13692, between the St. Louis County Board of Commissioners and Reed's Boarding and Lodging, LLC, for residential care services.-04-387ss

Purchase of Service Agreement, Contract No. 13681, between the St. Louis County Board of Commissioners and NHS - Northstar Specialized Services, Inc., for adult foster care services and out-of-home respite services.-04-388ss

Purchase of Service Agreement, Contract No. 13673, between the St. Louis County Board of Commissioners and Tender Loving Care of Duluth, Inc., for adult foster care services.-04-389ss

Purchase of Service Agreement, Contract No. 13684, between the St. Louis County Board of Commissioners and Stepping Stones for Living, LLC, for adult foster care services.-04-390ss

Purchase of Service Agreement, Contract No. 13685, between the St. Louis County Board of Commissioners and Peterson Colonial Homes, Inc., for adult foster care services.-04-391ss

Purchase of Service Agreement, Contract No. 13691, between the St. Louis County Board of Commissioners and Peterson Colonial Homes, Inc., for residential care services.-04-392ss

Purchase of Service Agreement, Contract No. 13571, between the St. Louis County Board of Commissioners and Proctor Meals on Wheels for home delivered meals.-04-393ss

Addendum to Purchase Agreement, Contract No. 13562A, between the St. Louis County Board of Commissioners and Duluth Bethel Society for chemical dependency treatment services.-04-394ss

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Addendum to Purchase Agreement, Contract No. 13563A, between the St. Louis County Board of Commissioners and Miller-Dwan Medical Center for chemical dependency treatment services.–04-395ss

Addendum to Purchase Agreement, Contract No. 13560A, between the St. Louis County Board of Commissioners and Arrowhead Center, Inc., for chemical dependency treatment services.–04-396ss

Addendum to Purchase Agreement, Contract No. 13565A, between the St. Louis County Board of Commissioners and University Medical Center - Mesabi for chemical dependency treatment services.–04-397ss

Agreement for Family Foster Care for Children under the Community Alternatives for Disabled Individuals and Traumatic Brain Injury Waivers between the St. Louis County Board of Commissioners and Donald and Virginia M. Lietz.–04-398ss

Agreement for Family Foster Care for Children under the Community Alternatives for Disabled Individuals and Traumatic Brain Injury Waivers between the St. Louis County Board of Commissioners and Laura Webber.–04-399ss

Public Works Department submitting Final Contract Certification for work done on S.A.P. 69-600-25, C.P. 9277.–04-400

2004 County Boat and Water Safety Agreement between the State of Minnesota Department of Natural Resources and St. Louis County, through its Sheriff's Department.–04-401

St. Louis County Emergency Shelter Grant Program FY 2004 Agreement between St. Louis County and Range Transitional Housing, Inc.–04-402

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and City of Ely for recreation improvements.–04-403

St. Louis County Emergency Shelter Grant Program FY 2004 Agreement between St. Louis County and Arrowhead Economic Opportunity Agency.–04-404

Purchase of Service Agreement, Contract No. 13693, between the St. Louis County Board of Commissioners and Senior Friend for assisted living services.–04-405ss

Upon motion of Commissioner Sweeney, supported by Commissioner Kron, Resolutions No. 287 through 294, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER SWEENEY:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of May 4, 2004, are hereby approved.
Adopted May 25, 2004. No. 287

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of May 11, 2004, are hereby approved.
Adopted May 25, 2004. No. 288

RESOLVED, that the recommendations of the Finance Committee for payment of claims and bills

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against the County of St. Louis, on file in the office of the County Auditor, identified as County Board File No. 58174, are hereby approved and the County Auditor shall issue checks in the following amounts:

<u>FUND</u>		<u>TOTAL</u>
T11	MN Trail Assistance	\$ 23,460.80
T21	Beer License	10.00
T27	Refunds	6,520.48
T48	Taconite Relief/Other	1,387,083.50
T50	State of Minnesota	361,418.58
T74	Employer/Employee Deductions	684,592.91
T77	Cancelled Checks	1,035.90
T80	Lake Superior - Forfeiture	2,000.00
T85	Sheriff's State Forfeitures	100.00
T86	Attorney Trust Accounts	579.11
T92	Controlled Substances	25,349.44
01	General Fund	891,429.99
02	Public Works	550,225.02
04	Social Services	4,894,619.82
08	County Facilities - Capital Projects	9,488.00
08A	State Aid Road	1,111,934.46
08B	Road & Bridge Building Const.	50,210.00
10B	Emergency Shelter 99/00 Funds	1,310.96
12B	CDBG Grant	64,269.00
127	Enhanced 9-1-1 Fund	3,777.31
128	Law Library	5,877.34
13	St. Louis County HRA	1,591.50
131	Extension Service	2,065.97
15	Forfeited Tax	233,685.56
16	Forest Resources	2,737.50
26	Solid Waste Authorities	111,964.03
37L	Hibbing Public Works Facility Debt	660.00
49	Postage/Office Supplies	62,021.50
49A	Plat Book Revolving	2,835.00
50	Printing	24,411.09
51	County Garage	177,720.40
52A	Property, Casualty, Liability	200,000.00
52B	Workers Compensation	66,124.54
52D	Medical/dental Self Insurance	1,742.34
53	Management Information Systems	62,513.34
54	Regional Railroad Authority	20,110.55
55	Telecommunications	25,792.45
57	Retired Employees Health Insurance	80,009.88
64A	Chris Jensen Health & Rehab.	374,169.90
65	Laundry	18,006.47
66	Community Food Services	56,351.59
67	Supervised Living Facilities	3,929.47
72	Northern Counties Land Use Coordinating Board	1,694.00
73	Arrowhead Regional Corrections	252,060.93
74	Community Health Services	<u>2,494.50</u>
		\$11,859,985.13

Adopted May 25, 2004. No. 289

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RESOLVED, that the appraisal reports for sale of timber, numbered Tract 1 and 2 as submitted by the Land Commissioner, on file in the office of the County Auditor, identified as County Board File No. 58170 are approved and the County Auditor is authorized to carry out the recommendation as listed in said appraisal reports.

Adopted May 25, 2004. No. 290

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated May 14, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

Adopted May 25, 2004. No. 291

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for an intoxicating liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58181; FURTHER RESOLVED, that said license is approved contingent upon license holder paying real estate or personal property taxes when due;

FURTHER RESOLVED, that if named license holder sells their licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of the license fees to the license holder;

FURTHER RESOLVED, that said license shall be effective through June 30, 2004:

Elbow Lake Investors, Inc., d/b/a Elbow Lake Lodge, Beatty Township, On-Sale Intoxicating Liquor License No. ON0425 and Sunday On-Sale Intoxicating Liquor License No. ONS0425.

Adopted May 25, 2004. No. 292

RESOLVED, that pursuant to Ordinance No. 28, Section 11, Subdivision 11.06, authorization is hereby granted to Riverside Inn of Side Lake, Inc., d/b/a Riverside Inn of Side Lake, Inc., French Township, to sell/serve outside the designated serving area of the County Liquor License for the date of July 4, 2004, as per application on file in the office of the County Auditor, identified as County Board File No. 58181.

Adopted May 25, 2004. No. 293

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for permit authorizing the consumption and display of intoxicating liquor is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58202:

Hi Banks Resort, Inc., d/b/a Hi Banks Resort, Fredenberg Township, Permit No. S0516, transfer.

Adopted May 25, 2004. No. 294

BY COMMISSIONER FORSMAN:

WHEREAS, the St. Louis County Director of Purchasing solicited bids to furnish and deliver Containerized Tree Seedlings for planting on tax forfeited land in the year 2006 & 2007; and WHEREAS, PRT Dryden, Inc., submitted the low bid in the amount of \$85,800.00.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Director of Purchasing is hereby authorized to execute a two-year contract with PRT Dryden, Inc., for the delivery of 840,000 containerized seedlings for planting in the Spring of 2006 & 2007, in accordance with the specifications of Bid No. 4473 and subject to the approval of the County Attorney, at their low bid price of \$85,800.00, payable from Fund 16 (Forest Resources), Agency F41 (Resource

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Development).

Yeas - Commissioners Fink, Fay, Kron, Forsman, Sweeney, and Chair Raukar - 6

Nays - Commissioner Nelson - 1

Adopted May 25, 2004. No. 295

BY COMMISSIONER FINK:

RESOLVED, the St. Louis County Board Sick Leave Bank Guidelines for the Law Enforcement Labor Services, Inc., Local 288 bargaining unit, a copy of which is on file in County Board File No. 58251, are hereby approved for all pending and future requests for sick leave bank benefits from members of said bargaining unit.

Unanimously adopted. May 25, 2004. No. 296

At 11:20 A.M. on Tuesday, May 25, 2004, upon motion of Commissioner Kron, supported by Commissioner Sweeney, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:

Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

OFFICIAL PROCEEDINGS
OF THE
BOARD OF COUNTY COMMISSIONERS
OF ST. LOUIS COUNTY, MINNESOTA

JUNE, 2004

**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON JUNE 1, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 1st day of June, 2004, at 9:34 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Chair Raukar opened the meeting by offering the following quotations:

“Honesty is the first chapter in the book of wisdom.” Thomas Jefferson.

“There is no legacy so rich as honesty.” William Shakespeare.

And to graduates who will be venturing off to make their way in the world, Chair Raukar offered his own advice, “Beware the temptation to measure your social status, success and intellect by the thickness of your wallet.”

Chair Raukar then opened the meeting to persons who wanted to address the Board concerning issues not on the agenda, but no one chose to do so.

At the request of Commissioner Fink, Item No. 13 of the Consent Agenda (Agreement to contribute up to \$2,000 toward purchase of lobbying services from E. Del Smith and Company, Inc., for necessary expense incurred attempting to secure funding for Trunk Highway 53) was removed for separate consideration under Central Management and Intergovernmental Committee. Commissioner Kron, supported by Commissioner Sweeney, moved to approve the remainder of the Consent Agenda; seven yeas - zero nays.

Commissioner Sweeney, supported by Commissioner Nelson, moved to approve a contract between St. Louis County and the Carlton, Cook, Lake and St. Louis Community Health Board for provision of Child and Teen Checkup administrative services and MA outreach for 2004. Vicki Maher, Interim Social Services Director, explained the purpose of the preventive program which hopes to attract more of the estimated 17,000 eligible persons in the County. After brief discussion, the motion was approved; seven yeas - zero nays. Resolution No. 313.

Commissioner Forsman, supported by Commissioner Sweeney, moved to establish a public auction of earthen material from tax forfeited land on June 4, 2004. John Thompson, Land Department, said earthen material sales are conducted in conjunction with county projects, allowing opening of a pit to supply the contractor. In response to a question from Commissioner Nelson, Thompson said his department is compiling a complete inventory of material resources within the County; seven yeas - zero nays. Resolution No. 314.

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Commissioner Forsman, supported by Commissioner Sweeney, moved to approve a resolution requesting the Park Service to remove a beaver dam from Gold Portage on Lake Kabetogama. Commissioner Forsman amended his motion to include recognition of Native American use of the Portage as a historical trade route; seven yeas - zero nays. Resolution No. 315.

Commissioner Sweeney, supported by Commissioner Nelson, moved to approve the reclassifications and pay grades for the positions of Chief Deputy Administrator and Deputy Administrator. Commissioner Fink objected to the reclassification while bargaining unit negotiations were still in progress and he expressed concern that overall administrative structure was not being given enough consideration. Commissioners Sweeney, Nelson and Chair Raukar said the reclassifications merely reflect current job duties. Dana Frey, County Administrator, said this process has been ongoing since 1998 and the reclassification has been recommended by Civil Service. Administrator Frey said Administrative structure is something that could be discussed at a County Board Workshop later this year. After further discussion, the resolution was approved; six yeas - one nay, Commissioner Fink. Resolution No. 316.

Item No. 13 of the Consent Agenda (Lobbying services contribution to E. Del Smith and Company). Commissioner Fink said total lobbying costs for federal highway funding since 1998 have amounted to \$15,000. Commissioner Forsman said, in response to a question from Commissioner Sweeney, that St. Louis County received upwards of \$14 million in federal highway funding during this period; seven yeas - zero nays. Resolution No. 317.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Alan Burchell, Kabetogama, submitting photographs of a beaver dam that has ruined the Gold Portage on Lake Kabetogama.-58257

John Bray, Chairman of the Board, and Chuck Carlberg, Executive Director of the North Shore Inline Marathon, providing details about the race and expressing thanks to the County Board for supporting the inline marathon scheduled for September 18, 2004.-58258

Tim Murphy, Britt, regarding proposals to increase the number of mine inspectors.-58259

State of Minnesota Joint Powers Agreement between the Commissioner of the Department of Natural Resources and St. Louis County for implementation of forest development projects.-04-406

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and Arrowhead Economic Opportunity Agency (AEOA) for Raising Our Children's Kids (ROCK).-04-407

Agreement for Professional Services between St. Louis County and The Design Group, Inc., for services related to the modification of software and electrical equipment used to monitor and operate the County's leachate collection and spray irrigation system.-04-408

Upon motion of Commissioner Kron, supported by Commissioner Sweeney, Resolutions No. 297 through 306, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER KRON:
RESOLVED, that the St. Louis County Board of Commissioners hereby authorizes change of the

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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approved Public Health and Social Services staffing complement as follows:

- 1) Eliminate three Social Service Specialist positions and add three Social Worker positions.
- 2) Direct the Public Health and Social Service Department to incorporate required expenditure and revenue changes into the 2004 Revised and 2005 budgets.

Adopted June 1, 2004. No. 297

WHEREAS, a segment of County State Aid Highway 23 was reconstructed and relocated during 2002 and 2003 between Trunk Highway 53 and County State Aid Highway 119.

WHEREAS, portions of the old road are no longer used and are not necessary for the County highway system.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Minnesota Statutes 163.11, Subdivision 4, the St. Louis County Board of Commissioners hereby vacates the following portions of County State Aid Highway 23 (Nett Lake Road):

All that part of original road right of way located outside of St. Louis County Highway Right of Way Plat No. 19 as recorded in St. Louis County Recorder's Office as Abstract document number 811828 and Torren's document number 698118 and lying within the following described properties:

Northwest Quarter of Southeast Quarter (NW 1/4 of SE 1/4), Section Twenty-one (21), Township Sixty-four (64), Range Twenty (20).

Government Lot One (1) and North One-Half of Southeast Quarter (N 1/2 of SE 1/4), Section Twenty-two (22), Township Sixty-four (64), Range Twenty (20).

Southwest Quarter of Northwest Quarter (SW 1/4 of NW 1/4), Northeast Quarter of Northwest Quarter (NE 1/4 of NW 1/4), and Lot 14 in Auditor's Plat No. 44, all in Section Twenty-three (23), Township Sixty-four (64), Range Twenty (20).

Government Lot One (1), Government Lot Four (4), Northeast Quarter of Southwest Quarter (NE 1/4 of SW 1/4), Southeast Quarter of Northeast Quarter (SE 1/4 of NE 1/4), all in Section Fourteen (14), Township Sixty-four (64), Range Twenty (20).

Southwest Quarter of Northwest Quarter (SW 1/4 of NW 1/4), Northwest Quarter of Northeast Quarter (NW 1/4 of NE 1/4), Northeast Quarter of Northeast Quarter (NE 1/4 of NE 1/4), all in Section Thirteen (13), Township Sixty-four (64), Range Twenty (20).

Adopted June 1, 2004. No. 298

WHEREAS, St. Louis County is the lead entity and fiscal agent of the five-county Northeast Minnesota HOME Consortium made up of Cook, Lake, Koochiching, Itasca, and St. Louis Counties, and has received HOME Program funds under the HOME Investment partnership Act Title II of the National Affordable Housing Act of 1990, for the purpose of carrying out eligible housing activities under the Act; and

WHEREAS, the provision of safe, quality, and affordable housing for homeless persons is identified in the Consolidated Plan as a critical component of a comprehensive housing strategy; and

WHEREAS, the Consortium desires to award \$70,166 of HOME funds to the Northland Counseling Center, Inc., to carry out its rehabilitation of the Midway Villas for the Midway Village Homeless Housing Project.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board does hereby authorize

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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the County Planning Director and a representative of the County Attorney to execute a HOME agreement between St. Louis County and the Northland Counseling Center, Inc., in the amount of \$70,166;

RESOLVED FURTHER, disbursements relative to the above HOME Agreements will be made from Fund 11, HOME Program.

Adopted June 1, 2004. No. 299

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File 58175, are hereby approved:

Real Estate - Thomas Autio, \$583.90; Douglas Aysta, \$370.52; John Baumgarten, \$177.36; Gregory Bjerga, \$529.42; Steven Bystedt, \$382.04; Richard Callahan, \$285.64; Stephen Charnley, \$286.10; David Chida, \$1158.46; Chester Comstock, \$448.86; Kimberly Davern, \$552.26; Brady Ellinghoe, \$501.10; Jerold Forsberg, \$102.52; Harvey Johnson, \$1462.16; Kenneth Koivisto, \$229.80; Eric Lilli, \$488.26; Living Stones Fellow, \$270.94; Julie Lohman, \$513.90; Kellie Luckenbach, \$296.00; Gary Luke, \$248.38; Andrew McDonald, \$296.26; Roy Miller, \$284.00; Seth Nelson, \$123.40; Robert Nielson, \$157.48; North Star Steel, \$669.06; Rodney Porisch, \$258.90; Mandy Price, \$292.76; Terry Raatz, \$230.80; Kathleen Radtke, \$92.80; Shawn Rieschl, \$278.70; Katherine Rivers, \$568.88; Rory Siiter, \$247.60; James Vos, \$186.76; Larry Warren, \$551.50.

Adopted June 1, 2004. No. 300

RESOLVED, that a public hearing will be held at 9:35 a.m. on June 22, 2004, in the Semers Park Pavilion, Ely, Minnesota, for the purpose of considering the granting of an Off-Sale Intoxicating Liquor License to Elbow Lake Investors, Inc., d/b/a Elbow Lake Lodge, Beatty Township.

Adopted June 1, 2004. No. 301

WHEREAS, the St. Louis County, City of Ely, Morse Township, Lake County, and the Minnesota Department of Transportation Joint Public Works Facility in Ely is one of the identified projects in the CIP; and

WHEREAS, the project includes a new maintenance facility at Ely to house the Fourth District Maintenance Operations as well as the Ely Engineering Design and Construction Division; and WHEREAS, preliminary space and cost estimates for St. Louis County's share of the facility are 35,213 sq. ft. and \$3.7 Million respectively; and

WHEREAS, all of the partners are being asked to pass a resolution supporting the Joint Public Works Facility concept.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board goes on record in support of the Joint Public Works Maintenance Facility in Ely.

Adopted June 1, 2004. No. 302

RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the Property Management Director to offer for sale the parcels described as Lots 16 through 22, Block 15, Basswood Avenue, Duluth Heights 6th Division, City of Duluth, pursuant to the requirements and procedures of Minn. Statutes, Section 373.01.

RESOLVED FURTHER, the Board hereby establishes the time for proposal consideration to be 9:35 a.m. on Tuesday, July 6, 2004 at the St. Louis County Board meeting in the Duluth Courthouse.

Adopted June 1, 2004. No. 303

THEREFORE BE IT RESOLVED, that the St. Louis County Board authorizes the Chair of the

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County Board to execute a letter of intent for purchase of real estate described as: A ten (10) Acre parcel of vacant land with legal description of SE 1/4 of SW 1/4 of SW 1/4, Section 16, T50N, R14W Duluth, MN, St. Louis County, for the minimum price of \$100,000 with Freedom Development and Consulting, Inc.

BE IT FURTHER RESOLVED, that the County Attorney's Office is authorized to negotiate a purchase agreement for the sale of the above property with final approval by the St. Louis County Board of Commissioners.

Adopted June 1, 2004. No. 304

RESOLUTION CALLING FOR A PUBLIC HEARING ON INTENT TO ISSUE CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 373.40

BE IT RESOLVED by the Board of Commissioners (the "Board") of St. Louis County, Minnesota (the "County"), as follows:

1. Pursuant to Minnesota Statutes, Section 373.40, the Board has authorized preparation of a capital improvement plan for the years 2004 through 2009 (the "Plan").
2. The Board approved the Plan following a public hearing held April 6, 2004.
3. The Plan has been submitted to the Minnesota Department of Employment and Economic Development for approval.
4. The Board is considering the issuance of capital improvement bonds under Minnesota Statutes, Section 373.40 and Chapter 475 in an amount not to exceed \$21,500,000 (the "Bonds") for the purpose of providing funds for the following capital improvements under the Plan:
 - (a) Courthouse Improvements – including the Duluth Courthouse HVAC upgrades, Phase II;
 - (b) Administration Buildings Improvements – including Duluth Government Services Center HVAC replacement and roof repair; and the Hibbing Annex Building remodeling;
 - (c) Health and Social Services Facilities Improvements – including Chris Jensen Home capital repairs and improvements and capital equipment purchases;
 - (d) Road and Bridge Improvements – including Duluth motor pool facility repairs and improvements; and Ely joint maintenance facility; and
 - (e) Law Enforcement Center – including new sheriff's office administration building and 911 dispatch operations center and capital equipment therefor;(collectively, the "Project").
5. The Board of Commissioners shall hold a public hearing at 9:35 a.m. on Tuesday, July 27, 2004, in the Mountain Iron City Council Chambers at the Mountain Iron Community Center located in Mountain Iron, Minnesota, and at 9:35 a.m. on Tuesday, August 3, 2004, in the board room at the St. Louis County Courthouse, at Duluth, Minnesota, to provide an opportunity for residents to express their views on the issuance of the Bonds for the Project.
6. The County Auditor shall publish a notice of public hearing on intent to issue Bonds in substantially the form attached hereto as Exhibit A on a date which is not less than 14 days

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nor more than 28 days before the hearing in the official newspaper of the County.

Adopted June 1, 2004. No. 305

WHEREAS, the St. Louis County Purchasing Department solicited bids for Office Supplies on April 27, 2004, and May 6, 2004; and

WHEREAS, Corporate Express and Innovative Office Solutions (IOS) submitted the only bids that met all evaluation criteria.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Director of Purchasing is hereby authorized to execute a (3) three year contract with (2) two one-year extensions to purchase office supplies with Corporate Express of Duluth, Minnesota, in accordance with the specifications of Bid # 4464, subject to the approval of the County Attorney.

Adopted June 1, 2004. No. 306

WHEREAS, bids have been received by the County Auditor for the following project: M.P. 101-1495 located on C-SAH 101 from C.R. 315 to C-SAH 7; length 1.26 Miles consisting of Bituminous Surfacing and Aggregate Shoulders.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 a.m., May 17, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Hardrives, Inc.	2372 North Yoki Road Zim, MN 55738	\$122,235.88

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from Fund 02, Agency A17, Org. 1495, Object 528.

Adopted June 1, 2004. No. 307

WHEREAS, bids have been received by the County Auditor for the following combined projects:

- a) MP 6863-1268 (low) located on TR 6863 (Reinerten Dr.), length 0.27 Miles consisting of Bituminous Surfacing and Aggregate Shoulders;
- b) MP 6864-1269 located on TR 6864 (Timberline Acres), length 0.80 Miles consisting of Aggregate Surfacing, P.M. Bituminous Surfacing, Aggregate Shoulders;
- c) MP 6870-1270 located on TR 6870 (Donnywood Acres, East & West), length 1.73 Miles consisting of Bituminous Surfacing and Aggregate Shoulders;
- d) MP 6650-1496 located on TR 6650 (Tall Pine Rd.), length 0.25 Miles consisting of Aggregate Surfacing, P.M. Bituminous Surfacing, Aggregate Shoulders;
- e) MP 6851-1497 located on TR 6851 (Posimoke Dr.), length 0.25 Miles consisting of Aggregate Surfacing, P.M. Bituminous Surfacing, Aggregate Shoulders;
- f) MP 6859-1498 located on TR 6859 (Cattail Dr.), length 0.24 Miles consisting of Bituminous Surfacing, Aggregate Shoulders;
- g) MP 6862-1499 located on TR 6862 (Sunrise Tr.), length 0.18 Miles consisting of Aggregate Surfacing, P.M. Bituminous Surfacing, Aggregate Shoulders.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 a.m., May 17, 2004, and this Board has, with the County Highway Engineer, determined the lowest

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bidder of said project for which proposals were invited and submitted; and
WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.
NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above combined projects to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Hardrives, Inc.	2372 North Yoki Road Zim, MN 55738	\$461,747.09 (total)

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from:
MP 6863-1268 (low): Fund 02A, Agency 400, Org 1268, Object 528, \$35,875.72
MP 6864-1269: Fund 02A, Agency 400, Org 1269, Object 528, \$103,627.34
MP 6870-1270: Fund 02A, Agency 400, Org 1270, Object 528, \$190,839.62
MP 6650-1496: Fund 02A, Agency 400, Org 1496, Object 528, \$37,812.94
MP 6851-1497: Fund 02A, Agency 400, Org 1497, Object 528, \$36,860.54
MP 6859-1498: Fund 02A, Agency 400, Org 1498, Object 528, \$27,950.21
MP 6862-1499: Fund 02A, Agency 400, Org 1499, Object 528, \$28,780.72.
Adopted June 1, 2004. No. 308

WHEREAS, bids have been received by the County Auditor for the following project: M.P. 5-1251 located on C-SAH 5 from T.R. 7151 (Beatrice Lake Rd.) to C-SAH 22 northeast of Hibbing, MN, length 4.97 Miles, consisting of Reclamation, Bituminous Surfacing, Aggregate Shouldering.
WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 a.m., May 17, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and
WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.
NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Hardrives, Inc.	2372 North Yoki Road Zim, MN 55738	\$483,833.60

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from Fund 02, Agency A17, Org. 1251, Object 528.
Adopted June 1, 2004. No. 309

WHEREAS, bids have been received by the County Auditor for the following combined projects:
a) M.P. 238-1006 (low) and b) S.A.P. 69-600-29, C.P. 9302 located on C.R. 238 (Abbott Rd.) from 2665 feet southwest of C-SAH 4 (Rice Lake Road) to C-SAH 4, near Island Lake, north of Duluth, MN, consisting of Bituminous Surfacing, Aggregate Shouldering, length 0.28 miles and 0.23 miles.
WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 a.m.,

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May 24, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Glacier Paving, Inc.	1000 Tall Pine Lane Cloquet, MN 55720	\$56,487.44

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from:

MP 238-1006: Fund 200, Agency 203055, Object 652800, Project 10660238 \$31,569.12
SAP 69-600-29: Fund 220, Agency 220127, Object 652700, Project 10660238. \$24,918.32
Adopted June 1, 2004. No. 310

WHEREAS, bids have been received by the County Auditor for the following combined projects:

- a) M.P. 931-1271 (low) located on C.R. 931 from C-SAH 134 (Dewey Lake Rd.) to 1.1 mi. north of C-SAH 134, north of Chisholm, MN, consisting of Bituminous Reclamation, Bituminous Surfacing, Aggregate Shouldering, length 1.06 miles;
- b) S.A.P. 69-684-04, C.P. 1485, located on C-SAH 84 from T.H. 73 to C-SAH 134 (Dewey Lake Rd.), north of Chisholm, MN, consisting of Bituminous Reclamation, Aggregate Base, Bituminous Surfacing, Aggregate Shouldering, length 2.98 miles;
- c) S.A.P. 69-734-01, C.P. 9305, located on C-SAH 134 (Dewey Lake Rd.) from C-SAH 84 to C.R. 931, north of Chisholm, MN, consisting of Bituminous Reclamation, Aggregate Base, Bituminous Surfacing, Aggregate Shouldering, length 3.13 miles.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 a.m., May 24, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Ulland Brothers, Inc.	PO Box 340 Cloquet, MN 55720	\$849,005.12

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from:

MP 931-1271: Fund 200, Agency 203045, Object 652800, Project 10660931 \$112,832.30
SAP 69-684-04: Fund 220, Agency 220110, Object 652700, Project 10660084 \$415,191.06
SAP 69-734-01: Fund 220, Agency 220115, Object 652700, Project 10660134 \$320,981.76
Adopted June 1, 2004. No. 311

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WHEREAS, bids have been received by the County Auditor for the following combined projects:

- a) S.A.P. 69-688-010 (low), C.P. 1473, located on C-SAH 88, from T.H. 169 to 2.7 mi. northwest of T.H. 169, northeast of Ely, MN, consisting of Mill Bituminous Surface, Reclaim Bituminous Surface, Bituminous Surfacing, Bituminous Shoulders and Aggregate Shoulders, Length 2.71 miles;
- b) S.A.P. 69-688-008, C.P. 9215 located on C-SAH 88, from T.H. 169 to 2.8 mi. northwest of T.H. 169 northwest of Ely, MN, consisting of Mill and Reclaim Bituminous Surface, Bituminous Surfacing, Bituminous and Aggregate Shouldering, Length 2.73 miles;
- c) S.A.P. 69-621-029, C.P. 9304, located on C-SAH 21, from C-SAH 70 north of Babbitt, MN. to 0.8 mi. south of T.H. 169 in Ely, MN, consisting of Mill and Reclaim Bituminous Surface, Culvert Replacement, Right Turn and Bypass Lanes, Bituminous Surfacing and Shouldering, Length 14.65 miles.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 a.m., May 24, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Hardrives, Inc.	2372 North Yoki Rd. Zim, MN 55738	\$3,748,765.50

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from:

SAP 69-688-010: Fund 220, Agency 220111, Object 652700, Project 10660088 \$427,067.26

SAP 69-688-008: Fund 220, Agency 220112, Object 652700, Project 10660088 \$423,845.57

SAP 69-621-029: Fund 220, Agency 220081, Object 652700, Project 10660021 \$2,897,852.67

Adopted June 1, 2004. No. 312

BY COMMISSIONER SWEENEY:

RESOLVED, that the St. Louis County Board of Commissioners approves the contract between St. Louis County and the Carlton, Cook, Lake, St. Louis Community Health Board for the provision of Child and Teen Checkup administrative services and MA outreach for the period January 1, 2004 through December 31, 2004 in the amount of \$428,375 payable to Fund 1, Agency 220, Org. 221; and

BE IT FURTHER RESOLVED, that the St. Louis County Board of Commissioners approves the contract between St. Louis County and St. Luke's for Child and Teen Checkup administrative services for the period January 1, 2004 through December 31, 2004 in an amount not to exceed \$50,000, payable from Fund 1, Agency 220, Org. 221, Object 299.

Unanimously adopted. June 1, 2004. No. 313

BY COMMISSIONER FORSMAN:

RESOLVED, that the St. Louis County Auditor, by the authority vested in him under Minn. Stat. § 282.04 subd. 1, is hereby authorized to offer earthen material at public sale to the highest responsible bidder, a maximum forty thousand (40,000) cubic yards loose volume measure (twenty thousand cubic yards (20,000) minimum) from a pit to be developed on State Tax Forfeited land described as NE 1/4 of NW 1/4, Section 4, Township 52N, Range 13W, Ross Creek Pit. This material will be

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made available at public sale, at the minimum appraised price of \$1.00 per cubic yard loose volume measure. The successful bidder shall make an initial non-refundable payment equal to the bid per cubic yard price times 20,000 cubic yards, plus \$50.00 Administration fee, \$6.00 Publication Fee, and a refundable reclamation deposit of \$5,000.00, for a minimum total cost of \$25,056.00 due at the time of sale and subject to the terms and conditions set forth by the St. Louis County Land Commissioner in the earthen material permit.

RESOLVED FURTHER, quantities will be determined by records and information supplied by the St. Louis County Public Works Dept.

RESOLVED FURTHER, said sale will be held at 9:30 a.m., June 4th, 2004, Room 607, Government Services Center, 320 West 2nd Street, Duluth, MN 55802.

Unanimously adopted. June 1, 2004. No. 314

WHEREAS, Gold Portage is one of the four natural outlets for the Namakan Basin; and
WHEREAS, Gold Portage is the only natural outlet from the north end of Kabetogama; and
WHEREAS, Gold Portage was the first project taken on by the Kabetogama Lake Association, in 1952, to clear the channel of debris, muskeg, cattails and beaver dams in order to allow a full flowing stream to relieve the blue-green algae blooms that set up easily in stagnant water; and
WHEREAS, Gold Portage has been a favorite fishing spot; and
WHEREAS, Gold Portage has been a favorite viewing location of the beautiful rapids connecting to Kabetogama; and

WHEREAS, Gold Portage has been dammed by a substantial beaver dam for over a year, negating all the mentioned attributes; and

WHEREAS, the Gold Portage beaver would not be affected in any way in their livelihood by removal of the beaver dam; and

WHEREAS, blocking of Gold Portage by the beaver dams defeats the Park's purpose of illuminating the trade route of the Voyageurs and Native Americans.

THEREFORE, it is recommended the Park Service take action and remove the dam restoring Gold Portage to its natural state.

RESOLVED FURTHER, that a certified copy of this resolution be sent to the Park Service.

Unanimously adopted. June 1, 2004. No. 315

BY COMMISSIONER SWEENEY:

WHEREAS, a salary and responsibility review of the professional positions within Administration was initiated in 1998, and

WHEREAS, in 2000 the Board approved a legislative agenda which allowed the Administrator to hire a third unclassified professional position, which was subsequently approved by the 2000 Legislature, and

WHEREAS, Civil Service/Personnel completed a review of the Deputy County Administrator and Administrative Analyst II positions in 2001 and proposed a salary schedule based on a 40 hour work week and four step increases and four merit increases.

NOW, THEREFORE BE IT RESOLVED, the St. Louis County Board of Commissioners hereby approves the job classifications of Chief Deputy County Administrator and Deputy County Administrator.

RESOLVED FURTHER, the Board adopts the salary schedule for the positions at 40 hours per week as follows and directs Civil Service/Personnel to update the 2003 Unclassified Managers Pay Plan Q1 to incorporate these classifications and schedules:

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Chief Deputy County Administrator	Deputy County Administrator
Step 1 \$4,862 monthly	\$4,409 monthly
Step 2 \$5,105 “	\$4,630 “
Step 3 \$5,360 “	\$4,862 “
Step 4 \$5,628 “	\$5,105 “
Merit 1 \$5,909 “	\$5,360 “
Merit 2 \$6,205 “	\$5,628 “
Merit 3 \$6,515 “	\$5,909 “
Merit 4 \$6,841 “	\$6,205 “

RESOLVED FURTHER, Ann Busche shall be placed into the Chief Deputy County Administrator position at Merit 4, and Gary Eckenberg shall be placed into the Deputy County Administrator position at Merit 4, effective June 12, 2004.

RESOLVED FURTHER, the Administrator’s personnel complement shall be decreased by 1.0 Deputy County Administrator and 1.0 Administrative Analyst II, and increased by 1.0 Chief Deputy County Administrator and 1.0 Deputy County Administrator.

Yeas - Commissioners Fay, Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 6

Nays - Commissioner Fink - 1

Absent - None

Adopted June 1, 2004. No. 316

BY COMMISSIONER FINK:

WHEREAS, the Trunk Highway 53 Task Force, which was formed to provide support for improvements to Trunk Highway 53 between Virginia and International Falls, has chosen to hire Sante Esposito, of E. Del Smith and Company, Inc., to lobby for Federal Highway funding in Washington, D.C.; and

WHEREAS, the St. Louis County Board of Commissioners has been requested by the Trunk Highway 53 Task Force to contribute \$2,000 toward the lobbying effort to secure funding for project priorities as named by the Task Force, with a similar amount from the Cities of Virginia, International Falls, and Koochiching County for a total pool of \$8,000.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners agrees to contribute up to \$2,000 toward the purchase of services for lobbying from E. Del Smith and Company, Inc., and any necessary expenses they incur in this effort to obtain Federal Highway Funds to accomplish the needed improvements to Trunk Highway 53.

RESOLVED FURTHER, that this money will be provided in a proportionate share with the other participating entities from Fund 01, Agency 016, Object 299, upon appropriate billing and documentation of actual expenditures.

Unanimously adopted. June 1, 2004. No. 317

At 10:45 A.M. on Tuesday, June 1, 2004, upon motion of Commissioner Sweeney, supported by Commissioner Kron, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:

Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON JUNE 8, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 8th day of June, 2004, at 9:42 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Peg Sweeney, and Chair Steve Raukar - 5. Absent: Commissioners Mike Forsman and Keith Nelson - 2.

Chair Raukar noted that Commissioners Forsman and Nelson were in Washington, D.C., participating in the annual Transportation Alliance Fly-in to promote federal highway funding.

Taking his turn presenting an appropriate quotation, Commissioner Fink began by asking for a moment of silence in honor of President Reagan, who passed away on Saturday, June 5, 2004. Commissioner Fink then offered the following quotations concerning leadership:

“He had the confidence that comes with conviction, the strength that comes with character, the grace that comes with humility, and the humor that comes with wisdom.” President George Bush regarding the late President Reagan.

“The final test of a leader is that he leaves behind him in other men the conviction and the will to carry on . . . The genius of a good leader is to leave behind him a situation which common sense, without the grace of genius, can deal with successfully.” Walter Lippman

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and the following chose to do so:

David Johnson, Duluth, said he is working on a project in the Duluth Heights area that includes sixty acres of tax forfeited land that will be partially developed with the rest left as a nature preserve. The concept has received support from the Duluth City Council.

Mike Saxton, Duluth Developer, said his housing project on the Sundby Road, which includes senior and moderate income housing, is dependent on establishment of Tax Increment Financing (TIF) District No. 24. The lack of utilities and the poor condition of the Sundby Road make the TIF indispensable and he asked the Board to grant a waiver of the 30-day comment period to allow construction to begin soon.

After some discussion, Commissioner Kron asked Chair Raukar to recess the meeting to allow time for a representative from the City of Duluth to appear and explain the need for waiver of the thirty-day comment period.

At 10:08 A.M. in the forenoon of Tuesday, June 8, 2004, Chair Raukar moved to recess the Board until 10:15 A.M. on June 8, 2004, in the County Board Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 10:25 A.M. on June 8, 2004, and the regular order of business resumed with all members present except Commissioners Forsman and Nelson.

Commissioner Kron, supported by Commissioner Fay, moved to approve the Consent Agenda. At the request of Commissioner Sweeney, Item No. 8 of the Consent Agenda [Resolution denying a request by the City of Duluth for waiver of a thirty-day comment period for establishment of Tax

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Increment Financing (TIF) District No. 24] was removed for separate consideration under Finance and Budget Committee. The remainder of the Consent Agenda was approved; five yeas - zero nays.

Item No. 8 of the Consent Agenda was then considered. Commissioner Kron, supported by Commissioner Fay, moved to grant a waiver of the thirty-day comment period.

Keith Hamre, City of Duluth, explained benefits of the development and the need to use TIF to complete the project. He agreed that better communication is necessary. A tax abatement policy will be discussed by the City Council at a July meeting, according to Mr. Hamre.

After further discussion, Commissioner Fay offered a friendly amendment - accepted by the maker - to revise the resolution by directing Administration to draft and submit a letter to the City of Duluth advising agencies of the statutory requirement to comply with all criteria necessary to establish TIF districts; four yeas - one nay, Commissioner Fink. Resolution No. 326.

At 10:45 A.M. in the forenoon of Tuesday, June 8, 2004, Chair Raukar moved to recess the Board until 11:45 A.M. on June 8, 2004, in the Commissioners' Conference Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 12:52 P.M. on June 8, 2004, and the regular order of business resumed with all members present except Commissioners Forsman and Nelson.

Commissioner Fay, supported by Commissioner Sweeney, moved to approve a second consent agenda consisting of all items passed unanimously at the earlier Committee of the Whole meeting; five yeas - zero nays.

Commissioner Fink, supported by Commissioner Sweeney, moved to suspend the rules to consider establishing a closed session for labor negotiation purposes; five yeas - zero nays.

Commissioner Fink, supported by Commissioner Sweeney, moved to establish a closed session for 2:15 P.M. Alan Mitchell, County Attorney, said the session was needed to discuss a bargaining unit proposal submitted by AFSCME Local 66; five yeas - zero nays.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Ken Simberg, Provost, Hibbing Community College, requesting purchase of County-owned land adjacent to HCC.-58260

George Swanson, President, Future Forests, Inc., regarding records of money spent on services within the County.-58261

Wade Pavleck, Koochiching County Board Chair, requesting assistance regarding the removal of a beaver dam.-58262

Summons and Complaint in the matter of the City of Hibbing versus Stanley A. Dow, Sr., and Shelley N. Dow, husband and wife; Thomas M. Elwell; Lynette M. Elwell; County of St. Louis; Latto Northland Broadcasting, Inc.; C & B Warehouse Distribution, Inc.; Auto Credit, Inc., d/b/a Carnow Acceptance Company, a/k/a CNAC; Liberty Credit Services, Inc.; Hiivala, Inc., d/b/a Culligan Water Conditioning; U. S. Department of Justice, etal.-58263

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Barbara A. Russ, Assistant County Attorney, regarding Tax Increment Financing Districts.–58264

David Johnson, Duluth, regarding tax forfeited lands in Duluth Heights.–58265

Agreement between St. Louis County and Occupational Development Center, Inc., regarding HIPAA compliance.–04-409

State of Minnesota Federal Boating Safety Supplement Grant Agreement between the Minnesota Department of Natural Resources and St. Louis County, though its Sheriff's Department.–04-410

Agreement from the Minnesota Department of Transportation regarding the installation of a new traffic control signal on Highway 53/Highway 194/Lavaque Road.–04-411

Loan Agreement between St. Louis County and Jeffrey/Lori Sanborn for an individual sewage treatment system.–04-412

Contract between St. Louis County and Duluth-Superior Erection, Inc., for M.P. 61-3620 for Grading, Aggregate Base, Plant Mixed Bituminous Base & Surface.–04-413

Contract between St. Louis County and Northland Bituminous for M.P. 34-1008 for Reclamation, Centerline Culvert, Aggregate Base, P.M. Bituminous Surface and Aggregate Shouldering and S.A.P. 69-644-024 for Culvert Replacement, Reclamation, Aggregate Base, P.M. Bituminous Surface and Aggregate Shouldering.–04-414

Contract between St. Louis County and Hoover Construction Company for M.P. 3654 for Crushing, Screening, and Stockpiling Aggregate.–04-415

Addendum to Purchase Agreement, Contract No. 13515B, between the St. Louis County Board of Commissioners and Heritage Haven for assisted living plus services.–04-416ss

Addendum to Purchase Agreement, Contract No. 13515A, between the St. Louis County Board of Commissioners and Heritage Haven for assisted living plus services.–04-417ss

Agreement between St. Louis County and YHR Partners for professional services described as architecture planning/technical condition assessment for the Chris Jensen facility.–04-418

St. Louis County Emergency Shelter Grant Program FY 2004 Agreement between St. Louis County and Life House, Inc., for transitional housing.–04-419

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and Legal Aid Service of NE Minnesota for Legal Aid Housing Counseling, Information and Litigation Project.–04-420

Upon motion of Commissioner Kron, supported by Commissioner Fay, Resolutions No. 318 through 325, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER KRON:

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated May 20, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

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Adopted June 8, 2004. No. 318

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following applications for intoxicating liquor licenses are hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58181; FURTHER RESOLVED, that said licenses are approved contingent upon licenseholders paying real estate or personal property taxes when due; FURTHER RESOLVED, that if named licenseholders sell their licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of the license fees to the licenseholders; FURTHER RESOLVED, that said licenses shall be effective through June 30, 2005:

Brian Kirsh, d/b/a Sportsmens Inn, Gnesen Township, On-Sale Intoxicating Liquor License No. CMB0584 and Sunday On-Sale Intoxicating Liquor License No. SUN0584, transfer;

Wilbert, Inc., d/b/a Wilbert Café & El Toro Lounge, Cotton Township, On-Sale Intoxicating Liquor License No. CMB0585 and Sunday On-Sale Intoxicating Liquor License No. SUN0584, transfer.
Adopted June 8, 2004. No. 319

RESOLVED, that pursuant to Ordinance No. 28, Section 11, Subdivision 11.06, authorization is hereby granted to Wilbert, Inc., d/b/a Wilbert Café & El Toro Lounge, Cotton Township, to sell/serve outside the designated serving area of the County Liquor License for the date of August 7, 2004, as per application on file in the office of the County Auditor, identified as County Board File No. 58181.
Adopted June 8, 2004. No. 320

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, are hereby approved and the County Auditor is authorized to issue the licenses as follows;
RESOLVED FURTHER, that if named licenseholders sell their licensed business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund to the licenseholders:

Brian Kirsh, d/b/a Sportsmens Inn, Gnesen Township, Tobacco Products License No. T04200, transfer;

Wilbert, Inc., d/b/a Wilbert Café & El Toro Lounge, Cotton Township, Tobacco Products License No. T04199, transfer.
Adopted June 8, 2004. No. 321

RESOLVED, that the St. Louis County Board of Commissioners hereby authorizes the appropriate County officials to enter into a Purchase of Service Agreement with the Lutheran Social Services Bethany Crisis Shelter for the period June 4, 2004, through December 31, 2004, at \$28 per hour with a contract maximum of \$21,875 the provision of Supervised Visitation Services to be paid from: Fund 230, Agency 232099, Object 608000 Court Related Service - Child.
Adopted June 8, 2004. No. 322

RESOLVED, that the County Board accepts the grant and approves the contract in the amount of \$76,324.82 from the Department of Human Services for the Project Provider 2000 Grant.

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RESOLVED FURTHER, that the Social Service Department is to include these funds in the 2004 and 2005 budget requests that will be submitted to the County Administrator.
Adopted June 8, 2004. No. 323

WHEREAS, all parcels described in County Board File No. 58178 forfeited to the State of Minnesota on November 21, 2003, for nonpayment of real estate taxes; and

WHEREAS, all parcels of land becoming the property of the State of Minnesota in trust through forfeiture for nonpayment of real estate taxes shall be classified as 'conservation' or 'nonconservation' as required by Minnesota Statutes, Section 282.01, subdivision 1; and

WHEREAS, the Land Department has recommended that the parcels described in County Board File No. 58178 be classified as non-conservation, after considering the present use of adjacent land; the productivity of the soil; the character of forest or other growth; the accessibility of lands to established roads, schools, and other public services; the peculiar suitability or desirability for particular uses; and the suitability of the forest resources on the land for multiple use and sustained yield management; and

WHEREAS, the parcels described in County Board File No. 58178 are located inside the boundaries of St. Louis County, and Minnesota Statutes, Section 282.01, provides that classification or reclassification and sale of lands situated within a municipality must be approved by the governing body of the municipality; and

WHEREAS, classification of the parcels described in County Board File No. 58178 will be deemed approved if the County Board does not receive notice of a municipality's disapproval of the classification within 60 days of the date on which this resolution is delivered to the clerks of the municipalities.

NOW, THEREFORE, BE IT RESOLVED, that all tax forfeited parcels described in County Board File No. 58178 be classified as non-conservation and that the requests for approval of the classification be transmitted by the Land Department to the Clerks of the Municipalities.
Adopted June 8, 2004. No. 324

WHEREAS, Minnesota Statutes 274.13 requires that a County Board of Appeal and Equalization be formed each year to hear complaints of taxpayers and review assessments of real and personal property throughout the County; and

WHEREAS, said statute empowers the County Board of Appeal and Equalization to appoint a Special Board of Appeal and Equalization to which it may delegate all powers and duties of the County Board of Appeal and Equalization; and

WHEREAS, the St. Louis County Board, having reviewed the matter, deems it to be in the public interest to appoint said Special Board;

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby appoints:

John Vigen, Duluth	(Commissioner District #1)
Lee Conradi, Duluth	(Commissioner District #2)
Kevin Doyle, Duluth	(Commissioner District #3)
Roger Skraba, Ely	(Commissioner District #4)
William Clements, Town of Rice Lake	(Commissioner District #5)
Dawn Cole, Town of Fayal	(Commissioner District #6)
Vern Fryklund, Hibbing	(Commissioner District #7)

to serve as the Special Board of Appeal and Equalization for Assessment Year 2004.

RESOLVED FURTHER, that the Special Board is:

1. Delegated all powers and duties of the County Board of Appeal and Equalization.
2. To report the results of their deliberations back to the County Board of Commissioners in the form of minutes kept by the Clerk of the County Board.

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3. Directed to hold at least one meeting day in each of the Duluth and Virginia Court Houses.
 4. To be compensated at the rate of \$125.00 per meeting day (payable from Assessor's Department 100-118001-635300 - Non-employee fees) and be reimbursed for mileage and expenses at the current County rate (from Assessor's Department 100-118001-635500 - Non-employee travel).
 5. Directed to convene at 10:00 A.M., June 17, 2004, in the County Board Room, Court House, Duluth, MN.
- Adopted June 8, 2004. No. 325

BY COMMISSIONER KRON:

WHEREAS, the Duluth Economic Development Authority has submitted written notice regarding the Tax Increment Financing Plan for Tax Increment Financing District No. 24 and Modification to the Housing Development Project/Municipal Development District Program Plan, dated May 15, 1989, as required by Minnesota Statutes 469.175, Subdivision 2a.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby agrees to waive the thirty-day comment period provided for in the above referenced project.

RESOLVED FURTHER, that Administration is directed to draft and submit a letter to the City of Duluth and H.R.A. explaining County Board opposition to waiver of the thirty-day comment period and advising these agencies of the need to comply with statutory requirements on notice and other criteria for the authorization of TIF districts.

Yeas - Commissioners Fay, Kron, Sweeney, and Chair Raukar - 4

Nays - Commissioner Fink - 1

Absent - Commissioners Forsman and Nelson - 2

Adopted June 8, 2004. No. 326

Upon motion of Commissioner Fay, supported by Commissioner Sweeney, Resolutions No. 327 through 339, which were approved at the Committee of the Whole meeting this date, were brought forth to this meeting as a second Consent Agenda and were unanimously adopted as follows with Commissioners Forsman and Nelson absent:

BY COMMISSIONER FAY:

RESOLVED, that the County Board of Commissioners authorizes the appropriate County personnel to sign the Public Health Preparedness and Response to Bioterrorism Grant Project Agreement with the Community Health Services Board in the amount of \$522,970 for the period through August 31, 2004, payable to Fund 100, Agency 142999, Grant 14202, Year 2003.

Adopted June 8, 2004. No. 327

RESOLVED, that the St. Louis County Board of Commissioners approves the contract between St. Louis County and the American Lung Association in the amount of \$15,000 for the period January 1, 2004, through December 31, 2004, payable to Fund 100, Agency 141999, Grant 14106, Year 2004.

Adopted June 8, 2004. No. 328

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:

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Real Estate - Wendell Adams, \$190.80; Brian Alberg, \$62.90; Laura Amendola, \$196.40; Timothy Amonson, \$229.80; Cheryl Anderson, \$207.62; Diane Anderson, \$242.90; Cole Arro, \$581.00; Nicholas Beack, \$214.00; Aneta Catlin, \$217.60; Stephen Charnley, \$295.36; David Chida, \$589.22; Kimberly Davern, \$273.60; Brandi Davis, \$162.36; Beverly Eck, \$364.36; Jerry Fredrickson, \$210.58; Ronald Freitag, \$147.20; Larry E. Grill, \$580.34; Shawn Gulbranson, \$234.28; Christopher Hannine, \$353.12; Casey Hartshorn, \$183.60; Susan Hoffman, \$29.16; James Holton, \$480.18; Helen Howell, \$470.70; Delores Jenson, \$402.38; Harvey Johnson, \$293.18; Steven Julio, \$153.80; John Karish, \$428.30; Terry Kosola, \$360.72; Daniel Kreidler, \$251.20; Dennis Labine, \$595.88; Mary Lapointe-Hove, \$557.88; Brad LaTour, \$265.02; Leah Laucamp, \$531.56; Lance Lohman, \$492.70; Gregg Maus, \$1,054.84; Duane May, \$295.58; Timothy McGath, \$239.84; Shane McKellep, \$141.54; Minnesota Power, \$1,803.42; Blake Monkman, \$995.62; April Murphy, \$142.00; Charles Nelson, \$360.08; Robert Nielson, \$283.20; Scott Oertel, \$236.40; Brandon Pederson, \$274.80; Raymond Pelkey, \$578.50; Craig Platt, \$593.18; Mandy Price, \$301.30; Kent Reeves, \$281.50; John Ringsred, \$579.58; Rod & Sons Carpentry, \$45.38; Mary Rosencrans, \$284.80; Nancy Sailstad, \$287.08; Robert Schroeder, \$110.76; Randy Schroetter, \$1,347.68; Mark Sertich, \$202.84; John Snidarich, \$622.80; State of Minnesota, \$7.70; Russell Stewart, \$165.20; Thomas Stonich, \$1,199.38; Thomas Strom, \$713.52; Andrew Thielen, \$130.58; Ronald Thomas, \$645.54; James Vos, \$182.42; Marvel Warner, \$611.90; James Weir, \$260.00; Wendy Wright, \$183.42.

Personal Property - Bryan Vesel, \$32.16.

Adopted June 8, 2004. No. 329

WHEREAS, the Emergency Management Performance Grant (EMPG) supports the renewal of a commitment to a shared civil defense program by local, state and federal authorities; and WHEREAS, St. Louis County makes application annually for emergency management funds; and WHEREAS, the EMPG is provided by the Federal Emergency Management Agency (FEMA) and administered by the State of Minnesota, through the Department of Public Safety, Division of Emergency Management; and

WHEREAS, St. Louis County has applied for Emergency Management Assistance; and WHEREAS, the St. Louis County EMPG allocation for FFY 2004 is yet to be determined.

NOW, THEREFORE, BE IT RESOLVED, that St. Louis County fully agrees to the terms of the EMPG Application and sub-grant agreement with the passage of this resolution, and officially requests the Division of Emergency Management to enforce the sub-grant agreement in accordance with the applicable rules and regulations.

BE IT FURTHER RESOLVED, that the Chair of the County Board and the County Sheriff are authorized to submit the application.

Adopted June 8, 2004. No. 330

RESOLVED, the St. Louis County Board of Commissioners authorizes the Sheriff to accept a second extension of their 2003 grant from the State of Minnesota, Office of Drug Policy and Violence Prevention, in the amount of \$61,500, making a total grant award of \$246,000, with a local cash match of \$82,000, for a total of \$328,000. Overtime paid to deputies working drug investigations qualifies as cash match. The grant period runs from January 1, 2003, to December 31, 2004. Grant funds will be deposited into Fund 100, Agency 129999, Grant 12901 BW03, Year 2003.

RESOLVED FURTHER, the Sheriff is hereby authorized to sign and execute an updated Joint Powers/Mutual Aid Agreement and other such agreements as are necessary to implement the project on behalf of the County.

Adopted June 8, 2004. No. 331

RESOLVED, that a public hearing will be held at 9:40 A.M. on June 22, 2004, at Semer's Park Pavilion, Ely, Minnesota, for the purpose of considering the granting of an off-sale intoxicating

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liquor license to Brian Scott Kirsh, d/b/a Sportsmen's Inn, Gnesen Township.
Adopted June 8, 2004. No. 332

RESOLVED, that a public hearing will be held at 9:45 A.M. on June 22, 2004, at Semer's Park Pavilion, Ely, Minnesota, for the purpose of considering the granting of an off-sale intoxicating liquor license to Wilbert, Inc., d/b/a Wilbert Café & El Toro Lounge, Cotton Township.
Adopted June 8, 2004. No. 333

WHEREAS, bids have been received by the County Auditor for the following project: S.A.P. 69-643-13, C.P. 8180, located on C-SAH 43 (Zimmerman Rd.) from C-SAH 37 (Jean Duluth Rd.) to C.R. 293 (North Tischer Rd.), length 1.89 mi., consisting of Grading, Drainage, Aggregate Base, Bituminous Base, Surfacing and Shouldering.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., June 7, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Ulland Brothers, Inc.	P.O. Box 340 Cloquet, MN 55720	\$1,541,452.30

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from Fund 220, Agency 220122, Object 652700, Project 10660043.
Adopted June 8, 2004. No. 334

WHEREAS, bids have been received by the County Auditor for the following project: S.P. 69-595-004, C.P. 3591, MN. Proj. No. TEAX 6904(070), located on C-SAH 122 (Gamma Rd.) between T.H. 53 and C-SAH 123 (Salmi Rd.) near Crane Lake, MN, consisting of Parking Lot Grading, Aggregate Base, Informational Signs, Walkway, Bicycle Rack and Landscape Plantings.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., June 7, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract, including the Minnesota Department of Transportation EEO Office. Federal Funds Fund 220, Agency 220118, Object 652700, Project 10660122, Local Funds Lake Kabetogama Association, through in-kind labor and materials.

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<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Environmental Associates, Inc.	770 N. Business Hwy 7 Suite 7 Willmar, MN 56201	\$115,160.00

Adopted June 8, 2004. No. 335

WHEREAS, the St. Louis County Public Works Department budget includes replacement of three tandem trucks for snow & ice control, heavy equipment transportation and sand & gravel hauling; and

WHEREAS, Public Works provided specifications to the Purchasing Department for preparation of Bid No. 4480; Tandem Axle 56,000 GVW Diesel Trucks and Tandem Axle 80,000 GCWR Diesel Truck; and

WHEREAS, there were no responses to Bid No 4480; and

WHEREAS, it was determined that the State of Minnesota Contract purchase of International model 7600 trucks through North Star International Trucks, Inc., is the best remaining option because warranty service is available locally; and

WHEREAS, the three (3) units State Contract purchase price and non-contract options will be \$209,312 plus an additional \$13,605.28 State of Minnesota sales tax, for a total of \$222,917.28.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners authorizes the Director of Purchasing to issue a purchase order for the purchase of three (3) International model 7600 tandem truck cab and chassis units to North Star International Trucks, Inc., of Minneapolis, Minnesota. Funding for this purchase is payable from Fund 200, Agency 202000, Object 666300.

Adopted June 8, 2004. No. 336

WHEREAS, the St. Louis County Veteran's Services Office, with the support of the St. Louis County Board of Commissioners, has been steadily working through a special World War II Commemorative Committee to gather service records and experiences of as many County Veterans, living and dead, as possible; and

WHEREAS, the Veteran's Service staff compiled and wrote the individual profiles that make up the story of St. Louis County Veterans' part in the Second World War, and have completed the editing and are now ready to publish the St. Louis County World War II Book of approximately 300 pages.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the execution of a contract with Josten's Publishing Company in the amount not to exceed \$30,000 and authorizes an increase in the Veteran's Services Office budgeted expenditures (Fund 100, Agency 124001, Org. WWII) of \$30,000.

RESOLVED FURTHER, that revenues generated from the sales of the St. Louis County World War II Book shall be deposited into the Veteran's Services Office budget (Fund 100, Agency 124001, Org. WWII).

Adopted June 8, 2004. No. 337

RESOLVED, that the application for a Temporary On-Sale 3.2 Percent Malt Liquor License, on file in the office of the County Auditor, identified as County Board File No. 58200, is hereby approved, contingent on Grand Lake Township approval, and the County Auditor is authorized to issue the license to the applicant:

Grand Lake Volunteer Fire Department, Town of Grand Lake, Temporary On-Sale 3.2 Percent Malt Liquor License No. TB0412, for June 12 and 13, 2004.

Adopted June 8, 2004. No. 338

WHEREAS, on September 2, 2003, the St. Louis County Board authorized a Purchase Agreement for County fee land and buildings located at 24 East Willow Street, Duluth, Minnesota, Resolution

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No. 532; and

WHEREAS, on December 23, 2003, the County Board authorized a ninety-day extension of the Purchase Agreement, Resolution No. 778; and

WHEREAS, on May 11, 2004, the County Board further authorized a second extension and amendment of terms, Resolution No. 286; and

WHEREAS, pursuant to Resolution No. 286, an amended Purchase Agreement was executed whereby John K. Baker and Paul T. Larson became the buyers of the Willow Street property for the purchase price of \$100,000; and

WHEREAS, the parties have agreed to close the transaction on July 1, 2004.

NOW, THEREFORE, BE IT RESOLVED, that the proceeds from the sale of the property will be deposited to General Fund 100.

Adopted June 8, 2004. No. 339

At 12:55 P.M. on Tuesday, June 8, 2004, upon motion of Commissioner Fay, supported by Commissioner Kron, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON JUNE 22, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 22nd day of June, 2004, at 9:50 A.M. in the Semer's Park Pavilion, Ely, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Commissioner Fay, taking her turn presenting an appropriate quotation, offered the following from the Reader's Digest entitled "Anyway":

"People may be unreasonable, illogical and self-centered. *Love them anyway.* If you do good, people will accuse you of selfish ulterior motives. *Do good anyway.* If you are successful, you will win false friends and true enemies. *Succeed anyway.* Honesty and frankness will make you vulnerable. *Be honest and frank anyway.* The good you do today may be forgotten tomorrow. *Do good anyway.* The biggest people with the biggest ideas can be shot down by the smallest people with the smallest ideas. *Think big anyway.* People favor underdogs but follow only top dogs. *Fight for some underdogs anyway.* What you spend years building may be destroyed overnight. *Build anyway.* Give the world the best you have and you may get kicked in the teeth. *Give the world the best you've got anyway.*"

At 9:53 A.M., a public hearing was convened pursuant to County Board Resolution No. 301, adopted June 1, 2004, to consider granting an off-sale intoxicating liquor license to Elbow Lake Investors, Inc., d/b/a Elbow Lake Lodge, Beatty Township. Michael Dean, Assistant County Attorney, advised the Board that: all required County departments reviewed the application and recommended approval; the Liquor Licensing Committee met with the applicant and, after discussing the location and propriety of the business, recommended approval; the Town of Beatty reviewed the application and recommended approval; all required notices were given; and, the necessary insurance certificate submitted. No one else chose to address the issue.

At 9:57 A.M., Commissioner Forsman, supported by Commissioner Sweeney, moved to close the public hearing; seven yeas-zero nays. Commissioner Forsman, supported by Commissioner Sweeney, moved to approve granting the off-sale license; seven yeas - zero nays. Resolution No. 346.

At 9:58 A.M., a public hearing was convened pursuant to County Board Resolution No. 332, adopted June 8, 2004, to consider granting an off-sale intoxicating liquor license to Brian Scott Kirsh, d/b/a Sportsmen's Inn, Gnesen Township. Assistant County Attorney Dean advised the Board that: all required County departments reviewed the application and recommended approval; the Liquor Licensing Committee met with the applicant and, after discussing the location and propriety of the business, recommended approval; the Town of Gnesen reviewed the application and recommended approval; all required notices were given; and, the necessary insurance certificate submitted. Brian Kirsh, owner, was present and said he understood and would abide by the provisions of Ordinance No. 28 (Liquor Ordinance). No one else chose to address the issue.

At 10:02 A.M., Commissioner Fink, supported by Commissioner Sweeney, moved to close the public hearing; seven yeas - zero nays. Commissioner Sweeney, supported by Commissioner Kron, moved to approve granting the off-sale license; seven yeas - zero nays. Resolution No. 347.

At 10:02 A.M., a public hearing was convened pursuant to County Board Resolution No. 333,

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adopted June 8, 2004, to consider granting an off-sale intoxicating liquor license to Wilbert, Inc., d/b/a Wilbert Café & El Toro Lounge, Cotton Township. Assistant County Attorney Dean advised the Board that: all required County departments reviewed the application and recommended approval; the Liquor Licensing Committee met with the applicant and, after discussing the location and propriety of the business, recommended approval; the Town of Cotton reviewed the application and recommended approval; all required notices were given; and, the required insurance certificate submitted. Sandra Simek, owner, was present and said she understood and would abide by the provisions of Ordinance No. 28 (Liquor Ordinance). No one else chose to address the issue.

At 10:07 A.M., Commissioner Nelson, supported by Commissioner Fay, moved to close the public hearing; seven yeas - zero nays. Commissioner Nelson, supported by Commissioner Sweeney, moved to approve granting the off-sale license; seven yeas - zero nays. Resolution No. 348.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and the following chose to do so:

Linda Nelson, Embarrass Township Board member, submitted a letter on behalf of the Town of Embarrass asking the County not to add more forfeited property to "conservation" status. Ms. Nelson also asked the Board to consider selling as much forfeited land as possible in Embarrass to stabilize and even increase a diminishing tax base.

Dave Epperly, Land Commissioner, explained circumstances where lands should remain out of private ownership and said he would be amenable to working with the township to determine which forfeited lands to offer for sale.

Paul Knuuti, Embarrass, said he supports the Embarrass Board position for a balanced approach. There is a real need to get land back on the tax rolls for a township with a population that has dwindled from more than 1000 to approximately 625.

After lengthy discussion about the benefits of private versus public land ownership, no official action was taken.

Commissioner Kron, supported by Commissioner Sweeney, moved to adopt the Sale of County Fee Land Policy, effective immediately; seven yeas - zero nays. Resolution No. 349.

Commissioner Raukar, supported by Commissioner Nelson, moved to reconsider directing proceeds from the sale of the Willow Street property to the General Fund; seven yeas - zero nays. The following persons addressed the issue:

Dana Frey, County Administrator, said there are questions concerning the reallocation to the General Fund, as requested by directive motion at the June 8 Committee of the Whole, of proceeds from the 2003 sale of the Morris Thomas garage because the Auditor's Office has closed 2003.

Marcus Hall, Public Works Director, said his budget was set with proceeds from the Willow Street garage calculated in. If the funds are not deposited, his department will face a \$56,000 budget shortfall.

Donald Dicklich, County Auditor, said there is a need to establish a policy for deposit of sale proceeds.

Commissioner Nelson, supported by Commissioner Kron, moved to amend County Board

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Resolution No. 339, adopted June 8, 2004, by redirecting proceeds from the Willow Street garage sale as follows:

\$56,000	Public Works (Fund 200)
\$44,000	General Fund (Fund 100)

After brief discussion, the resolution was approved: seven yeas - zero nays. Resolution No. 350.

At 11:05 A.M. in the forenoon of Tuesday, June 22, 2004, Chair Raukar moved to recess the Board until 11:55 A.M. on June 22, 2004, in the Semer's Park Pavilion, Ely, Minnesota.

The Board reconvened at 3:40 P.M. on June 22, 2004, and the regular order of business resumed with all members present.

Commissioner Fay, supported by Commissioner Nelson, moved to approve a second consent agenda consisting of all items passed unanimously at the earlier Committee of the Whole meeting; seven yeas - zero nays.

Commissioner Nelson, supported by Commissioner Fay, moved to award the contract for S.A.P. 69-648-20 (Lavaque Road) to KGM Contractors, Inc., Angora, MN, on their low bid of \$3,477,749.34; seven yeas - zero nays. Resolution No. 359.

Commissioner Nelson, supported by Commissioner Fay, moved to award the contract for S.P. 69-716-008 (Echo Trail) to KGM Contractors, Inc., Angora, MN, on their low bid of \$2,605,627.51; seven yeas - zero nays. Resolution No. 360.

Commissioner Nelson, supported by Commissioner Fay, moved to award the contract for S.A.P. 69-637-13 to KGM Contractors, Inc., Angora, MN, on their low bid of \$2,858,486.19; seven yeas - zero nays. Resolution No. 361.

Commissioner Kron, supported by Commissioner Sweeney, moved to approve a charitable gambling, premises permit application for the National Multiple Sclerosis Association; six yeas - one nay, Commissioner Fink. Resolution No. 362.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Sale of County Fee Land Policy.-58266

Documentation from public hearing held on June 22, 2004, to consider granting an Off-Sale Intoxicating Liquor License to Elbow Lake Investors, Inc., d/b/a Elbow Lake Lodge, Beatty Township.-58267

Documentation from public hearing held on June 22, 2004, to consider granting an Off-Sale Intoxicating Liquor License to Brian Kirsh, d/b/a Sportsmen's Inn, Gnesen Township.-58268

Documentation from public hearing held on June 22, 2004, to consider granting an Off-Sale Intoxicating Liquor License to Wilbert, Inc., d/b/a Wilbert Café & El Toro Lounge, Cotton Township.-58269

Edward E. Ferguson, Deputy Executive Director, National Association of Counties (NACo), regarding the Health Department recently receiving a \$5,000 grant from NACo's Indoor Air Quality Program.-58270

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The Staff of the Twin Ports VA Outpatient Clinic expressing their sincere appreciation for St. Louis County's prompt and forceful intervention regarding the proposed privatization of the Twin Ports Outpatient Clinic in Superior.-58271

Rodney Moberg, Cotton, pleading that the St. Louis County Board fully staff the County Mine Inspectors to enable everyone to enjoy a safe workplace at all the County's mining properties.-58272

Patricia Anderson, State Auditor, State of Minnesota, informing St. Louis County that their office plans to perform St. Louis County's audit for the year ending December 31, 2004.-58273

Robert A. Petzel, M.D., Network Director, Department of Veterans Affairs, VA Midwest Health Care Network, expressing appreciation for supporting America's veterans and for taking the time to express St. Louis County's view on veterans' satisfaction with VA staff and services.-58274

Barbara J. West, Superintendent, United States Department of the Interior, National Park Service, Voyageurs National Park, stating the four conditions under which the National Park Service could take action relative to the beaver dam at Gold Portage; and further, that the dam at Gold Portage has not met those conditions; and further, as shown in the pictures taken on June 2, 2004, the dam has succumbed to the forces of the water cascading over it.-58275

Walter W. Vasil, Duluth, submitting a copy of ordinance annexing certain property into the city limits of Floodwood.-58276

Christine M. Scotillo, Executive Director, Municipal Boundary Adjustments, Minnesota Department of Administration, informing the City of Tower that the annexation of land located in the Township of Kugler is final upon the date the ordinance is approved.-58277

Linda Nelson, Embarrass Township Supervisor, requesting on behalf of the citizens of Embarrass Township, to consider selling as much forfeited land as possible in their township to stabilize and possibly increase a diminishing tax base.-58278

Agreement with Great Lakes Gas Transmission Company and St. Louis County for the installation of a cathodic protection ground bed and rectifier system on state tax forfeited lands.-04-421

Training Contract between St. Louis County and Thea Sheldon for a *Coaching for Peak Performance* session.-04-422

St. Louis County Emergency Shelter Grant Program FY 2004 Agreement between St. Louis County and The Salvation Army - Duluth for money management program.-04-423

Project Contract No. 4478 between the County of St. Louis and Duluth Superior Communication, Inc., for St. Louis County Jail CCTV Surveillance System and Installation.-04-424

St. Louis County Emergency Shelter Grant Program FY 2004 between St. Louis County and Legal Aid Service of Northeastern Minnesota.-04-425

St. Louis County Emergency Shelter Grant Program FY 2004 between St. Louis County and The Salvation Army - Virginia for homeless prevention assistance.-04-426

Off Highway Vehicle Enforcement Grant Contract between the State of Minnesota, through its

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Commissioner of Natural Resources, Division of Enforcement, and the St. Louis County Sheriff's Office.-04-427

Minnesota Department of Public Safety Division of Homeland Security and Emergency Management Application for Emergency Management Performance Grant Federal Fiscal Year 2004.-04-428

Supply Contract No. 4464 between the County of St. Louis and Corporate Express for office supplies.-04-429

Child and Teen Checkup Contract between the Carlton-Cook-Lake-St. Louis Community Health Board and St. Louis County.-04-430

Clinic Based Child and Teen Checkups Outreach Followup between St. Louis County, through its Department of Public Health and Social Services, and St. Luke's, for the Laurentian Medical Clinic, the Denfeld Medical Center, Hibbing Family Medical Center, Miller Creek Medical Clinic, and Mount Royal Medical Center.-04-431

Contract between the County of St. Louis and North Shore Track Constructors for S.P. 69-595-003, TEAX 6903(092), C.P. 3594, for Restoration of Historic Railroad Facilities, Grading, Track Ballast, Track Salvage and Installation.-04-432

St. Louis County Emergency Shelter Grant Program FY 2004 Agreement between St. Louis County and The Salvation Army - Hibbing for homeless prevention assistance.-04-433

Upon motion of Commissioner Kron, supported by Commissioner Sweeney, Resolutions No. 340 through 345, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER KRON:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of May 25, 2004, are hereby approved.
Adopted June 22, 2004. No. 340

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of June 1, 2004, are hereby approved.
Adopted June 22, 2004. No. 341

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of June 8, 2004, are hereby approved.
Adopted June 22, 2004. No. 342

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. 58174, are hereby approved and the County Auditor shall issue checks in the following amounts:

<u>FUND</u>		<u>TOTAL</u>
T11	MN Trail Assistance	\$ 3,159.00
T21	Beer License	50.00
T27	Refunds	11,725.67
T28	School Districts	3,447,516.00

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T50	State of Minnesota	327,476.19
T66	Criminal Fines	144,322.67
T74	Employer/Employee Deductions	657,422.47
T77	Cancelled Checks	6,109.40
T85	Sheriff's State Forfeitures	3,379.96
T87	Assault Fees	3,150.63
01	General Fund	1,182,619.95
02	Public Works	1,218,580.37
02A	Road Maintenance - Unorg. Townships	26,554.29
03B	State Septic Loan MPCA	63,035.98
03C	State Erosion Loan MPCA	18,500.00
04	Social Services	1,375,260.45
08	County Facilities - Capital Projects	34,093.72
08A	State Aid Road	44,691.30
10B	Emergency Shelter 99/00 Funds	12,429.05
11A	Home Grant - All Years	23,461.40
12B	CDBG Grant	48,300.35
127	Enhanced 9-1-1 Fund	46,744.40
128	Law Library	13,764.08
129	City/County Common Antenna Site	231.61
13	St. Louis County HRA	109.00
131	Extension Service	5,627.28
15	Forfeited Tax	71,017.74
16	Forest Resources	274,842.68
26	Solid Waste Authorities	142,828.90
49	Postage/Office Supplies	1,669.91
50	Printing	33,701.34
51	County Garage	14,782.86
52B	Workers Compensation	92,590.45
52D	Medical/Dental Self Insurance	428.88
53	Management Information Systems	72,395.20
54	Regional Railroad Authority	74,175.40
55	Telecommunications	72,822.67
57	Retired Employees Health Insurance	2,160.24
64A	Chris Jensen Health & Rehab.	453,017.68
65	Laundry	12,773.20
66	Community Food Services	51,772.69
67	Supervised Living Facilities	8,036.43
72	Northern Counties Land Use Coordinating Board	10,987.89
73	Arrowhead Regional Corrections	255,230.43
74	Community Health Services	<u>29,939.03</u>
		<u>\$10,393,488.84</u>

Adopted June 22, 2004. No. 343

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated June 11, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

Adopted June 22, 2004. No. 344

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following applications for intoxicating liquor licenses are hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58181; FURTHER RESOLVED, that said licenses are approved contingent upon licenseholder paying real estate or personal property taxes when due;

FURTHER RESOLVED, that if named licenseholders sell their licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of the license fees to the licenseholders;

FURTHER RESOLVED, that said licenses shall be effective through June 30, 2005:

Airis Associates, Inc., d/b/a Bay View Lodge, Greenwood Township, On-Sale Intoxicating Liquor License No. ON0527 and Sunday On-Sale Intoxicating Liquor License No. ONS0527, renewal, change of officers;

The Retreat Golf Club, Inc., d/b/a The Retreat Golf Club, Floodwood Township, On-Sale Intoxicating Liquor License No. ON0526 and Sunday On-Sale Intoxicating Liquor License No. ONS0526, renewal, change of officers.

Adopted June 22, 2004. No. 345

BY COMMISSIONER FORSMAN:

WHEREAS, Elbow Lake Investors, Inc., d/b/a Elbow Lake Lodge, Beatty Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minnesota Statutes, Section 340A.405, Subdivision 2(d), requires that a public hearing be held prior to the issuance of an off-sale intoxicating liquor license; and

WHEREAS, a public hearing was held on June 22, 2004, at or about 9:35 A.M. in the Semers Park Pavilion, Ely, Minnesota, for the purpose of considering the granting of the off-sale intoxicating liquor license; and

WHEREAS, with regard to the application for said license Elbow Lake Lodge has complied in all respects with the requirements of Minnesota Law and St. Louis County Ordinance No. 28; and

WHEREAS, the Liquor Licensing Committee of the St. Louis County Board of Commissioners has considered the nature of the business to be conducted and the propriety of the location and has recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, that Off-Sale Intoxicating Liquor License (License Number OFSL0416) shall be issued to Elbow Lake Investors, Inc., d/b/a Elbow Lake Lodge, Beatty Township;

FURTHER RESOLVED, that said liquor license shall be effective through June 30, 2004;

FURTHER RESOLVED, that said license is approved contingent upon payment of real estate taxes when due;

FURTHER RESOLVED, that if named licenseholder sells the licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of license fee to the licenseholder.

Unanimously adopted. June 22, 2004. No. 346

BY COMMISSIONER SWEENEY:

WHEREAS, Brian Scott Kirsh, d/b/a Sportsmens Inn, Gnesen Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minnesota Statutes, Section 340A.405, Subdivision 2(d), requires that a public hearing be held prior to the issuance of an off-sale intoxicating liquor license; and

WHEREAS, a public hearing was held on June 22, 2004, at or about 9:40 A.M. in the Semers Park Pavilion, Ely, Minnesota, for the purpose of considering the granting of the off-sale intoxicating liquor license; and

WHEREAS, with regard to the application for said license Sportsmens Inn has complied in all respects with the requirements of Minnesota Law and St. Louis County Ordinance No. 28; and

WHEREAS, the Liquor Licensing Committee of the St. Louis County Board of Commissioners has

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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considered the nature of the business to be conducted and the propriety of the location and has recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, that Off-Sale Intoxicating Liquor License (License Number CMB0584) shall be issued to Brian Scott Kirsh, d/b/a Sportsmens Inn, Gnesen Township; FURTHER RESOLVED, that said liquor license shall be effective through June 30, 2005; FURTHER RESOLVED, that said license is approved contingent upon payment of real estate taxes when due;

FURTHER RESOLVED, that if named licenseholder sells the licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of license fee to the licenseholder.

Unanimously adopted. June 22, 2004. No. 347

BY COMMISSIONER NELSON:

WHEREAS, Wilbert, Inc., d/b/a Wilbert Café & El Toro Lounge, Cotton Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minnesota Statutes, Section 340A.405, Subdivision 2(d), requires that a public hearing be held prior to the issuance of an off-sale intoxicating liquor license; and

WHEREAS, a public hearing was held on June 22, 2004, at or about 9:45 A.M. in the Semers Park Pavilion, Ely, Minnesota, for the purpose of considering the granting of the off-sale intoxicating liquor license; and

WHEREAS, with regard to the application for said license Wilbert Café & El Toro Lounge has complied in all respects with the requirements of Minnesota Law and St. Louis County Ordinance No. 28; and

WHEREAS, the Liquor Licensing Committee of the St. Louis County Board of Commissioners has considered the nature of the business to be conducted and the propriety of the location and has recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, that Off-Sale Intoxicating Liquor License (License Number CMB0585) shall be issued to Wilbert, Inc., d/b/a Wilbert Café & El Toro Lounge, Cotton Township;

FURTHER RESOLVED, that said liquor license shall be effective through June 30, 2005;

FURTHER RESOLVED, that said license is approved contingent upon payment of real estate taxes when due;

FURTHER RESOLVED, that if named licenseholder sells the licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of license fee to the licenseholder.

Unanimously adopted. June 22, 2004. No. 348

BY COMMISSIONER KRON:

RESOLVED, that the Sale of County Fee Land Policy, as on file in County Board File No. 58266, is hereby adopted, effective immediately.

Unanimously adopted. June 22, 2004. No. 349

RESOLVED, that County Board Resolution No. 339, adopted June 8, 2004, is hereby amended to direct proceeds from the sale of the Willow Street property to be deposited as follows:

\$56,000	Fund 200 (Public Works)
\$44,000	Fund 100 (General Fund)

Unanimously adopted. June 22, 2004. No. 350

Upon motion of Commissioner Fay, supported by Commissioner Nelson, Resolutions No. 351 through 358, which were approved at the Committee of the Whole meeting this date, were brought forth to this meeting as a second Consent Agenda and were unanimously adopted as follows:

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BY COMMISSIONER FAY:

WHEREAS, the Land Department recommends approval of an agreement between St. Louis County and Great Lakes Gas Transmission Company to install a cathodic protection ground bed and rectifier system on a 50 foot by 50 foot strip of State Tax Forfeited land within an existing right-of-way easement for the purpose of maintaining gas-line corrosion control.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby authorizes an agreement with Great Lakes Gas Transmission Company to install a cathodic protection ground bed and rectifier system on State Tax Forfeited land described in the exhibits provided and referenced by Contract File No. 04-421. The granting of this agreement is conditioned upon payment of \$100.00 Administration Fee, \$6.00 Publication Fee, and \$20.00 Recording Fee; for a total cost of \$126.00.

Adopted June 22, 2004. No. 351

RESOLVED, that the St. Louis County Board of Commissioners hereby approves the deletion of Civil Service Rule 4.6(c)(7) language regarding equipment operator premium pay.

Adopted June 22, 2004. No. 352

WHEREAS, the Sheriff applied for a State of Minnesota Off Highway Vehicle Enforcement Grant and was initially awarded an amount of \$18,662, which was accepted via Board Resolution No. 268, dated May 11, 2004; and

WHEREAS, the State has amended their grant amount to \$20,422.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners authorizes the Sheriff to accept the 2004 Off Highway Vehicle Enforcement Grant in the amount of \$20,422.00 from the State of Minnesota, Department of Natural Resources, payable to Fund 100, Agency 129999, Grant 12927; and

RESOLVED FURTHER, that the St. Louis County Sheriff and Auditor are authorized to cooperatively work with and reimburse the City of Gilbert for All Terrain Vehicle Patrols within the Gilbert Off-Road Vehicle Park in an amount not to exceed \$5,000.00 as provided for in the grant agreement; and

RESOLVED FURTHER, that the Sheriff is authorized to sign and execute such agreements as are necessary to implement this project, and that such agreements be approved as to form and content by the County Attorney; and

RESOLVED FURTHER, that Resolution No. 268, adopted May 11, 2004, is hereby rescinded.

Adopted June 22, 2004. No. 353

BY COMMISSIONER FAY:

WHEREAS, bids have been received by the County Auditor for the following project: S.P. 69-090-017, C.P. 3622, MN Proj. No. HPP MN 049(106), located on Main Street to Locomotive Street, Main Street to the existing Mesabi Trail, and from the existing Mesabi Trail to C-SAH 109 in Mt. Iron, MN, length 1.06 mi., consisting of Recreational Trail Grading and Bituminous Surfacing - 3 segments.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., June 7, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract, including the Minnesota Department of Transportation EEO Office, and receipt of 95 percent of the local share to be paid by the St. Louis and Lake Counties Regional Railroad Authority. Payable from Federal Funds 80 percent, Local Funds (St. Louis and Lake Counties Regional Railroad Authority) 20 percent receipted into Fund 220, Agency 220007, Object 652700, Project 10660000.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Mesabi Bituminous	P.O. Box 728 Gilbert, MN 55741	\$289,632.00

Adopted June 22, 2004. No. 354

WHEREAS, bids have been received by the County Auditor for the following project: M.P. 3659 located in St. Louis County and Lake County consisting of St. Louis and Lake Counties 2004 Highway Maintenance Striping.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., June 14, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Swanston Equipment Co.	3404 W. Main Ave. Fargo, ND 58103	\$429,328.90

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from St. Louis County and Lake County Funds, Fund 200, Agency 201026, Object 651800, Project 13540000.

Adopted June 22, 2004. No. 355

WHEREAS, bids have been received by the County Auditor for the following combined projects: M.P. 9-3657 (low) and M.P. 10-3661 located on C-SAH 9 and C-SAH 10 (Martin Road) from C-SAH 4 (Rice Lake Road) to C-SAH 37 (Jean Duluth Road) north of Duluth, MN, length 2.97 miles and 2.08 miles, consisting of Reconstructing Drainage Structures, Curb & Gutter Replacement.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., June 14, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Nels Nelson & Sons, Inc.	1000 Tall Pine Lane Cloquet, MN 55720	\$73,645.60

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from Local Funds:

M.P. 9-3657 (low): Fund 200, Agency 203047, Object 652800, Project 1066009 \$54,088.00

M.P. 10-3661: Fund 200, Agency 203048, Object 652800, Project 10660010 \$19,557.60

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Adopted June 22, 2004. No. 356

WHEREAS, bids have been received by the County Auditor for the following project: S.A.P. 69-675-03, County Project No. 9574, located on C-SAH 75 from C.R. 962 to C.R. 535 south, of Orr, MN, length 0.2 km, consisting of Grading, Culvert, Bituminous Base, Surfacing and Aggregate Shoulders.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., June 21, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Ulland Brothers, Inc.	P.O. Box 340 Cloquet, MN 55720	\$274,611.69

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from Fund 220, Agency 220086, Object 652700, Project 10660075. Adopted June 22, 2004. No. 357

WHEREAS, the current Veterans Service Officer Supervisor will retire effective June 25, 2004; and

WHEREAS, the Veterans Service Office Director has reviewed the workload and staffing needs of the Division and believes that a change in staffing from a Veterans Service Officer Supervisor to a Veterans Service Officer II allows the Veterans Service Division to provide appropriate services to clientele throughout the County.

NOW, THEREFORE BE IT RESOLVED, the County Board of Commissioners authorizes the Auditor's office to delete 1.0 FTE Veterans Service Office Supervisor position and add 1.0 FTE Veterans Service Officer II position to the Veterans Service Office 2004 budget.

Adopted June 22, 2004. No. 358

BY COMMISSIONER NELSON:

WHEREAS, bids have been received by the County Auditor for the following combined projects:

- a) S.A.P. 69-648-20, C.P. 8118, located on C-SAH 48 (Lavaque Road) from C-SAH 35 (Schultz Road) to C-SAH 43 (Fish Lake Road) northwest of Duluth, MN, length 3.52 miles, consisting of Grading, Aggregate Base, Bituminous Base and Surfacing, Culverts, Concrete Curb & Gutter and Storm Sewer.
- b) M.P. 5519-3635 located on T.R. 5519 (Wilderness Trail) from C.R. 284 (Ugstad Road) to 2,465 feet east, northwest of Duluth, MN, length 0.46 miles, consisting of Grading, Aggregate Base, Bituminous Surfacing and Aggregate Shouldering.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., June 7, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of

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contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
KGM Contractors, Inc.	9211 Hwy. 53 Angora, MN 55703	\$2,858,486.19

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from:

S.A.P. 69-637-13 (low): Fund 220, Agency 220015, Object 652700, Project 10660037
11,111,111.11

S.A.P. 69-637-14: Fund 220, Agency 220046, Object 652700, Project 10660037 \$743,547.59
Unanimously adopted. June 22, 2004. No. 361

BY COMMISSIONER KRON:

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subdivision 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit application, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization:

National Multiple Sclerosis Society-Minnesota Chapter to operate out of Hwy 5 Bar & Grill, Unorganized Township 59-21, NEW.

Yeas - Commissioners Fay, Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 6

Nays - Commissioner Fink - 1

Adopted June 22, 2004. No. 362

At 3:44 P.M. on Tuesday, June 22, 2004, upon motion of Commissioner Sweeney, supported by Commissioner Fay, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

OFFICIAL PROCEEDINGS
OF THE
BOARD OF COUNTY COMMISSIONERS
OF ST. LOUIS COUNTY, MINNESOTA

JULY, 2004

OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON JULY 6, 2004

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 6th day of July, 2004, at 9:45 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Commissioner Kron, taking his turn presenting an appropriate quote, chose the following by Patrick Henry, a Christian patriot and orator from the Revolutionary War period:

“Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty or give me death!”

Commissioner Kron went on to add, “It is said that when a people finally muster the guts and passion and wherewithal to overthrow a tyrant, it only takes the passage of a few generations for the guts to grow soft and the passion to fade. It is easy to take freedom and liberty for granted when we haven’t experienced the harsh hand of oppression for ourselves.”

“I believe our ability to retain the blessings of freedom and liberty is directly proportional to the amount of time, energy and passion we invest in educating our children. I asked myself this question this 4th of July: Did I spend as much time teaching my children about our great heritage as I did about planning and preparing the barbeque, tuning to the weather station, wondering if the fog would lift, and fighting traffic back and forth to watch the fireworks? If it were possible I should meet up with Patrick Henry, I hope I could look him in the eye.”

At 9:47 A.M., a public hearing was convened, pursuant to County Board Resolution No. 303, adopted June 1, 2004, to receive and consider proposals for the sale of county fee land described as Lots 16 through 22, Block 15, Basswood Avenue, Duluth Heights Sixth Division, Duluth. The sale was held pursuant to Minnesota Statutes, Section 373.01, Standing Rules of the County Board and the Sale of County Fee Land Policy. Tony Mancuso, Property Manager, said no written bids were received. Chair Raukar opened the hearing to persons who wanted to bid on the property and Arlette DeGrio, Duluth, MN, submitted the only bid at the minimum appraised price of \$14,000. At 9:50 A.M., Commissioner Fink, supported by Commissioner Sweeney, moved to close the hearing; seven yeas - zero nays. Commissioner Kron, supported by Commissioner Sweeney, moved to accept the bid of Arlette DeGrio in the amount of \$14,000; seven yeas - zero nays. Resolution No. 370.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and the following chose to do so:

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Mike O'Donnell, Teamsters, asked the Board to allow the MIA/POW flag to fly on all County flagpoles.

Commissioner Forsman said he would introduce a resolution either later at the Board meeting or in Committee of the Whole to permit the flying of MIA/POW flags. Gary Eckenberg, Deputy County Administrator, said Administration received calls concerning this matter and a resolution would be prepared for consideration. Chair Raukar referred the issue to Committee of the Whole for further discussion.

Commissioner Forsman, supported by Commissioner Nelson, moved to approve a \$35,000 allocation to the Eveleth-Gilbert ATV/OHM Joint Powers Board for development of the Eveleth-Gilbert ATV/OHM Trail. The following persons addressed the issue:

David Epperly, Land Commissioner, asked the Board to ensure that the \$35,000 allocation was reimbursable. In response to concerns of Commissioner Kron, Epperly said the funds could not be expended until all legal requirements had been satisfied.

Mayor Mike Skenzich, Gilbert, said the Minnesota Department of Natural Resources would prepare an Environmental Assessment Worksheet (EAW) if deemed appropriate.

Lengthy discussion ensued. Commissioner Kron, fearing the ATV trail would compromise the integrity of the nearby Mesabi Trail, said alternative routes should be explored, an EAW prepared and an overall recreation policy developed. Commissioner Nelson presented photographs of the current areas being used by ATVs and said tourists/residents are frustrated by the lack of good trails for ATV recreation. Commissioner Kron offered a friendly amendment - not accepted by the makers - to require an EAW, solicit comment from the Mesabi Trail Advisory Committee and explore the possibility of using alternative routes. Commissioner Kron, supported by Commissioner Sweeney, then moved to amend the resolution to make it contingent upon completion of an EAW if required. After further discussion, Commissioner Sweeney withdrew her support and the motion died. The allocation was approved; six yeas - one nay, Commissioner Kron. Resolution No. 371.

Commissioner Forsman, supported by Commissioner Nelson, moved to suspend the rules to consider granting final plat approval to Camp North, Eagles Nest Township; seven yeas - zero nays. Barbara Hayden, Planning Director, described the plat and said all required approvals have been received. Commissioner Forsman, supported by Commissioner Kron, moved to grant final plat approval; seven yeas - zero nays. Resolution No. 372.

Commissioner Fink, supported by Commissioner Sweeney, moved to schedule a closed session for labor negotiations for 1:30 P.M.; seven yeas - zero nays.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Andrew Engebretson, Attorney, submitting Chapter 466 Notice of Claim in the matter of Verna M. Cyrette, as Trustee for the heirs of Damien Anderson, deceased, versus Velkommen Village, Inc., and the County of St. Louis.-58280

Jeff Brown, Executive Director, MRR (Minnesotans for Responsible Recreation), requesting St. Louis County to postpone any action regarding the Eveleth-Gilbert ATV/Off-Highway Motorcycle Trail easement until a determination is made on their petition for completion of an Environmental Assessment Worksheet.-58281

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Town of Embarrass submitting a resolution adopted on June 16, 2004, requesting St. Louis County to put all tax forfeited land within the township borders on public auction.–58282

Robert M. Kaner, Attorney, submitting Notice of Claim in the matter of Melissa Viestenz versus the County of St. Louis.–58283

David J. Mlakar, Safety Chair, L.U. 2660, District 11 Safety, Health, and Environmental Advisor, United Steelworkers of America, regarding St. Louis County Mine Inspectors.–58284

Commissioner Keith Nelson submitting photographs of the current areas being used by ATVs and regarding the lack of good trails for ATV recreation.–58285-D

Agreement for Employee Assistance Services between the County of St. Louis, Arrowhead Regional Corrections, and Lifeworks Employee Resource.–04-434

State of Minnesota Agency Agreement No. 86434 between the Department of Transportation and St. Louis County for federal participation in advance construction for S.P. 69-716-08; M.P. HPP-STP MN54(100).–04-435

Addendum to Agreement for Services between the County of St. Louis and the Arrowhead Regional Corrections and Arrowhead Interfaith Council for chaplaincy services.–04-436

Funding Agreement between the St. Louis and Lake Counties Regional Railroad Authority and the County of St. Louis for interior and exterior renovation of a portion of the existing Administration Building at Iron World Discovery Center.–04-437

Agreement for Professional Services between the County of St. Louis and Swan & Associates, Inc., for initial and final infiltration and inflow inspections in homes located in the Midway Park addition of Midway Township.–04-438

First Amendment to 9-1-1 Agreement between the County of St. Louis, the State of Minnesota, and Computer Pro, Inc., d/b/a CP and CP Internet (f/k/a Braafladt, LLC).–04-439

Joint Cooperation Agreement between the County of St. Louis, State of Minnesota, and the Town of Camp 5 for Community Development Block Grant and HOME funds.–04-440

Employee Safety & Development Training Contract between St. Louis County and Julia Mattson for *The ABC's of Stress Management* session.–04-441

Employee Safety & Development Training Contract between St. Louis County and Susan Mattis Turnham for *GroupWise Intermediate* session.–04-442

Agreement between the County of Lake and the County of St. Louis for various paved roads and highways, C.P. 3659, St. Louis County Striping Plan.–04-443

Contract between the County of St. Louis and Glacier Paving, Inc., for M.P. 238-1006 (low) and S.A.P. 69-600-29, C.P. 9302, for Plant Mixed Bituminous Surface & Aggregate Shouldering.–04-444

Contract between the County of St. Louis and Hardrives, Inc., for M.P. 5-1251 for Reclamation, Bituminous Surfacing, and Aggregate Shouldering.–04-445

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Contract between the County of St. Louis and Hardrives, Inc., for M.P. 6863-1268, M.P. 6864-1269, M.P. 6870-1270, M.P. 6650-1496, M.P. 6851-1497, M.P. 6859-1498 and M.P. 6862-1499 for Bituminous Surface and Aggregate Shoulders, Aggregate Surfacing and Plant Mixed Bituminous Surface.-04-446

Contract between the County of St. Louis and Hardrives, Inc., for M.P. 101-1495 for Bituminous Surfacing and Aggregate Shoulders.-04-447

Addendum to Purchase Agreement, Contract No. 13541A, between the St. Louis County Board of Commissioners and Spectrum Community Health, Inc., for personal emergency response services.-04-448ss

Purchase of Service Agreement, Contract No. 13698, between the St. Louis County Board of Commissioners and Spectrum Community Health, Inc., for assisted living plus services and out-of-home respite services.-04-449ss

Purchase of Service Agreement, Contract No. 13721, between the St. Louis County Board of Commissioners and Lutheran Social Service of Minnesota for companion services.-04-450ss

Addendum to Purchase Agreement, Contract No. 13672A, between the St. Louis County Board of Commissioners and Residential Services of Northeastern Minnesota, Inc., for adult foster care and respite services.-04-451ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and RSI-Lakeside.-04-452ss

Agreement for Family Foster Care for Children, Community Alternatives for Disabled Individuals and Traumatic Brain Injury Waivers, between the St. Louis County Board of Commissioners and Dean and Donna Walls.-04-453ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Woodhill Homes Vermilion.-04-454ss

Addendum to Purchase Agreement, Contract No. 13677A, between the St. Louis County Board of Commissioners and Woodhill Homes, Inc., for adult foster care and respite services.-04-455ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and TLC of Duluth - East Sixth Street.-04-456ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and TLC of Duluth - East Sixth Street.-04-457ss

Addendum to Purchase Agreement, Contract No. 13673B, between the St. Louis County Board of Commissioners and Tender Loving Care of Duluth, Inc., for adult foster care.-04-458ss

Addendum to Purchase Agreement, Contract No. 13673A, between the St. Louis County Board of Commissioners and Tender Loving Care of Duluth, Inc., for adult foster care.-04-459ss

Addendum to Purchase Agreement, Contract No. 13679A, between the St. Louis County Board of Commissioners and TBI Residential and Community Services, Inc., for adult foster care.-04-460ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners

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and TBI Residential and Community Services.–[04-461ss](#)

Purchase of Service Agreement, Contract No. 13728, between the St. Louis County Board of Commissioners and Morgan Business Trust, d/b/a Extended Family Home Care, for home care services.–[04-462ss](#)

Addendum to Purchase Agreement, Contract No. 13511A, between the St. Louis County Board of Commissioners and The Pointe Estates, Inc., for assisted living plus services.–[04-463ss](#)

Agreement for Family Foster Care for Children, Community Alternatives for Disabled Individuals and Traumatic Brain Injury Waivers, between the St. Louis County Board of Commissioners and Cheryl Nordeen.–[04-464ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Lakeview Mansion.–[04-465ss](#)

Agreement for Family Foster Care for Children, Community Alternatives for Disabled Individuals and Traumatic Brain Injury Waivers, between the St. Louis County Board of Commissioners and Dennis and Renee Eckstrom.–[04-466ss](#)

Consolidated Chemical Dependency Treatment Fund Purchase of Service Agreement, Contract No. 13722, between the St. Louis County Board of Commissioners and Range Mental Health Center, Inc.–[04-467ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Range Center, Inc. (Outlook).–[04-468ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Range Center, Inc. (Frasier).–[04-469ss](#)

Purchase of Service Agreement, Contract No. 13724, between the St. Louis County Board of Commissioners and Range Center, Inc. - Outlook (MA MR/RC Waivered Services) for SLS for adults.–[04-470ss](#)

Purchase of Service Agreement, Contract No. 13719, between the St. Louis County Board of Commissioners and Range Center, Inc. - Frasier (MA MR/RC Waivered Services) for SLS for adults.–[04-471ss](#)

Purchase of Service Agreement, Contract No. 13702, between the St. Louis County Board of Commissioners and Garden House Estates, Ltd., for assisted living plus services.–[04-472ss](#)

Purchase of Service Agreement, Contract No. 13718, between the St. Louis County Board of Commissioners and Wesley Residence, Inc., for assisted living plus services and out-of-home respite services.–[04-473ss](#)

Purchase of Service Agreement, Contract No. 13712, between the St. Louis County Board of Commissioners and St. Ann's Home for assisted living plus services.–[04-474ss](#)

Purchase of Service Agreement, Contract No. 13703, between the St. Louis County Board of Commissioners and Geriatric Community Caregivers, Inc., for assisted living plus services.–[04-475ss](#)

Purchase of Service Agreement, Contract No. 13715, between the St. Louis County Board of

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Commissioners and Transitional Senior Housing for assisted living plus services and out-of-home respite services.-[04-476ss](#)

Purchase of Service Agreement, Contract No. 13711, between the St. Louis County Board of Commissioners and Solstice Corporation, d/b/a Golden Oaks Residence, for assisted living plus services.-[04-477ss](#)

Purchase of Service Agreement, Contract No. 13727, between the St. Louis County Board of Commissioners and Arrowhead Center, Inc., for court ordered urinalysis collection and drug testing services.-[04-478ss](#)

Purchase of Service Agreement, Contract No. 13688, between the St. Louis County Board of Commissioners and Benedictine Health System, d/b/a Arrowhead Senior Living Community, for assisted living services and out-of-home respite services.-[04-479ss](#)

Addendum to Purchase Agreement, Contract No. 13454B, between the St. Louis County Board of Commissioners and Arrowhead Senior Living Community for assisted living services.-[04-480ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and At Home Living - College Street.-[04-481ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Brainerd House.-[04-482ss](#)

Purchase of Service Agreement, Contract No. 13725, between the St. Louis County Board of Commissioners and At Home Living Facilities, Inc., for adult foster care services and out-of-home respite services.-[04-483ss](#)

Purchase of Service Agreement, Contract No. 13730, between the St. Louis County Board of Commissioners and At Home Living Facilities, Inc., for non-residential services.-[04-484ss](#)

Purchase of Service Agreement, Contract No. 13689, between the St. Louis County Board of Commissioners and At Home Living Facilities, Inc., for residential care services and out-of-home respite services.-[04-485ss](#)

Purchase of Service Agreement, Contract No. 13726, between the St. Louis County Board of Commissioners and Floodwood Services and Training, Inc., for non-residential services.-[04-486ss](#)

Purchase of Service Agreement, Contract No. 13696, between the St. Louis County Board of Commissioners and Fairview Range Regional Health Services, d/b/a Greenvew Residence.-[04-487ss](#)

Purchase of Service Agreement, Contract No. 13695, between the St. Louis County Board of Commissioners and Healthline Homecare for assisted living plus services and out-of-home respite services.-[04-488ss](#)

Purchase of Service Agreement, Contract No. 13694, between the St. Louis County Board of Commissioners and Healthline Homecare for assisted living services and out-of-home respite services.-[04-489ss](#)

Purchase of Service Agreement, Contract No. 13717, between the St. Louis County Board of Commissioners and The Lamb House, Inc., for assisted living services and out-of-home respite services.-[04-490ss](#)

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Purchase of Service Agreement, Contract No. 13720, between the St. Louis County Board of Commissioners and Regency Home Healthcare Services, LLC, for home care services. ~~04-491~~ss

Fire Protection Services Agreement between the City of Babbitt and the County of St. Louis for Unorganized Townships 61-12 and 61-13. ~~04-492~~

Fire Protection Services Agreement between the Bearville Township Volunteer Fire Department, Inc., and the County of St. Louis for Unorganized Township 62-21. ~~04-493~~

Fire Protection Services Agreement between the Central Lakes Volunteer Fire Department, Inc., and the County of St. Louis for Unorganized Township 56-17. ~~04-494~~

Fire Protection Services Agreement between the City of Chisholm and the County of St. Louis for Unorganized Township 59-21. ~~04-495~~

Fire Protection Services Agreement between the Colvin Township Volunteer Fire Department, Inc., and the County of St. Louis for Unorganized Township 55-15. ~~04-496~~

Fire Protection Services Agreement between the City of Cook and the County of St. Louis for Unorganized Township 63-17. ~~04-497~~

Fire Protection Services Agreement between the City of Cook and the County of St. Louis for Unorganized Township 62-17. ~~04-498~~

Fire Protection Services Agreement between the Crane Lake Volunteer Fire Department, Inc., and the County of St. Louis for Unorganized Township 67-18. ~~04-499~~

Fire Protection Services Agreement between the City of Ely and the County of St. Louis for Unorganized Townships 64-12 and 64-13. ~~04-500~~

Fire Protection Services Agreement between the Evergreen Volunteer Fire Department, Inc., and the County of St. Louis for Unorganized Townships 60-19 and 60-20. ~~04-501~~

Fire Protection Services Agreement between the City of Floodwood and the County of St. Louis for Unorganized Township 52-21. ~~04-502~~

Fire Protection Services Agreement between French Township and the County of St. Louis for part of Unorganized Township 59-21. ~~04-503~~

Fire Protection Services Agreement between the Gnesen Volunteer Fire Department, Inc., and the County of St. Louis for Unorganized Township 53-15. ~~04-504~~

Fire Protection Services Agreement between the Lakeland Volunteer Fire Department, Inc., and the County of St. Louis for Unorganized Township 57-16. ~~04-505~~

Fire Protection Services Agreement between the Makinen Volunteer Fire Department, Inc., and the County of St. Louis for Unorganized Township 56-16. ~~04-506~~

Fire Protection Services Agreement between the Northland Volunteer Fire Department, Inc., and the County of St. Louis for Unorganized Township 53-16. ~~04-507~~

Fire Protection Services Agreement between the City of Orr and the County of St. Louis for

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Unorganized Townships 63-19 and 66-20.-04-508

Fire Protection Services Agreement between the Pequaywan Lake Volunteer Fire Department, Inc., and the County of St. Louis for Unorganized Township 54-13.-04-509

Fire Protection Services Agreement between the Pike-Sandy-Britt Volunteer Fire Department, Inc., and the County of St. Louis for Unorganized Townships 59-16, 60-18, and 59-18.-04-510

Fire Protection Services Agreement between the Silica Volunteer Fire Department and the County of St. Louis for Unorganized Township 55-21.-04-511

Project Contract No. 4473 between the County of St. Louis and PRT Dryden, Inc., for containerized tree seedlings for Spring 2006 and Spring 2007.-04-512

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and City of Tower for recreation improvement.-04-513

Upon motion of Commissioner Fay, supported by Commissioner Sweeney, Resolutions No. 364 through 369, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER FAY:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of June 22, 2004, are hereby approved.

Adopted July 6, 2004. No. 364

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. 58174, are hereby approved and the County Auditor shall issue checks in the following amounts:

<u>FUND</u>		<u>TOTAL</u>
01	General Fund	\$ 271,249.37
02	Public Works	145,069.98
04	Social Services	506,336.72
131	Extension Service	781.38
15	Forfeited Tax	23,840.57
26	Solid Waste Authorities	19,379.31
50	Printing	648.46
51	County Garage	3,276.46
53	Management Information Systems	9,607.90
54	Regional Railroad Authority	762.44
55	Telecommunications	1,124.26
64A	Chris Jensen Health & Rehab.	109,210.99
65	Laundry	4,449.13
66	Community Food Services	8,376.23
67	Supervised Living Facilities	5,044.31
73	Arrowhead Regional Corrections	66,562.74
74	Community Health Services	<u>809.49</u>
		\$ 1,176,529.74

Adopted July 6, 2004. No. 365

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RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated June 25, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

Adopted July 6, 2004. No. 366

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for an intoxicating liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58181; FURTHER RESOLVED, that said license is approved contingent upon licenseholder paying real estate or personal property taxes when due;

FURTHER RESOLVED, that if named licenseholder sells their licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of the license fees to the licenseholder;

FURTHER RESOLVED, that said license shall be effective through June 30, 2005:

Red Cloud, LLC, d/b/a The Harvest Moon Cooking Company, Beatty Township, On-Sale Intoxicating Liquor License No. CMB0586 and Sunday On-Sale Intoxicating Liquor License No. SUN0586, transfer.

Adopted July 6, 2004. No. 367

RESOLVED, that pursuant to Ordinance No. 28, Section 11, Subdivision 11.06, authorization is hereby granted to Wieber & Associates, Inc., d/b/a Ash Trail Lodge, Unorganized Township 68-19, to sell/serve outside the designated serving area of the County Liquor License for the dates of July 16, 17 and 18, 2004, as per application on file in the office of the County Auditor, identified as County Board File No. 58181.

Adopted July 6, 2004. No. 368

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, is hereby approved and the County Auditor is authorized to issue the license as follows;

RESOLVED FURTHER, that if named licenseholder sells their licensed business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund to the licenseholder:

Furry's, Inc., d/b/a Dino's, City of Aurora, Tobacco Products License No. T04201, transfer.

Adopted July 6, 2004. No. 369

BY COMMISSIONER KRON:

WHEREAS, the St. Louis County Board, at the June 1, 2004, meeting, adopted Resolution No. 303 setting the date of July 6, 2004, at 9:35 A.M., in the Courthouse, Duluth, MN, as the time and place for receiving and considering bids for purchase of County fee property described as follows: Lots 16 through 22, Block 15, Basswood Avenue, Duluth Heights Sixth Division, City of Duluth.

WHEREAS, the highest bid received for the property was from Arlette DeGrio, 523 North Basswood Avenue, Duluth, MN 55811, for \$14,000, which was at or above the minimum appraised value, and she acknowledged responsibility for the deed tax and recording fees; and

WHEREAS, in the judgment of the Board it is in the best interests of the County and its citizens to sell said property; and

WHEREAS, Arlette DeGrio has tendered the \$14,000 to the County Auditor and it is on deposit.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Arlette DeGrio to purchase the property for \$14,000 plus costs is accepted.

BE IT FURTHER RESOLVED, that the Chair of the County Board and County Auditor are hereby

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authorized to execute and deliver a quit claim deed, prepared by the County Attorney, conveying said property to Arlette DeGrio.
Unanimously adopted. July 6, 2004. No. 370

BY COMMISSIONER FORSMAN:

WHEREAS, the Eveleth-Gilbert ATV/OHV Joint Powers Board has requested St. Louis County's assistance in developing the Eveleth-Gilbert ATV/OHV Trail and matching the State of Minnesota Trail Assistance Program Grant; and

WHEREAS, the St. Louis County Board of Commissioners has determined it is in the best interest of the County to assist the Eveleth-Gilbert ATV/OHV Joint Powers Board with this project.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby authorizes an allocation of \$35,000 to the Eveleth-Gilbert ATV/OHV Joint Powers Board for developing the Eveleth-Gilbert ATV/OHV Trail and matching the State of Minnesota Trail Assistance Program Grant, payable from Fund 16, Agency F16 (Memorial Forest), Org. F21 (Forest Recreation).

Yeas - Commissioners Fink, Fay, Forsman, Sweeney, Nelson, and Chair Raukar - 6

Nays - Commissioner Kron - 1

Adopted July 6, 2004. No. 371

Upon motion of Commissioner Forsman, supported by Commissioner Sweeney, the rules were suspended to adopt Resolution No. 372 which was not listed on the agenda.

BY COMMISSIONER FORSMAN:

WHEREAS, the St. Louis County Planning Commission on December 13, 2001, held a public hearing regarding the preliminary plat of Camp North; and

WHEREAS, the St. Louis County Planning Commission granted preliminary approval for the plat of Camp North; and

WHEREAS, the final prints have been submitted and conform with the requirements set forth by the Planning Commission. The County Attorney and County Surveyor have approved the plat.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners grants final approval to the plat of Camp North located in Section 33, Township 62 North, Range 14 West, Town of Eagles Nest.

Unanimously adopted. July 6, 2004. No. 372

At 11:15 A.M. on Tuesday, July 6, 2004, upon motion of Commissioner Fay, supported by Commissioner Sweeney, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:

Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON JULY 13, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 13th day of July, 2004, at 9:38 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Commissioner Sweeney, Chair of Health and Social Services Committee, presented a certificate of appreciation from Minnesota Human Services Commissioner Kevin Goodno to St. Louis County Public Health and Human Services Department staff for the Alternative Response Program. Dick Pingry, Human Services Department, described the pilot project, which is a partnership with parents to provide a more flexible and less confrontational approach in certain child abuse allegation cases.

Commissioner Forsman took his turn presenting an appropriate quotation(s) by presenting the following:

“I would rather fail with honor than succeed with fraud.” Sophocles, ancient Greek dramatist.

“It is better to deserve honors and not have them than to have them and not deserve them.” Samuel Clemens/Mark Twain

“Children have never been very good at listening to their elders, but they have never failed to imitate them.” James Baldwin, writer.

“Peace cannot be kept by force. It can only be achieved by understanding.” Albert Einstein.

“A leader knows what’s best to do: a manager knows merely how best to do it.” Ken Adelman, former Assistant Secretary of Defense and U.N. Ambassador.

“It is easy to make a buck. It’s a lot tougher to make a difference.” Tom Brokaw, news anchor and author.

“Patriotism . . . applies to true love of one’s country and a code of conduct that echoes such love.” Howard Fast, author.

“Procrastination is opportunity’s natural assassin.” Victor Kiam, businessman.

“Give the American people a just cause and there’s nothing they can’t lick.” Marion Michael Morrison a.k.a. John Wayne.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda, but no one chose to do so.

Commissioner Sweeney, supported by Commissioner Kron, moved to approve revisions to a Joint Powers Agreement with the North Shore Management Board. Commissioner Fink expressed concern about a provision that revokes a member if three or more meetings are missed. Commissioner Sweeney said the provision was added to ensure that members representing various

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political subdivisions comprising the Board are present. Alan Mitchell, County Attorney, said the provision is similar to what is included in other agreements, emphasizing that a member "may" be revoked for three "unexcused" absences but only by majority vote of the other members. Changes to the provision might require approval of other members, according to Attorney Mitchell. After further discussion, the resolution was approved; seven yeas - zero nays. Resolution No. 388.

Commissioner Kron noted that on Sunday, July 25, 2004, a dedication of the statue of Albert Woolson, Duluth Civil War Veteran, will be conducted by various veterans' groups at the St. Louis County Heritage and Arts Center.

At 10:09 A.M. in the forenoon of Tuesday, July 13, 2004, Chair Raukar moved to recess the Board until 12:15 P.M. on July 13, 2004, in the Commissioners' Conference Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 2:22 P.M. on July 13, 2004, and the regular order of business resumed with all members present.

Commissioner Fay, supported by Commissioner Nelson, moved to approve a second consent agenda consisting of all items unanimously approved at Committee of the Whole; seven yeas - zero nays.

Commissioner Fay noted that President Bush will visit Duluth for a political rally at the Duluth Entertainment and Convention Center later today.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

County Auditor submitting lists of tax forfeited property declared in default during the year 2004.-58286

Neil C. Franz, Attorney, St. Cloud, submitting Petition to Establish a Cartway on behalf of his client Thomas Daniel.-58287

Contract between the County of St. Louis and Ulland Brothers, Inc., for S.A.P. 69-643-13, C.P. 8180, for Grading, Drainage, Aggregate Base, Bituminous Base, Surfacing and Shouldering.-04-514

Contract between the County of St. Louis and Ulland Brothers, Inc., for M.P. 931-1271 (low), S.A.P. 69-684-04 and S.A.P. 69-734-01 for Bituminous Reclamation, Bituminous Surfacing, Aggregate Shoulders and Aggregate Base.-04-515

Loan Agreement between the County of St. Louis and Bruce and Wendy Stromberg for a septic loan.-04-516

Post Retirement Health Care Savings Policy for employees in the St. Louis County Corrections Officers and Communication Department Essential Employees Unit and Fast Track Proposal.-04-517

Upon motion of Commissioner Kron, supported by Commissioner Fay, Resolutions No. 373 through 387, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

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BY COMMISSIONER KRON:

RESOLVED, that the official proceedings of the St. Louis County Special Board of Appeal and Equalization for the Assessment Year of 2004 Payable 2005 are hereby approved.

Adopted July 13, 2004. No. 373

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:

Real Estate - Trevor Banks, \$229.26; Courtland Behrends, \$196.40; Paul Belsito, \$703.64; Curt Conrad, \$193.50; Scott Hedditch, \$1,009.78; Kim Hislop, \$452.20; Robert Lecuyer, \$805.28; Timothy Legarde, \$135.20; Deborah Mellesmoen, \$228.76; Kenneth Molitor, \$186.00; Timothy Nowak, \$1,014.48; Joseph Piersig, \$536.30; David Scott, \$609.34; Michael Smith, \$278.54; Kenneth Wilsey, \$38.76.

Personal Property - County Auditor, \$71.45.

Adopted July 13, 2004. No. 374

RESOLVED, that the St. Louis County Board of Commissioners hereby authorizes the appropriate county officials to enter into amended and extended contracts with the following providers at their current rates for the effective period July 1, 2004, through June 30, 2005:

SEMI-INDEPENDENT LIVING SERVICES (SILS)

Duluth Regional Care Center
Empowerment Services of Minnesota, Inc. (Employee of Record)
HOMES, Inc. - Hibbing
HOMES, Inc. - Virginia
Innovative Living, Inc.
Trillium Services, Inc.

EXPENSE:	<u>Fund</u>	<u>Agency</u>	<u>Object</u>
	230	232026	605200
	230	232046	605200
REVENUE:	<u>Fund</u>	<u>Agency</u>	<u>Source</u>
	230	232099	530624

DAY TRAINING & HABILITATION

Access to Employment Too, Inc.
CHOICE, unlimited - CHOICE
CHOICE, unlimited - OPTIONS
East Range DAC
Floodwood Services & Training, Inc.
MSOCS Duluth - Airpark
MSOCS Duluth - West End
MSOCS Virginia - Virginia
Pinewood, Inc. - Duluth
Range Center, Inc.
UDAC, Inc.

EXPENSE:	<u>Fund</u>	<u>Agency</u>	<u>Object</u>
	230	232026	604800
		232046	
REVENUE:	<u>Fund</u>	<u>Agency</u>	<u>Source</u>

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230	232099	530608
230	230099	500100

Adopted July 13, 2004. No. 375

WHEREAS, the County has prepared a list of tax forfeited lands which have been sold under the provisions of Minnesota Statute Chapter 282, subject to repurchase contract, and which are in default for failure to pay taxes or installments.

NOW, THEREFORE, BE IT RESOLVED, that the County Board does hereby approve the cancellation of each contract for repurchase of tax forfeited land which is in default and on the list prepared by the County Auditor in County Board File No. 58286 all according to the provisions of Minnesota Statute, Section 282.01, Subdivision 5, and Minnesota Statute, Section 282.40, and according to the procedures of Minnesota Statute, Section 559.21.

Adopted July 13, 2004. No. 376

WHEREAS, the Land Department has reviewed a request of Leonard Armstrong for a permanent road access easement across state tax forfeited land and recommends approval; and

WHEREAS, there are no reasonable alternatives to obtain access to the Grantee's property; and
WHEREAS, exercising the easement will not cause significant adverse environmental or natural resource management impacts.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Auditor, by the authority vested in him by Minnesota Statutes 282.04, Subd.4, is hereby authorized to grant a permanent road access easement to Leonard Armstrong described as follows: The West 33.00 feet of that part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 51, North Range 17 West, lying Northerly of the Northerly right-of-way line of Industrial Road. The granting of this easement is conditioned on payment of \$15.00 timber damages, \$270.00 land use fee, \$150.00 administration fee, \$6.00 publication Fee, and \$20.00 recording Fee, for a total cost of \$461.00.

Adopted July 13, 2004. No. 377

RESOLVED, that the St. Louis County Auditor, by the authority vested in him under Minnesota Statute, Section 282.04, Subdivision 1, is hereby authorized to offer earthen material at public sale to the highest responsible bidder, a maximum of eighty thousand (80,000) cubic yards and a minimum of fifty thousand (50,000) cubic yards loose volume measure from a pit to be developed on State Tax Forfeited land described as NW 1/4 of SW 1/4, Section 2, Township 52N, Range 14W (Vermilion Pit). This material will be made available at public sale, at the minimum appraised price of \$1.25 per cubic yard loose volume measure. The successful bidder shall make an initial non-refundable payment equal to the bid per cubic yard price times 50,000 cubic yards, plus \$50.00 Administration fee, \$6.00 Publication Fee, and a refundable reclamation deposit of \$5,000.00, for a minimum total cost of \$67,556.00 due at the time of sale and subject to the terms and conditions set forth by the St. Louis County Land Commissioner in the earthen material permit.

RESOLVED FURTHER, quantities will be determined by records and information supplied by the St. Louis County Public Works Dept.

RESOLVED FURTHER, said sale will be held at 9:30 A.M., July 19th, 2004, Room 607, Government Services Center, 320 West Second Street, Duluth, MN 55802.

Adopted July 13, 2004. No. 378

RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the Public Works Department to enter into an agreement with Ayres Associates and authorizes the appropriate County officials to sign the agreement whereby the County will purchase the services of Ayres Associates to aid in the Final Design Phase of the proposed reconstruction of the Midway Park Sanitary Sewer System, C.P. 3647. The estimated total costs of these Final Design services is \$98,200.00, payable from Fund 200, Agency 200019, Object 629900.

Adopted July 13, 2004. No. 379

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RESOLVED, that a public hearing will be held at 9:30 A.M. on July 27, 2004, in the City Hall, Mt. Iron, Minnesota, for the purpose of considering the granting of an Off-Sale Intoxicating Liquor License to Red Cloud, LLC, d/b/a The Harvest Moon Cooking Company, Beatty Township. Adopted July 13, 2004. No. 380

RESOLVED, the St. Louis County Board of Commissioners hereby affirms the following:

Departmental Name

Public Health and Human Services

Vision

A community where all people are safe and healthy.

Mission

To protect, promote, and improve the health and quality of life in St. Louis County.

Guiding Principles

As employees of the Public Health & Human Service Department, we support and represent our vision through our actions. We:

- commit to respectful, courteous, and timely customer service
- act with integrity and demonstrate ethical behavior
- demonstrate respect for each other and the people we serve
- listen to understand
- affirm diversity and demonstrate cultural competence
- act professionally
- partner with the people we serve, with each other, and with the community
- provide quality service
- demonstrate a positive attitude and a respectful sense of humor
- are efficient and provide cost effective service
- are accountable
- see change as an opportunity for growth

Adopted July 13, 2004. No. 381

WHEREAS, the Duluth Economic Development Authority has offered to purchase the following described State Tax-Forfeited parcel for the appraised price of \$14,400.00 plus fees: Duluth Heights 5th Division, Lots 23 - 28, Block 9; Parcel Code Number: 10-880-2690; for the purpose acquiring this parcel on behalf of Northern Communities Land Trust. One, single family, affordable housing unit will be constructed on the site.

WHEREAS, Minnesota Statute 282.01, Subd. 1(a) authorizes the sale of State Tax Forfeited land to an organized governmental subdivision; and

WHEREAS, said parcel of land has been classified as non-conservation land pursuant to Minnesota Statutes Section 282.01; and

WHEREAS, this parcel of land is not withdrawn from sale pursuant to Minnesota Statutes Sections 84.012, 92.461, 282.01, Subdivision 8; and 282.018, and other statutes that require the withholding of State Tax-Forfeited lands from sale.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the sale of the above described State Tax-Forfeited parcel to the Duluth Economic Development Authority for the appraised value of \$14,400.00 plus the following fees: 3% Assurance Fee of \$432.00, Deed Fee of \$25.00, Deed Tax of \$47.52, and a Recording fee of \$20.00; for a total of \$14,924.52.

Adopted July 13, 2004. No. 382

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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WHEREAS, the Hermantown Economic Development Authority has offered to purchase the following described State Tax-Forfeited parcels for the appraised price of \$70,000.00 plus fees: Collingwood Park 1st Addition to Hermantown, Block 3, Lots 11-24; Parcel Code Numbers: 395-60-110, 130, 150 & 170; for the purpose of incorporating residential development and expanding park areas; and

WHEREAS, Minnesota Statute 282.01, Subd. 1(a) authorizes the sale of State Tax Forfeited land to an organized governmental subdivision; and

WHEREAS, said parcels of land have been classified as non-conservation land pursuant to Minnesota Statutes Section 282.01; and

WHEREAS, these parcels of land are not withdrawn from sale pursuant to Minnesota Statutes Sections 84.012, 92.461, 282.01, subdivision 8; and 282.018, and other statutes that require the withholding of State Tax-Forfeited lands from sale.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the sale of the above described State Tax-Forfeited parcels to the Hermantown Economic Development Authority for the appraised value of \$70,000.00 plus the following fees: 3% Assurance Fee of \$2100.00, Deed Fee of \$25.00, Deed Tax of \$231.00, and Recording Fee of \$40.00; for a total of \$72,396.00. Adopted July 13, 2004. No. 383

WHEREAS, bids have been received by the County Auditor for the following project: S.A.P. 69-607-39, County Project No. 8249, located on C-SAH 7 (Industrial Road) from near C.R. 872 (Bear Trap Road) to T.H. 53, at Twig, MN, length 6.08 Miles, consisting of Grading, Reclamation, Aggregate Base, Bituminous Surface and Aggregate Shoulders.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., June 28, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Ulland Brothers, Inc.	P.O. Box 340 Cloquet, MN 55720	\$1,566,139.90

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from Fund 220, Agency 220030, Object 652700, Project 10660007. Adopted July 13, 2004. No. 384

WHEREAS, St. Louis County Board of Commissioners approved the submittal of the Northeast Minnesota Regional JOBZ application for subzones throughout St. Louis County; and WHEREAS, the Minnesota Department of Employment and Economic Development approved the Northeast Minnesota Regional JOBZ application for 4,031 acres, including 225 acres in Proctor; and

WHEREAS, the City of Proctor wishes to amend the boundaries of their approved subzones and create one additional subzone, maintaining 225 acres in JOBZ subzones; and

WHEREAS, the Job Opportunity Building Zone (JOBZ) Program created in Minnesota Session Laws 2003, 1st Special Session, Chapter 21, Article 1, allows for the formation of tax free zones and for subzone boundaries to be amended with the approval of all taxing authorities;

NOW, THEREFORE, BE IT RESOLVED, that St. Louis County agrees to the proposed

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amendment to subzones within the City of Proctor as follows:

- Kirkus Street subzone #94 - remove 6.5 acres
- Westgate Boulevard subzone #93.1 - create new subzone with 6.5 acres

Adopted July 13, 2004. No. 385

WHEREAS, St. Louis County has in excess of \$192,000,000 in property to insure; and
WHEREAS, St. Louis County requests proposals on an annual basis for property insurance; and
WHEREAS, the proposal for a loss limit versus scheduled buildings is less expensive, has lower deductibles, and an increased limit on amended contents;

NOW THEREFORE BE IT RESOLVED, that the Director of Purchasing is hereby authorized to purchase Property and Related Insurance coverage on major structures and equipment from American International Group, and Continental-National-American through Otis-Magie Insurance Agency of Duluth, MN, for the period 7-24-04 to 7-24-05, at their annual premium of \$220,534.00, in accordance with Request for Proposal No. 3950, payable from Fund 52A (Property, Casualty, Liability), Agency P11 (Property, Casualty, Liability), Object 351 (Insurance);

RESOLVED FURTHER, that the Director of Purchasing is authorized to add or delete County properties to the policy, or increase the base amount on future determination of valuation of County structures during the policy period.

Adopted July 13, 2004. No. 386

WHEREAS, the St. Louis County Board has been approached by Mr. Michael O'Donnell, Business Agent for the County's Teamsters Union regarding the flying of the MIA/POW (Missing in Action/Prisoner of War) flag on all flag poles under the control of St. Louis County; and
WHEREAS, Mr. O'Donnell has offered to provide as many MIA/POW flags for this purpose as may be required by St. Louis County; and

WHEREAS, the St. Louis County Board is supportive of demonstrating its appreciation for the past and present sacrifice of our men and women who wear the military service uniform of the United States of America;

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the flying of the MIA/POW flag on all existing flag poles under control of St. Louis County.

Adopted July 13, 2004. No. 387

BY COMMISSIONER SWEENEY:

WHEREAS, the St. Louis County Board of Commissioners approved the North Shore Management Board Joint Powers Agreement in 1987, Resolution No. 513; and

WHEREAS, the North Shore Management Board Joint Powers has proposed a revised joint powers agreement which adds the City of Duluth and makes statutory and other permissive changes.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners approves the revised North Shore Management Board Joint Powers Agreement; and

BE IT FURTHER RESOLVED, that the St. Louis County Board's representative to the North Shore Management Board or alternative are authorized to sign the agreement on behalf of St. Louis County.

Unanimously adopted. July 13, 2004. No. 388

Upon motion of Commissioner Fay, supported by Commissioner Nelson, Resolutions No. 389 through 391, which were approved at the Committee of the Whole meeting this date, were brought forth to this meeting as a second Consent Agenda and were unanimously adopted as follows:

BY COMMISSIONER FAY:

WHEREAS, the St. Louis County Planning Commission on August 9, 2001, held a public hearing

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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regarding the preliminary plat of Up North; and
WHEREAS, the St. Louis County Planning Commission granted preliminary approval for the plat of Up North; and
WHEREAS, the final prints have been submitted and conform with the requirements set forth by the Planning Commission. The County Attorney and County Surveyor have approved the plat.
NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners grants final approval to the plat of Up North located in Section 12, Township 62 North, Range 12 West, Town of Morse.
Adopted July 13, 2004. No. 389

WHEREAS, the St. Louis County Planning Commission initiated a rezoning; and
WHEREAS, the Planning Commission held a public hearing on the proposed rezoning on June 10, 2004; and
WHEREAS, the St. Louis County Planning Commission voted to recommend that the St. Louis County Board of Commissioners adopt the rezoning by amending Ordinance 46, zoning maps, and Ordinance 27, Land Use Plan.
NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners will hold a public hearing on Tuesday, August 10, 2004, at 9:35 A.M., Hibbing City Council Chambers, Hibbing, Minnesota, to consider rezoning multiple sections in Township 62 North, Range 18 West (Owens).
Adopted July 13, 2004. No. 390

WHEREAS, St. Louis County and the St. Louis County Jail Corrections Officers, AFSCME Local 1934, and the St. Louis County Communications Department, Local 66, are engaged in labor negotiations; and
WHEREAS, a proposal has been made to resolve a number of the items currently being negotiated; and
WHEREAS, acceptance of the proposal would immediately resolve these matters and they would become part of the current labor contract; and
WHEREAS, the labor units have voted and agreed to accept the Fast Track Proposal.
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the Chair of the St. Louis County Board and other necessary County officials to execute the Fast Track Proposal as contained in Contract File No. 04-517.
BE IT FURTHER RESOLVED, that pursuant to the Fast Track Proposal, the St. Louis County Board hereby adopts a post-retirement health care savings policy for employees in the St. Louis County Corrections Officers and Communication Department Essential Employees Unit, as contained in Contract File No. 04-517, and that a copy of the policy be forwarded to the Minnesota State Retirement System for inclusion in their post-retirement health care plan.
Adopted July 13, 2004. No. 391

At 2:23 P.M. on Tuesday, July 13, 2004, upon motion of Commissioner Sweeney, supported by Commissioner Fay, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners
(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON JULY 27, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 27th day of July, 2004, at 9:32 A.M. in the City Council Chambers, City Hall, Mountain Iron, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Gary Skalko, Mayor, welcomed the Board to Mt. Iron and briefly outlined some of the exciting changes occurring in the city.

Commissioner Sweeney allowed Commissioner Nelson to present an appropriate quotation in her stead and he offered the following from:

“Unless you care a whole awful lot, nothing will ever change; it’s not.” Dr. Suess

At 9:37 A.M., a public hearing was convened pursuant to County Board Resolution No. 380, adopted July 13, 2004, to consider granting an off-sale intoxicating liquor license to Red Cloud, LLC, d/b/a The Harvest Moon Cooking Company, Beatty Township. Alan Mitchell, County Attorney, advised the Board that: all required County Departments had reviewed the application and recommended approval; the Town of Beatty reviewed that application and recommended approval; the Liquor Licensing Committee met with the applicant and, after discussing the location and propriety of the establishment, recommended approval; all required notices had been given and the necessary insurance certificate submitted. Vanessa Ludlow, owner, said she had read and would abide by the provisions of County Ordinance No. 28 (Liquor Ordinance). No one else chose to address the issue.

At 9:46 A.M., after brief discussion, Commissioner Fay, supported by Commissioner Sweeney, moved to close the public hearing; seven yeas - zero nays. Commissioner Forsman, supported by Commissioner Sweeney, moved to approve granting the off-sale license; seven yeas - zero nays. Resolution No. 400.

At 9:47 A.M., a public hearing was convened pursuant to County Board Resolution No. 305, adopted June 1, 2004, to provide an opportunity for residents to express their views on the issuance of Capital Improvement Bonds. The following persons addressed the issue:

Ann Busche, Chief Deputy County Administrator, described the bonds and projects included.

Bob Toftey, Bond Counsel, in response to a question from Commissioner Fink, said the individual projects could be broken out in the final resolution.

Alan Mitchell, County Attorney, in response to a question from Commissioner Forsman, said a reverse referendum petition would initiate an election process. Attorney Mitchell also detailed how financing for the shared public works facility in Ely would unfold.

Donald Dicklich, County Auditor, explained recommendations of the Internal Finance Team, which includes splitting the bond into two issues - September 2004 and Spring 2005. If the bond is approved, then a Capital Equipment Note should also be issued along with refundment of a 1995

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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AJC Bond. At the request of Commissioner Fay, Auditor Dicklich distributed hypothetical costs of the bonds to homeowners using 2004 valuation data.

Kathy Kardell, Public Finance Management (PFM), said interest rates are still favorable and she presented anticipated interest trends. If bonding is not approved, Ms. Kardell said issuance of a Capital Equipment Note and refundment would not be necessary.

John Grahek, Building Trades, supported the bonding.

Thomas Pariseau, Bridge Builders, said the bonds were a great opportunity to create jobs.

Lyle Thronson, Electrical Workers, also supported bonding.

Tony Mancuso, Property Manager, explained how some of the capital costs had to be amended to reflect increased costs.

At 11:00 A.M. in the forenoon of Tuesday, July 27, 2004, Chair Raukar moved to recess the Board until 11:05 A.M. on July 27, 2004, in the City Council Chambers, City Hall, Mountain Iron, Minnesota.

The Board reconvened at 11:15 A.M. on July 27, 2004, and the regular order of business resumed with all members present.

Commissioner Kron, supported by Commissioner Sweeney, moved to suspend the rules to consider approving a premises permit application for American Legion Post 480, Babbitt, to conduct annual off-site gambling on July 31, 2004; seven yeas - zero nays. Commissioner Forsman, supported by Commissioner Kron, moved to approve the off-site gambling permit; seven yeas - zero nays. Resolution No. 401.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Robert M. Kaner, Attorney, submitting Amended Notice of Claim in the matter of Melissa Viestenz versus St. Louis County.-58288

Greg Carlson, Inspection and Enforcement Director, Minnesota Department of Corrections, submitting Facility Inspection Report for the St. Louis County 72-Hour Hold in Hibbing.-58289

Tim Carlson, LU 1938 Safety Chairman, Local Union No. 1938, regarding the importance of the St. Louis County Mine Inspectors.-58290

Nick M. Skarich, Vice President/Partner, Northland Securities, regarding a public hearing to be held on Monday, August 9, 2004, at 5:30 P.M. at the Tower City Hall on the proposed establishment of Tax Increment Financing District No. 1-2 within Municipal Development District No. 1 and the adoption of the corresponding Tax Increment Financing Plan.-58291

Lois Lennartson, Clerk, Town of Midway, requesting that the County Board turn over the artesian well property to Midway Township.-58292

Range Area United Steelworkers of America Mine Safety Committee expressing appreciation for the County Board's continued support and funding of the St. Louis County Mine Inspector's Office.-58293

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Barry D. Lesar, St. Louis County Mine Inspector, relative to the continuation of the normal inspection routine for all mines in the event of a strike.–58294

Documentation from public hearing held on July 27, 2004, to consider granting an Off-Sale Intoxicating Liquor License to Red Cloud, LLC, d/b/a The Harvest Moon Cooking Company, Beatty Township.–58295

Lease Renewal and Modification between St. Louis County and Kimberly R. Fuller for providing coffee shop services to the Duluth Courthouse.–04-518

Contract between the County of St. Louis and Ulland Brothers, Inc., for S.A.P. 69-675-03, C.P. 9574, for Grading, Culvert, Bituminous and Aggregate Shoulders.–04-519

Employee Safety & Development Training Contract between St. Louis County and David Swenson for a *Stress Management - T'ai Chi* session.–04-520

Employee Safety & Development Training Contract between St. Louis County and Maria Stalzer Wyant Cuzzo for *How to Handle the Difficult Conversation in the Workplace: Tips and Techniques for Having Authentic Conversations* session.–04-521

Agreement between the County of St. Louis and the St. Louis & Lake Counties Regional Railroad Authority for providing accounting services.–04-522

Employee Safety & Development Training Contract between St. Louis County and Richard Townsend for a *Stress Management - T'ai Chi* session.–04-523

Upon motion of Commissioner Sweeney, supported by Commissioner Kron, Resolutions No. 392 through 399, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER SWEENEY:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of July 6, 2004, are hereby approved.
Adopted July 27, 2004. No. 392

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of July 13, 2004, are hereby approved.
Adopted July 27, 2004. No. 393

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated July 9, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.
Adopted July 27, 2004. No. 394

RESOLVED, that the appraisal reports for sale of timber to be offered at Public Timber Auction, Tracts 1 through 31 (totaling \$1,077,627.80), as submitted by the Land Commissioner, on file in the office of the County Auditor, identified as County Board File No. 58170, are approved and the County Auditor is authorized to carry out the recommendations as listed in said appraisal reports.
Adopted July 27, 2004. No. 395

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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RESOLVED, that pursuant to Ordinance No. 28, Section 11, Subdivision 11.06, authorization is hereby granted to Brady Miller, d/b/a The Dawghouse Bar & Grill, Northland Township, to serve outside the designated serving area of the County Liquor License for the dates of July 31, 2004, and August 1, 2004, as per application on file in the office of the County Auditor, identified as County Board File No. 58181.

Adopted July 27, 2004. No. 396

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for 3.2 percent malt liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58200; FURTHER RESOLVED, that said license is approved contingent upon the licenseholder paying real estate or personal property taxes when due;

FURTHER RESOLVED, that if named licenseholder sells the licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of the license fee to the licenseholder;

FURTHER RESOLVED, that said license shall be effective through June 30, 2005:

Bruce John Feela, d/b/a Norway Point Resort, Leiding Township, On-Sale 3.2 Percent Malt Liquor License No. B0566, transfer.

Adopted July 27, 2004. No. 397

RESOLVED, that the application for a Temporary On-Sale 3.2 Percent Malt Liquor License, on file in the office of the County Auditor, identified as County Board File No. 58200, is hereby approved and the County Auditor is authorized to issue the license to the applicant:

Embarrass Region Volunteer Fire Department, Town of Embarrass, Temporary On-Sale 3.2 Percent Malt Liquor License No. TB0413, for July 31, 2004 (Focus Hope Music Festival).

Adopted July 27, 2004. No. 398

RESOLVED, that the application for a Temporary On-Sale 3.2 Percent Malt Liquor License, on file in the office of the County Auditor, identified as County Board File No. 58200, is hereby approved and the County Auditor is authorized to issue the license to the applicant:

Embarrass Region Volunteer Fire Department, Town of Embarrass, Temporary On-Sale 3.2 Percent Malt Liquor License No. TB0414, for August 28 and 29, 2004 (Embarrass Region Fair).

Adopted July 27, 2004. No. 399

BY COMMISSIONER FORSMAN:

WHEREAS, Red Cloud, LLC, d/b/a The Harvest Moon Cooking Company, Beatty Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minnesota Statutes, Section 340A.405, Subdivision 2(d), requires that a public hearing be held prior to the issuance of an off-sale intoxicating liquor license; and

WHEREAS, a public hearing was held on July 27, 2004, at or about 9:30 A.M. in the City Hall, Mt. Iron, Minnesota, for the purpose of considering the granting of the off-sale intoxicating liquor license; and

WHEREAS, with regard to the application for said license The Harvest Moon Cooking Company has complied in all respects with the requirements of Minnesota Law and St. Louis County Ordinance No. 28; and

WHEREAS, the Liquor Licensing Committee of the St. Louis County Board of Commissioners has considered the nature of the business to be conducted and the propriety of the location and has recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, that Off-Sale Intoxicating Liquor License (License Number CMB0586) shall be issued to Red Cloud, LLC, d/b/a The Harvest Moon Cooking Company, Beatty Township;

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FURTHER RESOLVED, that said liquor license shall be effective through June 30, 2005;
FURTHER RESOLVED, that said license is approved contingent upon payment of real estate taxes when due;
FURTHER RESOLVED, that if named licenseholder sells the licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of license fee to the licenseholder.
Unanimously adopted. July 27, 2004. No. 400

Upon motion of Commissioner Kron, supported by Commissioner Sweeney, the rules were suspended to adopt Resolution No. 401 which was not on the agenda.

BY COMMISSIONER FORSMAN:

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subdivision 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit application, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization:
American Legion Post 480 to conduct annual off-site gambling (selling pull-tabs) on July 31, 2004, Unorganized Township 63-21.
Unanimously adopted. July 27, 2004. No. 401

At 11:17 A.M. on Tuesday, July 27, 2004, upon motion of Commissioner Fay, supported by Commissioner Sweeney, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

OFFICIAL PROCEEDINGS
OF THE
BOARD OF COUNTY COMMISSIONERS
OF ST. LOUIS COUNTY, MINNESOTA

AUGUST, 2004

OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON AUGUST 3, 2004

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 3rd day of August, 2004, at 9:42 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Commissioner Nelson began the meeting by proclaiming August 3, 2004, as Fredenberg Township Centennial Day. Gordon Adams and Todd Rothe, Fredenberg Supervisors, were present to accept the commemorative plaque.

Commissioner Sweeney, taking her turn presenting an appropriate quotation, said her life has been guided by the following words of advice given by her father, Morgan Blankush, a steelworker at the Duluth Steel Plant in Morgan Park: "Don't ever forget where you came from." A recent tour of the Minntac Plant in Mt. Iron served to reinforce those words for Commissioner Sweeney.

At 9:55 A.M., a public hearing was reconvened, pursuant to County Board Resolution No. 305, adopted June 1, 2004, to provide an opportunity for residents to express their views concerning the issuance of capital improvement bonds. The following persons addressed the issue:

Ann Busche, Chief Deputy County Administrator, described the proposed bonding and detailed the projects involved. The 30-day opportunity for citizens to petition for a reverse referendum begins with passage of the intent to bond.

Alan Mitchell, County Attorney, recapped the recommendations of the Internal Finance Committee and reasons for splitting the bonds into two issues.

Kathy Kardell, Public Finance Management (PFM), said interest rates are still favorable, even though the split offering entails some risk of higher rates. In response to a question from Commissioner Fay, Ms. Kardell said the County debt load is conservative.

Ken Johnson, Fredenberg, representing the American Institute of Architects, said his organization supports the bonding to maintain assets and create economic opportunities.

Craig Olson, Duluth Building Trades, said his organization strongly supports the bonding. As many as 25 percent of local construction workers have been idle this year, according to Mr. Olson.

Eric Lehto, AFSCME, supports the bonding and said investing now will prevent long-term problems.

Mike Warner, Hibbing, said the bonding package will positively affect a good cross section of the

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County.

At 10:59 A.M., Commissioner Sweeney, supported by Commissioner Kron, moved to close the hearing; seven yeas - zero nays.

Commissioner Kron, supported by Commissioner Nelson, moved to approve the intent to issue \$19.9 million General Obligation Capital Improvement Bonds. Lengthy discussion ensued. Commissioner Fink asked for a division of the question with the Hibbing Annex considered separately from other bond projects. After further discussion, Commissioner Fink, supported by Commissioner Fay, moved to table final consideration until September 14 when the preliminary budget will be approved, but the motion failed; two yeas - five nays, Commissioners Kron, Forsman, Sweeney, Nelson and Chair Raukar. Commissioner Fay, supported by Commissioner Fink, then moved to amend the resolution by deleting the Hibbing Annex project. After discussion, the amendment failed; two yeas - five nays, Commissioners Kron, Forsman, Sweeney, Nelson and Chair Raukar. Chair Raukar ruled the Hibbing Annex issue had been settled and the request by Commissioner Fink for a division of the question was not accepted. Commissioner Fink, supported by Commissioner Fay, moved to challenge the ruling of the Chair. County Attorney Mitchell advised that it was inappropriate to divide the question and that Commissioner Fay's amendment to delete the project was the proper course in this matter. Commissioner Fink then withdrew his motion to challenge the Chair.

At 12:28 P.M., Commissioner Fink left the meeting.

The resolution of intent to issue \$19.9 million General Obligation Capital Improvement Bonds was then approved: six yeas - zero nays, with Commissioner Fink temporarily away from the meeting. Resolution No. 417.

At 12:29 P.M., Commissioner Fink rejoined the County Board meeting.

Commissioner Forsman, supported by Commissioner Nelson, moved to approve official terms of offering for the issuance of \$13.785 million General Obligation Capital Improvement Bonds, Series 2004A; seven yeas - zero nays. Resolution No. 418.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda, but no one chose to do so.

At the request of Commissioner Fink, Item No. 16 (authorization to execute a lease at Miller Hill Mall for the Auditor License Center) was removed from the Consent Agenda for separate consideration under Finance and Budget Committee. Commissioner Kron, supported by Commissioner Forsman, moved to approve the remainder of the Consent Agenda; seven yeas - zero nays.

Commissioner Kron, supported by Commissioner Sweeney, moved to approve official terms of offering for the issuance of \$2.9 million General Obligation Capital Equipment Notes, Series 2004B; seven yeas - zero nays. Resolution No. 419.

Commissioner Kron, supported by Commissioner Nelson, moved to approve official terms of offering for the issuance of General Obligation Refunding Bonds, Series 2004C; seven yeas - zero nays. Resolution No. 420.

Item No. 16 from the Consent Agenda was then considered. Commissioner Kron, supported by Commissioner Forsman, moved to approve execution of a lease with Simon Properties for space at Miller Hill Mall for the Auditor License Center. Commissioner Fink offered a friendly

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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amendment - accepted by the makers - to add a statement that the Auditor will make annual reports on progress toward the goal of becoming self sustaining; seven years - zero nays. Resolution No. 421.

Commissioner Fink noted that Rose Arnold, past President of the Association of Minnesota Counties (AMC), recently passed away.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Documentation from public hearing held on July 27 and August 3, 2004, on St. Louis County's intent to issue Capital Improvement Bonds.-58296-D

Tax Increment Financing Reports for the year ended December 31, 2003.-58297-D

Employee Safety & Development Training Contract between St. Louis County and Northeast Service Cooperative for a *Introduction to Microsoft Access XP (2002)*.-04-524

Employee Safety & Development Training Contract between St. Louis County and Pattie Clark for a *Conflict Management* session.-04-525

Amendment to Agreement No. 18845-04 for the Senior Dining Project between the Community Food Service and the City of Duluth.-04-526

Duluth Senior Dining Project Title III-C-1 Purchase Agreement between the City of Duluth, Title III-C-1 Senior Dining, through the Parks & Recreation Department, and the St. Louis County Board for congregate meals at the Rainbow Center and the Lincoln Park Center.-04-527

Upon motion of Commissioner Kron, supported by Commissioner Forsman, Resolutions No. 402 through 416, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER KRON:

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. 58174, are hereby approved and the County Auditor shall issue checks in the following amounts:

<u>FUND</u>		<u>TOTAL</u>
01	General Fund	\$ 1,759,532.28
02	Public Works	1,432,196.69
04	Social Services	4,097,098.54
13	St. Louis County HRA	5,076.41
131	Extension Service	57,818.85
15	Forfeited Tax	89,096.88
26	Solid Waste Authorities	413,364.97
50	Printing	29,928.35
51	County Garage	68,243.88
53	Management Information Systems	190,212.71
54	Regional Railroad Authority	347,555.76
55	Telecommunications	82,902.02
64A	Chris Jensen Health & Rehab.	362,130.06

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65	Laundry	40,623.67
66	Community Food Services	17,836.17
67	Supervised Living Facilities	117.99
73	Arrowhead Regional Corrections	342,633.45
74	Community Health Services	<u>165,704.07</u>
		\$ 9,502,072.75

Adopted August 3, 2004. No. 402

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:

Real Estate - Nicholas Anderson, \$530.30; Randy Archambeau, \$1,199.38; City of Gilbert, \$212.06; Jon Deines, \$284.08; Joshua Dickey, \$221.60; Easy Housing, \$530.76; David Gordon, \$654.34; Kendall Hartline, \$271.12; Mark Heisterdamp, \$697.26; Richard Hutton, \$369.70; Joanna Johnson, \$458.94; Kenneth Butler, Ltd., \$2,966.24; Christopher Lapakko, \$170.80; Gordon Larsen, \$848.50; Patricia McGee, \$204.00; Brian Miller, \$336.62; John Pettinari, \$593.10; David Schra, \$322.52; State of MN - IRRR, \$18.28; William Swierceski, \$769.54; James Vos, \$175.32; William Wilson, \$1,395.26.

Personal Property - Curtis Carper, \$144.00; Colleen Fasmacht, \$52.48; Janis Malmquist, \$41.00; John Wiley, \$75.90.

Adopted August 3, 2004. No. 403

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated July 23, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

Adopted August 3, 2004. No. 404

RESOLVED, that the County Board of Commissioners authorizes the Chairperson of the Board, County Auditor, and Director of Public Health and Human Services to sign an agreement with St. Mary's Medical Center for the period February 1, 2004, through December 31, 2006, to provide respite care service to Community Alternative Care Clients.

Adopted August 3, 2004. No. 405

WHEREAS, the Aurora Housing and Redevelopment Authority has offered to purchase the following described State Tax-Forfeited parcel for the amount of \$3,500.00 plus fees: 1st Division, Village of Aurora, Lot 2 Block 3; Parcel Code No. 100-20-420; for the purpose of resolving the lot title question and combining it with the HRA's adjacent properties.

WHEREAS, Minnesota Statute 282.01, Subd. 1(a) authorizes the sale of State Tax Forfeited land to an organized governmental subdivision; and

WHEREAS, said parcel of land has been classified as non-conservation land pursuant to Minnesota Statutes Section 282.01; and

WHEREAS, said parcel of land is not withdrawn from sale pursuant to Minnesota Statutes Sections 84.012, 92.461, 282.01, Subdivision 8; and 282.018, and other statutes that require the withholding of State Tax-Forfeited lands from sale.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the sale of the above described State Tax-Forfeited parcel to the Aurora Housing and Redevelopment Authority for the appraised value of \$3,500.00 plus the following fees: 3 Percent Assurance Fee of \$105.00, Deed Fee of \$25.00, Deed Tax of \$11.55, and a Recording fee of \$19.50 for a total of \$3,661.05.

Adopted August 3, 2004. No. 406

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RESOLVED, that the County of St. Louis enter into Agreement No. 86802 under State Project No. 8821-48 with the State of Minnesota, Department of Transportation, and American Engineering Testing, Inc., for a drilling investigation of T.H. 53 between T.H. 194 and C-SAH 13 (Midway Road), C-SAH 6 (Maple Grove Road) from T.H. 53 to Westberg Road, and T.H. 194 from T.H. 53 to Anderson Road, in accordance with the terms and conditions set forth and contained in Agreement No. 86802, a copy of which was before the Board. The County portion is associated with Project S.P. 69-606-17, County Project No. 8275. This agreement requires that the County pay for its share of the cost estimated at \$3,943.75 (10 percent of \$39,437.50), payable from Fund 220, Agency 220169, Object 652700.

FURTHER RESOLVED, that the proper County officers be and hereby are authorized to execute such agreement and any amendments, and thereby assume for and on behalf of the County all of the obligations contained herein.

Adopted August 3, 2004. No. 407

RESOLVED, that pursuant to Minnesota Statutes, Section 161.36, the Commissioner of Transportation be appointed as Agent for the County of St. Louis to accept, as its agent, federal aid funds which may be made available for eligible transportation related projects.

FURTHER RESOLVED, the Chairman of the Board and the Auditor are hereby authorized and directed for and on behalf of the County to execute and enter into amendment number 1 for an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agreement No. 84593", a copy of which said agreement was before the County Board and which is made a part hereof by reference. The County's share of the cost shall be 20 percent of \$136,200.00 or \$27,240.00 for the project, payable from Fund 220, Agency 220006, Object 626600 (Engineering) (funds received from the St. Louis and Lake Counties Regional Rail Authority).

Adopted August 3, 2004. No. 408

RESOLVED, that the County of St. Louis enter into Agreement No. 86188 under State Project No. 6915-129 with the State of Minnesota Department of Transportation, City of Duluth, and Short Elliot Hendrickson, Inc., for assistance for detail design engineering services for the reconstruction of T.H. 53 (Miller Trunk Highway) and adjacent frontage roads, county roads, and city streets in accordance with the terms and conditions set forth and contained in Agreement No. 86188, a copy of which was before the Board. The County portion is associated with Project S.P. 69-606-17, County Project No. 8275. This agreement requires that the County pay for its share of the cost estimated at \$385,747.27, payable from Fund 220, Agency 220169, Org. 8275, Object 626600.

FURTHER RESOLVED, that the proper County officers are hereby authorized to execute such agreement and any amendments, and thereby assume on behalf of the County all of the obligations contained herein.

Adopted August 3, 2004. No. 409

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subdivision 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit application, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization:

Cook Timberwolves Snowmobile Club to operate out of the following:

Bear River Viking Bar, Morcom Township, renewal;

JDL's Landing, Beatty Township, renewal;

The Harvest Moon Cooking Company, Beatty Township, renewal (new owners);

The Oasis, Unorganized Township 60-18, renewal;

Vermilion Club, Greenwood Township, renewal.

Adopted August 3, 2004. No. 410

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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WHEREAS, a grant application has been submitted to the Minnesota Department of Veteran's Affairs in the amount of \$5,600 for the Veterans Service Office Operational Improvement Project. NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Veterans' Service Officer is authorized to act as the legal sponsor for the project contained in the grant application and authorized to receive grant funds from the Minnesota Department of Veteran's Affairs for funding on this project on behalf of St. Louis County.

RESOLVED FURTHER, that the Veterans' Service Officer has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate construction, operation, maintenance and replacement of the proposed project.

RESOLVED FURTHER, that St. Louis County has not violated any Federal, State or Local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practices.

RESOLVED FURTHER, the Veterans' Service Office's 2004 revenue and expenditure budget is increased by \$5,600 to reflect the receipt of the Minnesota Department of Veterans' Affairs Grant. Budget Reference: 100-124999-640400-12402-99999999-2004

Adopted August 3, 2004. No. 411

BE IT RESOLVED, that the St. Louis County Attorney is authorized to execute an annual contract with the Department of Public Safety, Office of Justice Programs, to provide for emergency financial assistance to victims of crime. Funds shall be deposited into Fund 100, Agency 113999, and distributed by the authority of the County Attorney.

Adopted August 3, 2004. No. 412

WHEREAS, Minnesota Statutes 273.065 require the County to establish a schedule of public hearing dates for the purposes of receiving comments from the public on the proposed property tax levy and budget for the year 2005 and adopting a final levy and budget;

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board establishes the following schedule for public hearings on the proposed property tax levy and budget for the tax year 2005: Initial Public Hearing:

December 2, 2004 5:00 P.M. Courthouse, Virginia, MN

Additional Public Hearing:

December 9, 2004 5:00 P.M. Courthouse, Duluth, MN

Continuation Public Hearing (if required):

December 14, 2004 9:35 A.M. Courthouse, Duluth, MN

Subsequent Hearing (at which levy and budget will be adopted):

December 14, 2004 9:40 A.M. Courthouse, Duluth, MN

Adopted August 3, 2004. No. 413

WHEREAS, bids have been received by the County Auditor for the following project: S.A.P. 69-701-003, County Project No. 9307, located on C-SAH 101 (Fayal Road) from Fayal Avenue to 550 feet east of Sparta Avenue in Eveleth, MN, length 0.34 miles, consisting of Sidewalk, Curb and Gutter, and Retaining Walls.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., July 19, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

LOW BIDDER

ADDRESS

AMOUNT

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Utility Systems of America, Inc.	P.O. Box 706 Eveleth, MN 55734-0706	\$99,578.25
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RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project; payable from Fund 220, Agency 220186, Object 652700, Project 10660101. Adopted August 3, 2004. No. 414

WHEREAS, bids have been received by the County Auditor for the following combined projects:

- a) S.A.P. 69-710-23 (low), County Project No. 9284: C-SAH 110, from Partridge River to Colby Lake, length 0.85 miles, consisting of Grading, Aggregate Base & Bituminous Surfacing.
- b) M.P. 633-1431, County Project 1431: C.R. 633 from C-SAH 110 to 0.92 miles north, between Aurora and Hoyt Lakes, MN, length 0.93 miles, consisting of Grading, Aggregate Base, Pavement Removal & Bituminous Surfacing.

WHEREAS, said bids or proposals were duly opened in the County Board Room at 10:00 A.M., July 19, 2004, and this Board has, with the County Highway Engineer, determined the lowest bidder of said project for which proposals were invited and submitted; and

WHEREAS, in the judgment of this Board it is for the best interest of St. Louis County that the award of said contract be made to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota, in regular session duly convened, that they hereby approve the award of contract on the above project to the lowest bidder, subject to proper authorization of the contract.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Louis Leustek & Sons, Inc.	1715 E. Sheridan St. Ely, MN 55731	\$1,126,369.36

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney, on behalf of the County of St. Louis, are hereby authorized to approve the Contractor's Performance Bonds and to execute the bonds and contracts with the Contractor for the above listed project, payable as follows:

S.A.P. 69-710-23:	\$867,018.60	Fund 220, Agency 220113, Object 652700, Project 10660110
M.P. 633-1431:	\$259,350.76	Fund 200, Agency 203023, Object 652800, Project 10660633

Adopted August 3, 2004. No. 415

WHEREAS, the Reproduction Unit Supervisor position has been left vacant since the retirement of the former incumbent effective March 31, 2004; and

WHEREAS, the Purchasing Department desires to reappropriation funding of this position from Reproduction Unit Supervisor to a Reproduction Services Specialist;

RESOLVED, the Board authorizes the following budgetary and staff changes to the Print Shop Division of the 2004 Purchasing Department budget:

		<u>2004 Budget</u>
<u>Print Shop Division of Purchasing</u>		
Fund 700	Delete one (1) Reproduction Unit Supervisor (August - December 2004)	(\$14,173)
Obj. 660100 Salaries - Regular		
<u>Print Shop Division of Purchasing</u>		
Fund 700	Add one (1) Reproduction Services Specialist (August - December 2004)	\$10,693
Obj. 660100 Salaries - Regular		

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Adopted August 3, 2004. No. 416

BY COMMISSIONER KRON:

**RESOLUTION STATING THE INTENT TO ISSUE \$19,900,000
GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS**

BE IT RESOLVED, by the Board of Commissioners (the "Board") of St. Louis County, Minnesota (the "County"), as follows:

Section 1. Authority. Under and pursuant to the authority contained in Minnesota Statutes, Section 373.40, and Minnesota Statutes, Chapter 475 (collectively the "Act"), the County is authorized to issue capital improvement bonds to provide funds for capital improvements pursuant to a Capital Improvement Plan approved by the Board on April 6, 2004 (the "Plan").

Section 2. The Bonds. The Board hereby finds and determines that it is necessary, expedient, and in the best interests of the County's residents that the County issue, sell and deliver its General Obligation Capital Improvement Bonds in one or more series (the "Bonds"), in an amount not to exceed \$19,900,000, for the purpose of providing funds for the following capital improvements under the Plan:

- (a) Courthouse Improvements -- including the Duluth Courthouse HVAC upgrades, Phase II;
- (b) Administrative Building Improvements -- including Duluth Government Services Center HVAC replacement and roof repair; and the Hibbing Annex Building remodeling;
- (c) Health and Social Services Facilities Improvements -- including Chris Jensen Home capital repairs and improvements;
- (d) Road and Bridge Improvements -- including Duluth motor pool facility repairs and improvements; and Ely joint maintenance facility; and
- (e) Law Enforcement Center -- including new sheriff's office administration building and 911 dispatch operations center.

Section 3. Notice to Voters; Referendum. The County Auditor shall publish a notice of intent to issue capital improvement bonds in substantially the form attached hereto as Exhibit A as soon as practicable following the public hearing in the official newspaper of the County. If, within 30 days after August 3, 2004, a petition is filed with the County Auditor calling for a vote on the proposition of issuing the Bonds, signed by voters residing within the boundaries of the County equal to five (5) percent of the votes cast in the County in the last general election, the Bonds shall not be issued until the question of their issuance has been authorized by a majority of the voters voting on the question at the next general or special election called to decide the question.

**EXHIBIT A
NOTICE OF INTENT TO ISSUE CAPITAL IMPROVEMENT BONDS
PURSUANT TO MINNESOTA STATUTES, SECTION 373.40,
BY ST. LOUIS COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that under and pursuant to the authority contained in Minnesota Statutes, Section 373.40, and Minnesota Statutes, Chapter 475, the Board of Commissioners of St. Louis County, Minnesota (the "Board"), is authorized to issue general obligation capital improvement bonds to provide funds for capital improvements pursuant to a Capital Improvement Plan approved by the Board on April 6, 2004 (the "Plan"). The Board by resolution adopted August 3, 2004 (the "Resolution"), determined that it is necessary, expedient, and in the best interests of the County's residents that the County issue, sell and deliver its general obligation capital improvement bonds in one or more series (the "Bonds") in an amount not to exceed \$19,900,000 to provide funds for the following capital improvements under the Plan:

- (a) Courthouse Improvements -- including the Duluth Courthouse HVAC upgrades, Phase II;
- (b) Administrative Building Improvements -- including Duluth Government Services Center HVAC replacement and roof repair; and the Hibbing Annex Building remodeling;

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- (c) Health and Social Services Facilities Improvements -- including Chris Jensen Home capital repairs and improvements;
- (d) Road and Bridge Improvements -- including Duluth motor pool facility repairs and improvements; and Ely joint maintenance facility; and
- (e) Law Enforcement Center -- including new sheriff's office administration building and 911 dispatch operations center.

If, within 30 days after August 3, 2004, a petition is filed with the County Auditor calling for a vote on the proposition of issuing the Bonds, signed by voters residing within the boundaries of the County equal to five (5) percent of the votes cast in the County in the last general election, the Bonds shall not be issued until the question of their issuance has been authorized by a majority of the voters voting on the question at the next general or special election called to decide the question.

BY ORDER OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. LOUIS COUNTY, MINNESOTA
/s/ Donald Dicklich, County Auditor

Yeas - Commissioners Fay, Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 6

Nays - None

Absent - Commissioner Fink - 1

Adopted August 3, 2004. No. 417

BY COMMISSIONER FORSMAN:

**RESOLUTION OF ST. LOUIS COUNTY, MINNESOTA, APPROVING OFFICIAL TERMS
OF OFFERING FOR THE ISSUANCE OF \$13,785,000 GENERAL
OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2004A**

BE IT RESOLVED, by the Board of Commissioners (the "Board") of St. Louis County, Minnesota (the "County"), as follows:

Section 1. Authority. Under and pursuant to the authority contained in Minnesota Statutes, Section 373.40, and Minnesota Statutes, Chapter 475 (collectively the "Act"), the County is authorized to issue capital improvement bonds to provide funds for capital improvements pursuant to a Capital Improvement Plan approved by the Board on April 6, 2004 (the "Plan").

Section 2. The Bonds. The Board has previously determined that it is necessary, expedient, and in the best interests of the County's residents that the County issue, sell and deliver its General Obligation Capital Improvement Bonds, Series 2004A (the "Bonds") in an amount not to exceed \$19,900,000, in one or more series, for the purpose of providing funds for the following capital improvements under the Plan and costs of issuance of the Bonds:

- (a) Courthouse Improvements -- including the Duluth Courthouse HVAC upgrades, Phase II;
- (b) Administrative Building Improvements -- including Duluth Government Services Center HVAC replacement and roof repair; and the Hibbing Annex Building remodeling;
- (c) Health and Social Services Facilities Improvements -- including Chris Jensen Home capital repairs and improvements;
- (d) Road and Bridge Improvements -- including Duluth motor pool facility repairs and improvements; and Ely joint maintenance facility; and
- (e) Law Enforcement Center -- including new sheriff's office administration building and 911 dispatch operations center.

Section 3. Official Terms of Offering. The County's administrative staff is hereby authorized and directed to work with Public Financial Management, Inc., financial advisor to the County, and Fryberger, Buchanan, Smith & Frederick, P.A., bond counsel, to solicit bids and arrange for the sale of the initial series of the Bonds in the amount of \$13,785,000 in substantial compliance with the Official Terms of Offering attached hereto as Exhibit A. The bids shall be received by Public

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Financial Management, Inc. until 10:00 a.m. central time on September 14, 2004, and consideration for the award of the Bonds will be by the Board at 2:00 p.m. central time on the same date.

Section 4. Referendum. The County Auditor has been directed to publish a notice of intent to issue the Bonds in the official newspaper of the County. If, within 30 days after August 3, 2004, a petition is filed with the County Auditor calling for a vote on the proposition of issuing the Bonds, signed by voters residing within the boundaries of the County equal to five (5) percent of the votes cast in the County in the last general election, the County's administrative staff shall cancel the sale of the Bonds as provided for in the Official Terms of Offering.

Section 5. Repayment of Bonds. The form, specifications and provisions for repayment of the Bonds shall be set forth in a subsequent resolution of the Board.

Section 6. Consideration of Bids. The Board shall meet on September 14, 2004, in accordance with the Official Terms of Offering, to consider bids for the purchase of the Bonds and to take whatever actions are necessary for the acceptance or rejection of the bids.

Section 7. Official Intent. This resolution constitutes a declaration of official intent under Treasury Regulations Section 1.150-2. The County reasonably expects to reimburse expenditures with respect to the capital improvements being financed.

**EXHIBIT A
OFFICIAL TERMS OF OFFERING**

**ST. LOUIS COUNTY, MINNESOTA
\$13,785,000 GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS,
SERIES 2004A**

Bids for the obligations described above (the "Obligations") will be received by St. Louis County, Minnesota (the "County"), on Tuesday, September 14, 2004, at 10:00 a.m., central time, at the office of Public Financial Management, Inc., 45 South Seventh Street, Suite 2800, Minneapolis, Minnesota, at which time they will be opened and tabulated. Consideration of the bids for award of the Obligations shall be by the Board of Commissioners at 2:00 p.m., central time, on the same day.

TYPE AND PURPOSE OF OBLIGATIONS

The Obligations are general obligations of the County for which its full faith, credit, and taxing powers will be pledged and will be issued for the purpose of providing funds for the following capital improvements pursuant to a Capital Improvement Plan (the "Plan") approved by the Board of Commissioners on April 6, 2004:

- (a) Courthouse Improvements -- including the Duluth Courthouse HVAC upgrades, Phase II;
- (b) Administrative Building Improvements -- including Duluth Government Services Center HVAC replacement and roof repair; and the Hibbing Annex Building remodeling;
- (c) Health and Social Services Facilities Improvements -- including Chris Jensen Home capital repairs and improvements;
- (d) Road and Bridge Improvements -- including Duluth motor pool facility repairs and improvements; and Ely joint maintenance facility; and
- (e) Law Enforcement Center -- including new sheriff's office administration building and 911 dispatch operations center.

and for payment of costs of issuance of the Obligations. The Obligations are issued pursuant to Minnesota Statutes, Section 373.40 and Chapter 475, and will be payable from annual ad valorem taxes.

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DETAILS OF OBLIGATIONS

The Obligations will be dated October 1, 2004, and will bear interest payable on June 1, 2005, and semiannually thereafter on each December 1 and June 1 (each referred to herein as an “Interest Payment Date”). Interest on the Obligations will be payable by check or draft mailed to the registered owner thereof shown on the bond registration records maintained by the Bond Registrar at the close of business on the 15th day (whether or not on a business day) of the month immediately preceding each Interest Payment Date. The Obligations will be in the denomination of \$5,000 or any integral multiple thereof and shall be in fully registered form.

The Obligations will mature on December 1 in the years and amounts as follows:

Year	Amount	Year	Amount
2005	\$640,000	2013	\$930,000
2006	745,000	2014	970,000
2007	765,000	2015	1,010,000
2008	785,000	2016	1,055,000
2009	810,000	2017	1,100,000
2010	840,000	2018	1,155,000
2011	865,000	2019	1,215,000
2012	900,000		

REDEMPTION

The County may elect on December 1, 2013, and on any date thereafter, to prepay the Obligations due on or after December 1, 2014, in whole or in part and if in part, in such order of maturities as selected by the County. If only part of the Obligations having a common maturity date are called for prepayment, the specific Obligations to be prepaid will be chosen by lot. All prepayments shall be at a price of par and accrued interest to the redemption date.

TYPE OF BID

A bid for not less than \$13,674,720 plus accrued interest on the total principal amount of the Obligations, shall be filed with Public Financial Management, Inc. prior to the time set for the opening of the bids. A bid shall be accompanied by a good faith deposit (the “Deposit”) in the form of a certified or cashier’s check or a Financial Surety Bond in the amount of \$137,850 payable to the order of the County. If a check is used, it must accompany each bid. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of Minnesota, and such bond must be submitted to Public Financial Management, Inc. prior to the opening of the bids. The Financial Surety Bond must identify each bidder whose Deposit is guaranteed by such Financial Surety Bond. If the Obligations are awarded to a bidder utilizing a Financial Surety Bond, then the successful bidder is required to submit its Deposit to the County in the form of a cashier’s check (or wire transfer such amount as instructed by the County) not later than 3:30 p.m. central time on the next business day following the award. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the County to satisfy the Deposit requirement. No interest on the Deposit will accrue to the successful bidder. The Deposit will be applied to the purchase price of the Obligations. In the event the successful bidder fails to honor its accepted bid, the Deposit will be retained by the County as liquidated damages.

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SUBMISSION OF BIDS

Public Financial Management, Inc. will assume no liability for the inability of the bidder to reach Public Financial Management, Inc. prior to the time of sale specified above. All bidders are advised that each proposal shall be deemed to constitute a contract between the bidder and the County to purchase the Obligations regardless of the manner by which the proposal is submitted.

Sealed Bidding. Proposals may be submitted in a sealed envelope marked "Bid for \$13,785,000 General Obligation Capital Improvement Bonds, Series 2004A" or by fax (612) 338-7264 to Public Financial Management, Inc. Signed proposals, without final price or coupons, may be submitted to Public Financial Management, Inc. prior to the time of sale. The bidder shall be responsible for submitting to Public Financial Management, Inc. the final proposal price and coupons, by telephone (612) 338-3535 or fax (612) 338-7264 for inclusions in the submitted proposal.

OR

Electronic Bidding. Electronic Bids may be submitted through PARITY[®] for purposes of the electronic bidding process, the time as maintained by PARITY[®] shall constitute the official time with respect to all bids submitted to PARITY[®]. *Each bidder shall be solely responsible for making necessary arrangements to access PARITY[®] for purposes of submitting its electronic bid in a timely manner and in compliance with the requirements of the Official Terms of Offering.* Neither the County, its agents nor PARITY[®] shall have any duty or obligation to provide or ensure electronic access to any qualified prospective bidder, and neither the County, its agents nor PARITY[®] shall be responsible for any failure in the proper operation of, or have any liability for any delays or interruptions of or any damages caused by PARITY[®]. The County is using the services of PARITY[®] solely as a communication mechanism to conduct the electronic bidding for the Obligations, and PARITY[®] is not an agent of the County.

If any provisions of this Official Terms of Offering conflict with information provided by PARITY[®], this Official Terms of Offering shall control. Further information about PARITY[®], including any fee charged, may be obtained from:

PARITY[®], 40 W. 23rd Street, 5th Floor, New York City, New York 10010, Customer Support (212) 404-8102.

RATES

Interest rates offered by bidders should be expressed in integral multiples of 1/8 or 1/20 of one percent. No rate specified for a maturity shall exceed the rate specified for any subsequent maturity. No rate nor the net effective rate for the entire issue of the Obligations shall exceed the maximum rate permitted by law. Obligations of the same maturity shall bear a single rate from the date of the Obligations to the date of maturity.

AWARD

The sale of the Obligations will be awarded on the basis of the lowest interest rate to be determined on a true interest cost (TIC) basis. TIC is computed as the discount rate which, when used with semiannual compounding to determine the present worth of the principal and interest payments as of the date of the Obligations, produces an amount equal to the purchase price. In the event of a tie, the sale of the Obligations will be awarded by lot. The County's computation of the TIC of each bid, in accordance with customary practice, will be controlling.

The County reserves the right to: (i) waive non-substantive informalities of any bid or of matters related to the receipt of bids and award of the Obligations; (ii) reject all bids without cause; (iii) reject any bid in which the County determines that the bidder failed to comply with the terms herein; and (iv) adjourn the sale if deemed expedient.

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BOOK-ENTRY-ONLY SYSTEM

The Obligations will be issued as fully registered bonds, without coupons, and when issued, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”), New York, New York. DTC will act as securities depository of the Obligations. Individual purchases of the Obligations will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. Individual purchasers will not receive physical delivery of bond certificates representing their interest in the Obligations purchased. Principal and interest will be paid to DTC, which will in turn remit such principal and interest to its participants, for subsequent disbursement to the beneficial owners of the Obligations.

BOND INSURANCE AT PURCHASER’S OPTION

If the Obligations qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the bidder, the purchase of any such insurance policy or the issuance of any such commitment shall be at the sole option and expense of the purchaser of the Obligations. Any increased costs of issuance of the Obligations resulting from such purchase of insurance shall be paid by the purchaser, except that, if the County has requested and received a rating on the Obligations from a rating agency, the County will pay that rating fee. Any other rating agency fees shall be the responsibility of the purchaser.

Failure of the municipal bond insurer to issue the policy after Obligations have been awarded to the purchaser shall not constitute cause for failure or refusal by the purchaser to accept delivery on the Obligations.

TERM-BOND OPTION

The purchaser shall have the option of designating the Obligations maturing in the years 2014 through 2019, inclusive, as serial bonds or term bonds, or both. The bid must designate whether each of the principal amounts shown above for the years 2014 through 2019, inclusive, represent a serial maturity or a mandatory redemption requirement for a term bond maturity. In any event, the above principal amount scheduled for the years 2014 through 2019 inclusive, shall be represented by either serial bond maturities or mandatory redemption requirements, or a combination of both.

THE BOND REGISTRAR

The County will appoint the St. Louis County Auditor as the bond registrar, transfer agent and paying agent (the “Bond Registrar”) for the Obligations. The County reserves the right to appoint a national banking association or trust company to serve as the Bond Registrar. The County will pay the reasonable and customary charges for the services of the Bond Registrar.

CUSIP NUMBERS

If the Obligations qualify for assignment of CUSIP numbers, such numbers will be typed on the Obligations, but neither the failure to type such numbers on any Obligations nor any error with respect thereto will constitute cause for failure or refusal by the purchaser to accept delivery of the Obligations. The CUSIP Service Bureau’s charge for the assignment of CUSIP identification numbers shall be paid by the purchaser. Application for CUSIP numbers is the obligation of the purchaser.

SETTLEMENT

Within 40 days after the sale, the County will deliver to the Bond Registrar the typed Obligations ready for completion, authentication and delivery to DTC. Delivery will be subject to receipt by the purchaser of an approving legal opinion of Fryberger, Buchanan, Smith & Frederick, P.A. of Duluth, Minnesota, and of customary closing papers, including a nonarbitrage certificate and a no-litigation certificate. Payment for the Obligations shall be made by the purchaser in federal or

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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equivalent funds and shall be received by the County at its office or its designee not later than 1:00 p.m., central time, of the day of settlement. Except as compliance with the terms of payment shall have been made impossible by action of the County or its agents, the purchaser shall be liable to the County for any loss suffered by the County by reason of the purchaser's noncompliance with said terms for payment.

At settlement, the purchaser will be furnished a certificate signed by an appropriate officer of the County to the effect that the official statement prepared by the County did not, as of the date of the official statement, and does not, as of the date of settlement, contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading.

Simultaneously with or before delivery of the Obligations, the successful bidder shall furnish to the County a certificate acceptable to bond counsel to the effect that (1) the successful bidder has made a bona fide public offering of the Obligations and the initial reoffering prices, and (2) a substantial amount of the Obligations was sold to the public (excluding bond houses, brokers, and other intermediaries), at such initial reoffering prices.

TAX-EXEMPT STATUS

In the opinion of bond counsel, assuming compliance with certain covenants made by the County Council to satisfy pertinent requirements of present law, interest on the Obligations is not, under present law, includable in gross income of the recipient for federal income tax purposes or in taxable net income of individuals, trusts and estates for Minnesota income tax purposes, but such interest is includable in taxable income of corporations and financial institutions for purposes of the Minnesota franchise tax.

Interest on the Obligations is not an item of tax preference includable in alternative minimum taxable income for purposes of the federal alternative minimum tax applicable to all taxpayers or the Minnesota alternative minimum tax applicable to individuals, estates and trusts, but for purposes of computing the federal alternative minimum tax imposed on corporations, such interest is taken into account in determining adjusted current earnings.

The Obligations will not be designated as "qualified tax-exempt obligations."

CONTINUING DISCLOSURE

In order to assist bidders for the Obligations to comply with SEC Rule 15c2-12(b)(5), the County will agree, for the benefit of the holders from time to time of the outstanding Obligations, in a continuing disclosure certificate, to provide annual reports of specified information and notice of the occurrence of certain material events. The County is the only "obligated person" with respect to the Obligations within the meaning of such rule. A description of the undertaking is set forth in the Official Statement. Failure of the County to enter into an undertaking substantially similar to that described in the Official Statement would relieve the successful bidder of its obligation to purchase the Obligations.

OFFICIAL STATEMENT

The County has authorized the preparation of an Official Statement containing pertinent information relative to the Obligations, and said Official Statement will serve as a nearly-final Official Statement within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. The Official Statement, when further supplemented by an addendum or addenda specifying the maturity dates, principal amounts and interest rates of the Obligations, together with any other information required by law, shall constitute a "Final Official Statement" of the County with respect to the Obligations, as that term is defined in Rule 15c2-12. By awarding the Obligations to any underwriter or underwriting syndicate submitting a bid therefor, the County agrees that, no more than seven business days after the date of such award, it shall provide without

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cost to the senior managing underwriter of the syndicate to which the Obligations are awarded a reasonable number of copies of the Official Statement and the addendum or addenda described above. The County designates the senior managing underwriter of the syndicate to which the Obligations are awarded as its agent for purposes of distributing copies of the Final Official Statement to each participating underwriter. Any underwriter delivering a bid with respect to the Obligations agrees thereby that if its bid is accepted by the County (i) it shall accept such designation and (ii) it shall enter into a contractual relationship with all participating underwriters of the Obligations for purposes of assuring the receipt by each such participating underwriter of the Final Official Statement.

Any further information relating to the aforesaid sale will be furnished upon request to Public Financial Management, Inc., Financial Consultant to the County, 45 South Seventh Street, Suite 2800, Minneapolis, Minnesota 55402; telephone (612) 338-3535.

Dated: August 3, 2004.

BY ORDER OF THE BOARD OF COMMISSIONERS
Donald Dicklich, County Auditor

Unanimously adopted. August 3, 2004. No. 418

BY COMMISSIONER KRON:

**RESOLUTION OF ST. LOUIS COUNTY, MINNESOTA, APPROVING
OFFICIAL TERMS OF OFFERING FOR THE ISSUANCE OF \$2,900,000
GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2004B**

BE IT RESOLVED, by the Board of Commissioners (the "Board") of St. Louis County, Minnesota (the "County"), as follows:

Section 1. Authority. Pursuant to authority contained in Minnesota Statutes, Section 373.01 and Minnesota Statutes, Chapter 475, the Board of County Commissioners does hereby direct the issuance and sale of \$2,900,000 General Obligation Capital Equipment Notes, Series 2004B of the County (the "Notes"), for the purpose of providing funds to purchase capital equipment and for the payment of part of costs of issuance of the Notes.

Section 2. Official Terms of Offering. The County's administrative staff is hereby authorized and directed to work with Public Financial Management, Inc., financial advisor to the County, and Fryberger, Buchanan, Smith & Frederick, P.A., bond counsel, to solicit bids and arrange for the sale of the Notes in substantial compliance with the Official Terms of Offering attached hereto as Exhibit A. The bids shall be received by Public Financial Management, Inc. until 10:00 a.m. central time on September 14, 2004, and consideration for the award of the Notes will be by the Board at 2:00 p.m. central time on the same date.

Section 3. Repayment of Notes. The form, specifications and provisions for repayment of the Notes shall be set forth in a subsequent resolution of the Board.

Section 4. Consideration of Bids. The Board shall meet on September 14, 2004, in accordance with the Official Terms of Offering, to consider bids for the purchase of the Notes and to take whatever actions are necessary for the acceptance or rejection of the bids.

Section 5. Official Intent. This resolution constitutes a declaration of official intent under Treasury Regulations Section 1.150-2. The County reasonably expects to reimburse expenditures with respect to the capital equipment purchases being financed.

**EXHIBIT A
OFFICIAL TERMS OF OFFERING**

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**ST. LOUIS COUNTY, MINNESOTA
\$2,900,000 GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES,
SERIES 2004B**

Bids for the obligations described above (the "Obligations") will be received by St. Louis County, Minnesota (the "County"), on Tuesday, September 14, 2004, at 10:00 a.m., central time, at the office of Public Financial Management, Inc., 45 South Seventh Street, Suite 2800, Minneapolis, Minnesota, at which time they will be opened and tabulated. Consideration of the bids for award of the Obligations shall be by the Board of Commissioners at 2:00 p.m., central time, on the same day.

TYPE AND PURPOSE OF OBLIGATIONS

The Obligations are general obligations of the County for which its full faith, credit, and taxing powers will be pledged and will be issued for the purpose of providing funds to purchase capital equipment and for payment of costs of issuance of the Obligations. The Obligations are issued pursuant to Minnesota Statutes, Section 373.01 and Chapter 475, and will be payable from annual ad valorem taxes.

DETAILS OF OBLIGATIONS

The Obligations will be dated October 1, 2004, and will bear interest payable on June 1, 2005, and semiannually thereafter on each December 1 and June 1 (each referred to herein as an "Interest Payment Date"). Interest on the Obligations will be payable by check or draft mailed to the registered owner thereof shown on the note registration records maintained by the Note Registrar at the close of business on the 15th day (whether or not on a business day) of the month immediately preceding each Interest Payment Date. The Obligations will be in the denomination of \$5,000 or any integral multiple thereof and shall be in fully registered form.

The Obligations will mature on December 1 in the years and amounts as follows:

Year	Amount	Year	Amount
2005	\$695,000	2007	\$735,000
2006	715,000	2008	755,000

REDEMPTION

The Obligations are not subject to optional redemption prior to maturity.

TYPE OF BID

A bid for not less than \$2,882,600 plus accrued interest on the total principal amount of the Obligations, shall be filed with Public Financial Management, Inc. prior to the time set for the opening of the bids. A bid shall be accompanied by a good faith deposit (the "Deposit") in the form of a certified or cashier's check or a Financial Surety Bond in the amount of \$29,000 payable to the order of the County. If a check is used, it must accompany each bid. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of Minnesota, and such bond must be submitted to Public Financial Management, Inc. prior to the opening of the bids. The Financial Surety Bond must identify each bidder whose Deposit is guaranteed by such Financial Surety Bond. If the Obligations are awarded to a bidder utilizing a Financial Surety Bond, then the successful bidder is required to submit its Deposit to the County in the form of a cashier's check (or wire transfer such amount as instructed by the County) not later than 3:30 p.m. central time on the next business day following the award. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the County to satisfy the Deposit requirement. No interest on the Deposit will accrue to the successful bidder. The Deposit will be

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applied to the purchase price of the Obligations. In the event the successful bidder fails to honor its accepted bid, the Deposit will be retained by the County as liquidated damages.

SUBMISSION OF BIDS

Public Financial Management, Inc. will assume no liability for the inability of the bidder to reach Public Financial Management, Inc. prior to the time of sale specified above. All bidders are advised that each proposal shall be deemed to constitute a contract between the bidder and the County to purchase the Obligations regardless of the manner by which the proposal is submitted.

Sealed Bidding. Proposals may be submitted in a sealed envelope marked "Bid for \$2,900,000 General Obligation Capital Equipment Notes, Series 2004B" or by fax (612) 338-7264 to Public Financial Management, Inc. Signed proposals, without final price or coupons, may be submitted to Public Financial Management, Inc. prior to the time of sale. The bidder shall be responsible for submitting to Public Financial Management, Inc. the final proposal price and coupons, by telephone (612) 338-3535 or fax (612) 338-7264 for inclusions in the submitted proposal.

OR

Electronic Bidding. Electronic Bids may be submitted through PARITY[®] for purposes of the electronic bidding process, the time as maintained by PARITY[®] shall constitute the official time with respect to all bids submitted to PARITY[®]. *Each bidder shall be solely responsible for making necessary arrangements to access PARITY[®] for purposes of submitting its electronic bid in a timely manner and in compliance with the requirements of the Official Terms of Offering.* Neither the County, its agents nor PARITY[®] shall have any duty or obligation to provide or ensure electronic access to any qualified prospective bidder, and neither the County, its agents nor PARITY[®] shall be responsible for any failure in the proper operation of, or have any liability for any delays or interruptions of or any damages caused by PARITY[®]. The County is using the services of PARITY[®] solely as a communication mechanism to conduct the electronic bidding for the Obligations, and PARITY[®] is not an agent of the County.

If any provisions of this Official Terms of Offering conflict with information provided by PARITY[®], this Official Terms of Offering shall control. Further information about PARITY[®], including any fee charged, may be obtained from:

PARITY[®], 40 W. 23rd Street, 5th Floor, New York City, New York 10010, Customer Support (212) 404-8102.

RATES

Interest rates offered by bidders should be expressed in integral multiples of 1/8 or 1/20 of one percent. No rate specified for a maturity shall exceed the rate specified for any subsequent maturity. No rate nor the net effective rate for the entire issue of the Obligations shall exceed the maximum rate permitted by law. Obligations of the same maturity shall bear a single rate from the date of the Obligations to the date of maturity.

AWARD

The sale of the Obligations will be awarded on the basis of the lowest interest rate to be determined on a true interest cost (TIC) basis. TIC is computed as the discount rate which, when used with semiannual compounding to determine the present worth of the principal and interest payments as of the date of the Obligations, produces an amount equal to the purchase price. In the event of a tie, the sale of the Obligations will be awarded by lot. The County's computation of the TIC of each bid, in accordance with customary practice, will be controlling.

The County reserves the right to: (i) waive non-substantive informalities of any bid or of matters related to the receipt of bids and award of the Obligations; (ii) reject all bids without cause;

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(iii) reject any bid in which the County determines that the bidder failed to comply with the terms herein; and (iv) adjourn the sale if deemed expedient.

BOOK-ENTRY-ONLY SYSTEM

The Obligations will be issued as fully registered bonds, without coupons, and when issued, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”), New York, New York. DTC will act as securities depository of the Obligations. Individual purchases of the Obligations will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. Individual purchasers will not receive physical delivery of bond certificates representing their interest in the Obligations purchased. Principal and interest will be paid to DTC, which will in turn remit such principal and interest to its participants, for subsequent disbursement to the beneficial owners of the Obligations.

BOND INSURANCE AT PURCHASER’S OPTION

If the Obligations qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the bidder, the purchase of any such insurance policy or the issuance of any such commitment shall be at the sole option and expense of the purchaser of the Obligations. Any increased costs of issuance of the Obligations resulting from such purchase of insurance shall be paid by the purchaser, except that, if the County has requested and received a rating on the Obligations from a rating agency, the County will pay that rating fee. Any other rating agency fees shall be the responsibility of the purchaser.

Failure of the municipal bond insurer to issue the policy after Obligations have been awarded to the purchaser shall not constitute cause for failure or refusal by the purchaser to accept delivery on the Obligations.

THE NOTE REGISTRAR

The County will appoint the St. Louis County Auditor as the note registrar, transfer agent and paying agent (the “Note Registrar”) for the Obligations. The County reserves the right to appoint a national banking association or trust company to serve as the Note Registrar. The County will pay the reasonable and customary charges for the services of the Note Registrar.

CUSIP NUMBERS

If the Obligations qualify for assignment of CUSIP numbers, such numbers will be typed on the Obligations, but neither the failure to type such numbers on any Obligations nor any error with respect thereto will constitute cause for failure or refusal by the purchaser to accept delivery of the Obligations. The CUSIP Service Bureau’s charge for the assignment of CUSIP identification numbers shall be paid by the purchaser. Application for CUSIP numbers is the obligation of the purchaser.

SETTLEMENT

Within 40 days after the sale, the County will deliver to the Note Registrar the typed Obligations ready for completion, authentication and delivery to DTC. Delivery will be subject to receipt by the purchaser of an approving legal opinion of Fryberger, Buchanan, Smith & Frederick, P.A. of Duluth, Minnesota, and of customary closing papers, including a nonarbitrage certificate and a no-litigation certificate. Payment for the Obligations shall be made by the purchaser in federal or equivalent funds and shall be received by the County at its office or its designee not later than 1:00 p.m., central time, of the day of settlement. Except as compliance with the terms of payment shall have been made impossible by action of the County or its agents, the purchaser shall be liable to the County for any loss suffered by the County by reason of the purchaser’s noncompliance with said terms for payment.

At settlement, the purchaser will be furnished a certificate signed by an appropriate officer of the

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ST. LOUIS COUNTY, MINNESOTA**

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County to the effect that the official statement prepared by the County did not, as of the date of the official statement, and does not, as of the date of settlement, contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading.

Simultaneously with or before delivery of the Obligations, the successful bidder shall furnish to the County a certificate acceptable to bond counsel to the effect that (1) the successful bidder has made a bona fide public offering of the Obligations and the initial reoffering prices, and (2) a substantial amount of the Obligations was sold to the public (excluding bond houses, brokers, and other intermediaries), at such initial reoffering prices.

TAX-EXEMPT STATUS

In the opinion of bond counsel, assuming compliance with certain covenants made by the County Council to satisfy pertinent requirements of present law, interest on the Obligations is not, under present law, includable in gross income of the recipient for federal income tax purposes or in taxable net income of individuals, trusts and estates for Minnesota income tax purposes, but such interest is includable in taxable income of corporations and financial institutions for purposes of the Minnesota franchise tax.

Interest on the Obligations is not an item of tax preference includable in alternative minimum taxable income for purposes of the federal alternative minimum tax applicable to all taxpayers or the Minnesota alternative minimum tax applicable to individuals, estates and trusts, but for purposes of computing the federal alternative minimum tax imposed on corporations, such interest is taken into account in determining adjusted current earnings.

The Obligations will not be designated as “qualified tax-exempt obligations.”

CONTINUING DISCLOSURE

In order to assist bidders for the Obligations to comply with SEC Rule 15c2-12(b)(5), the County will agree, for the benefit of the holders from time to time of the outstanding Obligations, in a continuing disclosure certificate, to provide annual reports of specified information and notice of the occurrence of certain material events. The County is the only “obligated person” with respect to the Obligations within the meaning of such rule. A description of the undertaking is set forth in the Official Statement. Failure of the County to enter into an undertaking substantially similar to that described in the Official Statement would relieve the successful bidder of its obligation to purchase the Obligations.

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ST. LOUIS COUNTY, MINNESOTA**

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OFFICIAL STATEMENT

The County has authorized the preparation of an Official Statement containing pertinent information relative to the Obligations, and said Official Statement will serve as a nearly-final Official Statement within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. The Official Statement, when further supplemented by an addendum or addenda specifying the maturity dates, principal amounts and interest rates of the Obligations, together with any other information required by law, shall constitute a "Final Official Statement" of the County with respect to the Obligations, as that term is defined in Rule 15c2-12. By awarding the Obligations to any underwriter or underwriting syndicate submitting a bid therefor, the County agrees that, no more than seven business days after the date of such award, it shall provide without cost to the senior managing underwriter of the syndicate to which the Obligations are awarded a reasonable number of copies of the Official Statement and the addendum or addenda described above. The County designates the senior managing underwriter of the syndicate to which the Obligations are awarded as its agent for purposes of distributing copies of the Final Official Statement to each participating underwriter. Any underwriter delivering a bid with respect to the Obligations agrees thereby that if its bid is accepted by the County (i) it shall accept such designation and (ii) it shall enter into a contractual relationship with all participating underwriters of the Obligations for purposes of assuring the receipt by each such participating underwriter of the Final Official Statement.

Any further information relating to the aforesaid sale will be furnished upon request to Public Financial Management, Inc., Financial Consultant to the County, 45 South Seventh Street, Suite 2800, Minneapolis, Minnesota 55402; telephone (612) 338-3535.

Dated: August 3, 2004.

BY ORDER OF THE BOARD OF COMMISSIONERS
Donald Dicklich, County Auditor

Unanimously adopted. August 3, 2004. No. 419

**RESOLUTION OF ST. LOUIS COUNTY, MINNESOTA, APPROVING
OFFICIAL TERMS OF OFFERING FOR THE ISSUANCE OF GENERAL
OBLIGATION REFUNDING BONDS, SERIES 2004C**

BE IT RESOLVED, by the Board of Commissioners (the "Board") of St. Louis County, Minnesota (the "County"), as follows:

Section 1. The 1995 Bonds. Under and pursuant to Laws of Minnesota 1994, Chapter 643, Section 79 and Minnesota Statutes, Chapter 475, the County previously issued its \$1,580,000 General Obligation Bonds, Series 1995, dated December 1, 1995 (the "1995 Bonds") to finance the County's share of the costs of the expansion of the Arrowhead Juvenile Center Detention and Treatment Facility.

Section 2. Authority. Under and pursuant to the provisions of Minnesota Statutes, Chapter 475 (the "Act") and Section 475.67, Subdivisions 1 through 4 of the Act, the County is authorized to issue and sell its general obligation bonds to refund obligations and the interest thereon before the due date of the obligations, if consistent with covenants made with the holders thereof, when determined by the County to be necessary or desirable for the reduction of debt service cost to the County or for the extension or adjustment of maturities in relation to the resources available for their payment.

Section 3. The Bonds. The Board hereby finds and determines that it is necessary and desirable that in order to reduce debt service costs the County issue, sell and deliver its General Obligation Refunding Bonds, Series 2004C (the "Bonds"), in the approximate amount of \$975,000, to provide for the refunding of the 2004 through 2010 maturities of the 1995 Bonds and payment of the costs of issuance of the Bonds.

Section 4. Official Terms of Offering. The County's administrative staff is hereby authorized and directed to work with Public Financial Management, Inc., financial advisor to the County, and

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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Fryberger, Buchanan, Smith & Frederick, P.A., bond counsel, to solicit bids and arrange for the sale of the Bonds in substantial compliance with the Official Terms of Offering attached hereto as Exhibit A. The bids shall be received by Public Financial Management, Inc. until 10:00 a.m. central time on September 14, 2004, and consideration for the award of the Bonds will be by the Board at 2:00 p.m. central time on the same date.

Section 5. Repayment of Bonds. The form, specifications and provisions for repayment of the Bonds shall be set forth in a subsequent resolution of the Board.

Section 6. Consideration of Bids. The Board shall meet on September 14, 2004, in accordance with the Official Terms of Offering, to consider bids for the purchase of the Bonds and to take whatever actions are necessary for the acceptance or rejection of the bids.

**EXHIBIT A
OFFICIAL TERMS OF OFFERING**

**ST. LOUIS COUNTY, MINNESOTA
\$975,000* GENERAL OBLIGATION REFUNDING BONDS,
SERIES 2004C**

Bids for the obligations described above (the "Obligations") will be received by St. Louis County, Minnesota (the "County"), on Tuesday, September 14, 2004, at 10:00 a.m., central time, at the office of Public Financial Management, Inc., 45 South Seventh Street, Suite 2800, Minneapolis, Minnesota, at which time they will be opened and tabulated. Consideration of the bids for award of the Obligations shall be by the Board of Commissioners at 2:00 p.m., central time, on the same day.

TYPE AND PURPOSE OF OBLIGATIONS

The Obligations are general obligations of the County for which its full faith, credit, and taxing powers will be pledged and will be issued for the purpose of providing funds to refund the 2004 through 2010 maturities of the County's \$1,580,000 General Obligation Bonds, Series 1995, dated December 1, 1995, and for payment of costs of issuance of the Obligations. The Obligations are issued pursuant to Minnesota Statutes, Section 475.67, Subdivisions 1 through 4, and will be payable from annual ad valorem taxes.

DETAILS OF OBLIGATIONS

The Obligations will be dated October 1, 2004, and will bear interest payable on December 1, 2004, and semiannually thereafter on each June 1 and December 1 (each referred to herein as an "Interest Payment Date"). Interest on the Obligations will be payable by check or draft mailed to the registered owner thereof shown on the bond registration records maintained by the Bond Registrar at the close of business on the 15th day (whether or not on a business day) of the month immediately preceding each Interest Payment Date. The Obligations will be in the denomination of \$5,000 or any integral multiple thereof and shall be in fully registered form.

The Obligations will mature on December 1 in the years and amounts as follows:

Year	Amount*	Year	Amount*
2004	\$20,000	2008	\$165,000
2005	145,000	2009	170,000
2006	150,000	2010	170,000
2007	155,000		

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* The County reserves the right, after bids are opened and prior to award, to increase or reduce the principal amount of the Obligations offered for sale. Any such increase or reduction will be in a total amount not to exceed \$100,000 (\$25,000 per maturity) and will be made in multiples of \$5,000 in any of the maturities. In the event the principal amount of the Obligations is increased or reduced, any premium offered or any discount taken by the successful bidder will be increased or reduced by a percentage equal to the percentage by which the principal amount of the Obligations is increased or reduced.

REDEMPTION

The Obligations are not subject to optional redemption prior to maturity.

TYPE OF BID

A bid for not less than \$967,200 nor more than \$1,053,000 plus accrued interest on the total principal amount of the Obligations, shall be filed with Public Financial Management, Inc. prior to the time set for the opening of the bids. A bid shall be accompanied by a good faith deposit (the "Deposit") in the form of a certified or cashier's check or a Financial Surety Bond in the amount of \$9,750 payable to the order of the County. If a check is used, it must accompany each bid. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of Minnesota, and such bond must be submitted to Public Financial Management, Inc. prior to the opening of the bids. The Financial Surety Bond must identify each bidder whose Deposit is guaranteed by such Financial Surety Bond. If the Obligations are awarded to a bidder utilizing a Financial Surety Bond, then the successful bidder is required to submit its Deposit to the County in the form of a cashier's check (or wire transfer such amount as instructed by the County) not later than 3:30 p.m. central time on the next business day following the award. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the County to satisfy the Deposit requirement. No interest on the Deposit will accrue to the successful bidder. The Deposit will be applied to the purchase price of the Obligations. In the event the successful bidder fails to honor its accepted bid, the Deposit will be retained by the County as liquidated damages.

SUBMISSION OF BIDS

Public Financial Management, Inc. will assume no liability for the inability of the bidder to reach Public Financial Management, Inc. prior to the time of sale specified above. All bidders are advised that each proposal shall be deemed to constitute a contract between the bidder and the County to purchase the Obligations regardless of the manner by which the proposal is submitted.

Sealed Bidding. Proposals may be submitted in a sealed envelope marked "Bid for \$975,000* General Obligation Refunding Bonds, Series 2004C" or by fax (612) 338-7264 to Public Financial Management, Inc. Signed proposals, without final price or coupons, may be submitted to Public Financial Management, Inc. prior to the time of sale. The bidder shall be responsible for submitting to Public Financial Management, Inc. the final proposal price and coupons, by telephone (612) 338-3535 or fax (612) 338-7264 for inclusions in the submitted proposal.

OR

Electronic Bidding. Electronic Bids may be submitted through PARITY® for purposes of the electronic bidding process, the time as maintained by PARITY® shall constitute the official time with respect to all bids submitted to PARITY®. *Each bidder shall be solely responsible for making necessary arrangements to access PARITY® for purposes of submitting its electronic bid in a timely manner and in compliance with the requirements of the Official Terms of Offering.* Neither the County, its agents nor PARITY® shall have any duty or obligation to provide or ensure electronic access to any qualified prospective bidder, and neither the County, its agents nor PARITY® shall be responsible for any failure in the proper operation of, or have any liability for any delays or interruptions of or any damages caused by PARITY®. The County is using the services of PARITY® solely as a communication mechanism to conduct the electronic bidding for the

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Obligations, and PARITY® is not an agent of the County.

If any provisions of this Official Terms of Offering conflict with information provided by PARITY®, this Official Terms of Offering shall control. Further information about PARITY®, including any fee charged, may be obtained from:

PARITY®, 40 W. 23rd Street, 5th Floor, New York City, New York 10010, Customer Support (212) 404-8102.

RATES

Interest rates offered by bidders should be expressed in integral multiples of 1/8 or 1/20 of one percent. No rate specified for a maturity shall exceed the rate specified for any subsequent maturity. No rate nor the net effective rate for the entire issue of the Obligations shall exceed the maximum rate permitted by law. Obligations of the same maturity shall bear a single rate from the date of the Obligations to the date of maturity.

AWARD

The sale of the Obligations will be awarded on the basis of the lowest interest rate to be determined on a true interest cost (TIC) basis. TIC is computed as the discount rate which, when used with semiannual compounding to determine the present worth of the principal and interest payments as of the date of the Obligations, produces an amount equal to the purchase price. In the event of a tie, the sale of the Obligations will be awarded by lot. The County's computation of the TIC of each bid, in accordance with customary practice, will be controlling.

The County reserves the right to: (i) waive non-substantive informalities of any bid or of matters related to the receipt of bids and award of the Obligations; (ii) reject all bids without cause; (iii) reject any bid in which the County determines that the bidder failed to comply with the terms herein; and (iv) adjourn the sale if deemed expedient.

BOOK-ENTRY-ONLY SYSTEM

The Obligations will be issued as fully registered bonds, without coupons, and when issued, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository of the Obligations. Individual purchases of the Obligations will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. Individual purchasers will not receive physical delivery of bond certificates representing their interest in the Obligations purchased. Principal and interest will be paid to DTC, which will in turn remit such principal and interest to its participants, for subsequent disbursement to the beneficial owners of the Obligations.

BOND INSURANCE AT PURCHASER'S OPTION

If the Obligations qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the bidder, the purchase of any such insurance policy or the issuance of any such commitment shall be at the sole option and expense of the purchaser of the Obligations. Any increased costs of issuance of the Obligations resulting from such purchase of insurance shall be paid by the purchaser, except that, if the County has requested and received a rating on the Obligations from a rating agency, the County will pay that rating fee. Any other rating agency fees shall be the responsibility of the purchaser.

Failure of the municipal bond insurer to issue the policy after Obligations have been awarded to the purchaser shall not constitute cause for failure or refusal by the purchaser to accept delivery on the Obligations.

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TERM-BOND OPTION

The purchaser shall have the option of designating the Obligations as serial bonds or term bonds, or both. The bid must designate whether each of the principal amounts shown above represent a serial maturity or a mandatory redemption requirement for a term bond maturity. In any event, the principal amount shall be represented by either serial bond maturities or mandatory redemption requirements, or a combination of both.

THE BOND REGISTRAR

The County will appoint the St. Louis County Auditor as the bond registrar, transfer agent and paying agent (the "Bond Registrar") for the Obligations. The County reserves the right to appoint a national banking association or trust company to serve as the Bond Registrar. The County will pay the reasonable and customary charges for the services of the Bond Registrar.

CUSIP NUMBERS

If the Obligations qualify for assignment of CUSIP numbers, such numbers will be typed on the Obligations, but neither the failure to type such numbers on any Obligations nor any error with respect thereto will constitute cause for failure or refusal by the purchaser to accept delivery of the Obligations. The CUSIP Service Bureau's charge for the assignment of CUSIP identification numbers shall be paid by the purchaser. Application for CUSIP numbers is the obligation of the purchaser.

SETTLEMENT

Within 40 days after the sale, the County will deliver to the Bond Registrar the typed Obligations ready for completion, authentication and delivery to DTC. Delivery will be subject to receipt by the purchaser of an approving legal opinion of Fryberger, Buchanan, Smith & Frederick, P.A. of Duluth, Minnesota, and of customary closing papers, including a nonarbitrage certificate and a no-litigation certificate. Payment for the Obligations shall be made by the purchaser in federal or equivalent funds and shall be received by the County at its office or its designee not later than 1:00 p.m., central time, of the day of settlement. Except as compliance with the terms of payment shall have been made impossible by action of the County or its agents, the purchaser shall be liable to the County for any loss suffered by the County by reason of the purchaser's noncompliance with said terms for payment.

At settlement, the purchaser will be furnished a certificate signed by an appropriate officer of the County to the effect that the official statement prepared by the County did not, as of the date of the official statement, and does not, as of the date of settlement, contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading.

Simultaneously with or before delivery of the Obligations, the successful bidder shall furnish to the County a certificate acceptable to bond counsel to the effect that (1) the successful bidder has made a bona fide public offering of the Obligations and the initial reoffering prices, and (2) a substantial amount of the Obligations was sold to the public (excluding bond houses, brokers, and other intermediaries), at such initial reoffering prices.

TAX-EXEMPT STATUS

In the opinion of bond counsel, assuming compliance with certain covenants made by the County Council to satisfy pertinent requirements of present law, interest on the Obligations is not, under present law, includable in gross income of the recipient for federal income tax purposes or in taxable net income of individuals, trusts and estates for Minnesota income tax purposes, but such interest is includable in taxable income of corporations and financial institutions for purposes of the Minnesota franchise tax.

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Interest on the Obligations is not an item of tax preference includable in alternative minimum taxable income for purposes of the federal alternative minimum tax applicable to all taxpayers or the Minnesota alternative minimum tax applicable to individuals, estates and trusts, but for purposes of computing the federal alternative minimum tax imposed on corporations, such interest is taken into account in determining adjusted current earnings.

The Obligations will not be designated as “qualified tax-exempt obligations.”

CONTINUING DISCLOSURE

In order to assist bidders for the Obligations to comply with SEC Rule 15c2-12(b)(5), the County will agree, for the benefit of the holders from time to time of the outstanding Obligations, in a continuing disclosure certificate, to provide annual reports of specified information and notice of the occurrence of certain material events. The County is the only “obligated person” with respect to the Obligations within the meaning of such rule. A description of the undertaking is set forth in the Official Statement. Failure of the County to enter into an undertaking substantially similar to that described in the Official Statement would relieve the successful bidder of its obligation to purchase the Obligations.

OFFICIAL STATEMENT

The County has authorized the preparation of an Official Statement containing pertinent information relative to the Obligations, and said Official Statement will serve as a nearly-final Official Statement within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. The Official Statement, when further supplemented by an addendum or addenda specifying the maturity dates, principal amounts and interest rates of the Obligations, together with any other information required by law, shall constitute a “Final Official Statement” of the County with respect to the Obligations, as that term is defined in Rule 15c2-12. By awarding the Obligations to any underwriter or underwriting syndicate submitting a bid therefor, the County agrees that, no more than seven business days after the date of such award, it shall provide without cost to the senior managing underwriter of the syndicate to which the Obligations are awarded a reasonable number of copies of the Official Statement and the addendum or addenda described above. The County designates the senior managing underwriter of the syndicate to which the Obligations are awarded as its agent for purposes of distributing copies of the Final Official Statement to each participating underwriter. Any underwriter delivering a bid with respect to the Obligations agrees thereby that if its bid is accepted by the County (i) it shall accept such designation and (ii) it shall enter into a contractual relationship with all participating underwriters of the Obligations for purposes of assuring the receipt by each such participating underwriter of the Final Official Statement.

Any further information relating to the aforesaid sale will be furnished upon request to Public Financial Management, Inc., Financial Consultant to the County, 45 South Seventh Street, Suite 2800, Minneapolis, Minnesota 55402; telephone (612) 338-3535.

Dated: August 3, 2004.

BY ORDER OF THE BOARD OF COMMISSIONERS

Donald Dicklich, County Auditor

Unanimously adopted. August 3, 1004. No. 420

RESOLVED, that the St. Louis County Board authorizes the appropriate County Officials to execute a lease agreement for space for the County Auditor’s License Center at Miller Hill Mall in Duluth with Simon Property Group, L.P. The term of the lease shall begin on October 1, 2004, and continue through January 31, 2015, with a rental rate as follows:

For the period October 1, 2004, through January 31, 2010, Lessee shall pay at the rate of \$10.50

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per square foot for a total of \$2,947.00 per month (\$35,364.00 annually). Rent shall be paid on a monthly basis in the amount of \$2,947.00 per month and is due on the first day of each month.

For the period February 1, 2010, through January 31, 2015, Lessee shall pay at the rate of \$12.50 per square foot for a total of \$3,508.33 per month (\$42,100.00 annually). Rent shall be paid on a monthly basis in the amount of \$3,508.33 per month and is due on the first day of each month.

Common Area Maintenance (CAM): In addition to the rent above, Lessee shall pay common area maintenance costs (CAM) at the rate of \$1.50 per square foot, for a total of \$421.00 per month for the first year of the lease (\$5,052.00 first year annual total). For all subsequent lease years, Lessee shall pay its pro rata share of annual CAM cost increases, if any, but said increases shall be capped at 5 percent annually. Lessor shall provide Lessee with detailed documentation to support any CAM cost increases.

Real Estate Taxes: For the first lease year, Lessee shall pay real estate taxes at the rate of \$2.00 per square foot, for a total of \$561.33 per month for the first lease year (\$6,736.00 first year annual total). For all subsequent lease years, Lessee shall pay its pro rata share of real estate tax increases based upon actual tax assessments. However, any increases or decreases in real estate taxes shall increase or decrease from Lessee's initial \$2.00 per square foot baseline real estate tax obligation.

Funds for this lease shall be paid from Fund 100, Agency 115004, Object 634200.

RESOLVED FURTHER, that in order to fund the estimated costs of \$85,425.00 for St. Louis County to prepare the proposed space for occupancy, including all moving costs, Property Management shall pay \$71,000.00 from its 2004 capital budget, Fund 400, Agency 400004. The remaining funds needed for preparation of the site in an amount not to exceed \$14,425.00 shall be paid from General Fund 100, Agency 115012, Object 629900.

RESOLVED FURTHER, that the County Auditor will make annual reports on progress toward the goal of becoming self sustaining.

Unanimously adopted. August 3, 2004. No. 421

At 12:40 P.M. on Tuesday, August 3, 2004, upon motion of Commissioner Fay, supported by Commissioner Kron, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON AUGUST 10, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 10th day of August, 2004, at 9:44 A.M. in the City Council Chambers, City Hall, Hibbing, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Chair Raukar took his turn presenting an appropriate quotation(s) and offered the following:

“Cherish your visions and your dreams as they are the children of your soul, the blue print of your ultimate achievements.” Napoleon Hill, motivational author.

“I’ve learned . . . that being kind is more important than being right.”

“I’ve learned . . . that no matter how serious your life requires you to be, everyone needs a friend to act goofy with.”

“I’ve learned . . . that it’s those small daily happenings that make life so spectacular.”

“I’ve learned . . . that to ignore the facts does not change them.”

“I’ve learned . . . that everyone you meet deserves to be greeted with a smile.”

“I’ve learned . . . that when you harbor bitterness, happiness will dock elsewhere.”

“I’ve learned . . . that one should keep his words both soft and tender, because tomorrow he may have to eat them.” Andy Rooney, commentator.

At 9:50 A.M., a public hearing was convened pursuant to County Board Resolution No. 390, adopted July 13, 2004, to consider amending Ordinance No. 27 (Land Use Ordinance) and Ordinance No. 46 (Zoning Map) by rezoning multiple sections in Township 62 North, Range 18 West (Town of Owens). The following persons addressed the issue:

Scott Smith, Planning Department, described the rezoning, which was initiated by the Town of Owens. The Planning Commission and Planning Department both recommended approval.

Sandra Fultz, Clerk of the Town of Owens, in response to Commissioner questions, said there is plenty of access to the rezoned areas.

Bob McLain, Owens resident, objected to the plan because of traffic and safety concerns.

Jim Plummer, Planning Department, said there were fewer than five letters from residents objecting to the proposed rezoning.

At 10:07 A.M., Commissioner Sweeney, supported by Commissioner Nelson, moved to close the hearing; seven yeas - zero nays.

Commissioner Forsman, supported by Commissioner Sweeney, moved to approve amending Ordinance No. 27 to include the rezoning effective August 30, 2004; seven yeas - zero nays.

Commissioner Forsman, supported by Commissioner Fay, moved to approve amending Ordinance No. 46 (Zoning Map) to reflect rezoning changes in Owens; seven yeas - zero nays. Resolution No. 437.

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Chair Raukar then opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and the following chose to do so:

David Torrel, Sparta, asked the Board to consider passing a future resolution renaming the Old Highway 53 (Bodas Road) the Wellstone Memorial Drive. Mr. Torrel noted that other communities already passed a resolution supporting the name change.

Commissioner Sweeney said the County had already supported a monument to the late Senator and she would support a road name change if it did not require residents to change their addresses. Commissioner Nelson said he would support the change only if the Town of Fayal passed a resolution of support. Commissioner Forsman suggested that Anchor Lake Rest Area on Highway 53 be named for Senator Wellstone when the political climate is more conducive.

Commissioner Kron, supported by Commissioner Fay, moved to approve conveyance of 27.406 acres of county fee land located across Rice Lake Road from Chris Jensen Health and Rehabilitation Center to the City of Duluth for use as a regional animal control facility. The following addressed the issue:

Tony Mancuso, Property Manager, described the proposed conveyance, which excludes the community gardens and a root cellar. In response to Commissioner questions, Mancuso said it may violate statutes to convey that section of the property containing a cemetery.

Dana Bedford, Animal Allies, said his organization is working with the City of Duluth to make the project happen and there is a plan in place.

Beverly Patronas, Animal Allies/Humane Society, said her organization is ready to go and she wanted to know exactly what the County needed to complete the conveyance and allow construction of the animal control facility to begin.

Commissioner Nelson, supported by Commissioner Fink, moved to table the matter until such time as the City of Duluth presented a detailed plan for the property, but the motion failed; three yeas - four nays, Commissioners Fay, Kron, Sweeney and Chair Raukar. After lengthy discussion about contingencies and whether or not the current resolution is appropriate, the makers withdrew their motion. Commissioner Kron, supported by Commissioner Fay, then offered a motion directing Administration, the County Attorney and Property Management to prepare a resolution or document for consideration at the September 7, 2004, County Board meeting conveying the property to the City of Duluth for a public purpose. Commissioner Kron clarified his motion by adding if the City of Duluth did not begin using the property for its intended purpose within a certain time frame - such as twelve months - the property would revert to the County. After more discussion, Commissioner Nelson, supported by Commissioner Forsman, moved again to table the matter until a formal plan is submitted. Alan Mitchell, County Attorney, said that a specific date must be selected with the tabling motion or the matter would appear on the next board agenda. The appropriate procedure if a date is not certain is to remove the item from the agenda entirely, according to Attorney Mitchell. Commissioner Nelson withdrew his motion. Commissioner Forsman, supported by Commissioner Nelson, then moved to table the matter to the first meeting in October; four yeas - three nays, Commissioners Fay, Kron and Sweeney.

Commissioner Kron expressed dismay that the County Board was not more cooperative with a worthy Duluth project. Chair Raukar then changed his vote on the tabling motion and the directive motion by Commissioner Kron was back on the floor for discussion. Commissioner Forsman offered a friendly amendment - accepted by the makers - to ask the Duluth City Council to provide

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a resolution or letter of support for the project. The motion was then approved; seven yeas - zero nays.

Commissioner Fink, supported by Commissioner Nelson, moved to schedule a closed session at 11:45 A.M. for labor negotiations; seven yeas - zero nays.

At 11:45 A.M. in the forenoon of Tuesday, August 10, 2004, Chair Raukar moved to recess the Board until 1:30 P.M. on August 10, 2004, in the City Council Chambers, City Hall, Hibbing, Minnesota.

The Board reconvened at 3:05 P.M. on August 10, 2004, and the regular order of business resumed with all members present.

Commissioner Fay, supported by Commissioner Sweeney, moved to approve a second consent agenda consisting of all items passed unanimously at Committee of the Whole with the exception of the Como Avenue Purchase Agreement, which was removed for separate consideration at the request of Commissioner Fink; seven yeas - zero nays.

Commissioner Kron, supported by Commissioner Sweeney, moved to authorize the Chair of the Board and the County Auditor to execute a purchase agreement with Freedom Development & Consulting of St. Cloud, MN, Inc., and Rapid River Development, LLC, for the sale of county fee land located on Como Avenue in the City of Duluth; seven yeas - zero nays. Resolution No. 450.

Commissioner Fink, supported by Commissioner Nelson, moved to approve pay plans and insurance packages for unclassified employees, managers and Commissioners and staff for 2005. Commissioner Sweeney said this resolution should be delayed until after other bargaining units have settled. Commissioner Forsman said he viewed the proposal as taking the lead in settling the other contracts; six yeas - one nay, Commissioner Sweeney. Resolution No. 451.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Documentation from public hearing held on August 10, 2004, to consider amending Ordinance No. 46, zoning maps, and Ordinance No. 27 - Land Use Plan by rezoning multiple sections in Township 62 North, Range 18 West (Owens Township).-58298

Documentation relative to the Oberg Land Exchange.-58299

City of Mountain Iron submitting Resolution Number 03-03 supporting the designation of Senator Wellstone Memorial Drive.-58300

Contract between the County of St. Louis and Swanston Equipment Company for M.P. 3659 for 2004 Highway Striping Maintenance.-04-528

Contract between the County of St. Louis and Hardrives, Inc., for S.A.P. 69-688-010 (low), S.A.P. 69-688-08, and S.A.P. 69-621-029 for Mill Bituminous Surface, Reclaim Bituminous Surface, Bituminous Surfacing, Bituminous Shoulders and Aggregate Shoulders, Culvert Replacement, Right Turn and Bypass Lanes.-04-529

Contract between the County of St. Louis and KGM Contractors, Inc., for S.A.P. 69-637-13 (low) and S.A.P. 69-637-14 for Reclamation, Turn Lanes, Grading, Aggregate Base, Drainage, Bituminous Base and Surfacing, and Bridge No. 97283.-04-530

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Contract between the County of St. Louis and KGM Contractors, Inc., for S.A.P. 69-648-020 (low) and M.P. 5519-3635 for Grading, Aggregate Base, P.M. Bituminous Base & Surface, Culverts, Concrete Curb and Gutter and Storm Sewer.-04-531

Contract between the County of St. Louis and Environmental Associates, Inc., for S.P. 69-595-04 for Parking Lot Grading, Aggregate Base, Informational Signs, Walkway, Bicycle Rack and Landscape Plantings.-04-532

Contract between the County of St. Louis and Ulland Brothers, Inc., for S.A.P. 69-607-39 for Grading, Reclamation, Aggregate Base, Plant Mixed Bituminous Surface and Aggregate Shoulders.-04-533

Agreement for Professional Services between the County of St. Louis and Ayres Associates to aid in the proposed reconstruction of the Midway Park Sanitary Sewer System.-04-534

Purchase of Service Agreement, Contract No. 13737, between the St. Louis County Board of Commissioners and Augustana Therapy Services for specialist services.-04-535ss

Addendum to Purchase Agreement, Contract No. 13684A, between the St. Louis County Board of Commissioners and Stepping Stones for Living, LLC, for adult foster care services.-04-536ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Stepping Stones for Living - Helm.-04-537ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. (Triplex, Apartment No. 3).-04-538ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. (Triplex, Apartment No. 2).-04-539ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. (Triplex, Apartment No. 1).-04-540ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and NHS - Douglas.-04-541ss

Grant Agreement, Contract No. 20558, between the St. Louis County Board of Commissioners and Northeast Minnesota Office of Job Training for MFIP Employment and Training Services.-04-542ss

Grant Agreement, Contract No. 20554, between the St. Louis County Board of Commissioners and Lutheran Social Services for SELF grant services.-04-543ss

Purchase of Service Agreement, Contract No. 13735, between the St. Louis County Board of Commissioners and University Medical Center - Mesabi for adult day care services.-04-544ss

Purchase of Service Agreement, Contract No. 13732, between the St. Louis County Board of Commissioners and Daybreak Adult Day Services.-04-545ss

Purchase of Service Agreement, Contract No. 13733, between the St. Louis County Board of Commissioners and Floodwood Services and Training, Inc., for adult day care services.-04-546ss

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Addendum to Purchase Agreement, Contract No. 13681A, between the St. Louis County Board of Commissioners and NHS - Northstar Specialized Services, Inc., for adult day care and respite services.-04-547ss

Purchase of Service Agreement, Contract No. 13663, between the St. Louis County Board of Commissioners and St. Luke's Home Health Services for home care services.-04-548ss

Purchase of Service Agreement, Contract No. 13736, between the St. Louis County Board of Commissioners and Pinewood - Duluth, Inc., for pre-vocational/supported employment.-04-549ss

Purchase of Service Agreement, Contract No. 13741, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Triplex, Apartment No. 3 (MA MR/RC Waivered Services).-04-550ss

Purchase of Service Agreement, Contract No. 13740, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Triplex, Apartment No. 2 (MA MR/RC Waivered Services).-04-551ss

Purchase of Service Agreement, Contract No. 13739, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Triplex, Apartment No. 1 (MA MR/RC Waivered Services).-04-552ss

Purchase of Service Agreement, Contract No. 13731, between the St. Louis County Board of Commissioners and Benedictine Health Center for adult day care services.-04-553ss

Purchase of Service Agreement, Contract No. 13729, between the St. Louis County Board of Commissioners and TBI Residential and Community Services, Inc., for non-residential services.-04-554ss

Contract between the County of St. Louis and Nels Nelson & Sons, Inc., for M.P. 9-3657 (low) and M.P. 10-3661 to Reconstruct Drainage Structures, Curb and Gutter Replacement.-04-555

Draft Purchase Agreement between St. Louis County and Freedom Development & Consulting of St. Cloud, Inc., and Rapid River Development, LLC.-04-556

Upon motion of Commissioner Fay, supported by Commissioner Sweeney, Resolutions No. 422 through 436, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER FAY:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of July 27, 2004, are hereby approved.

Adopted August 10, 2004. No. 422

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. 58174, are hereby approved and the County Auditor shall issue checks in the following amounts:

<u>FUND</u>		<u>TOTAL</u>
01	General Fund	\$ 859,386.19
02	Public Works	450,448.33
04	Social Services	2,545,360.64

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131	Extension Service	4,127.15
15	Forfeited Tax	65,487.32
26	Solid Waste Authorities	60,056.81
50	Printing	3,056.74
51	County Garage	10,093.99
53	Management Information Systems	31,408.14
54	Regional Railroad Authority	2,685.94
55	Telecommunications	3,575.00
64A	Chris Jensen Health & Rehab.	334,147.60
65	Laundry	17,570.98
66	Community Food Services	27,444.36
67	Supervised Living Facilities	17,965.13
73	Arrowhead Regional Corrections	208,750.92
74	Community Health Services	<u>2,926.24</u>
		\$ 4,644,491.48

Adopted August 10, 2004. No. 423

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:

Real Estate - Mark Eberhart, \$227.20; Christopher Johnson, \$286.90; Larry Thoen, \$303.36; Gary Wiita, \$54.56.

Adopted August 10, 2004. No. 424

RESOLVED, that the appraisal reports for the sale of timber to be offered at Sealed Bid Christmas Tree Auction, Tracts 1 through 6 totaling \$71,874.00, as submitted by the Land Commissioner, on file in the office of the County Auditor, identified as County Board File No. 58170, are approved and the County Auditor is authorized to carry out the recommendations as listed in said appraisal reports.

Adopted August 10, 2004. No. 425

RESOLVED, that the application for a Temporary On-Sale 3.2 Percent Malt Liquor License, on file in the office of the County Auditor, identified as County Board File No. 58200, is hereby approved and the County Auditor is authorized to issue the license to the applicant:

Grand Lake Volunteer Fire Department, Town of Grand Lake, Temporary On-Sale 3.2 Percent Malt Liquor License No. TB0415, for August 14, 2004.

Adopted August 10, 2004. No. 426

RESOLVED, that pursuant to Ordinance No. 28, Section 11, Subdivision 11.06, authorization is hereby granted to Kevin/Heather Kowarsch, d/b/a Boondocks, Clinton Township, to sell/serve outside the designated serving area of the County Liquor License for the date of August 28, 2004, as per application on file in the office of the County Auditor, identified as County Board File No. 58181.

RESOLVED FURTHER, that said authorization is granted contingent upon the licenseholder posting "No Parking" signs printed in four-inch or larger black letters on white background, a minimum of four feet above the ground, every 50 feet for 500 feet, on both sides of the road, North on C-SAH 7 and West on C-SAH 16, at the licenseholder's expense and that the signs are to be removed after the event.

Adopted August 10, 2004. No. 427

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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WHEREAS, for the past several years the Emergency Communication Department's 9-1-1 Operations Division has experienced a steadily increasing workload in both of the County's 9-1-1 Communications Centers; and

WHEREAS, it has become necessary to increase the Communications Department's personnel authorizations immediately to reduce overtime expense, alleviate scheduling issues and increase the capacity of the Center with the pending increase in workload from Ely; and

WHEREAS, not adequately staffing 9-1-1 operations could result in risks to public and officer safety.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners, with recommendation by the Emergency Communications Department, hereby authorizes the addition of 1.5 FTE Emergency Communications Specialist positions to the Emergency Communications Department personnel budget, Fund 100, Agency 135001.

Adopted August 10, 2004. No. 428

WHEREAS, St. Louis County has received and reviewed a request from the South St. Louis County Fair Board for handicapped accessibility improvements at the Proctor Fairgrounds; and WHEREAS, the St. Louis County Board of Commissioners has determined it is in the best interest of the County to make these improvements at the Proctor Fairgrounds.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby authorizes spending \$13,300 for bituminous paving at the Proctor fairgrounds to improve handicapped accessibility, payable from Fund 16, Agency F16 (Memorial Forest), Org. F21 (Forest Recreation).

Adopted August 10, 2004. No. 429

WHEREAS, the City of Duluth has requested the conveyance of State Tax Forfeited land legally described as: Morris Park Division of Lakeside: City of Duluth, Lots 105-111 & Lot 112 (except westerly 20 feet). Parcel Codes No. 10-3350-960, 970, 980, 990, 1000, 1010, 1020, 1030;

WHEREAS, the Commissioner of Revenue is authorized to convey State Tax Forfeited property to an organized or incorporated governmental subdivision, for an authorized public use, pursuant to Minnesota Statutes 282.01, Subdivision 1a; and

WHEREAS, the Land Department has notified adjoining owners of the request so they can voice their concerns.

NOW, THEREFORE, BE IT RESOLVED, that the County Board recommends that the Commissioner of Revenue convey Tax Forfeited land to City of Duluth legally described as: Morris Park Division of Lakeside: City of Duluth, Lots 105-111 & Lot 212 (except westerly 20 feet). Parcel Codes No. 10-3350-960, 970, 980, 990, 1000, 1010, 1020, 1030; for the following authorized public use: The City of Duluth will use this .59 acre parcel to construct a storage facility for sanitary sewer overflows. The 2 million gallon storage tank will address chronic sewage overflow problems in the area.

RESOLVED FURTHER, that City of Duluth will pay to St. Louis County the following fees: Appraisal Fee of \$100.00, Deed Fee of \$25.00, Deed Tax of \$1.65, and Recording Fee of \$19.50, for a total of \$146.15.

Adopted August 10, 2004. No. 430

RESOLVED, that the following unorganized townships are hereby designated by the St. Louis County Board as Election Precincts with polling places as listed. Additionally, the following persons, eligible voters of St. Louis County, are hereby appointed as Clerks and Judges of Election for the 2004 Primary and General Elections:

UNORGANIZED TOWNSHIP 57-16 (UNORGANIZED PRECINCT #14)

Clerk - Charlene E. Johnson, 6473 Heritage Trail, Gilbert, MN 55741

Judge - Jan Dzwonkowski, 6317 Heritage Trail, Gilbert, MN 55741

Judge - Lillian Keil, 4460 Vermilion Trail, Gilbert, MN 55741

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Judge - Gladyce Lampe, 4517 Bass Lake Road, Gilbert, MN 55741
Judge - Dustin Lerol, 4493 Lilac Road, Gilbert, MN 55741
Polling Place - Lakeland Fire Hall, 4667 Vermilion Trail, Gilbert, MN 55741

UNORGANIZED TOWNSHIP 60-18 (UNORGANIZED PRECINCT #15)

Clerk - Barbara Harkonen, 9318 Goodell Road, Angora, MN 55703
Judge - Carolyn Nordlinder, 7566 Hwy. 53, Britt, MN 55710
Judge - Nancy Shadle, 8535 Tall Pine Road, Britt, MN 55710
Judge - Mary Elaine Arola, 7354 W. Donneywood Road, Britt, MN 55710
Judge - Raymond Stahl, 7439 Highway 53, Britt, MN 55710
Judge - Mary Jean Eilertson, 7364 Highway 53, Britt, MN 55710
Polling Place - Sand Lake Chapel, 9038 Biss Road, Britt, MN 55710

UNORGANIZED TOWNSHIP 60-19 (UNORGANIZED PRECINCT #16)

Clerk - Byron Trimble, 7868 Lake 14 Road, Britt, MN 55710
Judge - Ruth Beystrom, 9777 Dickenson Lane, Britt, MN 55710
Judge - Roberta Today, 9747 Folsom Road, Britt, MN 55710
Polling Place - Evergreen Volunteer Fire Department, 10233 Hwy. 65, Britt, MN 55710

UNORGANIZED TOWNSHIP 56-16 (UNORGANIZED PRECINCT #17)

Clerk - Carolyn Gouldin, 6778 Wilson Road, Makinen, MN 55763
Judge - Evelyn Hermanson, 6468 Long Lake Road, Makinen, MN 55763
Judge - Evonne Kangas, 6742 Wilson Road, Makinen, MN 55763
Polling Place - Makinen Community Center, Makinen, MN 55763

RESOLVED FURTHER, that compensation for 2004 election services will be \$7.00 per hour and the current mileage reimbursement rate for St. Louis County (\$.375 per mile). Funding will be from Auditor/Elections: Fund 100, Agency 127001, Objects 635300 and 635500.
Adopted August 10, 2004. No. 431

WHEREAS, the St. Louis County Public Works Department plans to reconstruct and improve a segment of County-State Aid Highway 23 (S.P. 69-623-30) from Deer Lodge Road to County-State Aid Highway 119 located in Unorganized Township 64-21 and the Town of Leiding; and
WHEREAS, the improvement consists of reconstructing said roadway as determined necessary to provide for the safety of the traveling public; and

WHEREAS, in addition to the existing highway right-of-way, certain lands are required for said construction, together with temporary construction easements.

NOW, THEREFORE, BE IT RESOLVED, the County Board of Commissioners hereby authorizes the Public Works Director to proceed with the acquisition of the necessary lands and temporary easements.

Budget Reference: Fund 200, Agency 203118, Object 636500, 636600

Adopted August 10, 2004. No. 432

WHEREAS, the St. Louis County Public Works Department plans to reconstruct and improve a segment of C-SAH 23 (Nett Lake Road), County Project 9257, from Deer Lodge Road to County-State Aid Highway 119, located in Unorganized Township 64-21 and the Town of Leiding; and
WHEREAS, the improvement consists of reconstructing and widening said roadway as determined necessary to provide for the safety of the traveling public; and

WHEREAS, in addition to the existing highway right-of-way, certain lands are required for said construction, together with temporary construction easements.

WHEREAS, a right-of-way plat would be beneficial for acquisition purposes and for future

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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reference.

NOW, THEREFORE, BE IT RESOLVED, the County Board of Commissioners hereby authorizes the Public Works Department to prepare a right-of-way acquisition plat for the reconstruction of C-SAH 23 (Nett Lake Road), County Project 9257, from Deer Lodge Road to County-State Aid Highway 119 located in Unorganized Township 64-21 and the Town of Leiding and, said plat to be named "St. Louis County Highway Right of Way Plat No. 22", and record said plat for future reference.

Adopted August 10, 2004. No. 433

WHEREAS, the St. Louis County Planning Commission, on February 13, 2003, held a public hearing regarding the preliminary plat of Murphy Point Woods First Addition; and

WHEREAS, the St. Louis County Planning Commission granted preliminary approval for the plat of Murphy Point Woods First Addition; and

WHEREAS, the final prints have been submitted and conform with the requirements set forth by the Planning Commission. The County Attorney and County Surveyor have approved the plat.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners grants final approval to the plat of Murphy Point Woods First Addition located in Sections 27, 28, 33 and 34, Town 56 North, Range 17 West (Unorganized).

Adopted August 10, 2004. No. 434

WHEREAS, the St. Louis County Planning Commission, on November 21, 2002, held a public hearing regarding the preliminary plat of West Kjostad Acres; and

WHEREAS, the St. Louis County Planning Commission granted preliminary approval for the plat of West Kjostad Acres; and

WHEREAS, the final prints have been submitted and conform with the requirements set forth by the Planning Commission. The County Attorney and County Surveyor have approved the plat.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners grants final approval to the plat of West Kjostad Acres located in Government Lot 4, Section 14, Town 65 North, Range 18 West (Portage).

Adopted August 10, 2004. No. 435

WHEREAS, the St. Louis County Board of Commissioners adopted Resolution No. 43, dated January 13, 2004, which authorized the County to enter into a contract with the Human Development Center at established rates and a contract maximum of \$430,995.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby amends Board Resolution No. 43 to also authorize the appropriate County officials to enter into a contract with the Human Development Center for Mental Health and Targeted Case Management for Calendar Year 2004 in order to maintain the KATS Program, and to increase the contract maximum to \$493,435.

BUDGET REFERENCE:

Agency 232006 Social Services, Object 604400 Kids to Adults Transition Services (KATS)

Adopted August 10, 2004. No. 436

BY COMMISSIONER FORSMAN:

WHEREAS, the St. Louis County Planning Commission initiated a rezoning; and

WHEREAS, the Planning Commission held a public hearing on the proposed rezoning on June 10, 2004; and

WHEREAS, the St. Louis County Planning Commission voted to recommend that the St. Louis County Board of Commissioners adopt the rezoning by amending Ordinance 46, zoning maps, and Ordinance 27, Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board affirms the Planning Commission recommendation and revises the zoning map for Township 62 North, Range 18 West,

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Town of Owens; and

BE IT FURTHER RESOLVED, that the effective date of this amendment is August 30, 2004. Unanimously adopted. August 10, 2004. No. 437

Upon motion of Commissioner Fay, supported by Commissioner Sweeney, Resolutions No. 438 through 449, which were approved at the Committee of the Whole meeting this date, were brought forth to this meeting as a second Consent Agenda and were unanimously adopted as follows:

BY COMMISSIONER FAY:

WHEREAS, the St. Louis County Planning Commission, on October 9, 2003, held a public hearing regarding the preliminary plat of Eagle Ridge; and

WHEREAS, the St. Louis County Planning Commission granted preliminary approval for the plat of Eagle Ridge; and

WHEREAS, the final prints have been submitted and conform with the requirements set forth by the Planning Commission. The County Attorney and County Surveyor have approved the plat.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners grants final approval to the plat of Eagle Ridge located in the W 1/2 of the NE 1/4, Section 23, Township 51 North, Range 14 West (Rice Lake).

Adopted August 10, 2004. No. 438

WHEREAS, the St. Louis County Planning Commission, on November 14, 2002, held a public hearing regarding the preliminary plat of Itkonen; and

WHEREAS, the St. Louis County Planning Commission granted preliminary approval for the plat of Itkonen; and

WHEREAS, the final prints have been submitted and conform with the requirements set forth by the Planning Commission. The County Attorney and County Surveyor have approved the plat.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners grants final approval to the plat of Itkonen located in Government Lots 4 and 5, Section 5, Township 55 North, Range 21 West (Unorganized).

Adopted August 10, 2004. No. 439

WHEREAS, the Land Department has reviewed a request of Darren Visser for a permanent non-exclusive road access easement across State Tax Forfeited land and recommends approval; and WHEREAS, there are no reasonable alternatives to obtain access to the Grantee's property; and WHEREAS, exercising the easement will not cause significant adverse environmental or natural resource management impacts.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Auditor, by the authority vested in him by Minnesota Statutes 282.04, Subdivision 4a, is hereby authorized to grant a permanent non-exclusive road access easement to Darren Visser described as follows: A 66.00 foot wide easement for roadway purposes over, under and across the South One-half of the Northwest Quarter of Section 2, Township 62 North, Range 12 West of the 4th Principal Meridian, St. Louis County, Minnesota, being 33.00 feet on each side of the following described centerline: Commencing at the Northwest Corner of said South One-half; thence 1408.00 feet along the North Line of said South One-half on an assigned bearing of North 86 degrees 45 minutes 15 seconds East to the centerline of an existing driveway and actual point of beginning; thence South 37 degrees 41 minutes 16 seconds East, a distance of 93.00 feet; thence South 57 degrees 44 minutes 09 seconds, a distance of 700.00 feet; thence South 48 degrees 01 minutes 09 seconds West, a distance of 795.00 feet; thence South 86 degrees 09 minutes 43 seconds West, a distance of 53.00 feet to the centerline of Minnesota State Trunk Highway Number 1 and there terminate. This description contains 2.5 acres, more or less.

The granting of this easement is conditioned on payment of \$7,500.00 appraised value, \$625.00

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timber damages, \$150.00 administration fee, \$6.00 publication fee, \$19.50 recording fee, for a total cost of \$8,300.50.

Adopted August 10, 2004. No. 440

WHEREAS, the Land Department has reviewed a request of Frontier A Citizens Communications Company for a permanent utility easement across State Tax Forfeited land and recommends approval; and

WHEREAS, exercising the easement will not cause significant adverse environmental or natural resource management impacts.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Auditor, by the authority vested in him by Minnesota Statutes 282.04, Subd.4, is hereby authorized to grant a permanent utility easement to Frontier A Citizens Communications Company described as follows: A 10.00 foot wide easement for utility purposes over, under and across the South One-half of the Northwest Quarter of Section 2, Township 62 North, Range 12 West of the 4th Principal Meridian, St. Louis County, Minnesota, lying between a line 23.00 feet southeasterly and 33.00 feet southeasterly of the following described line: Commencing at the Northwest Corner of said South One-half; thence 1408.00 feet along the North Line of said South One-half on an assigned bearing of North 86 degrees 45 minutes 15 seconds East to the centerline of an existing driveway and actual point of beginning, thence South 37 degrees 41 minutes 16 seconds East, a distance of 93.00 feet; thence South 57 degrees 44 minutes 09 seconds, a distance of 700.00 feet; thence South 48 degrees 01 minutes 09 seconds West, a distance of 795.00 feet; thence South 86 degrees 09 minutes 43 seconds West, a distance of 53.00 feet to the centerline of Minnesota State Trunk Highway Number 1 and there terminate. This description contains 0.4 acres, more or less. The granting of this easement is conditioned on payment of \$1,200.00 land use fee, \$100 timber damages, \$150.00 administration fee, \$6.00 publication fee, and \$19.50 recording fee; for a total cost of \$1,475.50.

Adopted August 10, 2004. No. 441

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subdivision 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit applications, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization:

Reservoir Riders to operate out of the following:

- Blue Max Resort, Fredenberg Township, renewal;
- Eagles Nest, Fredenberg Township, renewal;
- Hi Banks Resort, Inc., Fredenberg Township, new;
- Reservoir Riders Club House, Fredenberg Township, renewal;
- Walt's Cloquet River Inn, Grand Lake Township, renewal;

Adopted August 10, 2004. No. 442

WHEREAS, pursuant to Minnesota Statutes Section 282.01, Subdivisions 1a to 1c, the State of Minnesota, on the 16th day of January, 1998, conveyed to St. Louis County, a governmental subdivision of the State of Minnesota, by state deed numbered 188304, certain real property (hereinafter "Property") to be used for the relocation of the North St. Louis County Fair Grounds and racetrack which is an authorized public use; and

WHEREAS, St. Louis County has decided to move the Fair Grounds to another location and now desires to reconvey the Property under Minnesota Statutes Section 282.01, Subdivision 1d, to the State of Minnesota to be held in trust according to Minnesota Statutes Section 281.25.

NOW, THEREFORE, BE IT RESOLVED, St. Louis County, pursuant to said laws, and pursuant to the duly adopted resolution of its governing body Number 443, dated August 10, 2004, does hereby grant and convey the Property in the County of St. Louis, described as follows, together with all appurtenances thereunto belonging:

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NW 1/4 of NE 1/4 ex. highway right-of-way, Section 32, and N 1/2 of NW 1/4, Section 33, Godfrey Mine, Township 58, Range 20, Acres 116.38, Parcel No 141-0030-00090;

SW 1/4 of NW 1/4, Godfrey Mine, Section 33, Township 58, Range 20, Acres 40.00, Parcel No. 141-0030-00100;

SE 1/4 of NW 1/4, Godfrey Mine, Section 33, Township 58, Range 20, Acres 40.00, Parcel No. 141-0030-00110;

SW 1/4 of NE 1/4 ex. highway right of way, Godfrey Mine, Section 32, Township 58, Range 20, Acres 33.89, Parcel No. 140-0280-00190;

SE 1/4 of NE 1/4, Godfrey Mine, Section 32, Township 58, Range 20, Acres 40.00, Parcel No. 140-0280-00200;

SE 1/4 of SW 1/4, surface only, Section 33, Township 58, Range 20, Acres 40.00, Parcel No. 141-0300-00150;

All East of Highway 169.

to the State of Minnesota, to be held in trust as provided by Minnesota Statutes Section 281.25, upon like conditions and with like effect as if the Property had not been conveyed to the Governmental Subdivision for a public use.

Adopted August 10, 2004. No. 443

WHEREAS, the Fredenberg Town Board and the St. Louis County Planning Commission initiated rezonings; and

WHEREAS, the St. Louis County Planning Commission held public hearings on the proposed rezonings on March 11, 2004, April 8, 2004, and June 17, 2004; and

WHEREAS, the St. Louis County Planning Commission voted to recommend that the St. Louis County Board of Commissioners adopt the rezoning by amending Ordinance 46, zoning maps, and Ordinance 27, Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners will hold a public hearing on Tuesday, September 7, 2004, at 9:35 A.M., St. Louis County Courthouse, Duluth, Minnesota, to consider rezoning the S 1/2 of the SW 1/4, Section 21, and the SW 1/4 of the SW 1/4, Section 22, Township 52 North, Range 15 West, Town of Fredenberg.

Adopted August 10, 2004. No. 444

WHEREAS, the Cotton Town Board proposed an amendment to Ordinance 27; and

WHEREAS, the St. Louis County Planning Commission held a public hearing on the proposed plan amendment on July 8, 2004; and

WHEREAS, the St. Louis County Planning Commission voted to recommend that the St. Louis County Board of Commissioners adopt the proposed amendment to Ordinance 27, Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners will hold a public hearing on Tuesday, September 7, 2004, at 9:40 A.M., St. Louis County Courthouse, Duluth, Minnesota, to consider an amendment to Ordinance 27, the Comprehensive Land Use Plan, Section 25, Town of Cotton.

Adopted August 10, 2004. No. 445

WHEREAS, pursuant to Minnesota Statutes 94.341 to 94.349, inclusive, a proposal has been submitted to the County Board of St. Louis County, State of Minnesota, for certain other lands

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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owned by John Oberg; and

WHEREAS, this proposed exchange has been reviewed by the St. Louis County Land Department to determine the suitability of lands for exchange, and the St. Louis County Land Department has completed an appraisal of the lands to be exchanged and the offered lands; and WHEREAS, the St. Louis County Attorney's Office has examined and issued a title opinion that John Oberg owns title to the lands offered by him in this land exchange, subject to matters identified in the title opinion. The opinion is contained in a title opinion issued by the St. Louis County Attorney's Office, dated July 27, 2004, and on file in County Board File No. 58299; and WHEREAS, the lands acquired by the St. Louis County Land Department would consolidate tax-forfeited ownership in the area and secure a more direct access to approximately 514 acres of County managed land for the benefit of the tax payers of St. Louis County; and WHEREAS, the joint proposal is to exchange the following described lands being and lying in St. Louis County, Minnesota, to-wit:

OFFERED LANDS (Oberg) - 158.7 ACRES

That part of Government Lot 6 lying westerly of centerline of township road, Section 5, Township 65 North, Range 17 West (510-11-680); SW 1/4 of NW 1/4, Section 5, Township 65 North, Range 17 West (510-11-670); S 1/2 of NE 1/4, Section 6, Township 65 North, Range 17 West (510-11-800);

Government Lot 9, Section 5, Township 65 North, Range 17 West (510-11-740)

TAX FORFEITED LAND (CLASS "B") - 80 ACRES

W 1/2 of SW 1/4, Section 26, Township 64 North, Range 12 West (613-10-3920)

WHEREAS, the St. Louis County Land Department has appraised the value of the properties as follows:

John Oberg land: \$156,000

Tax Forfeited Class "B" land: \$132,000

WHEREAS, the applicant, John Oberg, has filed a Waiver of Payment for the difference in value. NOW, THEREFORE BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby certifies and approves the appraisals of those Class "B" lands offered for exchange with John Oberg as recommended by the Land Department.

RESOLVED FURTHER, that pursuant to Minnesota Statute 94.344, Subdivision 7, a public hearing shall be scheduled on September 14, 2004, at 9:35 A.M. in the St. Louis County Courthouse, Duluth, MN.

RESOLVED FURTHER, that the County Auditor shall post notice of hearing in his office containing a description of the lands affected and shall cause a copy of said notice to be published in the official newspaper at least two weeks before the date of hearing.

Adopted August 10, 2004. No. 446

WHEREAS, a petition was presented to the St. Louis County Board by the owner of a tract of land located in Township 63 North, Range 17 West of St. Louis County containing at least five acres who have no access thereto except over the lands of others to connect the petitioner's land to the public road.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Minnesota Statutes 164.02, Subdivision 2, a public hearing shall be held at 9:35 A.M. on Tuesday, October 12, 2004, at the Courthouse in Duluth, MN, to hear the petition of Thomas Daniel regarding the establishment of a cartway two rods in width to provide access to his property. The proposed cartway is described as follows: Beginning from a point on the western boundary of Parcel 1, said point being due east from the

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Schoch logging truck landing and thence run due west across Government Lot 1, Section 9, Township 63 North of Range 17 West of the Fourth Principal Meridian, until it intersects with the Schoch logging truck landing in said Government Lot 1; thence north and west along the centerline of an existing primitive road over and across said Government Lot 1; across the Northwest 1/4 of the Northwest 1/4, Section 9, Township 63 North, Range 17 West of the Fourth Principal Meridian; across the Northeast 1/4 of the Northeast 1/4, Section 8, Township 63 North, Range 17 West of the Fourth Principal Meridian; across the East 1/2 of the Southeast 1/4, Section 5, Township 63 North, Range 17 West of the Fourth Principal Meridian until said existing primitive road intersects with the St. Louis County Road No. 24 and there terminating.

RESOLVED FURTHER, that said petition is on file in the office of the County Auditor, identified as County Board File No. 58287.

Adopted August 10, 2004. No. 447

RESOLVED, that a public hearing will be held at 9:45 A.M. on September 7, 2004, in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering the granting of an Off-Sale Intoxicating Liquor License to Buffalo Valley, Inc., d/b/a Buffalo House, Midway Township.

Adopted August 10, 2004. No. 448

WHEREAS, the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; and

WHEREAS, surveys conducted by the National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children eat dinner with their parents, the less likely they are to smoke, drink, and use illegal drugs; and

WHEREAS, teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol, and cigarettes; and

WHEREAS, teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol, and cigarettes; and

WHEREAS, the correlation between family dinners and reduced risk for teen substance abuse are well documented; and

WHEREAS, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

WHEREAS, family dinners have long constituted a substantial pillar of family life in America.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners does hereby proclaim the fourth Monday in September as "Family Day - A Day to Eat Dinner with your Children" and urges all citizens to recognize and participate in its observance.

Adopted August 10, 2004. No. 449

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ST. LOUIS COUNTY, MINNESOTA**

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BY COMMISSIONER KRON:

RESOLVED, that the Chair of the County Board and the County Auditor are hereby authorized to execute a purchase agreement with Freedom Development & Consulting of St. Cloud, Inc., and Rapid River Development, LLC, for the sale of county fee land located on Como Avenue in the City of Duluth.

Unanimously adopted. August 10, 2004. No. 450

BY COMMISSIONER FINK:

RESOLVED, that effective as of the beginning of the 2005 payroll year, the following pay plans shall be increased at each step and grade by \$.60 per hour or 3 percent, whichever is greater, and each employee covered by the pay plans shall receive a corresponding increase in pay:

- (a) Management Compensation Pay Plan;
- (b) Unclassified Managers Pay Plan;
- (c) Examiner of Titles Pay Plan;
- (d) Unclassified Attorney's Office Pay Plan;
- (e) Unclassified Support Staff Pay Plan; and
- (f) Unclassified Bailiffs.

RESOLVED FURTHER, effective January, 2005, eligible employees in the aforesaid groups, except Unclassified Support Staff, shall receive an Employer payment toward the monthly premium of the St. Louis County Group Health Plan under either Option A or Option B, as designated by the employee, as follows:

	Option A	Option B
<u>Single Coverage</u>	100%	100%
<u>Dependent Coverage</u>	70%	75%

RESOLVED FURTHER, effective January, 2005, County Commissioners and eligible employees in the Unclassified Support Staff group shall receive Employer payment toward the monthly premium of the St. Louis County Group Health Plan under either Option A or Option B, as designated by the employee, as follows:

	Option A	Option B
<u>Single Coverage</u>	100%	100%
<u>Dependent Coverage</u>	80%	85%

Yeas - Commissioners Fink, Fay, Kron, Forsman, Nelson, and Chair Raukar - 6

Nays - Commissioner Sweeney - 1

Adopted August 10, 2004. No. 451

At 3:07 P.M. on Tuesday, August 10, 2004, upon motion of Commissioner Kron, supported by Commissioner Fay, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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OFFICIAL PROCEEDINGS
OF THE
BOARD OF COUNTY COMMISSIONERS
OF ST. LOUIS COUNTY, MINNESOTA

SEPTEMBER, 2004

OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON SEPTEMBER 7, 2004

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 7th day of September, 2004, at 9:38 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Chair Raukar opened the meeting by recognizing Mark Monacelli, County Recorder, who was recently elected President of the National Association of County Recorders, Clerks and Election Officials (NACRC). Monacelli thanked staff and Commissioners for their support.

Commissioner Fink, taking his turn presenting an appropriate quotation, offered the following:

“When you are riding a dead horse, the best strategy is to dismount.” Dakota Tribal Wisdom.

At 9:46 A.M., a public hearing was convened pursuant to County Board Resolution No. 444, adopted August 10, 2004, to consider rezoning portions of Sections 21 and 22, T52-R15N (Town of Fredenberg). The following persons addressed the issue:

Dana Frey, County Administrator, said the rezoning request came from the Town of Fredenberg and should be effective on September 27, 2004, if approved.

Barbara Hayden, Planning Department, said there was a thorough discussion of all the issues. In response to a suggestion to refer the issue back to the town for a referendum, Director Hayden said Fredenberg officials approved the rezoning and there was no precedent for a rezoning referendum.

Joan Sutliff, Fredenberg resident, said she does not support rezoning and requested that the matter be referred back to the Town of Fredenberg for a vote by residents. Ms. Sutliff also submitted a letter from Keith and Anita Anderson opposing the rezoning.

Thomas Godfrey, Fredenberg, opposed the rezoning because access to the properties is limited and will require future cartways across adjoining lands.

Scott Smith, Planning Department, in response to Commissioner questions, explained the rezoning process, the impact of the new classifications and what steps are in place to protect wetlands and spring-fed streams.

Roy Higgins, Fredenberg resident, said the presence of five natural springs on the property makes the area unsuitable for dense development.

Peg Twining, Fredenberg resident, opposed any zoning changes.

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John Thompson, Land Department, explained his department's position as it relates to a nearby piece of tax forfeited property.

Jane Ecklund, Fredenberg resident, said rezoning will destroy natural habitat, eliminate open spaces and lead to overcrowding.

Kelly Higgins, Fredenberg resident, said flooding poses a problem for any development and she opposed the rezoning.

At 10:31 A.M., Commissioner Sweeney, supported by Commissioner Kron, moved to close the hearing; seven yeas - zero nays.

Commissioner Fink, supported by Commissioner Forsman, moved to amend Ordinance No. 27 (Land Use Plan) to include the rezoning effective September 27, 2004; seven yeas - zero nays. Commissioner Fay, supported by Commissioner Nelson, moved to amend the Zoning Map (Ordinance No. 46) to include the rezoned areas; seven yeas - zero nays. Resolution No. 465.

At 10:45 A.M., a public hearing was convened pursuant to County Board Resolution No. 445, adopted August 10, 2004, to consider an amendment to Ordinance No. 27 (Land Use Plan) for Section 25 in the Town of Cotton. The following persons addressed the issue:

Barbara Hayden, Planning Director, explained that the amendment incorporated needed language changes. The amendment received unanimous approval from the Planning Commission.

Don Triebwasser, Town of Cotton Supervisor, said the amendment was needed for establishment of subordinate service districts.

At 10:53 A.M., Commissioner Kron, supported by Sweeney, moved to close the hearing; seven yeas - zero nays. Commissioner Kron, supported by Commissioner Nelson, moved to approve the amendment effective September 27, 2004. Commissioner Fink offered a friendly amendment - accepted by the makers - to add language to the amendment that would clarify that County Ordinance No. 55 (Septic Ordinance) is the dominant ordinance. After brief discussion, the amended motion was approved; seven yeas - zero nays.

At 11:00 A.M., a public hearing was convened, pursuant to County Board Resolution No. 448, adopted August 10, 2004, to consider granting an off-sale intoxicating liquor license to Buffalo Valley, Inc., d/b/a Buffalo House, Midway Township. Alan Mitchell, County Attorney, advised the Board that: all required County departments had reviewed that application and recommended approval; the Town of Midway reviewed the application and recommended approval; the Liquor Licensing Committee met with the applicant and, after discussing the location and propriety of the establishment, recommended approval; all required notices had been given; and, the necessary insurance certificate submitted. No one else chose to address the issue.

At 11:04 A.M., Commissioner Sweeney, supported by Commissioner Fink, moved to close the public hearing; seven yeas - zero nays. Commissioner Sweeney, supported by Commissioner Nelson, moved to approve issuance of the off-sale license; seven yeas - zero nays. Resolution No. 466.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda, but no one chose to do so.

At 11:05 A.M. in the forenoon of Tuesday, September 7, 2004, Chair Raukar moved to recess the

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Board until 11:10 A.M. on September 7, 2004, in the County Board Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 11:18 A.M. on September 7, 2004, and the regular order of business resumed with all members present.

Commissioner Kron, supported by Commissioner Fay, moved to authorize execution of a purchase agreement and quit claim deed to the City of Duluth for the future Regional Animal Control Facility located on 27.406 acres of county fee land at the corner of Arrowhead and Rice Lake Roads in the City of Duluth. The following persons addressed the issue:

Tony Mancuso, Property Manager, said the resolution contains a reversion clause that would turn the property back over to the County if groundbreaking is not done within one year. The City of Duluth also accepted ownership of the cemetery located on the property.

Herb Bergson, Mayor, City of Duluth, strongly supported the proposal and said the facility is badly needed. In response to concerns by Commissioner Forsman that the Duluth Assessor's Office under-appraised the property, Mayor Bergson said the property was worth far more as an animal shelter than any appraisal.

Beverly Patronas, Executive Director of Animal Allies, said the project has the support of many, including the Chamber of Commerce, the Mayor and City Council, AFSCME and Sheriff Ross Litman.

Ken Loeffler-Kemp, AFSCME, said his organization supports the concept. In response to a question from Commissioner Fink, Loeffler-Kemp said prior concerns by AFSCME were resolved after meeting with Duluth and Animal Allies staff.

Robert Berquist, Duluth Architect, said the site plan takes environmental and public use concerns into consideration. He estimated the cost to construct the facility at more than \$1 million.

David Ross, Duluth Area Chamber of Commerce, said his organization supports the project.

Kathy Leick, Stanchfield, asked the Board not to forget about Northern St. Louis County and S.N.A.P. (Contented Critters).

Commissioner Kron amended his motion to extend the groundbreaking deadline to March 1, 2006. After further discussion, Commissioner Fink said he opposed the proposed location because it was county fee land and ample forfeited property is available in the same general area. Commissioner Kron, supported by Commissioner Sweeney, moved to call the question, but the motion failed; two yeas - five nays, Commissioners Fink, Fay, Forsman, Nelson and Chair Raukar.

At 12:32 P.M. in the afternoon of Tuesday, September 7, 2004, Chair Raukar moved to recess the Board until 1:45 P.M. on September 7, 2004, in the County Board Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 2:02 P.M. on September 7, 2004, and the regular order of business resumed with all members present.

Discussion of the transfer of county fee land to the City of Duluth for an Animal Control Facility resumed. Commissioner Nelson offered a friendly amendment - accepted by the makers - to delete the word "groundbreaking" from the resolution and extend the date to begin construction to June

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1, 2006, to coincide with the construction season. The amended resolution was then approved; seven yeas - zero nays. Resolution No. 467.

Commissioner Fink, supported by Commissioner Nelson, moved to go into closed session pursuant to Minnesota Statutes 13D.05, Subd. 2 (b), and rules established by the St. Louis County Management Compensation Plan; seven yeas - zero nays.

At 2:10 P.M. in the afternoon of Tuesday, September 7, 2004, Chair Raukar moved to recess the Board meeting for a closed session.

The Board reconvened at 5:21 P.M. on September 7, 2004, and the regular order of business resumed with all members present.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

County Auditor submitting applications for license to sell wine for the year 2004.-58301

Ken Loeffler-Kemp, Staff Representative, A.F.S.C.M.E., Minnesota Arrowhead District Council 96, strongly opposing the construction of an animal shelter for Animal Allies.-58302

Daniel E. Warner, Attorney, Warner Law Office, P.A., regarding Eric Anderson v. St. Louis County, Alan N. Mitchell in his official capacity as the St. Louis County Attorney and the St. Louis County Attorney's Office. -58303

Debbie Hendrickson, Program Coordinator, Range Women's Advocates, requesting a Purchase of Service Agreement in the amount of \$15,000 for assisting adult victims of domestic violence to file Orders for Protection in 2005.-58304

Documentation from public hearing held on September 7, 2004, to consider rezoning the S 1/2 of the SW 1/4, Section 21, and the SW 1/4 of the SW 1/4, Section 22, Township 52 North, Range 15 West (Town of Fredenberg).-58305

Documentation from public hearing held on September 7, 2004, to consider an amendment to Ordinance No. 27 - the Comprehensive Land Use Plan, Section 25 - Town of Cotton.-58306

Documentation from public hearing to consider the granting of an Off-Sale Intoxicating Liquor License to Buffalo Valley, Inc., d/b/a Buffalo House, Midway Township.-58307

Documentation relative to the conveyance of land to the City of Duluth for the construction of an Animal Control Facility.-58308

Loan Agreement between the County of St. Louis and Debra J. Parson for an individual sewage treatment system.-04-557

Tobacco-Free Communities Minnesota Subcontract Agreement between the American Lung Association of Minnesota and Public Health and Social Services of St. Louis County.-04-558

State of Minnesota Department of Natural Resources Supplement No. 1 - Maps Contract No. R29-05...A55192 with St. Louis County and the State of Minnesota to improve public transportation in St. Louis County.-04-559

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Contract between the County of St. Louis and Mesabi Bituminous, Inc., for S.P. 69-090-17, C.P. 3622, MN Proj. No. HPP MN 049(106), for Recreational Trail Grading and Bituminous Surfacing.-04-560

Contract between the County of St. Louis and Louis Leustek & Sons, Inc., for S.A.P. 69-710-23 (low) for Grading, Aggregate Base and Bituminous Surfacing and Pavement Removal.-04-561

Contract between the County of St. Louis and Utility Systems of America, Inc., for S.A.P. 69-701-003, C.P. 9307, for Sidewalk, Curb and Gutter and Retaining Walls.-04-562

Contract between the County of St. Louis and KGM Contractors, Inc., for S.P. 69-716-08, C.P. 9255, MN Proj. No. HPP-STP MN 54(100), for Grading, Aggregate Base, Bituminous Surface and Shoulders.-04-563

Amendment No. 1 to MN/DOT Agreement No. 84593 between the State of Minnesota, through its Commissioner of Transportation, and St. Louis County for the Mesabi Trail Project in St. Louis and Itasca Counties.-04-564

Professional and Technical Services Contract between the State of Minnesota, through its Commissioner of Transportation, St. Louis County, and American Engineering Testing, Inc., for Phase I Environmental Site Assessment on State Project No. 8821-48, Trunk Highway 53.-04-565

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Westview Portage.-04-566ss

Purchase of Service Agreement, Contract No. 13745, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. - Melrose for SLS for children.-04-567ss

Addendum to Purchase Agreement, Contract No. 13657, between the St. Louis County Board of Commissioners and TL Care Services, LLC, d/b/a Westview Services for adult foster care.-04-568ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc. (Jitney).-04-569ss

Professional and Technical Services Contract between the State of Minnesota, through its Commissioner of Transportation, St. Louis County, City of Duluth, and Short Elliot Hendrickson, Inc., for Mall Area Reconstruction on State Project No. 6915-129, Trunk Highway 53.-04-570

Addendum to Purchase Agreement, Contract No. 13672B, between the St. Louis County Board of Commissioners and Residential Services of Northeastern Minnesota, Inc., for adult foster care services.-04-571ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and RSI - Jefferson.-04-572ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Arlene Sipola.-04-573ss

Homes Plus Agreement for Adult Foster Care/Respite Care between the St. Louis County Board of Commissioners and Arlene Sipola.-04-574ss

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Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Cheryl Stauty, d/b/a Cotton Country Manor.–04-575ss

Grant Agreement, Contract No. 20561, between the St. Louis County Board of Commissioners and Mental Health Consumer/Survivor Network of Minnesota.–04-576ss

Addendum to Purchase Agreement, Contract No. 20539B, between the St. Louis County Board of Commissioners and Arrowhead House for Rule 12 Integrated Fund Grant.–04-577ss

Addendum to Purchase Agreement, Contract No. 20542B, between the St. Louis County Board of Commissioners and Parkside Homes, Incorporated.–04-578ss

Addendum to Purchase Agreement, Contract No. 20528B, between the St. Louis County Board of Commissioners and Arrowhead House East for Adult Mental Health Initiative Flex Fund Grant.–04-579ss

Addendum to Purchase Agreement, Contract No. 20526B, between the St. Louis County Board of Commissioners and Range Mental Health Center for PATH State Homeless Grant Services.–04-580ss

Addendum to Purchase Agreement, Contract No. 20524B, between the St. Louis County Board of Commissioners and Range Mental Health Center for Community Support Program Services.–04-581ss

Addendum to Purchase Agreement, Contract No. 20534B, between the St. Louis County Board of Commissioners and Range Mental Health Center for Adult Mental Health Initiative Flex Fund Grant.–04-582ss

Purchase of Service Agreement, Contract No. 13734, between the St. Louis County Board of Commissioners and Range Mental Health Center, Inc., for adult day care services.–04-583ss

Purchase of Service Agreement, Contract No. 13723, between the St. Louis County Board of Commissioners and Range Mental Health Center for Detox Transportation Services.–04-584ss

Addendum to Purchase Agreement, Contract No. 20533B, between the St. Louis County Board of Commissioners and Occupational Development Center for Adult Mental Health Initiative Flex Fund Grant.–04-585ss

Addendum to Agreement between St. Louis County Land Department and Parthe Productions for Video Production of Children’s Version of “People and Forests”.–04-586

Home Investment Partnership Program Loan Agreement between St. Louis County and Northland Counseling Center, Inc.–04-587

Grant Agreement, Contract No. 20556, between the St. Louis County Board of Commissioners and Human Development Center for Adolescent Services Grant.–04-588ss

Purchase of Service Agreement, Contract No. 13700, between the St. Louis County Board of Commissioners and Duluth Keystone, LLC, d/b/a Keystone Bluffs, for assisted living plus services and out-of-home respite services.–04-589ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners

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and Innovative Living, Inc. (West I).-04-590ss

Purchase of Service Agreement, Contract No. 13738, between the St. Louis County Board of Commissioners and Lutheran Social Services of Minnesota (Bethany Crisis Shelter) for parent/child supervised visitation services.-04-591ss

Addendum to Purchase Agreement, Contract No. 20540B, between the St. Louis County Board of Commissioners and Makalu, Inc., d/b/a Fresh Start, for Rule 12 Integrated Fund Grant.-04-592ss

Addendum to Purchase Agreement, Contract No. 20529B, between the St. Louis County Board of Commissioners and Makalu, Inc., d/b/a Fresh Start, for Adult Mental Health Initiative Flex Fund Grant.-04-593ss

Addendum to Purchase Agreement, Contract No. 20541B, between the St. Louis County Board of Commissioners and Merritt House for Rule 12 Integrated Fund Grant.-04-594ss

Addendum to Purchase Agreement, Contract No. 20532B, between the St. Louis County Board of Commissioners and Merritt House - Virginia for Adult Mental Health Initiative Flex Fund Grant.-04-595ss

Addendum to Purchase Agreement, Contract No. 13693A, between the St. Louis County Board of Commissioners and Senior Friend for assisted living services.-04-596ss

Addendum to Purchase Agreement, Contract No. 13720A, between the St. Louis County Board of Commissioners and Regency Home Healthcare Services, LLC, for home care services.-04-597ss

Purchase of Service Agreement, Contract No. 13697, between the St. Louis County Board of Commissioners and Anderson's Pine Grove Home for assisted living plus services.-04-598ss

Purchase of Service Agreement, Contract No. 13742, between the St. Louis County Board of Commissioners and Occupational Development Center, Inc., for non-residential services.-04-599ss

Purchase of Service Agreement, Contract No. 13706, between the St. Louis County Board of Commissioners and Lakeside Manor, Inc., for assisted living plus services and out-of-home respite services.-04-600ss

Addendum to Purchase Agreement, Contract No. 13703A, between the St. Louis County Board of Commissioners and Geriatric Community Caregivers, Inc., for assisted living plus services.-04-601ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Spectrum Virginia House II.-04-602ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Spectrum Virginia House I.-04-603ss

Addendum to Purchase Agreement, Contract No. 13698A, between the St. Louis County Board of Commissioners and Spectrum Community Health, Inc., for assisted living plus.-04-604ss

Purchase of Service Agreement, Contract No. 13666, between the St. Louis County Board of Commissioners and Spectrum Community Health, Inc., for home care services.-04-605ss

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Purchase of Service Agreement, Contract No. 13743, between the St. Louis County Board of Commissioners and Arrowhead Economic Opportunity Agency, Inc., d/b/a Arrowhead Transit, for transportation services.–04-606ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Stepping Stones for Living - Haines.–04-607ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Stepping Stones for Living - Morris.–04-608ss

Agreement for Respite Services between the County of St. Louis, through its Department of Public Health, and St. Mary's Medical Center for respite care services.–04-609ss

Upon motion of Commissioner Fay, supported by Commissioner Sweeney, Resolutions No. 452 through 464, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER FAY:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of August 3, 2004, are hereby approved.

Adopted September 7, 2004. No. 452

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of August 10, 2004, are hereby approved.

Adopted September 7, 2004. No. 453

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated August 6, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

Adopted September 7, 2004. No. 454

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated August 20, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

Adopted September 7, 2004. No. 455

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for permit authorizing the consumption and display of intoxicating liquor is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58202;

RESOLVED FURTHER, that said license is approved contingent on Cedar Valley Township approval.

Kathryn Pauline Brown, d/b/a K.T.'s Floodwood Lake Resort & Campground, Cedar Valley Township, Permit No. S0517, new.

Adopted September 7, 2004. No. 456

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for a 3.2 percent malt liquor license is hereby

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approved, on file in the office of the County Auditor, identified as County Board File No. 58200; FURTHER RESOLVED, that said license is approved contingent upon the licenseholder paying real estate or personal property taxes when due; FURTHER RESOLVED, that if named licenseholder sells their licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of the license fee to the licenseholder; FURTHER RESOLVED, that said license shall be effective through June 30, 2005: Debby Spicer, d/b/a Wayside Café, Greenwood Township, On-Sale 3.2 Percent Malt Liquor License No. B0568, transfer.
Adopted September 7, 2004. No. 457

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for a 3.2 percent malt liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58200; FURTHER RESOLVED, that said license is approved contingent upon the licenseholder paying real estate or personal property taxes when due; FURTHER RESOLVED, that said license is approved contingent on Cedar Valley Township approval; FURTHER RESOLVED, that if named licenseholder sells their licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of the license fee to the licenseholder; FURTHER RESOLVED, that said license shall be effective through June 30, 2005: Kathryn Pauline Brown, d/b/a K.T.'s Floodwood Lake Resort & Campground, Cedar Valley Township, On/Off-Sale 3.2 Percent Malt Liquor License No. B0567, new.
Adopted September 7, 2004. No. 458

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for an on-sale wine license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58301; RESOLVED FURTHER, that said license is approved contingent upon licenseholder paying real estate or personal property taxes when due; RESOLVED FURTHER, that said license shall be effective through June 30, 2005; FURTHER RESOLVED, that if named licenseholder sells their licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of the license fee to the licenseholder: Debby Spicer, d/b/a Wayside Café, Greenwood Township, On-Sale Wine License No. W055, transfer.
Adopted September 7, 2004. No. 459

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, are hereby approved and the County Auditor is authorized to issue the license as follows; RESOLVED FURTHER, that if named licenseholders sell their licensed business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund to the licenseholders: Buffalo Valley, Inc., d/b/a Buffalo House, Midway Township, Tobacco Products License No. T04202, transfer;

Debby Kay Spicer, d/b/a Wayside Café, Greenwood Township, Tobacco Products License No.

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T04204, transfer.
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RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, is hereby approved and the County Auditor is authorized to issue the license as follows;

FURTHER RESOLVED, that said license is approved contingent on the Auditor's Office receiving proof of workers' compensation insurance;

RESOLVED FURTHER, that if named licenseholder sells their licensed business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund to the licenseholder;

FURTHER RESOLVED, that said license shall be effective September 20, 2004, through December 31, 2004:

Tuchek, Inc., d/b/a Bear River Viking Bar, Morcom Township, Tobacco Products License No. T04203, transfer.

Adopted September 7, 2004. No. 461

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for an intoxicating liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58181; FURTHER RESOLVED, that said license is approved contingent upon licenseholder paying real estate or personal property taxes when due;

FURTHER RESOLVED, that if named licenseholder sells their licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of the license fees to the licenseholder;

FURTHER RESOLVED, that said license shall be effective through June 30, 2005:

Buffalo Valley, Inc., d/b/a Buffalo House, Midway Township, On-Sale Intoxicating Liquor License No. CMB0588 and Sunday On-Sale Intoxicating License No. SUN0588, transfer.

Adopted September 7, 2004. No. 462

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for an intoxicating liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58181; FURTHER RESOLVED, that said license is approved contingent upon licenseholder paying real estate or personal property taxes when due;

FURTHER RESOLVED, that if named licenseholder sells their licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of the license fees to the licenseholder;

FURTHER RESOLVED, that said license is approved contingent on the Auditor's Office receiving proof of liquor liability insurance, workers' compensation insurance and certificate of incorporation issued by the Minnesota Secretary of State's Office;

FURTHER RESOLVED, that said license shall be effective September 20, 2004, through June 30, 2005:

Tuchek, Inc., d/b/a Bear River Viking Bar, Morcom Township, On-Sale Intoxicating Liquor License No. CMB0589 and Sunday On-Sale Intoxicating Liquor License No. SUN0589, transfer.

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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

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Board File No. 58174, are hereby approved and the County Auditor shall issue checks in the following amounts:

<u>FUND</u>		<u>TOTAL</u>
100	General Fund	\$ 1,401,594.20
184	Extension Service	32,612.46
200	Public Works	1,846,705.59
230	Social Services	6,480,452.10
240	Forfeited Tax	118,403.71
250	St. Louis County HRA	50,992.75
600	Solid Waste Authorities	343,947.94
625	Chris Jensen Health & Rehab.	428,563.02
650	Laundry	27,099.46
660	Community Food Services	42,341.29
670	Supervised Living Facilities	9,973.83
700	Printing	50,176.70
715	County Garage	62,563.99
750	Management Information Systems	195,819.89
760	Telecommunications	74,847.43
925	Arrowhead Regional Corrections	395,685.83
955	Community Health Services	6,363.44
989	Regional Railroad Authority	<u>49,324.66</u>
		\$11,617,468.29

Adopted September 7, 2004. No. 464

BY COMMISSIONER FAY:

WHEREAS, the Town of Fredenberg initiated a rezoning for the S 1/2 of the SW 1/4, the SW 1/4 of the SE 1/4, and the SE 1/4 of the SE 1/4, all in Section 21, Township 52 North, Range 15 West; and

WHEREAS, the Planning Commission initiated a rezoning for the S 1/2 of the SW 1/4, Section 21, and the S 1/2 of the SW 1/4, Section 22; and

WHEREAS, the Planning Commission held public hearings on the proposed rezoning on March 11, 2004, April 8, 2004, and June 17, 2004; and

WHEREAS, the St. Louis County Planning Commission voted to recommend that the St. Louis County Board of Commissioners adopt the rezoning by amending Ordinance 46, zoning maps, and Ordinance 27, Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board affirms the Planning Commission recommendation and revises the zoning map for Township 52 North, Range 15 West, Town of Fredenberg; and

BE IT FURTHER RESOLVED, that the effective date of this amendment is September 27, 2004. Unanimously adopted. September 7, 2004. No. 465

BY COMMISSIONER SWEENEY:

WHEREAS, Buffalo Valley, Inc., d/b/a Buffalo House, Midway Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minnesota Statutes, Section 340A.405, Subdivision 2(d), requires that a public hearing be held prior to the issuance of an off-sale intoxicating liquor license; and

WHEREAS, a public hearing was held on September 7, 2004, at or about 9:45 A.M. in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering the granting of the off-sale intoxicating liquor license; and

WHEREAS, with regard to the application for said license Buffalo House has complied in all respects with the requirements of Minnesota Law and St. Louis County Ordinance No. 28; and

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WHEREAS, the Liquor Licensing Committee of the St. Louis County Board of Commissioners has considered the nature of the business to be conducted and the propriety of the location and has recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, that Off-Sale Intoxicating Liquor License (License Number CMB0588) shall be issued to Buffalo Valley, Inc., d/b/a Buffalo House, Midway Township;

FURTHER RESOLVED, that said liquor license shall be effective through June 30, 2005;

FURTHER RESOLVED, that said license is approved contingent upon payment of real estate taxes when due;

FURTHER RESOLVED, that if named licenseholder sells the licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of license fee to the licenseholder.

Unanimously adopted. September 7, 2004. No. 466

BY COMMISSIONER KRON:

WHEREAS, the City of Duluth has requested the transfer of ownership of a 28.846 acre parcel of land adjacent to Rice Lake Road described below; and

WHEREAS, this parcel is part of the old Cook Home Farmstead and has not been used by St. Louis County for over 30 years; and

WHEREAS, St. Louis County Property Management has reviewed this proposal and recommends transferring the property to the City of Duluth for the public purpose of providing a site for a regional animal control facility; and

WHEREAS, the City of Duluth agrees to pay the \$500 property transfer administrative fee as required by the County.

RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the appropriate County officials to execute a purchase agreement for the sale of a 28.846 acre parcel of County fee land for a \$500 administrative fee. The land to be conveyed is legally described as follows: Part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter, Section 16, Township 50 North, Range 14 West, City of Duluth, St. Louis County, Minnesota and bounded by a line described as follows: Commencing at the north one-quarter of said Section 16; Thence S 00 degrees 07 minutes 24 seconds E, along the north-south one-quarter line of said section, 570.80 feet to the point of beginning; Thence S 00 degrees 07 minutes 24 seconds E, continuing along said one-quarter line, 739.70 feet to the southeast corner of the said northeast quarter of the northwest quarter, being the northeasterly corner of Campus Park; Thence S 43 degrees 35 minutes 19 seconds W, along the northwest line of said park, 1122.63 feet to the easterly right-of-way line of Rice Lake Road; Thence N 19 degrees 48 minutes 42 seconds W, along said right-of-way line, 1183.57 feet; Thence N 70 degrees 11 minutes 18 seconds E, along said right-of-way line, 15.00 feet; Thence N 19 degrees 48 minutes 42 seconds W, along said right-of-way line, 15.09 feet; Thence S 90 degrees 00 minutes 00 seconds E, 61.40 feet; Thence N 00 degrees 00 minutes 00 seconds E, 420.02 feet; Thence S 90 degrees 00 minutes 00 seconds E, 1103.19 feet to the point of beginning. Parcel contains 1,256,461 square feet or 28.846 acres, more or less, and is subject to easements of record.

FURTHER RESOLVED, said purchase agreement shall contain a contingency clause voiding the purchase agreement in the event construction for the animal control facility has not commenced by June 1, 2006.

Unanimously adopted. September 7, 2004. No. 467

At 5:22 P.M. on Tuesday, September 7, 2004, upon motion of Commissioner Sweeney, supported by Commissioner Forsman, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board

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of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON SEPTEMBER 14, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 14th day of September, 2004, at 9:43 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Commissioner Fay, taking her turn presenting an appropriate quotation(s), began by presenting a brief history of the Pledge of Allegiance, written in 1892 by Francis Bellamy, a Christian Socialist. Commissioner Fay chronicled some of the changes and proposed changes to the pledge that have occurred over the years.

Commissioner Fay then offered the following quotations:

“Eternal vigilance is the price of liberty.”

“We hold these truths to be self-evident: That all men are created equal: that they are endowed by their Creator with certain inalienable rights: that among these are life, liberty and the pursuit of happiness . . .” Thomas Jefferson

“To wear your heart on your sleeve isn’t a very good plan; you should wear it inside, where it functions best.” Margaret Thatcher

“An empty stomach is not a good political advisor.” Albert Einstein

Commissioner Nelson noted the continuing success of the Wirtanen Finnish Farm in Colvin, which just finished celebrating its third annual “Wirtanen Farm Days.”

At 9:54 A.M., a public hearing was convened pursuant to County Board Resolution No. 446, adopted August 10, 2004, to consider a class “B” land exchange between St. Louis County and John Oberg, Ely, MN. The following persons addressed the issue:

Mark Weber, Land Department, described the exchange of lands and distributed copies of information required for the public hearing. Weber said the exchange will benefit both parties.

John Oberg, Ely, said he was looking for remote property near his home in Ely for sled dog purposes. Mr. Oberg was aware of possible access problems.

At 10:05 A.M., Commissioner Sweeney left the County Board meeting.

At 10:15 A.M., Commissioner Kron, supported by Commissioner Forsman, moved to close the public hearing; six yeas - zero nays. Commissioner Forsman, supported by Commissioner Kron, moved to approve the land exchange; six yeas - zero nays. Resolution No. 492.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda, but no one chose to do so.

At 10:20 A.M., Commissioner Sweeney rejoined the County Board meeting.

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Commissioner Forsman, supported by Commissioner Nelson, moved to authorize granting Taylor Investment Corporation a nonexclusive easement across tax forfeited lands for access to their property. David Epperly, Land Commissioner, said the easement will have a positive impact on other forfeited lands in the area that may be offered for sale in the future. After brief discussion, the motion was approved; seven yeas - zero nays. Resolution No. 493.

Commissioner Kron, supported by Commissioner Forsman, moved to adopt the Preliminary 2005 Budget and Adoption of the 2005 Maximum Property Tax Levies. Dana Frey, County Administrator, made the budget presentation. Administrator Frey described the process and outlined factors contributing to a proposed budget levy .18% less than 2004. The budget is based on some risk, including reliance on the State of Minnesota delivering promised local government aids, according to Administrator Frey. After lengthy discussion concerning whether or not to set the preliminary levy higher in the event of state budget cuts, Commissioner Kron, supported by Commissioner Forsman, amended their original motion to increase the levy by \$150,303 for a 0% levy increase. After further discussion, Chair Raukar, supported by Commissioner Sweeney, moved to increase the levy by 1.25% above 2004 as a hedge against state budget cuts.

Chair Raukar then suspended the budget discussion to accommodate a time specific vote to go into a closed session.

Commissioner Fay, supported by Commissioner Fink, moved to go to a closed session at 11:30 A.M. pursuant to Minnesota Statutes 13D.05, Subd. 2 (b); seven yeas - zero nays.

At 11:30 A.M. in the afternoon of Tuesday, September 14, 2004, Chair Raukar moved to recess the Board until 1:30 P.M. on September 14, 2004, in the County Board Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 2:02 P.M. on September 14, 2004, and the regular order of business resumed with all members present.

The 2:00 P.M. scheduled sale of capital improvement bonds was then discussed. Wayne Burggraaff, Public Financial Management, Inc. (PFM), explained the bond sale process and said interest rates are very favorable for the County.

Commissioner Kron, supported by Commissioner Forsman, moved to approve issuance, sale and delivery of \$13,785,000 General Obligation Capital Improvement Bonds, Series 2004A, to J.P. Morgan Securities, Inc., on their interest rate of 3.7306%, which was below the projected rate of 3.85%; seven yeas - zero nays. Resolution No. 495.

Commissioner Kron, supported by Commissioner Nelson, moved to approve issuance, sale and delivery of \$2,900,000 General Obligation Capital Improvement Notes, Series 2004B, to Cronin & Co., Inc., on their interest rate of 2.3584%, which was below the projected rate of 2.49%; seven yeas - zero nays. Resolution No. 496.

Commissioner Kron, supported by Commissioner Sweeney, moved to approve issuance, sale and delivery of \$975,000 General Obligation Refunding Bonds, Series 2004C, to Cronin & Co., Inc., on their interest rate of 2.8216%, which was below the projected rate of 2.91%; seven yeas - zero nays. Resolution No. 497.

Consideration of the preliminary 2005 budget and levy resumed. After lengthy discussion, the amendment proposed by Chair Raukar to increase the levy to 1.25% above the 2004 levy failed; three yeas - four nays, Commissioners Fink, Fay, Kron and Nelson. The original motion with a 0%

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levy increase was then approved; seven yeas - zero nays. Resolution No. 494.

Commissioner Kron, supported by Commissioner Fay, moved to go back into a closed session to further discuss possible disciplinary action against 9-1-1 Communications Director Paul Kent. Alan Mitchell, in response to a question from Commissioner Forsman, said once a decision has been made in a closed session, all matters become public. Attorney Mitchell suggested a vote to see if a decision has been made. Commissioner Kron withdrew his motion.

Commissioner Forsman, supported by Commissioner Nelson, moved to approve a resolution directing the Administrator to issue a written reprimand and to adjust the Communication Director's payroll records to accurately reflect his vacation time. Commissioner Kron objected to issuance of the reprimand because of what might be included.

At 3:09 P.M. in the afternoon of Tuesday, September 14, 2004, Chair Raukar moved to recess the Board until 3:15 P.M. on September 14, 2004, in the County Board Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 3:28 P.M. on September 14, 2004, and the regular order of business resumed with all members present.

Paul Kent, Communications Director, declined to answer questions outside of a closed session.

Commissioner Forsman moved to amend his motion by removing the portion of the resolution that referred to issuance of a written reprimand. On advice of County Attorney Mitchell, Commissioner Forsman withdrew his amendment. After lengthy discussion, the resolution failed; three yeas - four nays, Commissioners Fay, Kron, Sweeney and Chair Raukar.

Commissioner Kron, supported by Commissioner Forsman, moved to direct the County Attorney to meet with Paul Kent and discuss the following options: 1) a strong letter of reprimand and reinstatement with Administrative review in three months; or 2) offer of a position in Public Works with no letter of reprimand. Commissioner Fay offered a friendly amendment - accepted by the makers - to shorten the administrative review to sixty days. Commissioner Sweeney offered another friendly amendment - accepted by the makers - to adjust the payroll records to accurately reflect the Communication Director's vacation time. The amended motion was then approved; five yeas - two nays, Commissioner Sweeney and Chair Raukar.

At 3:50 P.M. in the afternoon of Tuesday, September 14, 2004, Chair Raukar moved to recess the Board until 4:30 P.M. on September 14, 2004, in the Commissioners' Conference Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 4:59 P.M. on September 14, 2004, and the regular order of business resumed with all members present.

Commissioner Sweeney, supported by Commissioner Forsman, moved to approve a second consent agenda consisting of all items unanimously passed at the completed Committee of the Whole meeting; seven yeas - zero nays.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Exhibits of state tax forfeited parcel descriptions included in the permanent mining equipment moving road easement to United States Steel Corporation.-58309

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Exhibits of state tax forfeited parcel descriptions included in the permanent railroad right-of-way easement to Hibbing Land Corporation.—58310

Exhibits of state tax forfeited parcel descriptions included in the permanent electrical distribution line right-of-way easement to Minnesota Power.—58311

Operating and Capital Budget for 2005 for St. Louis County.—58312-D

Post Retirement Health Care Savings Plan for Unclassified Support Staff of the St. Louis County Administrator's Office.—04-610

Upon motion of Commissioner Forsman, supported by Commissioner Nelson, Resolutions No. 468 through 491, as submitted to this Board on the Consent Agenda were unanimously adopted as follows with Commissioner Sweeney absent:

BY COMMISSIONER FORSMAN:

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:

Real Estate - Scott Abernathy, \$186.72; Daniel Birch, \$834.62; Jeffrey Braack, \$738.00; Vid Bucar, \$172.40; County Auditor, Cncl. Forfeiture; Bret Ekman, \$169.90; Leanne Ellis, \$446.80; Jeremy Erspamer, \$1,809.90; John Gorkiewicz, \$574.28; Robert Gray, \$164.00; Betty Healy, \$586.98; Bruce Hicks, \$134.70; Sonlund Properties, \$806.04; Lois Thronson, \$911.82.

Personal Property - Alvin Glover, \$33.34; John Hendrickson, \$335.60; Neil Kehoe, \$38.42; Tauno Keveri, \$164.00; Matthew Kolden, \$210.22; Kenneth Kratt, \$258.40; Evelyn Larsen, \$42.00; Steven Lassila, \$43.28; Waylon Miller, \$38.42; Majorie Nelson, \$46.00; Michelle Nikunen, \$222.20; Robert Parker, \$53.60; Adelyn Senarighi, \$55.20; Vintage Acres, \$421.72; Brenda Warren, \$123.64.

Adopted September 14, 2004. No. 468

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated September 3, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

Adopted September 14, 2004. No. 469

RESOLVED, that the St. Louis County Board of Commissioners authorizes the Chairperson of the County Board, County Auditor, and the Health and Human Services Director to sign an agreement with Duluth Regional Care Center to provide professional nursing services to Community Alternative Care Client No. 03. Reimbursement for the services provided shall be from the Minnesota Department of Human Services with no payment of funds being required by St. Louis County.

Adopted September 14, 2004. No. 470

RESOLVED, that the St. Louis County Board of Commissioners authorizes the Chairperson of the Board, County Auditor, and the Public Health and Human Services Director to sign an agreement with the College of St. Scholastica for clinical public health nursing experience for the period September 1, 2004, through August 31, 2007.

Adopted September 14, 2004. No. 471

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RESOLVED, that the St. Louis County Board of Commissioners authorizes the Chairperson of the Board, County Auditor, and the Public Health and Human Services Director to sign an agreement with the Bemidji State University for clinical public health nursing experience for the period September 1, 2004, through August 31, 2007.
Adopted September 14, 2004. No. 472

WHEREAS, the Land Department has reviewed a request of United States Steel Corporation for a permanent mining equipment moving road easement across state tax forfeited land and recommends approval; and

WHEREAS, exercising the easement will not conflict with public use of the land.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Auditor, by the authority vested in him by Minnesota Statutes 282.04, Subdivision 4, is hereby authorized to grant a permanent mining equipment moving road easement to United States Steel Corporation over the state tax forfeited parcel descriptions included in the exhibits provided and can be referenced by County Board File No. 58309. The granting of this easement is conditioned on payment of \$5,375.00 land use fee, \$100.00 administration fee, \$6.00 publication fee, \$19.50 recording fee, for a total cost of \$5,500.50.

Adopted September 14, 2004. No. 473

WHEREAS, the Land Department has reviewed a request of Superior Land Co., LLC, for a permanent road access easement across State Tax Forfeited land and recommends approval; and WHEREAS, there are no reasonable alternatives to obtain access to the Grantee's property; and WHEREAS, exercising the easement will not cause significant adverse environmental or natural resource management impacts.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Auditor, by the authority vested in him by Minnesota Statutes 282.04, Subd. 4a, is hereby authorized to grant a non-exclusive easement for ingress and egress 40 feet in width described as follows: A non-exclusive easement for ingress and egress 40 feet in width across a portion of the SW 1/4 of the SW 1/4, Section 24, Township 63 North, Range 12 West of the 4th Principal Meridian, St. Louis County, Minnesota, the centerline of which is described as follows: Assuming the East line of said SW 1/4 of the SW 1/4 to bear North 00 degrees 06 minutes 07 seconds East and from the Southeast corner of said SW 1/4 of the SW 1/4 run South 88 degrees 43 minutes 22 seconds West along the South line of said SW 1/4 of the SW 1/4, a distance of 25.05 feet to the POINT OF BEGINNING; thence North 00 degrees 06 minutes 07 seconds East a distance of 17.12 feet; thence North 42 degrees 53 minutes 28 seconds East a distance of 36.80 feet to said East line, and there terminate.

The granting of this easement is conditioned on payment of \$30.00 land use fee, \$100.00 administration fee, \$6.00 publication fee, and \$19.50 recording fee, for a total cost of \$155.50.
Adopted September 14, 2004. No. 474

WHEREAS, the Land Department has reviewed a request of Hibbing Land Corporation for a permanent railroad right-of-way easement across state tax forfeited land and recommends approval; and

WHEREAS, exercising the easement will not conflict with public use of the land.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Auditor, by the authority vested in him by Minnesota Statutes 282.04, Subdivision 4, is hereby authorized to grant a permanent railroad right-of-way easement to Hibbing Land Corporation over the state tax forfeited parcel descriptions included in the exhibits provided and can be referenced by the County Board File No. 58310. The granting of this easement is conditioned on payment of \$7,625.00 land use fee, \$100.00 administration fee, and \$6.00 publication fee, \$19.50 recording fee, for a total cost of \$7,750.50.

Adopted September 14, 2004. No. 475

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WHEREAS, the Land Department has reviewed a request of Minnesota Power for a permanent electrical distribution line right-of-way easement across state tax forfeited land and recommends approval;

WHEREAS, exercising the easement will not conflict with public use of the land.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Auditor, by the authority vested in him by Minnesota Statutes 282.04, Subdivision 4, is hereby authorized to grant a permanent electrical distribution line right-of-way easement to Minnesota Power over the state tax forfeited parcel descriptions included in the exhibits provided and can be referenced by the County Board File No. 58311. The granting of this easement is conditioned on payment of \$21,750.00 land use fee, \$100.00 administration fee, \$6.00 publication fee, and \$19.50 recording fee; for a total cost of \$21,875.50.

Adopted September 14, 2004. No. 476

WHEREAS, the road now known as the North White Iron Road was legalized by resolution of the County Board on June 6th, 1935, as a part of the White Iron Road; and

WHEREAS, portions of the White Iron Road were not constructed as described when the road was legalized by resolution of the County Board; and

WHEREAS, the County's interest in the road is not a fee interest.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Minnesota Statutes 163.11, Subdivision 1, the St. Louis County Board of Commissioners hereby establishes the North White Iron Road on the following alignment:

North White Iron Road

Commencing at the East Quarter corner of Section 10, Township 62 North, Range 12 West; thence North 02 degrees 12 minutes 29 seconds East a distance of 2698.72 feet to the Section corner common to Sections 2, 3, 10 and 11, Township 62 North, Range 12 West; thence North 81 degrees 55 minutes 01 seconds East a distance of 63.65 feet to the POINT OF BEGINNING, said POINT OF BEGINNING being located on the easterly right of way line of State Trunk Highway 1; thence North 80 degrees 27 minutes 06 seconds East a distance of 534.22 feet to a point; thence North 67 degrees 48 minutes 42 seconds East a distance of 227.72 feet to a point; thence South 87 degrees 10 minutes 17 seconds East a distance of 194.84 feet to a point; thence North 80 degrees 21 minutes 55 seconds East a distance of 534.89 feet to a point; thence South 74 degrees 33 minutes 09 seconds East a distance of 424.76 feet; thence South 87 degrees 11 minutes 06 seconds East a distance of 402.79 feet to a point; thence North 60 degrees 12 minutes 39 seconds East a distance of 440.47 feet to a point; thence North 88 degrees 15 minutes 30 seconds East a distance of 349.07 feet to a point; thence South 73 degrees 30 minutes 53 seconds East a distance of 659.26 feet to a point; thence South 58 degrees 56 minutes 20 seconds East a distance of 1005.99 feet to a point; thence South 38 degrees 31 minutes 50 seconds East a distance of 181.86 feet to a point; thence South 05 degrees 27 minutes 18 seconds West a distance of 203.70 feet to a point, and there terminating.

RESOLVED FURTHER, that pursuant to Minnesota Statutes 163.11, Subdivision 7, the St. Louis County Board of Commissioners hereby vacates all portions of the following description of the White Iron Road legalized June 6th, 1935, that were never constructed or maintained by St. Louis County: Beginning at County Road No. 21, section corner common to Sections 2, 3, 10 and 11, Township 62, Range 12, and running thence east on present town road a distance of 3/4 mile to County Road No. 655 and there terminating at the north 1/16 corner of the NE 1/4 of Section 11, Township 62, Range 12.

Adopted September 14, 2004. No. 477

WHEREAS, the Somero Road was legalized by resolution of the County Board on July 8th, 1932; and

WHEREAS, portions of the Somero Road were never constructed as described when the road was

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legalized by resolution of the County Board; and
WHEREAS, the County's interest in the road is not a fee interest.
NOW, THEREFORE, BE IT RESOLVED, that pursuant to Minnesota Statutes 163.11, Subdivision 1, the St. Louis County Board of Commissioners hereby establishes the Somero Road on the following alignment.

Somero Road

Commencing at the corner common to Sections 8, 9, 16 and 17, Township 63, Range 12, thence South 88 degrees 50 minutes 51 seconds West, along the plat boundary of St. Louis County Highway Right of Way Plat No. 21, a distance of 286.49 feet to a point; thence North 42 degrees 50 minutes 16 seconds West, along the plat boundary of St. Louis County Highway Right of Way Plat No. 21, a distance of 35.28 feet to the POINT OF BEGINNING of the centerline to be described; thence South 56 degrees 16 minutes 14 seconds West a distance of 1139.79 feet to a point; thence South 56 degrees 03 minutes 15 seconds West a distance of 859.34 feet to a point; thence South 57 degrees 09 minutes, 43 seconds West a distance of 499.07 feet; thence South 71 degrees 45 minutes 05 seconds West a distance of 89.74 feet to a point; thence North 81 degrees 40 minutes 09 seconds West a distance of 62 feet to a point and there terminating.

RESOLVED FURTHER, that pursuant to Minnesota Statutes 163.11, Subdivision 7, the St. Louis County Board of Commissioners hereby vacates all portions of the following description of Somero Road legalized July 8th, 1932, that were never constructed or maintained by St. Louis County: Beginning at the Echo Trail, 200 feet west of the section corner common to Sections 8, 9, 16 and 17, Township 63 Range 12, and running thence southwesterly approximately 3400 feet across Government Lots 1 and 2 to the north and south quarter line of Section 17, thence northerly a distance of approximately 500 feet to Burntside Lake and terminating at Burntside Lake. Adopted September 14, 2004. No. 478

WHEREAS, a portion of the Tek Road, established by resolution of the County Board November 23, 1949, from a part of old Trunk Highway 1 (Tower-Ely Road) turned back by the State of Minnesota to St. Louis County; and

WHEREAS, a portion of this road is no longer necessary for highway purposes, and the adjoining property owners have requested that it be vacated.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Minnesota Statutes 163.11, Subdivision 4, the St. Louis County Board of Commissioners hereby vacates that portion of the Tek Road lying westerly of a line parallel with and 225 feet westerly from the east line of Government Lot 3, Section 32, Township 63 North, Range 12 West, and easterly of the west line of Government Lot 4 of said Section 32.

Adopted September 14, 2004. No. 479

WHEREAS, the Town of Morse has agreed to exchange certain roads with St. Louis County; and WHEREAS, the Public Works Department has reviewed said road exchange and recommends approval; and

WHEREAS, it appears that the exchange is in the best interest of the traveling public.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Minnesota Statutes 163.11, Subdivision 1, the St. Louis County Board of Commissioners hereby establishes the portion of the old Cloquet Line railroad grade (Morse Township Road 4575) from the intersection with the Winton Road to the Lake County line as a county road, one hundred feet in width, said road to be named the Cloquet Line.

RESOLVED FURTHER, that pursuant to Minnesota Statutes 164.15, Subdivision 1, the St. Louis County Board of Commissioners hereby dedicates to the Town of Morse the County's interest in the following roads as they have been constructed and maintained, described as follows:

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Somero Road

Beginning at the Echo Trail and running thence southwesterly across the Southeast Quarter of the Southeast Quarter of Section 8, and across Government Lots 1, 2 and 5, Section 17, Township 63 North, Range 12 West, the centerline of which is more particularly described as follows: Commencing at the corner common to sections 8, 9, 16 and 17, Township 63, Range 12, thence South 88 degrees 50 minutes 51 seconds West, along the plat boundary of St. Louis County Highway Right of Way Plat No. 21, a distance of 286.49 feet to a point; thence North 42 degrees 50 minutes 16 seconds West along the plat boundary of St. Louis County Highway Right of Way Plat No. 21, a distance of 35.28 feet to the POINT OF BEGINNING of the centerline to be described; thence South 56 degrees 16 minutes 14 seconds West a distance of 1139.79 feet to a point; thence South 56 degrees 03 minutes 15 seconds West a distance of 859.34 feet to a point; thence South 57 degrees 09 minutes, 43 seconds West a distance of 499.07 feet; thence South 71 degrees 45 minutes 05 seconds West a distance of 89.74 feet to a point; thence North 81 degrees 40 minutes 09 seconds West a distance of 62 feet to a point and there terminating.

North White Iron Road

Beginning at State Trunk Highway 1 near the corner common to Sections 2, 3, 10 and 11, Township 62 North, Range 12 West and running thence easterly and southeasterly across the South Half of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 2, and the Northeast Quarter of the Northwest Quarter, the North Half of the Northeast Quarter and Government Lot 1 of Section 11, the centerline of which is more particularly described as follows: Commencing at the East quarter corner of Section 10, Township 62 North, Range 12 West; thence North 02 degrees 12 minutes 29 seconds East a distance of 2698.72 feet to the section corner common to Sections 2, 3, 10 and 11, Township 62 North, Range 12 West; thence North 81 degrees 55 minutes 01 seconds East a distance of 63.65 feet to the POINT OF BEGINNING, said POINT OF BEGINNING being located on the easterly right of way line of State Trunk Highway 1; thence North 80 degrees 27 minutes 06 seconds East a distance of 534.22 feet to a point; thence North 67 degrees 48 minutes 42 seconds East a distance of 227.72 feet to a point; thence South 87 degrees 10 minutes 17 seconds East a distance of 194.84 feet to a point; thence North 80 degrees 21 minutes 55 seconds East a distance of 534.89 feet to a point; thence South 74 degrees 33 minutes 09 seconds East a distance of 424.76 feet; thence South 87 degrees 11 minutes 06 seconds East a distance of 402.79 feet to a point; thence North 60 degrees 12 minutes 39 seconds East a distance of 440.47 feet to a point; thence North 88 degrees 15 minutes 30 seconds East a distance of 349.07 feet to a point; thence South 73 degrees 30 minutes 53 seconds East a distance of 659.26 feet to a point; thence South 58 degrees 56 minutes 20 seconds East a distance of 1005.99 feet to a point; thence South 38 degrees 31 minutes 50 seconds East a distance of 181.86 feet to a point; thence South 05 degrees 27 minutes 18 seconds West a distance of 203.70 feet to a point, and there terminating.

Tek Road

That portion of the Tower - Ely Road reverting to St. Louis County since the relocation of State Trunk Highway 1 (now known as State Trunk Highway 169), established as a county road by resolution of the County Board on November 23rd, 1949, more particularly described as follows: All that portion of the Tower-Ely Road lying easterly of a line drawn parallel with and 225 feet westerly from the east line of Government Lot 3, and the northerly right of way line of Trunk Highway 169, all in Government Lot 3 and the Southwest Quarter of Northeast Quarter (SW 1/4 of NE 1/4), Section 32, Township 63 North, Range 12 West.
Adopted September 14, 2004. No. 480

WHEREAS, the Ely Joint Use Facility is one of the projects identified in the County's C.I.P.; and WHEREAS, St. Louis County, the City of Ely, Morse Township and Lake County are in need of a new maintenance facility in the same general geographic area of Ely; and

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WHEREAS, the project includes the construction of a new 69,000 square foot building that will include mechanical shops, warm equipment storage, office space, locker/lunch area, conference room, soils testing lab, records and plan storage and an automated vehicle wash area.

NOW, THEREFORE, BE IT RESOLVED, that the appropriate County officials are hereby authorized to enter into an agreement with the City of Ely, Morse Township and Lake County to provide for cost sharing of the architectural/engineering services for the Ely Joint Use Facility.

Adopted September 14, 2004. No. 481

WHEREAS, the Ely Joint Use Facility is one of the projects identified in the County's C.I.P.; and WHEREAS, St. Louis County, the City of Ely, Morse Township and Lake County are in need of a new maintenance facility in the same general geographic area of Ely; and

WHEREAS, the project includes the construction of a new 69,000 square foot building that will include mechanical shops, warm equipment storage, office space, locker/lunch area, conference room, soils testing lab, records and plan storage and an automated vehicle wash area; and

WHEREAS, requests for proposals were solicited from qualified architectural/engineering firms for the planning, design development & documents, construction documents, detailed cost estimated, bid document preparation, bid evaluation, construction documentation and administration, and project close out of the Ely Joint Use Facility; and

WHEREAS, the evaluation of the four firms that submitted proposals identified Damberg, Scott, Gerzina, Wagner Architects, Inc. as the firm that best met the County's needs for this project.

NOW, THEREFORE, BE IT RESOLVED, that contingent on the approval by the County Attorney, the appropriate County officials are hereby authorized to execute an agreement with Damberg, Scott, Gerzina, Wagner Architects, Inc., to provide architectural/engineering services at a cost not to exceed \$367,000, payable from Fund 400, Agency 400022, Capital Improvement Fund.

Adopted September 14, 2004. No. 482

WHEREAS, the Ely Joint Use Facility is one of the projects identified in the County's C.I.P.; and WHEREAS, St. Louis County, the City of Ely, Morse Township and Lake County are in need of a new maintenance facility in the same general geographic area of Ely; and

WHEREAS, the project includes the construction of a new 69,000 square foot building that will include mechanical shops, warm equipment storage, office space, locker/lunch area, conference room, soils testing lab, records and plan storage and an automated vehicle wash area on a site that is currently owned by the City of Ely; and

WHEREAS, St. Louis County currently owns and operates a maintenance facility on T.H. No. 169 at the west entrance to the City of Ely; and

WHEREAS, it is the desire of both St. Louis County and the City of Ely to exchange ownership of these properties.

NOW, THEREFORE, BE IT RESOLVED, that the appropriate County officials are hereby authorized to enter into a purchase agreement with the City of Ely to provide for the property necessary to construct the proposed Ely Joint Use Facility.

Adopted September 14, 2004. No. 483

WHEREAS, the St. Louis County Board is authorized to act on behalf of Unorganized Townships for purposes of furnishing fire protection services, pursuant to Minnesota Statutes, Section 365.43; and

WHEREAS, the following legally organized corporations under the State of Minnesota have contracted with St. Louis County to provide fire protection in said townships for the year 2005;

NOW, THEREFORE, BE IT RESOLVED, that the County Auditor is hereby authorized to spread said local levies for the furnishing of fire protection in unorganized townships:

City of Babbitt

Unorganized Townships 61-12

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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and 61-13	\$39,900.00
<u>City of Bearville</u>	
Unorganized Township 62-21	\$3,150.00
<u>City of Chisholm</u>	
Unorganized Township 59-21	\$12,338.00
<u>City of Cook</u>	
Unorganized Township 62-17	\$1,050.00
Unorganized Township 63-17	\$4,725.00
<u>City of Ely</u>	
Unorganized Township 64-12	\$1,192.00
Unorganized Township 64-13	\$1,688.00
<u>City of Floodwood</u>	
Unorganized Township 52-21	\$7,614.00
<u>City of Orr</u>	
Unorganized Township 63-19	\$2,520.00
Unorganized Township 66-20	\$6,090.00
<u>Central Lakes</u>	
Unorganized Township 56-17	\$26,250.00
<u>Colvin</u>	
Unorganized Township 55-15	\$8,899.00
<u>Crane Lake</u>	
Unorganized Townships 67-18	\$2,100.00
<u>Evergreen</u>	
Unorganized Townships 60-19 and 60-20	\$14,700.00
<u>French</u>	
Unorganized Township 59-21	\$840.00
<u>Gnesen</u>	
Unorganized Township 53-15	\$8,634.00
<u>Lakeland</u>	
Unorganized Township 57-16	\$47,670.00
<u>Makinen</u>	
Unorganized Township 56-16	\$42,000.00
<u>Northland</u>	
Unorganized Township 53-16	\$13,650.00
<u>Pequaywan Lake</u>	
Unorganized Township 54-13	\$2,625.00

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Pike-Sandy-Britt Region

Unorganized Township 59-16	\$4,646.00
Unorganized Township 60-18	\$15,304.00
Unorganized Township 59-18	\$3,098.00

Silica

Unorganized Township 55-21	\$33,600.00
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Adopted September 14, 2004. No. 484

WHEREAS, Minnesota Laws 1995, Chapter 47, authorizes the County to pool unorganized town road levies levied pursuant to Minnesota Statutes 163.06.

NOW, THEREFORE, BE IT RESOLVED, that the County Board, acting on the behalf of unorganized townships for the purpose of furnishing road maintenance, will adopt and certify an additional maximum levy of \$225,000 for the year 2005 to be levied only in such unorganized townships.

Adopted September 14, 2004. No. 485

WHEREAS, a current Information Specialist III position is vacant and the Planning Department desires to reclassify positions to better meet customer service needs; and

WHEREAS, the requested reapportionment of staff funding does not result in an increase to the number of staff or an increase in the department's current budget.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby revises the Planning Department personnel budget to allow the deletion of an Information Specialist III position and an Information Specialist I position; and the addition of an Information Specialist II position and a Planning Technician position.

Budget Reference: Fund 100 (General Fund), Department 10900 (Planning)

Adopted September 14, 2004. No. 486

WHEREAS, the unclassified support staff of the St. Louis County Administrator's Office wish to participate in a Post-Retirement Health Care Savings Plan ("Plan") as authorized by Minnesota Statutes, Section 352.98;

WHEREAS, Minnesota Statutes, Section 352.98, provides that participation in a Plan may be determined through a personnel policy of the County;

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby approves the St. Louis County Policy adopting a Post-Retirement Health Care Savings Plan for the Unclassified Support Staff of the County Administrator's Office, a copy of which is on file in Contract File No. 04-610, effective September 14, 2004.

Adopted September 14, 2004. No. 487

WHEREAS, it appears that in 1917 two parcels described as follows were intended to be conveyed to the St. Louis County Board of Education but instead were conveyed to St. Louis County:

Parcel A: Beginning at a point 209 feet East from a point 480 feet north from the Southwest corner post of the SW 1/4 of NE 1/4, Section 18, Township 62, Range 18, thence running 135 feet north, thence running Southeasterly along the south bank of the Little Fork River to a point 334 feet east from the west side and 480 feet north from the south side of the SW 1/4 of NE 1/4, Section 18, Township 62, Range 18, thence running 125 feet west to the place of beginning.

Parcel B: Beginning at a point 208 feet 6 inches north from the Southwest corner post of the SW 1/4 of NE 1/4, Section 18, Township 62, Range 18, thence running North 271 feet 6 inches, thence running at right angles 708 feet, East, thence running at right angles 271 feet 6 inches south, thence running at right angles 708 feet west to place of beginning.

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WHEREAS, Parcel B, or a portion thereof, has continuously been used for the purpose of the Cook School; and

WHEREAS, Parcel A was subsequently conveyed back to the previous owner by the St. Louis County Board of Education and then again to a private party and has been in private ownership ever since; and

WHEREAS, a private owner of Parcel A built a garage that subsequently was determined to be on Parcel B being used for the Cook School and a portion of Parcel B was conveyed to that party; and

WHEREAS, a current sale of Parcel A plus a portion of Parcel B depends on recorded interest in the name of I.S.D. No. 2142, the successor to the County Board of Education; and

WHEREAS, Minnesota Statutes, Section 465.035, allows a county to convey its lands without consideration to any governmental subdivision or any public corporation.

NOW, THEREFORE, BE IT RESOLVED, that St. Louis County shall convey by quit claim deed the above described parcels to I.S.D. No. 2142. Independent School District No. 2142 shall pay any deed tax or recording fees.

Adopted September 14, 2004. No. 488

RESOLVED, that the St. Louis County Board of Commissioners authorizes the St. Louis County Sheriff's Office to act as a lead agency for the "Northern St. Louis County Safe and Sober Communities" and apply for the 2005 Safe and Sober Grant through the State of Minnesota, Department of Public Safety.

Adopted September 14, 2004. No. 489

RESOLVED, that a public hearing will be held at 9:35 A.M. on September 28, 2004, in the Morse Town Hall, Ely, Minnesota, for the purpose of considering the granting of an Off-Sale Intoxicating Liquor License to Tucheck, Inc., d/b/a Bear River Viking Bar, Morcom Township.

Adopted September 14, 2004. No. 490

RESOLVED, that the County Board confirms the appointment of Ann Busche as St. Louis County Public Health and Human Services Director, effective September 20, 2004.

RESOLVED FURTHER, that Ann Busche shall be placed at Grade 32, Step C, of the Management Compensation Plan, and shall receive a 2004 annual salary of \$95,071, with all other benefits as provided in the St. Louis County Management Compensation Plan in accordance with her tenure at the County.

Adopted September 14, 2004. No. 491

BY COMMISSIONER FORSMAN:

WHEREAS, John Oberg has filed with the County Auditor a proposal for the exchange of lands; and

WHEREAS, St. Louis County has inspected the private lands and tax forfeited property classified as Class B lands that are the subject of said proposed exchange; and

WHEREAS, a public hearing was held on September 14, 2004, at the St. Louis County Courthouse in Duluth, Minnesota, pursuant to proper notice as required by Minnesota Statutes, Section 94.344, Subdivision 7.

NOW, THEREFORE, BE IT RESOLVED, that the following constitutes the findings of the St. Louis County Board:

1. The parcel of Class B State Tax Forfeited property that is the subject of the proposed exchange is described as follows:

<u>Township-Range</u>	<u>Section</u>	<u>Description</u>	<u>Acres</u>
T64N - R12W	26	W 1/2 - SW 1/4	80

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2. The parcels of private land that is the subject of the proposed exchange is described as follows:

<u>Township-Range</u>	<u>Section</u>	<u>Description</u>	<u>Acres</u>
T65N - R17W	5	That part of Government Lot 6 lying westerly of centerline of township road T65N - R17W	6.3
	5	SW 1/4 - NW 1/4 T65N - R17W	40
	6	S 1/2 - NE 1/4 T65N - R17W	80
	5	G.L. 9	32.4

3. The Class B land proposed for exchange is classified for sale and lies within a zone district which allows all suitable uses of land as required by Minnesota Statutes, Section 94.3444, Subdivision 2.
4. The private land offered to the State of Minnesota to be held in trust in favor of the taxing districts and under the control of St. Louis County is suitable for land management purposes.
5. The St. Louis County Land Department has appraised the properties proposed for exchange. Said appraisals indicated that the parcel to be transferred from the State of Minnesota is valued at \$132,000.00, and the parcel to be transferred from John Oberg to the State of Minnesota is valued at \$156,000.00, resulting in a difference of \$24,000.00. Said appraisals are hereby accepted and adopted by the Board of Commissioners.
6. John Oberg has agreed to waive the \$24,000.00 difference at the time of closing, pursuant to Minnesota Statutes, Section 94.344, Subdivision 6, and has filed a Waiver of Payment for the difference in value.
7. That the County Auditor has posted notice of hearing in the County Auditor's Office on August 11, 2004, said notice containing a description of the lands affected and has caused a copy of such notice to be published in the official newspaper of St. Louis County at least two weeks prior to September 14, 2004, the date of the hearing.
8. That the timber appraisal reports prepared by the St. Louis County Land Department have been reviewed and approved by the Regional Department of Natural Resources Forester.
9. That the land acquired from this exchange would consolidate tax-forfeited ownership in the area and secure a more direct access to approximately 514 acres of County managed land for the benefit of the tax payers of St. Louis County.
10. That the lands received by John Oberg in this exchange are located closer to his residence.
11. That the land offered to the State of Minnesota by John Oberg is more suitable for land management purposes than the lands presently held.
12. That the St. Louis County Board of Commissioners hereby approves and recommends the proposed exchange.

RESOLVED FURTHER, that the County Auditor is directed to submit this proposal for exchange

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of the above described parcels of land to the Commissioner of Revenue as required by Minnesota Statutes, Section 94.344, Subdivision 10.

Yeas - Commissioners Fink, Fay, Kron, Forsman, Nelson, and Chair Raukar - 6

Nays - None

Absent - Commissioner Sweeney - 1

Adopted September 14, 2004. No. 492

WHEREAS, the Land Department has reviewed a request of Taylor Investment Corporation for a private road and utility access easement across State Tax Forfeited land; and

WHEREAS, the Land Department has presented information that there are no reasonable alternatives to obtain access to the Grantee's property; and

WHEREAS, the Land Department has presented information that exercising the easement will not cause significant adverse environmental or natural resource management impacts and will not conflict with public use of land.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board affirms that there is no alternative access to Grantee's property and the easement will not cause adverse environmental or natural resource management impacts and authorizes the St. Louis County Auditor, by authority vested in him by Minnesota Statutes 282.04, Subd. 4 and 4a, to grant a non-exclusive easement for ingress, egress, and utilities 80 feet in width described as follows: Over, under and across Government Lot 3, Section 5, Township 58 North, Range 15 West, St. Louis County, Minnesota, the centerline thereof is described as follows: Commencing at the Northeast corner of said Government Lot 3; thence South 89 degrees 46 minutes 22 seconds West, assumed bearing, along the North line said Government Lot 3 for a distance of 558.28 feet to the point of beginning of the centerline to be herein described; thence South 27 degrees 50 minutes 01 seconds West 102.75 feet; thence South 41 degrees 51 minutes 46 seconds West 452.29 feet; thence South 28 degrees 19 minutes 22 seconds West 422.74 feet; thence South 30 degrees 55 minutes 42 seconds West 133.79 feet; thence Southwesterly 210.75 feet along a tangential curve concave to the Southeast having a radius of 300 feet and a central angle of 40 degrees 15 minutes 00 seconds; thence South 09 degrees 19 minutes 19 seconds East tangent to said curve 100.30 feet, more or less, to the South line of said Government Lot 3 and said centerline there terminating. The sidelines of said easement shall be prolonged or shortened to terminate on North and South lines of said Government Lot 3.

Said easement being subject to reversion to the State in trust for the taxing districts in the event of non-use. The granting of this easement is conditioned on payment of \$7,750.00 land use fee, \$100.00 administration fee, \$6.00 publication fee, and \$19.50 recording fee, for a total cost of \$7,875.50.

Unanimously adopted. September 14, 2004. No. 493

BY COMMISSIONER KRON:

PRELIMINARY 2005 BUDGET

WHEREAS, Minnesota State Statutes, Section 275.07, pertaining to Truth-in-Taxation, requires that St. Louis County certify to the County Auditor a maximum proposed property tax levy for 2005 on or before September 15, 2004.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners adopts the preliminary 2005 Operating and Capital Budget as presented at the September 14, 2004, Board meeting and certifies a maximum proposed property tax levy for 2005 of \$85,340,393 to the St. Louis County Auditor.

FURTHER, BE IT RESOLVED, the St. Louis County Board of Commissioners adopts the 2004 Revised Budget as presented and with the provision that the charges to the Land Department from the Auditor be increased from \$55,000 to \$134,187 to reflect an adjustment in indirect charges for 2004.

FURTHER, BE IT RESOLVED, that the 2004 revised budget be increased as necessary by the amount of any outstanding 2003 purchase orders that become payable as they must be entered into the new accounting system as 2004 purchase orders.

The maximum proposed property tax levy includes the following:

A. County-wide Levy (Non-debt)	
Fund 01 General Fund	\$ 37,677,576
Fund 02 Road & Bridge Fund	16,474,551
Fund 04 Social Services Fund	22,729,153

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Fund 08 Capital Project-Courthouse	1,009,635			
Fund 08B Capital Project-Road & Bridge	<u>217,895</u>			\$ 78,108,810
B. Regional Levy (Non-debt)				
Fund 01 General Fund - Arrowhead				
Regional Library				\$ 534,457
C. Debt service (County-wide)				
1993 Series Fund 37O Refunding Bond	\$ 1,446,795			
Correctional Facilities				
2004 Series Fund 37J ARC Refunding	179,081			
1997 Series Fund 37K Tax Lease Obligation	372,703			
for Law Enforcement Facilities				
1997 Series Fund 37L Tax Lease Obligation	85,902			
for Hibbing Public Works Garage				
2001 Series Fund 37N Capital Improvement Bond	1,249,225			
2002 Series Fund 37P Nursing Home Revenue Bond	118,519			
2002 Series Fund 37Q 2002 Capital Equipment Note	1,123,442			
2004 Series Fund 37R 2004 Capital Equipment Note	815,938			
2004 Series Fund 37S 2004 Capital Improvement Bond	<u>1,305,521</u>			
				\$ 6,697,126
TOTAL PROPERTY TAX LEVY				<u>\$ 85,340,393</u>

BUDGET BY FUND TYPE AND MEANS OF FINANCING INCLUDING PROPERTY TAX LEVIES

Fund	MEANS OF FINANCING				
	Proposed Budget	Use of Fd Bal or Working Capital	Property Tax Levy	Other Sources of Revenue	Total Financing
GENERAL FUND					
General Fund	\$73,210,796	\$600,000	\$38,212,033	\$34,398,763	\$73,210,796
ESG Grant	108,000			108,000	108,000
Total GENERAL FUND	\$73,318,796	\$600,000	\$38,212,033	\$34,506,763	\$73,318,796
SPECIAL REVENUE FUNDS					
Road and Bridge Fund	\$33,933,787	\$1,100,000	\$16,474,551	\$16,359,236	\$33,933,787
Social Service Fund	\$60,519,959		\$22,729,153	\$37,790,806	\$60,519,959
Land Department	\$5,140,743			\$8,226,500	\$8,226,500
Memorial Forests	\$1,231,100	\$731,100		\$500,000	\$1,231,100
Economic Development Fund	\$500,000			\$500,000	\$500,000
CDBG Fund	\$2,800,000			\$2,800,000	\$2,800,000
Home Grant Fund	\$750,000			\$750,000	\$750,000
Total SPECIAL REVENUE	\$104,875,589	\$1,831,100	\$39,203,704	\$66,926,542	\$107,961,346
DEBT SERVICE FUNDS					
Correctional Facilities Refunding Fund 37O	\$1,377,900		\$1,446,795		\$1,446,795
2004 ARC Refunding Bond Fund 37J	\$170,553		\$179,081		\$179,081
97 Law Enforcement					

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Facilities Fund 37K	\$504,955	\$150,000	\$372,703		\$522,703
97 Hibbing Public Works Facility Fund 37L	\$85,902		\$85,902		\$85,902
2001 Capital Improvement Bond Fund 37N	\$1,358,658		\$1,249,225	\$168,920	\$1,418,145
2002 Nursing Home Revenue Bond Fund 37P	\$112,875		\$118,519		\$118,519
2002 Capital Equipment Note Fund 37Q	\$1,069,945		\$1,123,442		\$1,123,442
2004 Capital Equipment Note Fund 37R	\$777,084		\$815,938		\$815,938
2004 Capital Improvement Bond Fund 37S	\$1,243,353		\$1,305,521		\$1,305,521
Total DEBT SERVICE FUNDS	\$6,701,225	\$150,000	\$6,697,126	\$168,920	\$7,016,046
CAPITAL PROJECTS FUNDS					
Road & Bridge Construction Fund 08A	\$23,152,080			\$23,152,080	\$23,152,080
Bldg Construction/Improvement Fund 08B	\$235,000		\$217,895	\$17,105	\$235,000
Courthouse Buildings Fund 08	\$1,044,554		\$1,009,635	\$34,919	\$1,044,554
Total CAPITAL PROJECTS FUNDS	\$24,431,634		\$1,227,530	\$23,204,104	\$24,431,634
ENTERPRISE FUNDS	\$24,129,596	\$1,146,091		\$23,354,168	\$24,500,259
INTERNAL SERVICE FUNDS	<u>\$36,785,328</u>	<u>\$1,505,789</u>	<u> </u>	<u>\$35,653,043</u>	<u>\$37,158,832</u>
TOTAL BUDGET	\$270,242,168	\$5,232,980	\$85,340,393	\$183,813,540	\$274,386,913

MEMO

The Arrowhead Library has a 2005 adopted budget of \$534,457 for which means of financing is a regional property tax levy. This regional property tax is levied against all taxable real and personal property of the County of St. Louis, exclusive of monies and credits and excluding taxable real and personal property of any city or township wherein a free public library is located or which is already taxed for local support of any such library.

The budget expenditure during the fiscal year 2005 in the several departments of St. Louis County, the estimates of receipts from sources other than the monies herein levied, and the estimates of balances remaining in the several funds as of December 31, 2004, all of which are hereinafter itemized, are hereby approved, allowed, levied, and apportioned to the several departments and made a part of the proceedings of this Board as follows:

REVENUES

GENERAL FUND	\$ 73,318,796
Estimated Fund Balance	\$ 600,000
Property Tax	38,212,033
Other Taxes	2,313,968

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Fees and Services	7,057,195
Fines and Forfeitures	824,150
Licenses and Permits	127,070
Other Revenues	4,694,220
Intergovernmental Aid	<u>19,490,160</u>

TOTAL MEANS OF FINANCING **\$ 73,318,796**

Of the foregoing budget allowance, the sum of \$73,318,796 is hereby apportioned to the several departments operating under the General Fund, and pursuant to Chapter 240 of the Laws of Minnesota for 1990, and the rules and regulations thereof, heretofore approved by the Board, there is hereby appropriated from the General Fund for expenditure during the fiscal year of 2005 the sum of \$270,242,168 to the items, in the amounts of hereinafter listed; and said expenditure shall be made by appointed or elected department heads in charge of such items (subject to the fiscal policies of the Board as adopted in the Budget), all of whom are hereby declared to be the encumbrance officers for said items within the meaning of said Chapter 240. The expenditures shall be made for the purpose as shown in the 2005 budget record which is made part of these proceedings by reference, to wit:

Board of County Commissioners	\$ 841,740	
Aid to Other Agencies	997,845	
Administrator		2,940,562
Intergovernmental Affairs	280,448	
Administrative Support Division	440,111	
Labor Relations	<u>45,760</u>	

TOTAL POLICY AND MANAGEMENT **\$ 5,546,466**

Community Development	\$ 234,809
Planning & Zoning	<u>1,226,767</u>

TOTAL PLANNING DEPARTMENT **\$ 1,461,576**

MIS Common Charges	\$ 1,622,204
Veterans' Services	564,658
Employee Development	186,103
Safety Office	<u>489,300</u>

TOTAL ADMINISTRATION **\$ 2,862,265**

Property Management **\$ 5,359,888**

Purchasing	\$ 483,900
Microfilming	<u>203,710</u>

TOTAL PURCHASING **\$ 687,610**

Auditor	\$ 3,931,558
Elections	<u>12,500</u>

TOTAL AUDITOR **\$ 3,944,058**

Reserve for Retired Employees **\$ 975,000**

Civil Service **\$ 1,316,546**

Attorney **\$ 3,724,824**

Assessor **\$ 2,072,137**

Recorder **\$ 1,739,637**

Emergency Communications	\$	2,848,045
Radio Maintenance	<u>461,745</u>	

TOTAL COMMUNICATIONS **\$ 3,309,790**

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Extension Service			\$	710,403
Support Services	\$	1,680,306		
Health Risk Reduction		3,734,108		
Assessment/Evaluation		<u>1,473,454</u>		
TOTAL HEALTH			\$	6,887,868
Court Administrator	\$	3,381,655		
Examiner of Titles		<u>156,081</u>		
TOTAL COURT ADMINISTRATOR			\$	3,537,736
Commitments				\$60,438
Sheriff Patrol	\$	9,818,303		
Boat and Water Safety		126,449		
Medical Examiner		351,100		
Emergency Management		194,941		
Rescue Squad			168,923	
Law Enforcement Services		802,129		
County Jail		<u>7,203,944</u>		
TOTAL SHERIFF			\$	18,665,789
Administration	\$	2,333,716		
Court and Field Services		8,292,121		
Northeast Regional Corrections Center		4,689,486		
Arrowhead Juvenile System			3,036,789	
Grants/Reimbursements		<u>(9,102,038)</u>		
TOTAL ARROWHEAD REGIONAL CORRECTIONS			\$	9,250,074
Mine Inspector	\$	217,049		
Land Survey		<u>881,642</u>		
TOTAL PUBLIC WORKS			\$	1,098,691
Emergency Shelter Grant Fund			\$	108,000
<u>TOTAL GENERAL FUND BUDGET ALLOWANCE</u>			\$	<u>73,318,796</u>
<u>SPECIAL REVENUE FUNDS</u>				
PUBLIC WORKS FUND				
<u>Budget Allowance</u>				
Administration & Engineering	\$	5,670,131		
Road Maintenance		15,121,762		
Equipment & Maintenance Shops		9,638,894		
Road Construction - County		<u>3,503,000</u>		
<u>TOTAL BUDGET ALLOWANCE</u>			\$	<u>33,933,787</u>
<u>Means of Financing</u>				
Use of Fund Balance	\$	1,100,000		
Property Tax		16,474,551		
Fees and Services		215,000		
Licenses and permits		21,000		

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Other Revenue	782,800	
Intergovernmental Aid	<u>15,340,436</u>	
<u>TOTAL MEANS OF FINANCING</u>		\$ 33,933,787

SOCIAL SERVICES FUND

Budget Allowance

Administration and Support Services	\$	8,886,298
Financial Assistance	11,338,470	
Social Services	<u>40,295,191</u>	
<u>TOTAL BUDGET ALLOWANCE</u>		\$ 60,519,959

Means of Financing

Property Tax	\$ 22,729,153	
Fees and Services	1,626,500	
Other Revenue	514,500	
Intergovernmental Aid	<u>35,649,806</u>	
<u>TOTAL MEANS OF FINANCING</u>		\$ 60,519,959

ECONOMIC DEVELOPMENT

Means of Financing

Other Revenue		\$ 500,000
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LAND DEPARTMENT

Means of Financing

Fees and Services	\$ 2,000	
Other Revenue	8,209,500	
Intergovernmental Aid	<u>15,000</u>	
<u>TOTAL MEANS OF FINANCING</u>		\$ 8,226,500

MEMORIAL FORESTS FUND

Means of Financing

Use of Fund Balance	\$ 731,100	
Other Taxes	400,000	
Intergovernmental Aid	<u>100,000</u>	
<u>TOTAL MEANS OF FINANCING</u>		\$ 1,231,100

SPECIAL REVENUE FUND GRANTS

Community Development Block Grant	\$ 2,800,000	
Home Grant	<u>750,000</u>	
<u>TOTAL BUDGET ALLOWANCE</u>		\$ 3,550,000

Means of Financing

Intergovernmental Aid		\$ 3,550,000
<u>TOTAL SPECIAL REVENUE FUNDS BUDGET ALLOWANCE</u>		\$ 104,875,589

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DEBT SERVICE FUNDS

Fund 37J ARC 2004 Refunding Bond	\$ 170,553
Fund 37H Correction Facilities Refunding	1,377,900
Fund 37K Range Lockups	504,955
Fund 37L Hibbing Public Works Maintenance Facility	85,902
Fund 37N 2001 Capital Improvement Bond	1,358,658
Fund 37P 2002 Nursing Home Revenue Bond	112,875
Fund 37Q 2002 Capital Equipment Note	1,069,945
Fund 37R 2004 Capital Equipment Note	777,084
Fund 37S 2004 Capital Improvement Bond	<u>1,243,353</u>

TOTAL BUDGET ALLOWANCE **\$ 6,701,225**

Means of Financing

Use of Fund Balance	\$ 150,000
Other Revenue	\$ 168,920
Property Tax:	
Fund 37J AJC Construction	\$ 179,081
Fund 37H Correction Facilities Refunding	1,446,795
Fund 37K Range Lockups	372,703
Fund 37L Hibbing Public Works Maintenance Facility	85,902
Fund 37N 2001 Capital Improvement Bond	1,249,225
Fund 37P 2002 Nursing Home Revenue Bond	118,519
Fund 37Q 2002 Capital Equipment Note	1,123,442
Fund 37R 2004 Capital Equipment Note	815,938
Fund 37S 2004 Capital Improvement Bond	<u>1,305,521</u>
Total Property Tax	<u>\$ 6,697,126</u>

TOTAL MEANS OF FINANCING **\$ 7,016,046**

CAPITAL IMPROVEMENT FUNDS

Budget Allowance

Courthouse Improvements Fund	\$ 1,044,554
Public Works Department	
Road & Bridge State Aid Projects	\$ 23,152,080
Road & Bridge Building Maintenance	<u>235,000</u>
	\$ 23,387,080

TOTAL BUDGET ALLOWANCE **\$ 24,431,634**

Means of Financing

Property Tax	\$ 1,227,530
Other Revenue	3,026,320
Intergovernmental Aid	<u>20,177,784</u>

TOTAL MEANS OF FINANCING **\$ 24,431,634**

ENTERPRISE FUNDS

Budget Allowance

Chris Jensen Health & Rehabilitation Center	\$ 14,657,960	
Solid Waste		
Solid Waste Management/Recycling	\$	2,816,339
Solid Waste Service Areas	<u>3,671,960</u>	
	\$ 6,488,299	
Other		
Community Foods	\$ 1,268,786	
Laundry	849,567	

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Supervised Living Facilities	864,984	
	\$ 2,983,337	

TOTAL BUDGET ALLOWANCE **\$ 24,129,596**

Means of Financing

Chris Jensen Health & Rehabilitation Center		
Use of General Fund Fund Balance	\$	475,720
Fees and Services	14,113,969	
Other Revenue	21,159	
Intergovernmental Aid	47,112	
	\$ 14,657,960	

Solid Waste		
Use of Fund Balance	\$ 570,369	
Fees and Services	4,939,000	
Licenses and Permits	2,500	
Other Revenue	517,000	
Intergovernmental Aid	459,430	
	\$ 6,488,299	

Other		
Use of Fund Balance	\$ 100,002	
Fees and Services	1,797,408	
Other Revenue	4,500	
Intergovernmental Aid	1,452,090	
	\$ 3,354,000	

TOTAL MEANS OF FINANCING **\$ 24,500,259**

INTERNAL SERVICE FUNDS

Budget Allowance

Central Services Fund-Printing	\$ 579,408	
Motor Pool Fund	\$ 1,922,917	
Insurance Funds		
Property, Casualty, Liability	\$ 410,000	
Workers Compensation	\$ 3,123,513	
Self-Insurance - Medical/Dental	\$ 24,761,087	
	\$ 28,294,600	
Management Information Systems Fund	\$ 4,366,053	
Telecommunications Fund	\$ 1,622,350	

TOTAL BUDGET ALLOWANCE **\$ 36,785,328**

Means of Financing

Central Services Fund		
Use of Working Capital	\$ 0	
Fees and Services	\$ 579,408	
	\$ 579,408	

Motor Pool Fund		
Use of Working Capital	\$ 178,171	
Fees and Services	\$ 1,712,989	
Other Revenue	\$ 30,000	
Intergovernmental Aid	\$ 1,757	
	\$ 1,922,917	

Insurance Funds		
Use of Working Capital	\$ 1,015,629	
Fees and Services	\$ 26,890,473	

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Other Revenue	\$	278,964	
Intergovernmental Revenue	\$	400,000	
		28,585,066	
Management Information Systems Fund			
Use of Working Capital	\$	0	
Fees and Services	\$	4,437,339	
Intergovernmental Aid	\$	11,752	
		4,449,091	
Telecommunications			
Use of Working Capital	\$	311,989	
Fees and Services	\$	1,308,914	
Intergovernmental Aid	\$	1,447	
		1,622,350	
<u>TOTAL MEANS OF FINANCING</u>			\$ 37,158,832
Unanimously adopted. September 14, 2004. <u>No. 494</u>			

RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF \$13,785,000 GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2004A; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND AWARDING THE SALE THEREOF

BE IT RESOLVED, by the Board of Commissioners (the "Board") of St. Louis County, Minnesota (the "County"), as follows:

Section 1. Purpose and Authorization.

1.01 Under and pursuant to the provisions of Minnesota Statutes, Section 373.40 and Minnesota Statutes, Chapter 475 (collectively, the "Act"), the County is authorized to issue its general obligation bonds to fund capital improvements pursuant to an approved capital improvement plan.

1.02 Pursuant to the Act, the Board has authorized preparation of a capital improvement plan for the years 2004 through 2009 (the "Plan").

1.03 The Board held a public hearing on the proposed Plan and approved the Plan on April 6, 2004. The Plan was deemed approved and effective pursuant to the Act, as the Commissioner did not disapprove the Plan within 90 days after its submission.

1.04 On July 27, 2004 and continued on August 3, 2004, the Board held a public hearing on the issuance of bonds in an amount not to exceed \$19,900,000, in one or more series, to provide funds for the following capital improvements under the Plan:

- (a) Courthouse Improvements -- including the Duluth Courthouse HVAC upgrades, Phase II;
- (b) Administrative Building Improvements -- including Duluth Government Services Center HVAC replacement and roof repair; and the Hibbing Annex Building remodeling;
- (c) Health and Social Services Facilities Improvements -- including Chris Jensen Home capital repairs and improvements;
- (d) Road and Bridge Improvements -- including Duluth motor pool facility repairs and improvements; and Ely joint maintenance facility; and
- (e) Law Enforcement Center -- including new sheriff's office administration building and 911 dispatch operations center

(collectively, the "Project").

1.05 No petition requesting a vote on the issuance of the Bonds has been filed with the County Auditor in accordance with the Act.

1.06 Pursuant to Resolution of the Board adopted on August 3, 2004, the Board has determined that it is necessary and expedient to issue the initial series of the Bonds, namely the \$13,785,000 General Obligation Capital Improvement Bonds, Series 2004A, of the County (the "Bonds") to provide funds to finance a portion of the Project and the costs of issuance of the Bonds.

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The maximum amount of principal and interest to become due in any year on the Bonds and all the outstanding bonds issued pursuant to Section 373.40 of the Act will not exceed 0.05367 percent of taxable market value of property in the County.

1.07 The County has solicited bids for the sale of the Bonds and has received and considered all bids presented pursuant to the Official Terms of Offering and has determined that the most favorable bid is that of J.P. Morgan Securities, Inc. of Chicago, Illinois (the "Purchaser"), to purchase the Bonds at a cash price of \$13,732,502.25, plus accrued interest on the total principal amount from October 1, 2004, to the date of delivery of the Bonds (the "Accrued Interest") and upon condition that the Bonds mature and bear interest at the times and annual rates set forth in Section 2. The County, after due consideration, finds such offer reasonable and proper and the offer of the Purchaser is hereby accepted. The Chair and the County Auditor are authorized and directed to execute on the part of the County a contract for the sale of the Bonds in accordance with the Purchaser's bid. All actions of the Chair and the County Auditor and Public Financial Management, Inc., independent financial advisor to the County, taken with regard to the sale of the Bonds are hereby ratified and approved.

Section 2. Terms, Execution, and Delivery of the Bonds.

2.01 The Bonds to be issued hereunder shall be dated October 1, 2004, shall be issued in the denomination of \$5,000, or any integral multiple thereof, in fully registered form and lettered and numbered R-1 and upward. The Bonds shall mature on December 1 in the respective years and amounts stated and shall bear interest at the annual rates as follows:

Year	Amount	Interest Rate
2005	\$640,000	3.00%
2006	745,000	3.00
2007	765,000	3.00
2008	785,000	3.00
2009	810,000	3.25
2010	840,000	3.25
2011	865,000	3.50
2012	900,000	3.50
2013	930,000	3.50
2014	970,000	3.50
2015	1,010,000	3.75
2016	1,055,000	3.75
2017	1,100,000	4.00
2018	1,155,000	4.00
2019	1,215,000	4.00

2.02 The Bonds maturing in the years 2005 through 2013 shall not be subject to redemption and prepayment before maturity, but those maturing in the year 2014 and in subsequent years shall each be subject to redemption and prepayment at the option of the County on December 1, 2013, and on any day thereafter, in whole or in part, and if in part, at the option of the County and in such manner as the County shall determine, at a price of par plus accrued interest.

2.03 The interest shall be payable semiannually on June 1 and December 1 in each year (each referred to herein as an "Interest Payment Date"), commencing June 1, 2005. Interest will be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The Bond Registrar designated below shall make all interest payments with respect to the Bonds by check or draft mailed to the registered owners of the Bonds shown on the bond registration records maintained by the Bond Registrar at the close of the business on the 15th day (whether or not on a business day) of the month next

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preceding the Interest Payment Date at such owners' addresses shown on such bond registration records.

2.04 A. The Bonds shall be prepared for execution in accordance with the approved form and shall be signed by the facsimile or manual signature of the Chair and attested by the manual signature of the County Auditor. In case any officer whose signature shall appear on the Bonds shall cease to be an officer before delivery of the Bonds, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

B. The County Auditor is authorized and directed to obtain a copy of the proposed approving legal opinion of Fryberger, Buchanan, Smith & Frederick, P.A., Duluth, Minnesota, which is to be complete except as to dating thereof and cause the opinion to be printed on or attached to each Bond, and if the legal opinions are not each manually executed, together with a certificate to be signed by the manual or facsimile signature of the County Auditor in substantially the form set forth in Section 3.01 hereof, but only if the opinion is not manually executed. The County Auditor is authorized and directed to execute the certificate in the name of the County upon receipt of the opinion and to file the opinion in the County offices.

2.05 The Board of hereby appoints the County Auditor, as registrar, authenticating agent, paying agent and transfer agent for the Bonds (the "Bond Registrar"). The County reserves the right to name a substitute, successor Bond Registrar upon giving prompt written notice to each registered bond holder. The manual signature of the County Auditor on the Bonds shall be conclusive evidence that it has been executed and delivered under this Resolution.

2.06 A. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations executed by the County and DTC (the "Representation Letter").

B. All of the Bonds shall be registered in the name of Cede & Co., as nominee for DTC. Payment of interest on and principal of any Bond registered in the name of Cede & Co. shall be made by wire transfer or New York Clearing House or equivalent same day funds by 10:00 a.m. CT or as soon as possible thereafter following the Bond Registrar's receipt of funds from the County on each Interest Payment Date to the account of Cede & Co. on each Interest Payment Date at the address indicated in or pursuant to the Representation Letter.

C. Additional matters with respect to, among other things, notices, consents and approvals by Bondholders and payments on the Bonds are set forth in the Representation Letter.

2.07 A. The County shall cause to be kept by the Bond Registrar a bond register in which, subject to such reasonable regulations as the Bond Registrar may prescribe, the County shall provide for the registration of the Bonds and the registration of transfers of the Bonds entitled to be registered or transferred as herein provided. In the event of the resignation or removal of the Bond Registrar or its incapability of acting as such, the bond registration records shall be maintained at the office of the successor Bond Registrar as may be appointed by the County Board.

B. Upon surrender for transfer of any Bond at the principal corporate office of the Bond Registrar, the County shall execute and the Bond Registrar shall authenticate, if required by law or this Resolution, and deliver, in the name(s) of the designated transferee or transferees, one or more new Bonds of the like aggregate principal amount, as requested by the transferor.

C. At the option of the registered owners, the Bonds may be exchanged for other Bonds of any authorized denominations, of a like aggregate principal amount, maturing upon the same date, upon surrender of the Bonds to be exchanged at the principal corporate office of the Bond Registrar. Whenever any Bonds are so surrendered for exchange, the County shall execute, and the Bond Registrar shall authenticate, if required by law or this Resolution, and deliver the Bonds which the registered owner making the exchanges is entitled to receive.

D. All Bonds surrendered upon the exchange provided for in this Resolution shall be promptly canceled by the Bond Registrar and thereafter disposed of as directed by the County.

E. All Bonds issued in exchange for or upon transfer of the Bonds shall be valid obligations of the County evidencing the same debt, entitled to the same benefits under this

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Resolution, as the Bonds surrendered for such exchange or transfer.

F. Every Bond presented for a transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the County and the Bond Registrar, duly executed by the registered owner thereof or owner's attorney duly authorized in writing.

G. The County may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of the Bonds, other than exchange expressly provided in this Resolution to be made without expense or without charge to the registered owner.

H. If a Bond becomes mutilated or is destroyed, stolen or lost, the Bond Registrar will deliver a new bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Bond Registrar and the County in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Bond Registrar and the County of evidence satisfactory to them that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Bond Registrar and the County of an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the County and the Bond Registrar must be named as obligees. Bonds so surrendered to the Bond Registrar will be canceled by the Bond Registrar and evidence of such cancellation must be given to the County. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms, it is not necessary to issue a new Bond prior to payment.

I. In the event any of the Bonds are called for redemption, notice thereof identifying the Bonds to be redeemed will be given by the Bond Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) at least 30 days prior to the date fixed for redemption to the registered owner of each Bond to be redeemed at the address shown on the registration books kept by the Bond Registrar; provided however, that so long as the Bonds are registered in the name of Cede & Co., notice of redemption shall be given in accordance with the terms of the Representation Letter. Failure to give notice by mail to any registered owner, or any defect therein, will not affect the validity of any proceeding for the redemption of Bonds not affected by such defect or failure. Bonds so called for redemption will cease to bear interest after the specified redemption date, provided that the funds for the redemption are on deposit with the place of payment at that time.

J. If less than all the Bonds of a maturity are called for redemption while the Bonds are registered in the name of Cede & Co., the County or the Bond Registrar designated below will notify DTC of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interest in such maturity to be redeemed. If less than all the Bonds of a maturity are called for redemption and the Bonds are not registered in the name of Cede & Co., the Bond Registrar will determine by lot or other manner deemed fair, the amount of each maturity to be redeemed. All prepayments shall be at a price equal to the principal amount thereof plus accrued interest.

2.08 Each Bond delivered upon transfer of or in exchange for or in lieu of any other Bond shall carry all of the rights to interest, accrued and unpaid and to accrue, which are carried by such other Bond. Each Bond shall be dated by the Bond Registrar as of the date of its authentication or manual execution, as the case may be. The County and the Bond Registrar shall not be required to make any transfer or exchange of any Bonds called for redemption or to make any such exchange or transfer of the Bonds during the 15 days next preceding the date of the first publication or the mailing (if there is no publication) of notice of redemption in the case of a proposed redemption of the Bonds.

2.09 The County and the Bond Registrar may treat the person in whose name any Bond is registered as the owner of such Bond for the purpose of receiving payment of principal of and

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interest on such Bond and for all other purposes whatsoever, whether or not such Bond be overdue, and neither the County nor the Bond Registrar shall be affected by notice to the contrary.

2.10 The principal of and interest on the Bonds shall be payable by the Bond Registrar, as paying agent, in such funds as are legal tender for the payment of debts due the United States of America. The County shall pay the reasonable and customary charges of the Bond Registrar for the disbursement of principal and interest.

2.11 Delivery of the Bonds and payment of the purchase price shall be made at a place mutually satisfactory to the County and the Purchaser. Printed or typewritten and executed Bonds shall be furnished by the County without cost to the Purchaser. The Bonds, when prepared in accordance with this Resolution and executed, shall be delivered by or under the direction of the County Auditor to the Purchaser thereof upon receipt of the purchase price plus accrued interest.

Section 3. Form of the Bonds.

3.01 The Bonds shall be printed or typewritten in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA

ST. LOUIS COUNTY

GENERAL OBLIGATION CAPITAL IMPROVEMENT BOND,
SERIES 2004A

R-_____ \$_____

<u>Rate</u>	<u>Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%	December 1, _____	October 1, 2004	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

St. Louis County, Minnesota (the "County"), for value received, promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above, on the maturity date specified above, and to pay interest on said principal amount to the registered owner hereof from October 1, 2004, or from the most recent Interest Payment Date to which interest has been paid or duly provided for, until the principal amount is paid or discharged, said interest being at the rate per annum specified above. Interest is payable semiannually on June 1 and December 1 of each year (each referred to herein as an "Interest Payment Date") commencing on June 1, 2005. Both principal hereof and interest hereon are payable in lawful money of the United States of America by check or draft at the main office of the County Auditor, as registrar, paying agent, authenticating agent and transfer agent (the "Bond Registrar"), or at the office of such successor registrar as may be designated by the Board of Commissioners. The Bond Registrar shall make all interest payments with respect to this Bond directly to the registered owner hereof shown on the bond registration records maintained on behalf of the County by the Bond Registrar at the close of business on the 15th day of the month next preceding the Interest Payment Date (whether or not a business day) at such owner's address shown on said bond registration records, without, except for payment of principal on the Bond, the presentation or surrender of this Bond, and all such payments shall discharge the obligations of the County to the extent of the payments so made. Payment of principal shall be made upon presentation and surrender of this Bond to the Bond Registrar when due. For the prompt and full payment of such principal and interest as they become

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due, the full faith and credit of the County are irrevocably pledged.

This Bond is one of a series issued by the County in the aggregate amount of \$13,785,000, all of like date and tenor, except as to number, amount, maturity date and interest rate, pursuant to the authority contained in Minnesota Statutes, Section 373.40 and Minnesota Statutes, Chapter 475, the County's approved Capital Improvement Plan for the years 2004 through 2009 (the "Plan") and all other laws thereunto enabling, and pursuant to an authorizing resolution adopted by the governing body of the County on September 14, 2004 (the "Resolution"). This Bond is issued for the purpose of providing funds to finance courthouse improvements, administration building improvements, health and social services facilities improvements, road and bridge improvements and construction of law enforcement center facilities, as more fully set forth in the Plan. The County has levied a direct, annual ad valorem tax upon all taxable property within the County which shall be extended upon the tax rolls for the years and in the amounts sufficient to produce sums not less than five percent in excess of the amounts of principal and interest on the Bonds, as such principal and interest respectively come due.

The Bonds of this series maturing in the years 2005 through 2013 are not subject to optional redemption before maturity, but those maturing in the year 2014 and in subsequent years are each subject to redemption and prepayment at the option of the County on December 1, 2013, and on any day thereafter, in whole or in part, and if in part at the option of the County and in such manner as the County shall determine and by lot as to Bonds maturing in the same year, at a price of par plus accrued interest. Not less than 30 days prior to the date fixed for redemption and prepayment of any Bonds, notice of redemption shall be mailed to each registered owner of a Bond to be redeemed; however, so long as the Bonds are registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"), notice of redemption shall be given in accordance with the terms of the Blanket Issuer Letter of Representations executed by the County and DTC. If any Bond is redeemed in part, upon surrender of the Bond being redeemed, the County shall deliver or cause to be delivered to the registered owner of such Bond, a Bond in like form in the principal amount equal to that portion of the Bond so surrendered not being redeemed.

The Bonds of this series are issued as fully registered obligations without coupons, in the denomination of \$5,000 or any integral multiple thereof. Subject to limitations set forth in the Resolution, the County will, at the request of the registered owner, issue one or more new fully registered Bonds in the name of the registered owner in the aggregate principal amount equal to the unpaid principal balance of this Bond, and of like tenor except as to number and principal amount. This Bond is transferable by the registered owner hereof upon surrender of this Bond for transfer at the principal corporate office of the Bond Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Bond Registrar and executed by the registered owner hereof or the owner's attorney duly authorized in writing. Thereupon the County shall execute and the Bond Registrar shall authenticate if required by law or the Resolution, and deliver, in exchange for this Bond, one or more new fully registered Bonds in the name of the transferee, of an authorized denomination, in an aggregate principal amount equal to the unpaid principal amount of this Bond, of the same maturity, and bearing interest at the same rate. No service charge shall be made for any transfer or exchange hereinbefore referred to but the County may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection therewith.

IT IS CERTIFIED AND RECITED that all acts and conditions required by laws and the Constitution of the State of Minnesota to be done and to exist precedent to and in the issuance of this Bond, in order to make it a valid and binding general obligation of the County in accordance with its terms, have been done and do exist in form, time and manner as so required; that all taxable property within the corporate limits of the County is subject to the levy of ad valorem taxes to the

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extent needed to pay the principal hereof and the interest thereon when due, without limitation as to rate or amount; and that the issuance of this Bond does not cause the indebtedness of the County to exceed any charter, constitutional or statutory limitation.

IN WITNESS WHEREOF, St. Louis County, Minnesota, by its governing body, has caused this Bond to be executed in its name by the manual or facsimile signatures of the Chair and the County Auditor.

Date of Execution: _____

ATTEST:

(signature)
County Auditor

(signature)
Chair

Certificate as to Legal Opinion

I certify that the above is a full, true and correct copy of the legal opinion rendered by Bond Counsel on the issuance of the Bonds, dated as of the date of delivery of and payment for the Bonds.

(signature)
County Auditor

REGISTRATION CERTIFICATE

This Bond must be registered as to both principal and interest in the name of the owner on the books to be kept by the County Auditor of St. Louis County, Minnesota, as Bond Registrar. No transfer of this Bond shall be valid unless made on said books by the registered owner or the owner's attorney thereunto duly authorized and similarly noted on the registration books. The ownership of the unpaid principal balance of this Bond and the interest accruing thereon is registered on the books of the County Auditor in the name of the registered owner last noted below.

<u>Date</u>	<u>Registered Owner</u>	<u>Signature of County Auditor</u>
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	Cede and Co. c/o The Depository Trust Company 55 Water Street New York, NY 10041 Federal Taxpayer I.D. No. 13-2555119	
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ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto _____

_____ Social Security or Other
Identifying Number of Assignee

(Name and Address of Assignee)

the within Bond and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated:

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears upon the fact of the within Bond with every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

(Bank, Trust Company, member of
National Securities Exchange)

Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the County or its agent for registration of transfer, exchange, or payment, and any Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL, inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

Section 4. Covenants, Accounts and Representations.

4.01 The full faith and credit and taxing power of the County are irrevocably pledged for the prompt and full payment of the Bonds and the interest thereon, in accordance with the terms set forth in this Resolution.

4.02 On receipt of the purchase price of the Bonds, the County shall credit the proceeds from the sale of the Bonds less: (i) the amount to be used to pay part of the interest costs of the issue, if any (the "Capitalized Interest"); (ii) the Accrued Interest to a separate construction fund, which is hereby created and designated as the "Series 2004 Capital Improvement Bonds Construction Account in the Capital Projects Fund (the "Construction Fund"). The Construction Fund shall be used solely to pay costs of construction of the Project, and costs of issuance of the Bonds, as such payments become due.

4.03 A separate debt service fund is hereby created and is designated as the "General Obligation Capital Improvement Bonds, Series 2004, Debt Service Fund" (the "Debt Service

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Fund"). The money in the Debt Service Fund shall be used for no purpose other than the payment of principal of and interest on the Bonds issued hereunder, as such principal and interest becomes due and payable. The County shall credit to the Debt Service Fund the Accrued Interest and the Capitalized Interest.

4.04 A. To assure sufficient monies for the payment of the principal of and interest on the Bonds, there is hereby levied a direct, annual, ad valorem tax upon all taxable property in the County which shall be extended upon the tax rolls and collected with and as part of the other general property taxes in the County for the years and in the amounts as follows:

Levy Year	Collection Year	Tax Levy
2004	2005	\$1,267,579.69
2005	2006	1,272,586.88
2006	2007	1,270,119.38
2007	2008	1,267,021.88
2008	2009	1,268,544.38
2009	2010	1,272,403.13
2010	2011	1,269,988.13
2011	2012	1,274,949.38
2012	2013	1,273,374.38
2013	2014	1,281,196.88
2014	2015	1,287,549.38
2015	2016	1,295,030.63
2016	2017	1,300,740.00
2017	2018	1,312,290.00
2018	2019	1,326,780.00

B. The tax levies are such that if collected in full they, together with the Capitalized Interest, if any, and Accrued Interest, will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Bonds. Such tax receipts shall be deposited in the Debt Service Fund. If the tax receipts from such levies are ever insufficient to pay all principal and interest on the Bonds when due, the County Auditor shall, nevertheless, provide sufficient monies from other funds of the County which are available and such other funds shall be reimbursed from such tax collections when received.

C. Such tax levies shall be irrevocable as long as any of the Bonds issued hereunder are outstanding and unpaid; provided, however, that prior to November 30 of each year, while any Bonds issued hereunder remain outstanding, the Board may reduce or cancel the above levies to the extent of the amount on deposit in and which has been appropriated to the Debt Service Fund to pay the principal of and interest on the Bonds, and may direct the County Auditor to reduce the levy for such year by that amount.

4.05 Monies on deposit in the Construction Fund and in the Debt Service Fund may, at the discretion of the County, be invested in securities permitted by Minnesota Statutes, Chapter 118A; provided, that any such investments shall mature at such times and in such amounts as will permit for payment of the principal and interest on the Bonds when due.

Section 5. Tax Covenants.

5.01 The County covenants and agrees with the holders of the Bonds that the County will (i) take all action on its part necessary to assure that the interest on the Bonds will be excluded from gross income for federal income taxes including, without limitations, restricting, to the extent necessary, the yield on investments made with the proceeds of the Bonds and investment earnings thereon, making required payments to the federal government, if any, and maintaining books and records in a specified manner, where appropriate, and (ii) refrain from taking any action which

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would cause interest on the Bonds to be subject to federal income taxes, including, without limitation, refraining from spending the proceeds of the Bonds and investment earnings thereon on certain specified purposes.

5.02 A. No portion of the proceeds of the Bonds shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except (i) for a reasonable temporary period until such proceeds are needed for the purpose for which the Bonds were issued, and (ii) in addition to the above, in an amount not greater than the lesser of five percent of the proceeds of the Bonds or \$100,000. To this effect, any proceeds of the Bonds and any sums from time to time held in the Debt Service Fund (or any other County account which will be used to pay principal and interest to become due on the Bonds) in excess of amounts which under the applicable federal arbitrage regulations may be invested without regard as to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by the arbitrage regulations on such investments after taking into account any applicable temporary periods of minor portion made available under the federal arbitrage regulations.

B. In addition, the proceeds of the Bonds and money in the Debt Service Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Bonds to be federally guaranteed within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended (the "Code").

C. The County hereby covenants not to use the proceeds of the Bonds, or to cause or permit them to be used, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

5.03 A. Pursuant to Section 1.148-7(d) of the Treasury Regulations, relating to the 18-month spending arbitrage rebate exception, the County reasonably expects that with respect to the gross proceeds of the Bonds, the following schedule will be met: (i) at least 15% of the gross proceeds of the Bonds will be allocated to expenditures for the governmental purpose of the Bonds within six months of the date of issue of the Bonds; (ii) at least 60% of such proceeds will be allocated for such purposes within the one year period of such date; and (iii) 100% of such proceeds will be allocated for such purposes within the 18 month period beginning on such date; subject to an exception for reasonable retainage of 5% of the available proceeds of the Bonds, and that 100% of the available proceeds of the Bonds will be allocated within 30 months from the date of issue of the Bonds.

B. The County shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this section.

Section 6. Miscellaneous.

6.01 The County Auditor is directed to file a certified copy of this Resolution and such other information as may be required, and to provide to bond counsel a certificate stating that the Bonds herein authorized have been duly entered on his register.

6.02 The officers of the County are authorized and directed to prepare and furnish to the Purchaser and to bond counsel, certified copies of all proceedings and records of the County relating to the legality and marketability of the Bonds, as such facts appear from the official books and records in the officers' custody or are otherwise known to them. All such certified copies, Bonds, and affidavits, including any heretofore furnished, constitute representations of the County as to the correctness of the facts recited therein and the action stated therein to have been taken.

6.03 The Chair and the County Auditor are hereby authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Bonds and that to the best of their knowledge and belief the Official Statement is a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement.

6.04 In the event of the absence or disability of the Chair or the County Auditor, such officers

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as in the opinion of the County Attorney, may act in their behalf, shall without further act or authorization, execute and deliver the Bonds, and do all things and execute all instruments and documents required to be done or executed by such absent or disabled officers.

Section 7. Continuing Disclosure. The County acknowledges that the Bonds are subject to the continuing disclosure requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (the "Rule"). The Rule governs the obligations of certain underwriters to require that issuers of municipal bonds enter into agreements for the benefit of the bondholders to provide continuing disclosure with respect to the bonds. To provide for the public availability of certain information relating to the Bonds and the security therefor and to permit underwriters of the Bonds to comply with the Rule, which will enhance the marketability of the Bonds, the Chair and the County Auditor are hereby authorized and directed to execute a Continuing Disclosure Certificate substantially in the form of the Certificate currently on file in the office of the County Auditor.

Unanimously adopted. September 14, 2004. No. 495

RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF \$2,900,000 GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2004B, OF ST. LOUIS COUNTY, MINNESOTA; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND AWARDING THE SALE THEREOF.

BE IT RESOLVED, by the Board of County Commissioners of St. Louis County, Minnesota (the "County"), as follows:

Section 1. Note Purpose and Authorization.

1.01 Under and pursuant to the provisions of Minnesota Statutes, Section 373.01 and Minnesota Statutes, Chapter 475, the County is authorized to issue its general obligation capital equipment notes to provide funds to purchase capital equipment.

1.02 The Board of County Commissioners of the County hereby determines that it is necessary and expedient to issue \$2,900,000 General Obligation Capital Equipment Notes, Series 2004B, of the County (the "Notes") to provide funds to purchase capital equipment, to pay certain expenses incurred in the issuance of the Notes and to pay a portion of the interest cost of the issue.

1.03 The County has solicited bids for the sale of the Notes and has received and considered all bids presented pursuant to the Official Terms of Offering and has determined that the most favorable bid is that of Cronin & Co., Inc. of Minneapolis, Minnesota (the "Purchaser"), to purchase the Notes at a cash price of \$2,913,947.10, plus accrued interest on the total principal amount from October 1, 2004, to the date of delivery and upon the terms and conditions hereafter specified in this Resolution. The Board of County Commissioners, after due consideration, finds such bid reasonable and proper and the bid of the Purchaser is hereby accepted. The Chair and the County Auditor are hereby authorized and directed to execute on the part of the County a contract for the sale of the Notes in accordance with the Purchaser's bid, and to acknowledge receipt of the check given for the security of the bid. All actions of the Chair and the County Auditor and Public Financial Management, Inc., independent financial advisor to the County, taken with regard to the sale of the Notes are hereby ratified and approved.

Section 2. Terms of the Notes.

2.01 The Notes to be issued hereunder shall be dated October 1, 2004, as the date of original issue, shall be issued in the denomination of \$5,000, or any integral multiple thereof, in fully registered form and lettered and numbered R-1 and upward. The Notes shall bear interest at the annual rates and shall mature on December 1 in the years and amounts shown below:

YEAR	AMOUNT	INTEREST RATES
2005	\$695,000	2.00%

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2006	715,000	2.00
2007	735,000	2.50
2008	755,000	3.00

2.02 The Notes shall not be subject to redemption and prepayment before maturity.

2.03 The interest shall be payable semiannually on June 1 and December 1 in each year (the "Interest Payment Dates"), commencing on June 1, 2005. Interest will be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The County Auditor shall make all interest payments with respect to the Notes by check or draft mailed to the registered owners of the Notes shown on the bond registration records maintained by the County Auditor at the close of business on the 15th day (whether or not on a business day) of the month next preceding the Interest Payment Date at such owners' addresses shown on such bond registration records.

2.04 A. The Notes shall be prepared for execution in accordance with the approved form and shall be signed by the facsimile or manual signature of the Chair and attested by the manual signature of the County Auditor. In case any officer whose signature shall appear on the Notes shall cease to be an officer before delivery of the Notes, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

B. The County Auditor is authorized and directed to obtain a copy of the proposed approving legal opinion of Fryberger, Buchanan, Smith & Frederick, P.A., Duluth, Minnesota, which is to be complete except as to dating thereof and cause the opinion to be attached to each Note, together with a certificate to be signed by the manual or facsimile signature of the County Auditor in substantially the form set forth in Section 3.01 hereof, but only if the opinion is not manually executed. The County Auditor is authorized and directed to execute the certificate in the name of the County upon receipt of the opinion and to file the opinion in the County offices.

2.05 The Board of County Commissioners hereby appoints the County Auditor, as registrar, authenticating agent, paying agent and transfer agent for the Notes (the "Note Registrar"). The

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County reserves the right to name a substitute, successor Note Registrar upon giving prompt written notice to each registered note holder. The manual signature of the County Auditor on the Notes shall be conclusive evidence that it has been executed and delivered under this Resolution.

2.06 A. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County has previously agreed to the applicable provisions set forth in the Blanket Issuer Letter of Representations which has been executed by the County and DTC (the "Representation Letter").

B. All of the Notes shall be registered in the name of Cede & Co., as nominee for DTC. Payment of interest on and principal of any Note registered in the name of Cede & Co. shall be made by wire transfer or New York Clearing House or equivalent same day funds by 10:00 a.m. CT or as soon as possible thereafter on each Interest Payment Date of the Notes at the address indicated in or pursuant to the Representation Letter.

C. The Representation Letter shall set forth certain matters with respect to, among other things, notices, consents and approvals by Note holders and payments on the Notes.

2.07 The County Auditor, as the Note Registrar, shall keep books for the registration and for the transfer of the Notes. Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the County Auditor, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Chair and the County Auditor shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity, and the County Auditor shall record the name of each transferee in the registration book. No registration shall be made to bearer. The County Auditor shall cancel any Note surrendered for transfer. The County shall cooperate in any such transfer, and the Chair and the County Auditor are authorized to execute any new Note or Notes necessary to effect any such transfer.

2.08 Each Note delivered upon transfer of or in exchange for or in lieu of any other Note shall carry all of the rights to interest, accrued and unpaid and to accrue, which are carried by such other Note. Each Note shall be dated by the County Auditor as of the date of its execution.

2.09 The County may treat the person in whose name any Note is registered as the owner of such Note for the purpose of receiving payment of principal of and interest on such Note and for all other purposes whatsoever, whether or not such Note be overdue, and the County shall not be affected by notice to the contrary. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

2.10 The principal of and interest on the Notes shall be payable by the County Auditor in such funds as are legal tender for the payment of debts due the United States of America.

2.11 Delivery of the Notes and payment of the purchase price shall be made at a place mutually satisfactory to the County and the Purchaser. Executed Notes shall be furnished by the County without cost to the Purchaser. The Notes, when prepared in accordance with this Resolution and executed, shall be delivered by or under the direction of the County Auditor to the Purchaser thereof upon receipt of the purchase price plus accrued interest.

Section 3. Form of the Notes.

3.01 The Notes shall be printed or typewritten in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA

R-_____

\$_____

ST. LOUIS COUNTY
GENERAL OBLIGATION CAPITAL EQUIPMENT NOTE
SERIES 2004B

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<u>Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%	December 1,	October 1, 2004	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

St. Louis County, State of Minnesota (the "County"), for value received, promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above, on the date specified above, and to pay interest on said principal sum to the registered owner hereof from October 1, 2004, or from the most recent interest payment date to which interest has been paid or duly provided for, until the principal sum is paid or discharged, said interest being at the rate per annum specified above. Interest is payable semiannually on June 1 and December 1 of each year (the "Interest Payment Dates") commencing on June 1, 2005. Both principal hereof and interest hereon are payable in lawful money of the United States of America by check or draft by the County Auditor of St. Louis County, Minnesota. The County Auditor shall make all interest payments with respect to this Note directly to the registered owner hereof shown on the registration records maintained on behalf of the County by the County Auditor at the close of business on the 15th day of the month next preceding the Interest Payment Date (whether or not a business day) at such owner's address shown on said bond registration records, without, except for payment of principal on the Note, the presentation or surrender of this Note, and all such payments shall discharge the obligations of the County to the extent of the payments so made. Payment of principal shall be made upon presentation and surrender of this Note to the County Auditor. For the prompt and full payment of such principal and interest as they become due, the full faith and credit of the County are irrevocably pledged.

This Note is one of a series issued by the County in the aggregate amount of \$2,900,000 pursuant to the authority contained in Minnesota Statutes, Section 373.01 and Chapter 475, and all other laws thereunto enabling, and pursuant to an authorizing resolution adopted by the governing body of the County on September 14, 2004 (the "Note Resolution"), and is issued for the purpose of providing money, together with other available funds, for the purchase of capital equipment.

The County has levied a direct, annual ad valorem tax upon all taxable property within the County which shall be extended upon the tax rolls for the years and in the amounts sufficient to produce sums not less than five percent in excess of the amounts of principal and interest on the Notes, as such principal and interest respectively come due.

The Notes shall not be subject to redemption before maturity.

The Notes of this series are issued as fully registered bonds without coupons, in the denomination of \$5,000 or any integral multiple thereof. Subject to limitations set forth in the Note Resolution, the County will, at the request of the registered owner, issue one or more new fully registered Notes in the name of the registered owner in the aggregate principal amount equal to the unpaid principal balance of this Note, and of like tenor except as to number and principal amount. This Note is transferable by the registered owner hereof upon surrender of this Note for transfer at the office of the County Auditor, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the County and executed by the registered owner hereof or his attorney duly authorized in writing. Thereupon the County shall execute and deliver, in exchange for this Note, one or more new fully registered Notes in the name of the transferee, of an authorized denomination, in an aggregate principal amount equal to the principal amount of this Note, of the same maturity, and bearing interest at the same rate.

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IT IS CERTIFIED AND RECITED that all acts and conditions required by the laws and the Constitution of the State of Minnesota to be done and to exist precedent to and in the issuance of this Note, in order to make it a valid and binding general obligation of the County in accordance with its terms, have been done and do exist in form, time and manner as so required; that all taxable property within the County is subject to the levy of ad valorem taxes to the extent needed to pay the principal hereof and the interest hereon when due without limitations to rate or amount; and that the issuance of this Note does not cause the indebtedness of the County to exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, St. Louis County, Minnesota, by its governing body, has caused this Note to be executed in its name by the facsimile or manual signatures of the Chair and the County Auditor, all as of the date of original issue specified above.

Date of Execution:

ATTEST:

(signature)
County Auditor

(signature)
Chair

BOND COUNSEL OPINION

I certify that the attached is a full, true and correct copy of the legal opinion rendered by Bond Counsel on the issuance of the Notes, dated as of the date of original delivery of and payment for the Notes.

(signature)
County Auditor

REGISTRATION CERTIFICATE

This Note must be registered as to both principal and interest in the name of the owner on the books to be kept by the County Auditor of St. Louis County, Minnesota, as Note Registrar. No transfer of this Note shall be valid unless made on said books by the registered owner or the owner's attorney thereunto duly authorized and similarly noted on the registration books. The ownership of the unpaid principal balance of this Note and the interest accruing thereon is registered on the books of the County Auditor in the name of the registered owner last noted below.

<u>Date</u>	<u>Registered Owner</u>	<u>Signature of County Auditor</u>
-------------	-------------------------	--

Cede & Co.
c/o The Depository Trust Company
55 Water Street
New York, NY 10041
Federal Taxpayer I.D.
No. 13-2555119

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto _____

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Social Security or Other
Identifying Number of Assignee

(Name and Address of Assignee)

the within Note and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Note on the books kept for registration thereof with full power of substitution in the premises.

Dated:

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

(Bank, Trust Company, member of
National Securities Exchange)

Unless this Note is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the County or its agent for registration of transfer, exchange, or payment, and any Note issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL, inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

Section 4. Covenants, Accounts and Representations.

4.01 The full faith and credit and taxing power of the County are irrevocably pledged for the prompt and full payment of the Notes and the interest thereon, in accordance with the terms set forth in this resolution.

4.02 On receipt of the purchase price of the Notes, the County Auditor shall credit the proceeds from the sale of the Notes, less accrued interest paid by the Purchaser, to a separate acquisition account, which is hereby created and designated as the "2004 Capital Equipment Acquisition Account of the General Fund" (the "Acquisition Fund"). Proceeds of the Notes on deposit in the Acquisition Fund shall be used to pay the costs of "capital equipment", as defined in Minnesota Statutes, Section 373.01, Subd. 3, with an expected useful life of at least five (5) years, and costs of issuance of the Notes, as such payments become due.

4.03 A separate debt service fund is hereby created and is designated as the "2004 General Obligation Capital Equipment Notes Debt Service Fund" (the "Debt Service Fund"). The money in such fund shall be used for no purpose other than the payment of principal of and interest on the Notes issued hereunder, as such principal and interest becomes due and payable; provided, however, that if any payment of principal or interest shall become due when there is not sufficient money in the Debt Service Fund, the County Auditor shall pay the same from any other funds of

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the County and said funds shall be reimbursed for such advance out of the proceeds of the taxes hereinafter levied. The County shall credit to the Debt Service Fund the accrued interest paid by the purchaser. 4.04

A. To assure sufficient monies for payment of the principal and interest on the Notes, there is hereby levied upon all of the taxable property in the County a direct annual ad valorem tax which shall be spread upon the tax rolls and collected with and as part of other general property taxes in the County for the years and amounts as follows:

Year of Levy	Year of Tax Collection	Amount
2004	2005	\$814,550.63
2005	2006	808,841.25
2006	2007	814,826.25
2007	2008	816,532.50

B. The tax levies, together with the accrued interest, are such that if collected in full they will produce at least five percent (5%) in excess of the amount needed to meet when due the principal and interest payments on the Notes. Such tax receipts shall be deposited in the Debt Service Fund. If the tax receipts from such levy are ever insufficient to pay all principal and interest on the Notes when due, the County Auditor shall, nevertheless, provide sufficient monies from other funds of the County which are available and such other funds shall be reimbursed from such tax collections when received.

C. Such tax levies shall be irrevocable as long as any of the Notes issued hereunder are outstanding and unpaid; provided, however, that prior to November 30 of each year while any Notes issued hereunder remain outstanding, the Board of County Commissioners may reduce or cancel the above levies to the extent of the amount on deposit in and which has been appropriated to the Debt Service Fund to pay the principal of and interest on the Notes, and may direct the County Auditor to reduce the levy for such year by that amount.

4.05 Monies on deposit in the Acquisition Fund and the Debt Service Fund may, at the discretion of the County, be invested in securities permitted by Minnesota Statutes, Section 118A; provided, that any such investments shall mature at such times and in such amounts as will permit for payment of principal and interest on the Notes when due.

Section 5. Tax Covenants.

5.01 The County covenants and agrees with the holders of the Notes that the County will (a) take all action on its part necessary to assure that the interest on the Notes to be executed from gross income for federal income taxes including, without limitation, restricting, to the extent necessary, the yield on investments made with the proceeds of the Notes and investment earnings thereon, making required payments to the federal government, if any, and maintaining books and records in a specified manner, where appropriate, and (b) refrain from taking any action which would cause interest on the Notes to be subject to federal income taxes, including, without limitation, refraining from spending the proceeds of the Notes and investment earnings thereon on certain specified purposes.

5.02 A. No portion of the proceeds of the Notes shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire

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higher yielding investments, except (i) for a reasonable temporary period until such proceeds are needed for the purpose for which the Notes were issued, and (ii) in addition to the above, in an amount not greater than the lesser of five percent of the proceeds of the Notes or \$100,000. To this effect, any proceeds of the Notes and any sums from time to time held in the Debt Service Fund (or any other County account which will be used to pay principal and interest to become due on the Notes) in excess of amounts which under the applicable federal arbitrage regulations may be invested without regard as to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by the arbitrage regulations on such investments after taking into account any applicable temporary periods of minor portion made available under the federal arbitrage regulations.

B. In addition, the proceeds of the Notes and money in the Debt Service Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Notes to be federally guaranteed within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended (the "Code").

C. The County hereby covenants not to use the proceeds of the Notes, or to cause or permit them to be used, in such a manner as to cause the Notes to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

5.03 Pursuant to Section 1.148-7(d) of the Treasury Regulations, relating to 18-month spending arbitrage exception from rebate, the County hereby reasonably expects that with respect to the gross proceeds of the Notes, the following schedule will be met: (i) at least 15% of the gross proceeds of the Notes will be allocated to expenditures for the governmental purpose of the Notes within six months of the date of issue of the Notes; (ii) at least 60% of such proceeds will be allocated for such purposes within the one year period of such date; and (iii) 100% of such proceeds will be allocated for such purposes within the 18 month period beginning on such date; subject to an exception for reasonable retainage of 5% of the available proceeds of the Notes, and that 100% of the available proceeds of the Notes will be allocated within 30 months from the date of issue of the Notes.

5.04 The County shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this paragraph.

Section 6. Proceedings.

6.01 The County Auditor is directed to file a certified copy of this Resolution and such other information as required, and to provide to Bond Counsel a certificate stating that the Notes herein authorized have been duly entered on his register.

6.02 The officers of the County are authorized and directed to prepare and furnish to Bond Counsel certified copies of all proceedings and records of the County relating to the authorization and issuance of the Notes and other affidavits and certificates as may reasonably be requested to show the facts relating to the legality and marketability of the Notes as such facts appear from the official books and records of the officers' custody or otherwise known to them. All of such certified copies, certificates and affidavits, including any heretofore furnished, constitute representations of the County as to the correctness of facts recited therein and the actions stated therein to have been taken.

6.03 The Chair and County Auditor are hereby authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Notes and that to the best of their knowledge and belief the Official Statement is a complete and accurate representation of the facts and representations made herein as of the date of the Official Statement.

6.04 In the event of the absence or disability of the Chair or County Auditor, such officers as in the opinion of the County attorney, may act in their behalf, shall without further act or authorization, execute and deliver the Notes, and do all things and execute all instruments and documents required to be done or executed by such absent or disabled officers.

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Section 7. Continuing Disclosure.

7.01 The County acknowledges that the Notes are subject to the continuing disclosure requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (the "Rule"). The Rule governs the obligations of certain underwriters to require that issuers of municipal bonds enter into agreements for the benefit of the noteholders to provide continuing disclosure with respect to the bonds. To provide for the public availability of certain information relating to the Notes and the security therefor and to permit underwriters of the Notes to comply with the Rule, which will enhance the marketability of the Notes, the Chair and the County Auditor are hereby authorized and directed to execute a Continuing Disclosure Certificate substantially in the form of the Certificate currently on file in the office of the County Auditor.

Unanimously adopted. September 14, 2004. No. 496

RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF \$960,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004C; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND AWARDING THE SALE THEREOF

BE IT RESOLVED, by the Board of Commissioners (the "Board") of St. Louis County, Minnesota (the "County"), as follows:

Section 1. Purpose and Authorization.

1.01 Pursuant to Laws of Minnesota 1994, Chapter 643, Section 79 and Minnesota Statutes, Chapter 475, the County previously issued its \$1,580,000 General Obligation Bonds, Series 1995, dated December 1, 1995 (the "1995 Bonds") to finance the County's share of the costs of expansion of the Arrowhead Juvenile Center Detention and Treatment Facility.

1.02 Under and pursuant to the provisions of Minnesota Statutes, Chapter 475 (the "Act") and specifically, Section 475.67, Subdivisions 1 through 4 of the Act, the County is authorized to issue and sell its general obligation bonds to refund obligations and the interest thereon before the due date of the obligations, if consistent with covenants made with the holders thereof, when determined by the County to be necessary or desirable for the reduction of debt service costs to the County or for the extension or adjustment of maturities in relation to the resources available for their payment.

1.03 Pursuant to a Resolution of the Board adopted on August 3, 2004, the Board has determined that it is necessary and desirable that in order to reduce debt service costs the County issue, sell and deliver its \$960,000 General Obligation Refunding Bonds, Series 2004C (the "Bonds") to refund the 1995 Bonds which mature on and after December 1, 2004, of which \$1,045,000 in principal amount is prepayable on or after December 1, 2003 (the "Refunded Bonds"). (October 20, 2004 is herein referred to as the "Redemption Date").

1.04 The County has solicited bids for the sale of the Bonds and has received and considered all bids presented pursuant to the Official Terms of Offering and has determined that the most favorable bid is that of Cronin & Co., Inc. of Minneapolis, Minnesota (the "Purchaser"), to purchase the Bonds at a cash price of \$967,193.75, plus accrued interest on the total principal amount from October 1, 2004, to the date of delivery of the Bonds (the "Accrued Interest") and upon condition that the Bonds mature and bear interest at the times and annual rates set forth in Section 2. The County, after due consideration, finds such offer reasonable and proper and the offer of the Purchaser is hereby accepted. The Chair and the County Auditor are authorized and directed to execute on the part of the County a contract for the sale of the Bonds in accordance with the Purchaser's bid. All actions of the Chair and the County Auditor and Public Financial Management, Inc., independent financial advisor to the County, taken with regard to the sale of the Bonds are hereby ratified and approved.

Section 2. Terms, Execution, and Delivery of the Bonds.

2.01 The Bonds to be issued hereunder shall be dated October 1, 2004, shall be issued in the

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denomination of \$5,000, or any integral multiple thereof, in fully registered form and lettered and numbered R-1 and upward. The Bonds shall mature on December 1 in the respective years and amounts stated and shall bear interest at the annual rates as follows:

Year	Amount	Interest Rate
2004	\$20,000	2.00%
2005	140,000	2.00
2006	145,000	2.50
2007	155,000	2.50
2008	160,000	3.00
2009	170,000	3.25
2010	170,000	3.50

2.02 The Bonds shall not be subject to redemption and prepayment before maturity.

2.03 The interest shall be payable semiannually on June 1 and December 1 in each year (each referred to herein as an "Interest Payment Date"), commencing December 1, 2004. Interest will be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The Bond Registrar designated below shall make all interest payments with respect to the Bonds by check or draft mailed to the registered owners of the Bonds shown on the bond registration records maintained by the Bond Registrar at the close of the business on the 15th day (whether or not on a business day) of the month next preceding the Interest Payment Date at such owners' addresses shown on such bond registration records.

2.04 A. The Bonds shall be prepared for execution in accordance with the approved form and shall be signed by the manual or facsimile signature of the Chair and attested by the manual signature of the County Auditor. In case any officer whose signature shall appears on the Bonds shall cease to be an officer before delivery of the Bonds, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

B. The County Auditor is authorized and directed to obtain a copy of the proposed approving legal opinion of Fryberger, Buchanan, Smith & Frederick, P.A., Duluth, Minnesota, which is to be complete except as to dating thereof and cause the opinion to be printed on or attached to each Bond, and if the legal opinions are not each manually executed, together with a certificate to be signed by the manual or facsimile signature of the County Auditor in substantially the form set forth in Section 3.01 hereof, but only if the opinion is not manually executed. The County Auditor is authorized and directed to execute the certificate in the name of the County upon receipt of the opinion and to file the opinion in the County offices.

2.05 The Board of hereby appoints the County Auditor, as registrar, authenticating agent, paying agent and transfer agent for the Bonds (the "Bond Registrar"). The County reserves the right to name a substitute, successor Bond Registrar upon giving prompt written notice to each registered bond holder. The manual signature of the County Auditor on the Bonds shall be conclusive evidence that it has been executed and delivered under this Resolution.

2.06 A. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations executed by the County and DTC (the "Representation Letter").

B. All of the Bonds shall be registered in the name of Cede & Co., as nominee for DTC. Payment of interest on and principal of any Bond registered in the name of Cede & Co. shall be made by wire transfer or New York Clearing House or equivalent same day funds by 10:00 a.m. CT or as soon as possible thereafter following the Bond Registrar's receipt of funds from the County on each Interest Payment Date to the account of Cede & Co. on each Interest Payment Date at the address indicated in or pursuant to the Representation Letter.

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C. Additional matters with respect to, among other things, notices, consents and approvals by Bondholders and payments on the Bonds are set forth in the Representation Letter.

2.07 A. The County shall cause to be kept by the Bond Registrar a bond register in which, subject to such reasonable regulations as the Bond Registrar may prescribe, the County shall provide for the registration of the Bonds and the registration of transfers of the Bonds entitled to be registered or transferred as herein provided. In the event of the resignation or removal of the Bond Registrar or its incapability of acting as such, the bond registration records shall be maintained at the office of the successor Bond Registrar as may be appointed by the County Board.

B. Upon surrender for transfer of any Bond at the principal corporate office of the Bond Registrar, the County shall execute and the Bond Registrar shall authenticate, if required by law or this Resolution, and deliver, in the name(s) of the designated transferee or transferees, one or more new Bonds of the like aggregate principal amount, as requested by the transferor.

C. At the option of the registered owners, the Bonds may be exchanged for other Bonds of any authorized denominations, of a like aggregate principal amount, maturing upon the same date, upon surrender of the Bonds to be exchanged at the principal corporate office of the Bond Registrar. Whenever any Bonds are so surrendered for exchange, the County shall execute, and the Bond Registrar shall authenticate, if required by law or this Resolution, and deliver the Bonds which the registered owner making the exchanges is entitled to receive.

D. All Bonds surrendered upon the exchange provided for in this Resolution shall be promptly canceled by the Bond Registrar and thereafter disposed of as directed by the County.

E. All Bonds issued in exchange for or upon transfer of the Bonds shall be valid obligations of the County evidencing the same debt, entitled to the same benefits under this Resolution, as the Bonds surrendered for such exchange or transfer.

F. Every Bond presented for a transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the County and the Bond Registrar, duly executed by the registered owner thereof or owner's attorney duly authorized in writing.

G. The County may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of the Bonds, other than exchange expressly provided in this Resolution to be made without expense or without charge to the registered owner.

H. If a Bond becomes mutilated or is destroyed, stolen or lost, the Bond Registrar will deliver a new bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Bond Registrar and the County in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Bond Registrar and the County of evidence satisfactory to them that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Bond Registrar and the County of an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the County and the Bond Registrar must be named as obligees. Bonds so surrendered to the Bond Registrar will be canceled by the Bond Registrar and evidence of such cancellation must be given to the County. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms, it is not necessary to issue a new Bond prior to payment.

2.08 Each Bond delivered upon transfer of or in exchange for or in lieu of any other Bond shall carry all of the rights to interest, accrued and unpaid and to accrue, which are carried by such other Bond. Each Bond shall be dated by the Bond Registrar as of the date of its authentication or manual execution, as the case may be. The County and the Bond Registrar shall not be required to make any transfer or exchange of any Bonds called for redemption or to make any such exchange or transfer of the Bonds during the 15 days next preceding the date of the first publication or the mailing (if there is no publication) of notice of redemption in the case of a proposed redemption of the Bonds.

2.09 The County and the Bond Registrar may treat the person in whose name any Bond is registered as the owner of such Bond for the purpose of receiving payment of principal of and interest on such Bond and for all other purposes whatsoever, whether or not such Bond be overdue, and neither

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the County nor the Bond Registrar shall be affected by notice to the contrary.

2.10 The principal of and interest on the Bonds shall be payable by the Bond Registrar, as paying agent, in such funds as are legal tender for the payment of debts due the United States of America. The County shall pay the reasonable and customary charges of the Bond Registrar for the disbursement of principal and interest.

2.11 Delivery of the Bonds and payment of the purchase price shall be made at a place mutually satisfactory to the County and the Purchaser. Printed or typewritten and executed Bonds shall be furnished by the County without cost to the Purchaser. The Bonds, when prepared in accordance with this Resolution and executed, shall be delivered by or under the direction of the County Auditor to the Purchaser thereof upon receipt of the purchase price plus accrued interest.

Section 3. Form of the Bonds.

3.01 The Bonds shall be printed or typewritten in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA

ST. LOUIS COUNTY

GENERAL OBLIGATION REFUNDING BOND,
SERIES 2004C

R-_____ \$_____

<u>Rate</u>	<u>Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%	December 1, _____	October 1, 2004	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: DOLLARS

St. Louis County, Minnesota (the "County"), for value received, promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above, on the maturity date specified above, and to pay interest on said principal amount to the registered owner hereof from October 1, 2004, or from the most recent Interest Payment Date to which interest has been paid or duly provided for, until the principal amount is paid or discharged, said interest being at the rate per annum specified above. Interest is payable semiannually on June 1 and December 1 of each year (each referred to herein as an "Interest Payment Date") commencing on December 1, 2004. Both principal hereof and interest hereon are payable in lawful money of the United States of America by check or draft at the main office of the County Auditor, as registrar, paying agent, authenticating agent and transfer agent (the "Bond Registrar"), or at the office of such successor registrar as may be designated by the Board of Commissioners. The Bond Registrar shall make all interest payments with respect to this Bond directly to the registered owner hereof shown on the bond registration records maintained on behalf of the County by the Bond Registrar at the close of business on the 15th day of the month next preceding the Interest Payment Date (whether or not a business day) at such owner's address shown on said bond registration records, without, except for payment of principal on the Bond, the presentation or surrender of this Bond, and all such payments shall discharge the obligations of the County to the extent of the payments so made. Payment of principal shall be made upon presentation and surrender of this Bond to the Bond

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Registrar when due. For the prompt and full payment of such principal and interest as they become due, the full faith and credit of the County are irrevocably pledged.

This Bond is one of a series issued by the County in the aggregate amount of \$960,000, all of like date and tenor, except as to number, amount, maturity date and interest rate, pursuant to the authority contained in Minnesota Statutes, Chapter 475, and all other laws thereunto enabling, and pursuant to an authorizing resolution adopted by the governing body of the County on September 14, 2004 (the "Resolution"), for the purpose of providing money to refund in advance of maturity the outstanding principal amount of certain general obligation bonds of the County. The County has levied a direct, annual ad valorem tax upon all taxable property within the County which shall be extended upon the tax rolls for the years and in the amounts sufficient to produce sums not less than five percent in excess of the amounts of principal and interest on the Bonds, as such principal and interest respectively come due.

The Bonds shall not be subject to redemption before maturity.

The Bonds of this series are issued as fully registered obligations without coupons, in the denomination of \$5,000 or any integral multiple thereof. Subject to the limitations set forth in the Resolution, the County will, at the request of the registered owner, issue one or more new fully registered Bonds in the name of the registered owner in the aggregate principal amount equal to the unpaid principal balance of this Bond, and of like tenor except as to number and principal amount. This Bond is transferable by the registered owner hereof upon surrender of this Bond for transfer at the principal corporate office of the Bond Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Bond Registrar and executed by the registered owner hereof or the owner's attorney duly authorized in writing. Thereupon the County shall execute and the Bond Registrar shall authenticate if required by law or the Resolution, and deliver, in exchange for this Bond, one or more new fully registered Bonds in the name of the transferee, of an authorized denomination, in an aggregate principal amount equal to the unpaid principal amount of this Bond, of the same maturity, and bearing interest at the same rate. No service charge shall be made for any transfer or exchange hereinbefore referred to but the County may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection therewith.

IT IS CERTIFIED AND RECITED that all acts and conditions required by laws and the Constitution of the State of Minnesota to be done and to exist precedent to and in the issuance of this Bond, in order to make it a valid and binding general obligation of the County in accordance with its terms, have been done and do exist in form, time and manner as so required; that all taxable property within the corporate limits of the County is subject to the levy of ad valorem taxes to the extent needed to pay the principal hereof and the interest thereon when due, without limitation as to rate or amount; and that the issuance of this Bond does not cause the indebtedness of the County to exceed any charter, constitutional or statutory limitation.

IN WITNESS WHEREOF, St. Louis County, Minnesota, by its governing body, has caused this Bond to be executed in its name by the facsimile or manual signatures of the Chair and the County Auditor.

Date of Execution: _____

ATTEST:

(signature)
County Auditor

(signature)
Chair

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Certificate as to Legal Opinion

I certify that the above is a full, true and correct copy of the legal opinion rendered by Bond Counsel on the issuance of the Bonds, dated as of the date of delivery of and payment for the Bonds.

(signature)
County Auditor

REGISTRATION CERTIFICATE

This Bond must be registered as to both principal and interest in the name of the owner on the books to be kept by the County Auditor of St. Louis County, Minnesota, as Bond Registrar. No transfer of this Bond shall be valid unless made on said books by the registered owner or the owner's attorney thereunto duly authorized and similarly noted on the registration books. The ownership of the unpaid principal balance of this Bond and the interest accruing thereon is registered on the books of the County Auditor in the name of the registered owner last noted below.

<u>Date</u>	<u>Registered Owner</u>	<u>Signature of County Auditor</u>
	Cede and Co. c/o The Depository Trust Company 55 Water Street New York, NY 10041 Federal Taxpayer I.D. No. 13-2555119	

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

Social Security or Other
Identifying Number of Assignee

(Name and Address of Assignee)

the within Bond and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated:

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears upon the fact of the within Bond with every particular, without alteration or

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enlargement or any change whatsoever.

Signature Guaranteed:

(Bank, Trust Company, member of
National Securities Exchange)

Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the County or its agent for registration of transfer, exchange, or payment, and any Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL, inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

Section 4. Covenants, Accounts and Tax Levies.

4.01 Debt Service Fund.

A. For the convenience and proper administration of the monies to be borrowed and repaid on the Bonds and to provide adequate and specific security for the Purchaser and holders from time to time of the Bonds, there is hereby created a special fund to be designated the 2004 General Obligation Refunding Bonds Debt Service Fund (the "Debt Service Fund") to be administered and maintained by the County Auditor as a bookkeeping fund separate and apart from all other funds maintained in the official financial records of the County. The Debt Service Fund shall be maintained in the manner herein specified until all of the Bonds and interest thereon have been fully paid, and ad valorem taxes hereinafter levied in Section 4.03 are pledged to the Debt Service Fund.

B. There are hereby irrevocably pledged and appropriated to the Debt Service Fund (i) all capitalized interest financed from Bond proceeds, if any, (ii) any amount over the minimum purchase price of the Bonds paid by the Purchaser, (iii) all accrued interest paid by the Purchaser upon closing and delivery of the Bonds, (iv) the ad valorem taxes hereinafter levied, (v) ad valorem taxes levied for the Series 1995 Bonds collected after the Redemption Date, (vi) any balances remaining in the Prior Debt Service Fund hereinafter described upon payment in full of the 1995 Bonds on the Redemption Date, and (vii) investment earnings on the foregoing.

C. If any payment of principal or interest on the Bonds shall become due when there is not sufficient money in the Debt Service Fund to pay the same, the County Auditor shall pay such principal or interest from other available funds of the County, and such other funds shall be reimbursed for such advances out of the proceeds of the taxes levied by this Resolution, when collected.

D. The County Auditor is authorized and directed to pay the costs of issuance of the Bonds out of the Bond proceeds.

4.02 Prior Debt Service Fund. The proceeds of the Bonds, not including (1) any capitalized interest financed from Bond proceeds; (ii) any amount over the minimum purchase price of the Bonds paid by the Purchaser as additional interest pursuant to Section 475.56 of the Act; (iii) any proceeds used to pay costs of issuance of the Bonds; and (iv) accrued interest paid by Purchaser upon closing and delivery of the Bonds, and investment earnings thereon, are hereby irrevocably appropriated and allocated to the 1995 Bonds Debt Service Fund (the "Prior Debt Service Fund") created by the County's resolution dated November 28, 1995, authorizing the issuance and sale of the Series 1995 Bonds (the "Prior Resolution") in amounts which together with available funds therein shall be used solely to redeem the Refunded Bonds on the Redemption Date. Upon redemption of the Refunded Bonds on the Redemption Date, the Prior Debt Service Fund shall be terminated, and all monies remaining therein not required to refund the Refunded Bonds shall be transferred to the Debt Service Fund. All ad valorem taxes levied under the Prior Resolution and

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collected after the Redemption Date shall be deposited in the Debt Service Fund.

4.03 Tax Levy.

A. To assure sufficient monies for the payment of the principal of and interest on the Bonds, there is hereby levied a direct, annual, ad valorem tax upon all taxable property in the County which shall be extended upon the tax rolls and collected with and as part of the other general property taxes in the County for the years and in the amounts as follows:

Levy Year	Collection Year	Tax Levy
2003	2004	\$ 20,730.41*
2004	2005	174,903.75
2005	2006	177,213.75
2006	2007	183,907.50
2007	2008	185,088.75
2008	2009	190,548.75
2009	2010	184,747.50

*Amount of uncollected tax levy under the Prior Resolution.

B. The tax levies are such that if collected in full they, together with the Capitalized Interest, if any, Accrued Interest and the rounding amount, will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Bonds. Such tax receipts shall be deposited in the Debt Service Fund. If the tax receipts from such levies are ever insufficient to pay all principal and interest on the Bonds when due, the County Auditor shall, nevertheless, provide sufficient monies from other funds of the County which are available and such other funds shall be reimbursed from such tax collections when received.

C. Such tax levies shall be irrevocable as long as any of the Bonds issued hereunder are outstanding and unpaid; provided, however, that prior to November 30 of each year, while any Bonds issued hereunder remain outstanding, the Board may reduce or cancel the above levies to the extent of the amount on deposit in and which has been appropriated to the Debt Service Fund to pay the principal of and interest on the Bonds, and may direct the County Auditor to reduce the levy for such year by that amount.

4.04 Investments. Monies on deposit in the Debt Service Fund may, at the discretion of the County, be invested in securities permitted by Minnesota Statutes, Chapter 118A; provided, that any such investments shall mature at such times and in such amounts as will permit for payment of the principal and interest on the Bonds when due.

4.04 Cancellation of Tax Levies for Series 1995 Bonds. It is hereby determined that upon the receipt of the proceeds of the Bonds as described in Section 4.02 (the "Proceeds") for payment of the Refunded Bonds that an irrevocable appropriation to the Prior Debt Service Fund shall have been made within the meaning of Section 475.61, Subdivision 3 of the Act and the County Auditor is hereby authorized and directed to certify such fact and cancel any and all tax levies made by the Prior Resolution, except for the levy for taxes payable in 2004 which shall be deposited in the Debt Service Fund.

Section 5. Refunding; Findings; Redemption of Refunded Bonds.

5.01 Findings.

A. It is hereby found and determined that based upon information presently available from the County's financial advisers, the issuance of the Bonds is consistent with covenants in the Prior Resolution and is necessary and desirable for the reduction of debt service cost to the County and for the adjustment of the maturities in relation to the resources available for their payment.

B. It is hereby found and determined that the Proceeds and other available funds of the County in the Prior Debt Service Fund will be sufficient to prepay all of the principal of and interest on the 1995 Bonds on the Redemption Date.

5.02 Notice of Call for Redemption. The Refunded Bonds shall be redeemed and prepaid in

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accordance with their terms and in accordance with the terms and conditions set forth in the form of Notice of Call for Redemption attached hereto as Attachment A, which terms and conditions are hereby approved and incorporated herein by reference. The County Auditor or his designee is hereby authorized and directed to forthwith, no later than 35 days prior to the Redemption Date to send written notice of call to the registered owners and paying agent of the Refunded Bonds.

5.03 Release of Covenants. When the principal of the Refunded Bonds and all interest thereon have been discharged as provided in this Section, all pledges, covenants and other rights granted by this Resolution to the holders of the Refunded Bonds shall cease, except that the pledge of the full faith and credit of the County for the prompt and full payment of the principal and interest on the Refunded Bonds shall remain in full force and effect. The County may discharge all Bonds which are due on any date by depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full of the 1995 Bonds on the Redemption Date. If any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Bond Registrar a sum sufficient for the payment thereof in full with interest accrued to the Redemption Date.

Section 6. Tax Covenants.

6.01 A. The County covenants and agrees with the holders of the Bonds that the County will (i) take all action on its part necessary to cause the interest on the Bonds to be exempt from federal income taxes including, without limitation, restricting, to the extent necessary, the yield on investments made with the proceeds of the Bonds and investment earnings thereon, making required payments to the federal government, if any, and maintaining books and records in a specified manner, where appropriate, and (ii) refrain from taking any action which would cause interest on the Bonds to be subject to federal income taxes, including, without limitation, refraining from spending the proceeds of the Bonds and investment earnings thereon on certain specified purposes.

B. The proceeds of the Refunded Bonds have been totally expended for the governmental purpose for which issued.

C. The gross proceeds of the Bonds will be totally expended on and prior to the Redemption Date (a date which is less than 90 days from the date of closing and delivery of the Bonds) for the purpose of refunding the outstanding principal amount of the Refunded Bonds and interest thereon and paying costs of issuance of the Bonds. Therefore, no rebate of arbitrage profit is required under the Internal Revenue Code of 1986, as amended (the "Code").

D. The County shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this section.

Section 7. Miscellaneous.

7.01 The County Auditor is directed to file a certified copy of this Resolution and such other information as may be required, and to provide to bond counsel a certificate stating that the Bonds herein authorized have been duly entered on his register.

7.02 The officers of the County are authorized and directed to prepare and furnish to the Purchaser and to bond counsel, certified copies of all proceedings and records of the County relating to the legality and marketability of the Bonds, as such facts appear from the official books and records in the officers' custody or are otherwise known to them. All such certified copies, Bonds, and affidavits, including any heretofore furnished, constitute representations of the County as to the correctness of the facts recited therein and the action stated therein to have been taken.

7.03 The Chair and the County Auditor are hereby authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Bonds and that to the best of their knowledge and belief the Official Statement is a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement.

7.04 In the event of the absence or disability of the Chair or the County Auditor, such officers

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as in the opinion of the County Attorney, may act in their behalf, shall without further act or authorization, execute and deliver the Bonds, and do all things and execute all instruments and documents required to be done or executed by such absent or disabled officers.

Section 8. Continuing Disclosure. The County acknowledges that the Bonds are subject to the continuing disclosure requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (the "Rule"). The Rule governs the obligations of certain underwriters to require that issuers of municipal bonds enter into agreements for the benefit of the bondholders to provide continuing disclosure with respect to the bonds. To provide for the public availability of certain information relating to the Bonds and the security therefor and to permit underwriters of the Bonds to comply with the Rule, which will enhance the marketability of the Bonds, the Chair and the County Auditor are hereby authorized and directed to execute a Continuing Disclosure Certificate substantially in the form of the Certificate currently on file in the office of the County Auditor.

**ATTACHMENT A
NOTICE OF CALL FOR REDEMPTION
\$1,580,000 General Obligation Bonds, Series 1995
Dated December 1, 1995
of St. Louis County, Minnesota**

NOTICE IS HEREBY GIVEN that, by order of the Board of Commissioners of St. Louis County, Minnesota (the "Issuer"), there have been called for redemption and prepayment on

October 20, 2004

the outstanding obligations of the Issuer designated as the \$1,580,000 General Obligation Bonds, Series 1995, dated December 1, 1995 (the "Bonds"), which mature in the following years:

NUMBER	MATURITY DATE (December 1)	PRINCIPAL AMOUNT*	INTEREST RATE	CUSIP NUMBER**
R-8	2004	\$120,000	4.55%	791230 GY 5
R-9	2005	130,000	4.65	791230 GZ 2
R-10	2006	140,000	4.75	791230 HA 6
R-11	2007	150,000	4.85	791230 HB 4
R-12	2008	160,000	5.00	791230 HC 2
R-13	2009	170,000	5.10	791230 HD 0
R-14	2010	175,000	5.20	791230 HE 8

Such maturities of the Bonds are being called at a price of par plus accrued interest to October 20, 2004, on which date they will cease to bear interest. Holders of the Bonds hereby called for redemption should present their Bonds for payment to the County Auditor, at St. Louis County Courthouse, 100 North Fifth Avenue West, Duluth, Minnesota 55802, Attention: County Auditor.

BY ORDER OF THE BOARD OF COMMISSIONERS OF
ST. LOUIS COUNTY, MINNESOTA

It is recommended that you mail your note registered or certified mail to guard against loss.

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Important Notice: In compliance with the Economic Growth and Tax Relief Reconciliation Act of 2001, federal backup withholding tax will be withheld at the applicable backup withholding rate in effect at the time the payment by the redeeming institutions if they are not provided with your social security number or federal employer identification number, properly certified. This requirement is fulfilled by submitting a W-9 Form, which may be obtained at a bank or other financial institution.

* Indicates full call of stated maturity.

** Neither the Issuer nor the Bond Registrar/Paying Agent shall be responsible for the selection of or use of the CUSIP number, and no representation is made as to its correctness indicated in the Notice of Call for Redemption. CUSIP numbers are included solely for the convenience of the Holders.

Unanimously adopted. September 14, 2004. No. 497

Upon motion of Commissioner Sweeney, supported by Commissioner Forsman, Resolutions No. 498 through 508, which were approved at the Committee of the Whole meeting this date, were brought forth to this meeting as a second Consent Agenda and were unanimously adopted as follows:

BY COMMISSIONER SWEENEY:

RESOLVED, that the St. Louis County Board of Commissioners authorizes the Public Health and Human Services Department to accept a grant of Children's Justice Act funds from the Minnesota Department of Human Services in the amount of \$2,040 to purchase equipment.

RESOLVED FURTHER, to increase 2004 revenue and expenditures by \$2,040.

Budget Reference: Fund 230, Agency 232008, Org. 640300

Adopted September 14, 2004. No. 498

RESOLVED, that the County Board authorizes the County Administrator to accept the Department of Agriculture loan of \$79,000; prepare and sign the loan agreement and other related documents on behalf of the County, subject to County Attorney approval; distribute the funds as specified in the Septic Loan Ordinance; and increase the Department of Public Health and Human Services revenues and expenditures budgets in the amount of \$79,000, payable to Fund 284.

RESOLVED FURTHER, that Julie Klejeski, St. Louis County Soil and Water Conservation District; and Gary Collyard, Environmental Health Specialist, Northern St. Louis County, be appointed to the Septic Loan Committee.

Adopted September 14, 2004. No. 499

WHEREAS, the County Board of Commissioners of the County of St. Louis, State of Minnesota, desires to offer for sale, as recommended by the Land Commissioner, certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes; and

WHEREAS, said parcels of land as described in the County Board File No. 58246 have been classified as non-conservation land as provided for in Minnesota Statutes, Section 282.01; and

WHEREAS, said parcels of land are not withdrawn from sale pursuant to Minnesota Statutes, Section 84.012, 92.461, 282.01, Subd. 8, and 282.018, and other statutes that require the withholding of tax forfeited lands from sale; and

WHEREAS, the classification and sale of these lands has been approved by the government subdivision in which they are located.

NOW, THEREFORE, BE IT RESOLVED, the County Auditor is hereby authorized to offer said lands at public sale at not less than the basic sale price in accordance with terms set forth in the Land Department Policy No. 5450-1, and in a manner provided for by law on Tuesday, October 12, 2004, at 11:00 a.m. at the Miner's Memorial, 9th Avenue & 6th Street, Virginia, MN.

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BE IT FURTHER RESOLVED, that the St. Louis County Board of Commissioners hereby requests approval from the Commissioner of Natural Resources for the sale of said lands.
Adopted September 14, 2004. No. 500

WHEREAS, the following described parcel forfeited to the State of Minnesota for nonpayment of real estate taxes and was previously classified as conservation: Block 073, Lots 2, 3, 4, 5, 6 Harrison-Brookdale Division of Duluth; Parcel Codes: 10-2110-9850, 9860, 9870, 9880, 9890; WHEREAS, all parcels of land becoming the property of the State of Minnesota in trust through forfeiture for nonpayment of real estate taxes shall be classified or reclassified as 'conservation' or 'non-conservation' as required by Minnesota Statutes, Section 282.01, subdivision 1; and WHEREAS, the Land Department has recommended that the parcel described above be reclassified as non-conservation and approved for sale after considering, among other things, the present use of adjacent land; the accessibility of lands to established roads, schools, and other public services; and the peculiar suitability or desirability of lands for particular uses; and WHEREAS, this parcel of land is not withdrawn from sale pursuant to Minnesota Statutes, Sections 84.012, 92.461, 282.01, Subdivision 8, and 282.018, or any other statutes that require the withholding of State Tax Forfeited land from sale; and WHEREAS, said parcel of land is located inside the boundaries of a municipality, and Minnesota Statutes, Section 282.01, provides that classification or reclassification and sale of lands situated within a municipality must be approved by the governing body of the municipality; and WHEREAS, reclassification and sale of said parcel will be deemed approved if the County Board does not receive notice of the municipalities disapproval of the reclassification and sale of any parcel within 60 days of the date on which this resolution is delivered to the clerk of the Municipality.

NOW, THEREFORE, BE IT RESOLVED, that the State Tax Forfeited parcel described above be reclassified as non-conservation and offered for sale at the February 8th, 2005 land auction, and that the request for approval of the reclassification be transmitted by the St. Louis County Land Department to the Clerk of the Municipality.
Adopted September 14, 2004. No. 501

WHEREAS, the following described parcels forfeited to the State of Minnesota for nonpayment of real estate taxes and were previously classified as conservation:

Tryggs and Kennedys Addition to Duluth

<u>Parcel Code:</u>	<u>Legal Description:</u>	
10-4330-5620	Blk 38, Lot 15	Ex part taken for Rice Lake Rd.
10-4330-5720	Blk 39, Lots 7, 9, 10, 11, 12, &	Ex part taken for Rice Lake Rd.
10-4330-5740	13 - 16	
10-4330-5755		
10-4330-5760		
10-4330-5770		
10-4330-5780		
10-4330-6180	Blk 42, Lots 3 - 16	
10-4330-6300		
10-4330-6310		
10-4330-6320	Blk 43, Lots 1 - 16	Ex part taken for Rice Lake Rd.
10-4330-6330		
10-4330-6340		

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10-4330-6510	Blk 44, Lots 3 & 6	Ex part taken for Rice Lake Rd.
10-4330-6540		
10-4330-6790	Blk 45, Lot 15	Ex part taken for Rice Lake Rd.
Including dedicated unbuilt streets and alleys adjacent.		

Clague and Prindles Addition to Duluth

<u>Parcel Code:</u>	<u>Legal Description:</u>	
10-540-310 thru 10-540-600	Blk 2, Lots 1 - 30	
10-540-610 thru 10-540-900	Blk 3, Lots 1 - 30	
10-540-910 thru 10-540-1200	Blk 4, Lots 1 - 30	
10-540-1210 thru 10-540-1510	Blk 5, Lots 1 - 30	Ex part taken for Rice Lake Rd.
10-540-1720 10-540-1740 10-540-1760 10-540-1780 10-540-1800 10-540-1810	Blk 6, Lots 19, 21, 23, 25, 27, 29 & 30	Lying W of Rice Lake Rd.

Including dedicated unbuilt street and alleys adjacent.

WHEREAS, all parcels of land becoming the property of the State of Minnesota in trust through forfeiture for nonpayment of real estate taxes shall be classified or reclassified as 'conservation' or 'non-conservation' as required by Minnesota Statutes, Section 282.01, Subdivision 1; and

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

WHEREAS, said parcel of land is not withdrawn from sale pursuant to Minnesota Statutes sections 84.012, 92.461, 282.01, Subdivision 8, and 282.018, or any other statutes that require the withholding of State tax forfeited lands from sale; and

WHEREAS, said parcel of land is located inside the boundaries of a municipality, and Minnesota Statutes, Section 282.01, provides that classification or reclassification and sale of lands situated within a municipality must be approved by the governing body of the municipality; and

WHEREAS, reclassification and sale of said parcel will be deemed approved if the County Board does not receive notice of the municipality's disapproval of the reclassification and sale within 60 days of the date on which this resolution is delivered to the Clerk of the Municipality.

NOW, THEREFORE, BE IT RESOLVED, that the State Tax Forfeited parcel described above be reclassified as non-conservation and offered for sale, and that the request for approval of the reclassification be transmitted by the St. Louis County Land Department to the Clerk of the Municipality.

Adopted September 14, 2004. No. 502

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subd. 2, the St. Louis County Board

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of Commissioners hereby approves the following Premises Permit application, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization: American Legion Post 480 to operate out of Meyers Minnows Gas & More, Unorganized Township 63-19, new.

Adopted September 14, 2004. No. 503

WHEREAS, truancy is a problem that can best be solved through an interagency approach; and WHEREAS, interagency meetings have identified gaps in the present system that could not be filled through existing funds; and

WHEREAS, the Duluth Area Family Services Collaborative previously awarded grant funds to address identified needs, but ended on December 31, 2003; and

WHEREAS, the Duluth Area Family Services Collaborative recently awarded grant funds to readdress identified needs; and

WHEREAS, the revised 2004 Budget for Public Health & Human Services does not include these funds.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners:

- 1) Accepts the grant from the Duluth Area Family Services Collaborative in the amount of \$40,015.20.
- 2) Authorizes the Public Health and Human Services Department to hire 1.0 FTE Social Worker for the period of September 1, 2004 - December 31, 2004. This will not change the Department's authorized staffing complement for the 2005 budget year.
- 3) Increases budgeted expenditures by the salary and fringe benefit cost for the temporary social worker position, plus \$400 in specific training costs. Increase miscellaneous revenue in the 2004 Public Health and Human Services Department budget by \$40,015.20.
- 4) Authorizes the Public Health and Human Services Department to execute a contract with Lutheran Social Services in the amount of \$18,985.45.
- 5) It is understood that the position remain part of the approved staff complement only as long as grant funding is available.

Adopted September 14, 2004. No. 504

WHEREAS, Camp 5 Township has requested the conveyance of the following described Tax Forfeited property to be used for the location of a building designated as the Town Hall: That part of the SE 1/4 of the NW 1/4 of the NW 1/4 of Section 15, Township 66, Range 19, of the Fourth Principal Meridian lying north of County Road No. 180. Parcel Code: 278-50-2101; and

WHEREAS, the Commissioner of Revenue is authorized to convey State Tax Forfeited property to an organized or incorporated governmental subdivision, for an authorized public use, pursuant to Minnesota Statutes 282.01, Subd. 1a.

NOW, THEREFORE, BE IT RESOLVED, that the County Board repeals that portion of County Board Resolution No. 144, adopted on March 16, 2004, approving the sale of the above described Tax Forfeited parcel to Camp 5 Township.

RESOLVED FURTHER, that the County Board recommends that the Commissioner of Revenue convey Tax Forfeited land, described above, to Camp 5 Township to be used for the location of a building designated as the Town Hall, which is an authorized public use.

RESOLVED FURTHER, that Camp 5 Township pay the following fees: Appraisal Fee of \$100.00, Deed Tax of \$1.65, and Recording Fee of \$19.50; for a total of \$121.15.

Adopted September 14, 2004. No. 505

WHEREAS, the Duluth Economic and Development Authority has requested to purchase the following described State Tax-Forfeited parcels (including all non-vacated streets, avenues and alleys):

That part lying Northerly of proposed Lakewalk R.O.W., Endion Division, Block E, Lots 1-4.

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Endion Division, Block 2, Lot 11 except NW 25 feet.
Endion Division, Block 2, Lot 13 except NW 25 feet.
Langelliers Rearrangement of Block D, Lots 1-3, including part of vacated avenue adjacent.
Parcel code numbers: 10-1440-10, 10-1440-340, 10-1440-360, and 10-1430-250.

WHEREAS, the appraised value of said parcels is \$393,429.00 plus fees; and
WHEREAS, the Duluth Economic and Development Authority wishes to purchase said parcels for the purpose of selling the property to a private party to develop Lakewalk Townhomes; and
WHEREAS, Minnesota Statute 282.01, Subd. 1(a) authorizes the sale of State Tax Forfeited land to an organized governmental subdivision for a public purpose; and
WHEREAS, said parcels of land are not withdrawn from sale pursuant to Minnesota Statutes Sections 84.012, 92.461, 282.01, Subdivision 8; and 282.018, and other statutes that require the withholding of State Tax-Forfeited lands from sale; and
WHEREAS, Block 2, Lot 11 (including the associated vacated street) shall be re-conveyed from the City of Duluth to St. Louis County prior to sale; and
WHEREAS, the Land Department recommends that said parcels be reclassified as non-conservation and approved for sale after considering, among other things, the present use of adjacent land; the productivity of the soil; the character of forest or other growth; the accessibility of lands to established roads, schools, and other public services; and the peculiar suitability or desirability of lands for particular uses.
NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the reclassification and sale of the above described State Tax-Forfeited property to the Duluth Economic and Development Authority for the purpose of selling the property to a private group to develop Lakewalk Townhomes; for the appraised value of \$393,429.00 plus the following fees: 3 Percent Assurance Fee of \$11,802.87, Deed Fee of \$25.00, Deed Tax of \$1,298.32, and Recording Fee of \$19.50; for a total of \$406,574.69.
BE IT FURTHER RESOLVED, that the sale of the above described property to D.E.D.A. shall be contingent on the request of the City of Duluth for a free conveyance of that part of Block E, Lots 1-4, Endion Division, lying southerly of the purposed Lakewalk.
Adopted September 14, 2004. No. 506

WHEREAS, Duluth Economic Development Authority has applied to purchase the following described state tax forfeited land, for the public purpose of the development of student housing:

Tryggs and Kennedys Addition to Duluth

<u>Parcel Code:</u>	<u>Legal Description:</u>	
10-4330-5620	Blk 38, Lot 15	Ex part taken for Rice Lake Rd.
10-4330-5720	Blk 39, Lots 7, 9, 10, 11, 12, &	Ex part taken for Rice Lake Rd.
10-4330-5740	13 - 16	
10-4330-5755		
10-4330-5760		
10-4330-5770		
10-4330-5780		
10-4330-6180	Blk 42, Lots 3 - 16	
10-4330-6300		
10-4330-6310		
10-4330-6320	Blk 43, Lots 1 - 16	Ex part taken for Rice Lake Rd.
10-4330-6330		

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10-4330-6340

10-4330-6510 Blk 44, Lots 3 & 6 Ex part taken for Rice Lake Rd.
10-4330-6540

10-4330-6790 Blk 45, Lot 15 Ex part taken for Rice Lake Rd.
Including dedicated unbuilt streets and alleys adjacent.

Clague and Prindles Addition to Duluth

Parcel Code: Legal Description:
10-540-310 thru Blk 2, Lots 1 - 30
10-540-600

10-540-610 thru Blk 3, Lots 1 - 30
10-540-900

10-540-910 thru Blk 4, Lots 1 - 30
10-540-1200

10-540-1210 thru Blk 5, Lots 1 - 30 Ex part taken for Rice Lake Rd.
10-540-1510

10-540-1720 Blk 6, Lots 19, 21, 23, 25, 27, 29 Lying W of Rice Lake Rd.
10-540-1740 & 30
10-540-1760
10-540-1780
10-540-1800
10-540-1810

Including dedicated unbuilt street and alleys adjacent.
and;

WHEREAS, said state tax forfeited land is currently classified conservation and must be reclassified non-conservation prior to sale; and

WHEREAS, said state tax forfeited land is currently zoned R-1C and must be re-zoned to R3 by the City of Duluth prior to development for student housing; and

WHEREAS, said state tax forfeited land has been appraised at \$617,120.00.

NOW, THEREFORE, BE IT RESOLVED, approval of the application to purchase said state tax forfeited land is contingent on the reclassification and re-zoning by the City of Duluth. Upon satisfaction of said contingencies the St. Louis County Land Department is authorized to sell said state tax forfeited land to Duluth Economic Development Authority for the appraised value of \$617,120.00 plus the following fees: 3 Percent Assurance Fee, Deed Fees, Deed Taxes, and Recording Fees.

Adopted September 14, 2004. No. 507

WHEREAS, the H.R.A. must establish a maximum proposed property tax levy and have this amount certified by the St. Louis County Board by September 15, 2004;

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby certifies the H.R.A. maximum property tax levy for 2005 in the amount of \$178,000.

Adopted September 14, 2004. No. 508

At 5:01 P.M. on Tuesday, September 14, 2004, upon motion of Commissioner Sweeney, supported by Commissioner Kron, the Board of County Commissioners adjourned.

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Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON SEPTEMBER 28, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 28th day of September, 2004, at 9:50 A.M. in the Morse Town Hall, Ely, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Commissioner Kron, taking his turn presenting an appropriate quotation, offered the following from King Solomon (Proverbs 3: 3-9, 12-13):

“Do not let kindness and truth leave you; bind them around your neck, write them on the tablet of your heart so you will find favor and good repute in the sight of God and man. Trust in the Lord with all your heart, and do not lean on your own understanding. In all ways acknowledge Him and He will make your paths straight. Do not be wise in your eyes; fear the Lord and turn away from evil. It will be healing to your body, and refreshment to your bones.”

“How blessed is the one who finds wisdom, and the one who gains understanding. For its profit is better than the profit of silver, and its gain more than fine gold.”

At 9:53 A.M., a public hearing was convened, pursuant to County Board Resolution No. 490, adopted September 14, 2004, to consider granting an off-sale intoxicating liquor license to Tucheck, Inc, d/b/a Bear River Viking Bar, Morcom Township. Alan Mitchell, County Attorney, advised the Board that: all required County departments reviewed the application and recommended approval; the Liquor Licensing Committee met with the applicant and, after reviewing the application and discussing the propriety and location of the establishment, recommended approval; the Town of Morcom reviewed the application and recommended approval; all required notices were given; and, the necessary insurance certificate submitted. Justin Tucheck, owner, was present and said he understood and would abide by the provisions of Ordinance No. 28 (Liquor Ordinance.) No else chose to address the issue.

At 10:00 A.M., Commissioner Sweeney, supported by Commissioner Forsman, moved to close the public hearing; seven yeas - zero nays. Commissioner Forsman, supported by Commissioner Nelson, moved to approve issuance of the off-sale intoxicating liquor license; seven yeas - zero nays. Resolution No. 512.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and the following chose to do so:

Tim Kotzian, Clerk/Treasurer of Tower and Chair of the Lake Vermilion Management Plan Committee, asked the County to consider establishing a moratorium on new development on Lake Vermilion for a one-year period or until the Lake Vermilion Plan is adopted. Local jurisdictions support the moratorium proposal, according to Mr. Kotzian.

John Ostergren, Attorney representing Vermilion lakeshore owners, said his clients support the moratorium to help preserve the character and water quality of Lake Vermilion. He urged quick action and distributed a proposed moratorium resolution for Board consideration.

Rod McPeak, Breitung Township Supervisor, said Breitung supports the moratorium even though

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the Board recently approved a separate land use plan for the township.

Steven Lotz, Vermilion Lake Township, said the Breitung plan should be included in the Lake Vermilion Plan.

Walt Moe, Lake Vermilion Sportsmen's Club, said his group supports the moratorium and adoption of a Lake Vermilion Plan to protect the lake and fish.

Cathi Hiveley, Beatty Township, supported the moratorium and said a Lake Vermilion Plan will allow for sensible development.

Commissioner Forsman, supported by Commissioner Sweeney, moved to direct Administration to include discussion of a moratorium at a November County Board Workshop; seven yeas - zero nays.

Commissioner Nelson, supported by Commissioner Sweeney, moved to authorize execution of a Purchase Agreement and Contract for Deed for acquisition of land in the City of Hibbing for use as a borrow pit. Marcus Hall, Public Works Director, in response to questions from Commissioner Fay, said a property value study was done, although not a formal appraisal. Because of the size of the purchase (\$325,000) a contract for deed was used so acquisition reserves would not be exhausted, according to Director Hall. Commissioner Fay expressed concern over the lack of a formal appraisal and that the property was not being purchased outright. County Attorney Mitchell asked that the contract for deed be sent to his office for review and insertion of necessary clauses. After brief discussion, the motion was approved; six yeas - one nay, Commissioner Fay. Resolution No. 513.

Commissioner Fink, supported by Commissioner Forsman, moved to approve a settlement agreement with Communication Director Paul Kent that will result in his employment with Public Works; seven yeas - zero nays. Resolution No. 514.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Documentation from public hearing held on September 28, 2004, to consider the granting of an Off-Sale Intoxicating Liquor License to Tucheck, Inc., d/b/a Bear River Viking Bar, Morcom Township.-58313

John Ostergren, Attorney representing Vermilion lakeshore owners, submitting a proposed moratorium resolution to allow continued study of the comprehensive plan and official controls for property within 1000 feet of the Lake Vermilion ordinary high water mark in St. Louis County.-58314

Settlement Agreement and Release of All Claims between St. Louis County and Paul Kent.-04-611

Agreement for Professional Services between St. Louis County and the North St. Louis County Soil & Water Conservation District.-04-612

Agreement for Professional Services between the County of St. Louis and Lisa Marlow for aggregate inventory.-04-613

Computer Maintenance Contract between St. Louis County, through its Land Commissioner, and

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ESRI, Inc.–[04-614](#)

Agreement for Professional Services between the County of St. Louis, through its Land Department, and Cliff E. Crosby, SRA, for real estate appraisal services.–[04-615](#)

Professional and Technical Services Contract between the State of Minnesota, through its Commissioner of Transportation, St. Louis County, through its Public Works Department, and American Engineering Testing, Inc., for Phase I Environmental Site Assessment on State Project No. 8821-48, Trunk Highway 53.–[04-616](#)

Purchase of Service Agreement, Contract No. 13746, between the St. Louis County Board of Commissioners and UDAC, Inc. - Supported Employment (MA MR/RC Waiver).–[04-617ss](#)

Addendum to Purchase Agreement, Contract No. 20530B, between the St. Louis County Board of Commissioners and Human Development Center for adult mental health initiative flex fund grant.–[04-618ss](#)

Addendum to Purchase Agreement, Contract No. 20525B, between the St. Louis County Board of Commissioners and Human Development Center for PATH state homeless grant services.–[04-619ss](#)

Addendum to Purchase Agreement, Contract No. 20523B, between the St. Louis County Board of Commissioners and Human Development Center for community support program services.–[04-620ss](#)

Addendum to Purchase Agreement, Contract No. 13680A, between the St. Louis County Board of Commissioners and Community Connection of Minnesota, Inc.–[04-621ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Community Connections - Lakeside House.–[04-622ss](#)

Agreement for Family Foster Care for Children under the Community Alternatives for Disabled Individuals (CADI) and Traumatic Brain Injury (TBI) Waivers between the St. Louis County Board of Commissioners and Linda Leffler.–[04-623ss](#)

Purchase of Service Agreement, Contract No. 13747, between the St. Louis County Board of Commissioners and Andrews Home Care Services, LLC, d/b/a Home Instead Senior Care for home care services.–[04-624ss](#)

Purchase of Service Agreement, Contract No. 13744, between the St. Louis County Board of Commissioners and Healthstar Home Health, d/b/a HealthStar Staffing, Inc., for home care services.–[04-625ss](#)

Agreement for Clinical Public Health Experience between the County of St. Louis, through its Department of Public Health and Human Services and Bemidji State University.–[04-626](#)

Professional and Technical Services Contract between the State of Minnesota, through its Commissioner of Transportation, St. Louis County, City of Duluth, and Short Elliot Hendrickson, Inc., for Mall Area Reconstruction.–[04-627](#)

Upon motion of Commissioner Sweeney, supported by Commissioner Kron, Resolutions No. 509 through 511, as submitted to this Board on the Consent Agenda were unanimously adopted as fol-

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lows:

BY COMMISSIONER SWEENEY:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of September 7, 2004, are hereby approved.

Adopted September 28, 2004. No. 509

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of September 14, 2004, are hereby approved.

Adopted September 28, 2004. No. 510

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated September 17, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

Adopted September 28, 2004. No. 511

BY COMMISSIONER FORSMAN:

WHEREAS, Tucheck, Inc., d/b/a Bear River Viking Bar, Morcom Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minnesota Statutes, Section 340A.405, Subdivision 2(d), requires that a public hearing be held prior to the issuance of an off-sale intoxicating liquor license; and

WHEREAS, a public hearing was held on September 28, 2004, at or about 9:35 A.M. in the Morse Town Hall, Ely, Minnesota, for the purpose of considering the granting of the off-sale intoxicating liquor license; and

WHEREAS, with regard to the application for said license Bear River Viking Bar has complied in all respects with the requirements of Minnesota Law and St. Louis County Ordinance No. 28; and

WHEREAS, the Liquor Licensing Committee of the St. Louis County Board of Commissioners has considered the nature of the business to be conducted and the propriety of the location and has recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, that Off-Sale Intoxicating Liquor License (License Number CMB0589) shall be issued to Tucheck, Inc., d/b/a Bear River Viking Bar, Morcom Township;

FURTHER RESOLVED, that said liquor license shall be effective through June 30, 2005;

FURTHER RESOLVED, that said license is approved contingent upon payment of real estate taxes when due;

FURTHER RESOLVED, that if named licenseholder sells the licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of license fee to the licenseholder.

Unanimously adopted. September 28, 2004. No. 512

BY COMMISSIONER NELSON:

WHEREAS, the St. Louis County Public Works Department has an ongoing need for gravel for road maintenance purposes; and

WHEREAS, the 7th Maintenance Division has limited gravel sources remaining in the Hibbing area; and

WHEREAS, Tom, Nikki, and Bonitta Fena currently own 120 acres in the City of Hibbing which contains a large gravel source; and

WHEREAS, the Fena's have agreed to sell the property on a Contract for Deed for \$325,000 to be financed at 7% over 5 years; and

WHEREAS, all appropriate permits have been addressed for the establishment of a new borrow pit

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by St. Louis County.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the Board Chair and Auditor to execute, on behalf of St. Louis County, a Purchase Agreement and Contract for Deed for the acquisition of the following property: Southwest Quarter of Northeast Quarter (SW 1/4 of NE 1/4), Southeast Quarter of Northeast Quarter (SE 1/4 of NE 1/4), and Northeast Quarter of Southeast Quarter (NE 1/4 of SE 1/4), ALL in Section 12, Township Fifty-seven (57), Range Twenty (20).

Funding for said purchase shall come from Public Works Fund 200, Agency 200008, Object 636500, Project 3083000.

RESOLVED FURTHER, that all documents involved and related to the acquisition of said property are subject to approval by the County Attorney.

Yeas - Commissioners Fink, Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 6

Nays - Commissioner Fay - 1

Adopted September 28, 2004. No. 513

BY COMMISSIONER FINK:

WHEREAS, an allegation of employment misconduct was made against the St. Louis County Communications (911) Director, Paul Kent;

WHEREAS, Paul Kent denies any wrongdoing;

WHEREAS, the parties believe that it is in their mutual best interest to resolve any and all disputes in an amicable manner and without resort to litigation;

WHEREAS, at its meeting on September 14, 2004, the County Board directed the County Attorney to meet with Paul Kent regarding Kent's status with St. Louis County;

WHEREAS, the parties have reached an agreement pursuant to which Mr. Kent will be employed in the County's Public Works Department;

NOW, THEREFORE, BE IT RESOLVED, the County Board hereby approves the Settlement Agreement and Release of All Claims between St. Louis County and Paul Kent and authorizes the Chair of the County Board to execute said Agreement.

BE IT FURTHER RESOLVED, the County Board hereby authorizes and directs the increase in the employee complement of a 1.0 full-time equivalent (FTE) position in the St. Louis County Public Works Department to perform such radio technician services and duties as may be required by the Public Works Department.

BE IT FURTHER RESOLVED, the Civil Service/Personnel Department is hereby requested to establish the job specification and rate of pay for the new position in accordance with applicable law.

BE IT FURTHER RESOLVED, funding for said position for 2004 pursuant to the Agreement shall be transferred from Communications, Fund 100, Agency 135001, Object 610100, to Public Works, Fund 200, Agency 200008, Object 610100.

Unanimously adopted. September 28, 2004. No. 514

At 10:54 A.M. on Tuesday, September 28, 2004, upon motion of Commissioner Kron, supported by Commissioner Sweeney, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:

Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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(Seal of the County Auditor)

OFFICIAL PROCEEDINGS
OF THE
BOARD OF COUNTY COMMISSIONERS
OF ST. LOUIS COUNTY, MINNESOTA

OCTOBER, 2004

OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON OCTOBER 5, 2004

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 5th day of October, 2004, at 9:40 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Commissioner Sweeney reminded everyone that October was Breast Cancer Awareness Month.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and the following chose to do so:

David Ross, Duluth Area Chamber of Commerce, presented a new logo entitled "Duluth & St. Louis County At The Capitol" for activities related to the former annual Duluth Days legislative gathering that now includes all of St. Louis County. Mr. Ross said the event has grown from 35 participants in 1996 to more than 400 last year and he thanked Commissioners for their efforts to make "Duluth & St. Louis County At The Capitol" a county wide affair.

Commissioner Fink, supported by Commissioner Fay, moved to schedule a closed session for labor negotiations for 1:30 P.M.; seven yeas - zero nays.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Amendment to Agreement for Collection of Waste from Canister Sites between St. Louis County and Waste Management, Inc.-04-628

Amendment to Agreement for Collection of Waste from Canister Sites between St. Louis County and Norland Sanitary Service.-04-629

Agreement for Professional Nursing Services between St. Louis County, through its Health Department, and Duluth Regional Care Center for Community Alternative Care Client No. 03.-04-630ss

Project Contract between the County of St. Louis and Lenci Enterprises, Inc., for Mold Remediation - Sheetrock Replacement Phase at the Sheriff's Department in the Virginia Courthouse.-04-631

Agreement for Professional Services between St. Louis County and Short Elliot Hendrickson, Inc., for an Environmental Assessment and facilitate public involvement for the reconstruction of C-SAH 6 (Maple Grove Road) from the Westberg Road to Mall Drive.-04-632

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Upon motion of Commissioner Fay, supported by Commissioner Forsman, Resolutions No. 515 through 523, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER FAY:

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:

Real Estate - James Anderson, \$170.76; Ives Realty, \$456.98; Rhonda Lakosky, \$139.48; John Larson, \$21.02; Rhonda Martinson, \$572.34; Derek Nelson, \$589.48; Eric Rhame, \$291.20; Timothy Rust, \$117.76; Delano Skeim, \$1,701.20; Clint Terry, \$218.96.

Personal Property - Dawn Hoyt, \$247.30; Kenneth Kratt, \$784.42; Arlene Salisbury, \$94.40.

Adopted October 5, 2004. No. 515

WHEREAS, the Land Department has reviewed a request of John and Muffy Kalenowski for a driveway and retaining wall easement on State Tax Forfeited land and recommends approval; and WHEREAS, there are no reasonable alternatives to resolving this problem; and WHEREAS, exercising the easement will not cause significant adverse environmental or natural resource management impacts.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Auditor, by the authority vested in him by Minnesota Statutes 282.04, Subdivision 4, is hereby authorized to grant an easement to John and Muffy Kalenowski described as follows: That part of Outlot C of the recorded subdivision of Parkwood, City of Duluth, Saint Louis County, Minnesota, described as follows: Commencing at the most southeast corner of said Outlot C; thence North 90 degrees 00 minutes 00 seconds West, along the south line of said Outlot C a distance of 7.61 feet to the point of beginning; thence northerly, along a nontangential curve concave to the west, having a radius of 47.47 feet, central angle of 37 degrees 04 minutes 20 seconds (chord bears North 06 degrees 07 minutes 14 seconds West), a distance of 30.71 feet; thence North 40 degrees 41 minutes 23 seconds West a distance of 34.15 feet to the east line of Lot 2, Block 10, Parkwood; thence South 00 degrees 05 minutes 30 seconds East, along said east line a distance of 55.25 feet to the southeast corner of said Lot 2, Block 10; thence easterly along the south line of said Outlot C a distance of 25.40 feet to the point of beginning.

Said easement being subject to reversion to the State in trust for the taxing districts in the event of non-use.

The easement is subject to the utility easement that is reserved in Outlot C Plat of Parkwood.

The granting of this easement is conditioned on payment of \$277.50 surveying fee, \$810.00 land use fee, \$200.00 administration fee, \$6.00 publication fee, and \$19.50 recording fee, for a total cost of \$1,313.00.

Adopted October 5, 2004. No. 516

WHEREAS, the Land Department has reviewed a request of Andrew and Karen Chiu for a driveway and retaining wall easement on State Tax Forfeited land and recommends approval; and WHEREAS, there are no reasonable alternatives to resolving this problem; and WHEREAS, exercising the easement will not cause significant adverse environmental or natural resource management impacts.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Auditor, by the authority vested in him by Minnesota Statutes 282.04, Subdivision 4, is hereby authorized to grant an

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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easement to Andrew and Karen Chiu described as follows: That part of Outlot C of the recorded subdivision of Parkwood, City of Duluth, Saint Louis County, Minnesota, described as follows: Commencing at the most southeast corner of said Outlot C; thence North 90 degrees 00 minutes 00 seconds West, along the south line of said Outlot C a distance of 7.61 feet to the point of beginning; thence northerly, along a nontangential curve concave to the west, having a radius of 47.47 feet, central angle of 37 degrees 04 minutes 20 seconds (chord bears North 06 degrees 07 minutes 14 seconds West), a distance of 30.71 feet; thence North 40 degrees 41 minutes 23 seconds West a distance of 34.15 feet to the east line of Lot 2, Block 10, Parkwood; thence South 00 degrees 05 minutes 30 seconds East, along said east line a distance of 55.25 feet to the southeast corner of said Lot 2, Block 10; thence easterly along the south line of said Outlot C a distance of 25.40 feet to the point of beginning.

Said easement being subject to reversion to the State in trust for the taxing districts in the event of non-use.

The easement is subject to the utility easement that is reserved in Outlot C Plat of Parkwood.

The granting of this easement is conditioned on payment of \$657.50 surveying fee, \$1,570.50 land use fee, \$200.00 administration fee, \$6.00 publication fee, and \$19.50 recording fee, for a total cost of \$2,453.50.

Adopted October 5, 2004. No. 517

WHEREAS, under the provisions of Minnesota Statutes, Section 282.241, State Tax Forfeited land may be repurchased by the previous owner subject to payment of taxes and/or assessments and penalties, interest and costs; and

WHEREAS, Waylen D. Koskela, of 3017 - 5th Avenue East, Hibbing, MN 55746, has applied to repurchase the following parcel: Plat/Parcel Code: 020-0030-00030; City of Hibbing, Lot H, Block 12, Central Avenue Rearrangement of Chisholm, City of Chisholm.

WHEREAS, Waylen D. Koskela was the owner of record at the time of forfeiture, and is eligible to repurchase this property; and

WHEREAS, approving the repurchase will correct undo hardship and promote the use of lands that will best serve the public interest.

NOW, THEREFORE, BE IT RESOLVED, that the repurchase application of Waylen D. Koskela, is on file in County Board File No. 58247, is approved for the property described above, and will be subject to payment including taxes and assessments of \$701.72, repurchase application fee of \$114.00, deed tax of \$2.23, deed fee of \$25.00, and recording fee of \$19.50; for a total of \$862.45. Adopted October 5, 2004. No. 518

WHEREAS, St. Louis County has reviewed the pertinent data on bridges requiring replacement, rehabilitation, or removal supplied by local citizenry and local units of government; and

WHEREAS, St. Louis County has identified those bridges that are high priority and has previously established a list of those that require replacement, rehabilitation, or removal in Resolution 589 dated August 10, 1999; and

WHEREAS, the following additional bridge has since been identified as also requiring replacement, rehabilitation, or removal;

NOW, THEREFORE, BE IT RESOLVED, that the following deficient bridge is added to the list of high priority bridges and further, that St. Louis County intends to replace this bridge under S.A.P. 69-599-24, C.P. 9586, in late 2004;

County Bridge No. 627, State Bridge No. 69J47, on Township Road 7953, located in Township 60 North, Range 19 West, Section 34.

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FURTHERMORE, St. Louis County does hereby request authorization to replace, rehabilitate, or remove such bridge; and

FURTHERMORE, St. Louis County does hereby request financial assistance with eligible approach grading and engineering costs on township bridges, as provided by law.

Adopted October 5, 2004. No. 519

RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the Sheriff to apply for and accept a grant from the Minnesota Department of Natural Resources for snowmobile safety enforcement in an amount not to exceed \$9,975.15. This authorization will cover the grant period of July 1, 2004, to June 30, 2005; payable to Fund 100-129999-GRANT 12921-2004.

RESOLVED FURTHER, the Sheriff is authorized to sign and execute such agreements as are necessary to implement this project and that such agreements be approved as to form and content by the County Attorney.

Adopted October 5, 2004. No. 520

WHEREAS, St. Louis County, the City of Duluth, and other local agencies cooperatively accepted a grant from the State of Minnesota, Office of Drug Policy and Violence Prevention, for funding the Lake Superior Drug Task Force; and

WHEREAS, the current grant period runs from January 1, 2003, to June 30, 2004, and the State of Minnesota desires to extend the expiration date of this grant to December 31, 2004; and

WHEREAS, amendment of the current grant would increase the State of Minnesota's contribution to \$268,330.00 for the total grant period and Task Force officer salaries shall be utilized for any match requirement.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners authorizes the Sheriff and County Auditor to execute any required amendments to the contract with the State of Minnesota and amendments to joint powers agreements applicable to this grant; and RESOLVED FURTHER, funds received from the State of Minnesota for the Lake Superior Drug Task Force shall be deposited in Fund 129999, Grant 12916, Year 2003.

RESOLVED FURTHER, this contract amendment shall be approved as to form and content by the County Attorney.

Adopted October 5, 2004. No. 521

WHEREAS, the St. Louis County Land Department desires to hire a Land Staff Appraiser to better serve the citizens of St. Louis County and the Tax Forfeited Trust; and

WHEREAS, there are a significant number of Tax Forfeited parcels within St. Louis County that are suitable to be sold and placed back on the tax roles.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby increases the Land Department personnel budget by \$11,000 in 2004 to allow for the addition of a Land Staff Appraiser position FTE.

Budget Reference: Fund 240 (Land Fund), Agency 241003 (Resource Management)

Adopted October 5, 2004. No. 522

WHEREAS, the St. Louis County Environmental Trust Fund was established pursuant to Minnesota Laws 1998, Chapter 389, Article 16, Section 31, Subdivision 4, as amended by laws of 1999, Chapter 180, Section 3, which required that the proceeds from the sale of tax forfeited land sold pursuant to said laws must be deposited into a county environmental trust fund; and

WHEREAS, the principal of the fund of \$5,972,494.00, has accrued interest in the amount of \$153,473.90 as of August 11, 2004; and

WHEREAS, the interest may be spent by the County Board only for purposes related to the improvement of natural resources; and

WHEREAS, the Town of French has requested a grant from the St. Louis County's Environmental Trust Fund for the purpose of developing a wastewater management plan.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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BE IT RESOLVED, the Town of French is hereby granted \$12,500 from the St. Louis County Environmental Trust Fund for the purpose of developing a wastewater management plan; to be paid from Fund 500, Agency 500001, Object 695100.
Adopted October 5, 2004. No. 523

At 10:00 A.M. on Tuesday, October 5, 2004, upon motion of Commissioner Fay, supported by Commissioner Sweeney, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON OCTOBER 12, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 12th day of October, 2004, at 9:43 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Commissioner Sweeney, taking her turn presenting an appropriate quote, offered the following from Nelson Mandela (written from Robben Island Prison in 1973):

“In judging our progress as individuals we tend to concentrate on external factors such as one’s social position, influence and popularity, wealth and standard of education . . . but internal factors may be even more crucial in assessing one’s development as a human being: honesty, sincerity, simplicity, humility, purity, generosity, absence of vanity, readiness to serve your fellow men - qualities within the reach of every soul - are the foundation of one’s spiritual life . . .”

Commissioner Sweeney reminded everyone that October was Breast Cancer Awareness Month and she distributed ribbons to wear on lapels and pamphlets.

Chair Raukar and Commissioner Kron, Chair of the Finance and Budget Committee, presented the GFOA Budget Presentation Award to County Administrator Dana Frey, County Auditor Donald Dicklich and staff members. Administrator Frey said he was pleased to receive the award from an organization of peers consisting of 16,000 fiscal officers throughout the nation.

A public hearing scheduled for 9:35 A.M. to consider the cartway petition of Thomas Daniel to provide access to his property was canceled. Alan Mitchell, County Attorney, said the petitioner did not give proper notice to the affected landowner. Attorney Mitchell said he would ask for a rescheduling at Committee of the Whole.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda, but no one chose to do so.

Commissioner Sweeney, supported by Commissioner Kron, moved to approve establishment of Public Health and Human Services as billing agent for Assertive Community Treatment (ACT) services in St. Louis County; seven yeas - zero nays. Resolution No. 533.

Commissioner Fay said she recently participated in Extension Service’s Lakewood School Gardens Galore Harvest Feast. The event encourages students to understand the science of growing foods. Donald Dicklich, County Auditor, said the Auditor’s License Center has successfully moved to its new location in the Miller Hill Mall and he invited the Board to come and inspect the new premises.

At 10:10 A.M. in the forenoon of Tuesday, October 12, 2004, Chair Raukar moved to recess the Board until 10:30 A.M. on October 12, 2004, in the Commissioners’ Conference Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 12:07 P.M. on October 12, 2004, and the regular order of business resumed with all members present.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Commissioner Fay, supported by Commissioner Forsman, moved to approve a second consent agenda consisting of all items unanimously passed at Committee of the Whole; seven yeas - zero nays.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Patricia Anderson, State Auditor, State of Minnesota Office of the State Auditor, submitting Management and Compliance Report for St. Louis County, Duluth, Minnesota, for the year ended December 31, 2003.-58315

Larry M. Nord, Receiver for St. Louis County Heritage and Arts Center, submitting Bill of Sale of all assets determined to be owned by the St. Louis County Heritage and Arts Center on the date of dissolution.-58316

Commissioner Peg Sweeney submitting information from the American Cancer Society regarding October being Breast Cancer Awareness Month.-58317

Commissioner Joanne Fay submitting information from the University of Minnesota Extension Service which she received at the Lakewood School Gardens Galore Harvest Feast.-58318

Home Investment Partnership Program CHDO Grant Agreement between St. Louis County and Arrowhead Economic Opportunity Agency for CHDO Set Aside Activities.-04-633

Home Investment Partnership Program CHDO Grant Agreement between St. Louis County and Arrowhead Economic Opportunity Agency for CHDO Operating.-04-634

Home Investment Partnership Program Subrecipient Grant Agreement between St. Louis County and Arrowhead Economic Opportunity Agency for Administration.-04-635

Home Investment Partnership Program Subrecipient Grant Agreement between St. Louis County and Kootasca Community Action, Inc., for Home Ownership Assistance.-04-636

Home Investment Partnership Program CHDO Grant Agreement between St. Louis County and Kootasca Community Action, Inc., for CHDO Operating.-04-637

Home Investment Partnership Program CHDO Grant Agreement between St. Louis County and Kootasca Community Action, Inc., for CHDO Set Aside Activities.-04-638

Home Investment Partnership Program Subrecipient Grant Agreement between St. Louis County and Kootasca Community Action, Inc., for Administration.-04-639

Employee Safety & Development Training Contract between St. Louis County and Melanie Keveles for a *Beyond Belief- The Power of Our Thoughts in All We Do* session.-04-640

Employee Safety & Development Training Contract between St. Louis County and Susan Mattis Turnham for *WordPerfect to Word: Making the Transition, Introduction to Excel, Introduction to GroupWise, Excel Intermediate, and GroupWise Intermediate* sessions.-04-641

Lease Agreement between the County of St. Louis and the Regents of the University of Minnesota, through its School of Social Work, for 493 square feet of office space on the first floor designated as Suite 106 of the Duluth Government Services Center.-04-642

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Agreement for Professional Nursing Services between St. Louis County, through its Health Department, and Duluth Regional Care Center for Community Alternative Care Client No. 03.-[04-643ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Colonial Homes I.-[04-644ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Arrowhead House AFC.-[04-645ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Timothy and Bobbie Jo Majchrzak.-[04-646ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Reflections On Greysolon Road.-[04-647ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Reflections On Mirror Lake.-[04-648ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Reflections Over the Bay.-[04-649ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and TLC - Gearhart.-[04-650ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and TLC - East Sixth Street.-[04-651ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and TLC - Buffalo.-[04-652ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and TLC - Swan Lake.-[04-653ss](#)

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Lee Millard.-[04-654ss](#)

Addendum to Purchase Agreement, Contract No. 13077C, between the St. Louis County Board of Commissioners and UDAC, Inc. (MA MR/RC Waiver).-[04-655ss](#)

Addendum to Purchase Agreement, Contract No. 13076C, between the St. Louis County Board of Commissioners and UDAC, Inc. (CCSA).-[04-656ss](#)

Addendum to Purchase Agreement, Contract No. 13691A, between the St. Louis County Board of Commissioners and Peterson Colonial Homes, Inc.-[04-657ss](#)

Purchase of Service Agreement, Contract No. 13752, between the St. Louis County Board of Commissioners and Accessible Space, Inc., for home care services.-[04-658ss](#)

Purchase of Service Agreement, Contract No. 13748, between the St. Louis County Board of Commissioners and Reflections Homes, Inc., for assisted living plus services and out-of-home respite services.-[04-659ss](#)

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Employee Safety & Development Training Contract between St. Louis County and Northeast Service Cooperative for *Introduction to MS Access 2002, Intermediate MS Access 2002 - Part I Queries, and Intermediate MS Access 2002 - Part II Reports* sessions.–04-660

Employee Safety & Development Training Contract between St. Louis County and Dave Allison and Associates for a *We Care Teaming* session.–04-661

Employee Safety & Development Training Contract between St. Louis County and Julie Mattson for a *Food and Body Connection* session.–04-662

Employee Safety & Development Training Contract between St. Louis County and Maria Stalzer Wyant Cuzzo for a *Ethics in the Workplace: What Are They and Why Have Them?* session.–04-663

Employee Safety & Development Training Contract between St. Louis County and James Laumeyer for a *So You Want to be a Supervisor* session.–04-664

Agreement for Clinical Public Health Experience between the County of St. Louis and the College of St. Scholastica.–04-665

Upon motion of Commissioner Kron, supported by Commissioner Sweeney, Resolutions No. 524 through 532, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER KRON:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of September 28, 2004, are hereby approved.
Adopted October 12, 2004. No. 524

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated October 1, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.
Adopted October 12, 2004. No. 525

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:
Real Estate - Duane Esler, \$456.36.
Adopted October 12, 2004. No. 526

WHEREAS, in 1993, St. Louis County implemented a Solid Waste Service Fee to fund portions of the County's solid waste management programs; and
WHEREAS, in 1995, the Service Fee, based on fee per residential parcel, was reduced significantly, from \$68/residential parcel to \$58/residential parcel; and
WHEREAS, from 1996 to 2004 the Service Fee for the North Solid Waste Service Area has remained at \$58/residential parcel; and
WHEREAS, in 2001 and 2002, the County established the South Solid Waste Service Area and implemented hauler-collected and tax statement line item service fees for that area; and
WHEREAS, the revenue generated by solid waste service fees are still adequate to fund recycling, household hazardous waste, administration, and waste reduction programs;

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NOW, THEREFORE, BE IT RESOLVED, that for 2005, the North Solid Waste Service Area Solid Waste Service Fee remain the same as 2004 and be set as follows:

Residential Parcels	\$58.00
Seasonal/Recreational Parcels	\$19.72
Commercial Parcels:	
EMV less than \$50,000	\$58.00
EMV \$50,001 to \$100,000	\$87.00
EMV \$100,001 to \$150,000	\$116.00
EMV \$150,001 to \$200,000	\$145.00
EMV more than \$200,000	\$174.00

The 2005 South Solid Waste Service Area Solid Waste Service Fees shall be set as follows:

Residential Parcels	\$12.00
Seasonal/Recreational Parcels	\$6.00
Commercial Parcels:	
EMV less than \$50,000	\$12.00
EMV \$50,001 to \$100,000	\$18.00
EMV \$100,001 to \$150,000	\$24.00
EMV \$150,001 to \$200,000	\$30.00
EMV more than \$200,000	\$36.00

Adopted October 12, 2004. No. 527

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subdivision 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit application, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization:

American Red Cross to operate out of Pequaywan Inn Resort, Unorganized Township 54-13, new.
Adopted October 12, 2004. No. 528

RESOLVED, that the St. Louis County Board authorizes the Property Management Department to eliminate one (1) FTE Information Specialist I position, Pay Grade 4 - 6, and add one (1) Information Specialist II position, Pay Grade 10 - 12, at a cost to the department of \$2,256, funding from Agency 128004, Fund 100.

Adopted October 12, 2004. No. 529

RESOLVED, that the St. Louis County Board of Commissioners accepts the Minnesota Division of Homeland Security and Emergency Management's 2004 Law Enforcement Terrorism Prevention Program (LETPP) Grant for \$91,106.00, and authorizes the Sheriff to sign any associated contract documents.

RESOLVED FURTHER, the St. Louis County Board of Commissioners authorizes the Sheriff and appropriate county staff to expend these funds in compliance with the terms of the grant contract.

RESOLVED FURTHER, that funds will be made payable to and authorizes expenditure of the funds from Fund 100, Agency 129999, Grant 12928, Year 2004.

Adopted October 12, 2004. No. 530

RESOLVED, that the St. Louis County Board of Commissioners authorizes the Sheriff's Office to accept a 2004 State Homeland Security Funding Grant to the Minnesota Division of Homeland Security and Emergency Management (HSEM) for \$50,000.00.

RESOLVED FURTHER, the St. Louis County Board of Commissioners authorizes the Sheriff and

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appropriate county staff to expend these funds in compliance with the terms of the grant contract.
RESOLVED FURTHER, that funds will be made payable to and authorizes expenditure of the funds from Fund 100, Agency 129999, Grant 12929, Year 2004.
Adopted October 12, 2004. No. 531

WHEREAS, the Duluth Economic Development Authority has offered to purchase the following described State Tax-Forfeited parcel for the appraised price of \$19,700.00 plus fees: Home Park Division, Block 101, Lots 1, 2, 3 & 19, 20, 21, 22; Parcel Code Nos. 10-2260-7850, 7860 & 8030; for the purpose of acquiring this parcel on behalf of Northern Communities Land Trust. Two, single family, affordable housing units will be constructed on the site; and

WHEREAS, Minnesota Statute 282.01, Subd. 1(a) authorizes the sale of State Tax Forfeited land to an organized governmental subdivision; and

WHEREAS, said parcel of land has been classified as non-conservation land pursuant to Minnesota Statutes Section 282.01; and

WHEREAS, this parcel of land is not withdrawn from sale pursuant to Minnesota Statutes Sections 84.012, 92.461, 282.01, Subdivision 8; and 282.018, and other statutes that require the withholding of State Tax-Forfeited lands from sale.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the sale of the above described State Tax-Forfeited parcel to the Duluth Economic Development Authority for the appraised value of \$19,700.00 plus the following fees: 3% Assurance Fee of \$591.00, Deed Fee of \$25.00, Deed Tax of \$65.01, and a Recording fee of \$19.50; for a total of \$20,400.51.

Adopted October 12, 2004. No. 532

BY COMMISSIONER SWEENEY:

WHEREAS, Assertive Community Treatment (ACT) is a valuable mental health service for residents of St. Louis County; and

WHEREAS, ACT is now a Medical Assistance (MA) eligible service; and

WHEREAS, Public Health and Human Services needs to be a partner in community mental health services; and

WHEREAS, Public Health and Human Services needs adequate staff to implement the ACT teams; and

WHEREAS, St. Louis County must contract with other service providers in order to establish the partnerships for ACT.

NOW, THEREFORE, IT IS RESOLVED, that the St. Louis County Board of Commissioners hereby authorizes:

1. The appropriate County officials to establish the Department of Public Health and Human Services as billing agent for the ACT services in St. Louis County.
2. The Department of Public Health and Human Services to communicate the following staffing increases and funding for the 2005 proposed budget to the County Administrator, for consideration by the County Board, of one (1) financial worker, one (1) Information Specialist II, one-half (.5) Information Specialist I, and four (4) social workers. If the MA funding is terminated, these positions would be eliminated.
3. The Director of the Department of Public Health and Human Services to enter into contracts, including a termination provision if MA funding is lost, with the other provider organizations and the State of Minnesota as required to implement the ACT teams.
4. The Department of Public Health and Human Services to provide revenue and expenditure reports, together with a performance report to the Board on a quarterly basis for the first year of the program, and on an annual basis in subsequent years.

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ST. LOUIS COUNTY, MINNESOTA**

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Unanimously adopted. October 12, 2004. No. 533

Upon motion of Commissioner Fay, supported by Commissioner Forsman, Resolutions No. 534 through 542, which were approved at the Committee of the Whole meeting this date, were brought forth to this meeting as a second Consent Agenda and were unanimously adopted as follows:

BY COMMISSIONER FAY:

RESOLVED, that the St. Louis County Board hereby rescinds Resolution No. 599, dated August 4, 1998.

RESOLVED FURTHER, that the St. Louis County Board delegates contracting authority to the Director of Public Health and Human Services in the following situations:

1. No county dollars are expended
2. The Fraud Prevention Investigation Grant
3. Non-Financial Agreements
4. Cooperative agreements with other county departments and Arrowhead Regional Corrections
5. Contracts under \$25,000

Adopted October 12, 2004. No. 534

RESOLVED, that the County Board of Commissioners authorizes the Chairperson of the Board, County Auditor, and County Administrator to sign an agreement with Medica, payable to Fund 100, Agency 141001, Public Health Nursing, for the period September 1, 2004, through August 31, 2006.

Adopted October 12, 2004. No. 535

WHEREAS, St. Louis County Land Department became a licensee of the Sustainable Forestry Initiative (SFISM) program in December 1998; and

WHEREAS, the Land Department has developed an Environmental Management System (EMS) to continue its commitment to sustainable management of Tax Forfeited Trust Lands; and

WHEREAS, the Land Department is pursuing independent third-party certification of the EMS to the International Standards Organization (ISO) 14001 - Environmental Management System Standard and of its performance in achieving SFISM objectives on Tax Forfeited Trust Lands by October 2004; and

WHEREAS, the Land Department entered into an agreement with Ecologico on February 19, 2002, to develop an Environmental Management System in the amount of \$60,000, and amended that agreement to reflect changes in standards on July 22, 2003, to increase the amount to \$105,000; and

WHEREAS, Ecologico is an environmental consulting firm that is experienced with ISO 14001 and its requirements and has provided satisfactory services to the Land Department for this project since May, 2001; and,

WHEREAS, the Land Department requires additional services from Ecologico to assist with preparation of the certification audit and meet anticipated changes in forestry standards for 2005.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby authorizes the Director of Purchasing to amend the agreement with Ecologico of North Vancouver, British Columbia, for assisting the Land Department in development of an Environmental Management System to \$145,000, payable from Fund 290, Agency 290001, and to extend the term of the agreement to February 28, 2005.

Adopted October 12, 2004. No. 536

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:

Real Estate - Sherry Anderson, \$274.80; Buhl Econ. Dev. Auth., \$177.80; Eric Dickey, \$182.40; Steven

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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Fairbanks, \$633.94; Thomas Flitsch, \$319.22; Todd Hart, \$29.56; Brian Helf, \$166.60; Cherie Jarvi, \$908.80; Dale Johnson, \$861.58; Susan Johnson, \$389.34; Doug Luhm, \$255.30; Darren Peterson, \$868.62; Billy Townsend, \$291.20; USA, \$349.76.
Adopted October 12, 2004. No. 537

WHEREAS, the St. Louis County Board of Commissioners has established a citizen advisory committee to review CDBG applications and to make funding recommendations to the County Board; and
WHEREAS, the citizen advisory committee has completed its review of 30 applications for FY 2005 totaling \$3.1 million in funding requests; and
WHEREAS, the anticipated FY 2005 HUD allocations are approximately \$2.7 million CDBG, \$750,000 HOME, and \$100,000 Emergency Shelter Grant; and
WHEREAS, HUD requires that a public hearing be conducted to allow citizen input prior to submittal of the FY 2005 Action Plan.
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners will hold a public hearing on Tuesday, November 2, 2004, at 9:35 A.M., at the St. Louis County Courthouse in Duluth, Minnesota, for the purposes of receiving citizen comments on the established priorities and funding recommendations included in the FY 2005 Action Plan.
Adopted October 12, 2004. No. 538

WHEREAS, Mary Durward, County Assessor, has retired from County service effective September 21, 2004.
NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby appoints Melvin Hintz as Interim County Assessor effective October 12, 2004.
BE IT RESOLVED FURTHER, that Melvin Hintz's compensation as Interim County Assessor is approved at U27 - Step A in the SLC Management Compensation Plan.
Adopted October 12, 2004. No. 539

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subdivision 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit application, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization:

Babbitt Embarrass Area Development Association to operate out of Hideaway Bar & Lounge, Inc., Unorganized Township 61-13, renewal.
Adopted October 12, 2004. No. 540

WHEREAS, the Town of Brimson has enjoyed the services of the United States Postal Service for more years than most current residents can remember; and
WHEREAS, the Brimson Post Office has provided the valuable service of two (2) hours each day to accommodate the postal needs of its area residents and businesses; and
WHEREAS, the current location of the Brimson Post Office is closing its doors because of the retirement of the local business owner who has served as postmaster, which may put the future of the Brimson Post Office at risk for closure; and
WHEREAS, the nearest post office is located more than 30 miles away from the Brimson location;
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby supports continued location of a United States Post Office in the Brimson area, and directs the writing of a letter of support to the United States Postal Service conveying its desire for the continuation of this valuable service to area residents and businesses.
Adopted October 12, 2005. No. 541

WHEREAS, a petition was presented to the St. Louis County Board by the owner of a tract of land located in Township 63 North, Range 17 West of St. Louis County containing at least five acres who

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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have no access thereto except over the lands of others to connect the petitioner's land to the public road. NOW, THEREFORE, BE IT RESOLVED, that pursuant to Minnesota Statutes 164.02, Subdivision 2, a public hearing shall be held at 9:35 A.M. on Tuesday, January 11, 2005, at the Courthouse in Duluth, MN, to hear the petition of Thomas Daniel regarding the establishment of a cartway two rods in width to provide access to his property. The proposed cartway is described as follows: Beginning from a point on the western boundary of Parcel 1, said point being due east from the Schoch logging truck landing and thence run due west across Government Lot 1, Section 9, Township 63 North of Range 17 West of the Fourth Principal Meridian, until it intersects with the Schoch logging truck landing in said Government Lot 1; thence north and west along the centerline of an existing primitive road over and across said Government Lot 1; across the Northwest 1/4 of the Northwest 1/4, Section 9, Township 63 North, Range 17 West of the Fourth Principal Meridian; across the Northeast 1/4 of the Northeast 1/4, Section 8, Township 63 North, Range 17 West of the Fourth Principal Meridian; across the East 1/2 of the Southeast 1/4, Section 5, Township 63 North, Range 17 West of the Fourth Principal Meridian until said existing primitive road intersects with the St. Louis County Road No. 24 and there terminating. RESOLVED FURTHER, that said petition is on file in the office of the County Auditor, identified as County Board File No. 58287.

Adopted October 12, 2004. No. 542

At 12:09 P.M. on Tuesday, October 12, 2004, upon motion of Commissioner Sweeney, supported by Commissioner Nelson, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON OCTOBER 26, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 26th day of October, 2004, at 9:47 A.M. in the City Council Chambers, City Hall, Gilbert, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Mayor Mike Skenzich welcomed the Board to the City of Gilbert and highlighted some of the economic changes occurring in the area.

Chair Raukar read a proclamation recognizing the week of October 24 through 30 as Childhood Lead Prevention Week. Chair Raukar and Commissioner Sweeney, Chair of Health and Social Services Committee, presented the award to Ann Busche, Director of Public Health and Human Services, and Julie Burns, Public Health and Human Services. Director Busche said the County has been screening children for levels of lead for some time with good results.

In response to a question from Commissioner Sweeney, Director Busche said the County fared well in a recent audit conducted by the Minnesota Department of Human Services. The audit team consisted of state employees and county representatives from across the state.

Director Busche also presented a flu vaccine update. The County has secured enough vaccine for nursing home residents and is working diligently to provide vaccine for other high risk individuals.

Commissioner Nelson, taking his turn presenting an appropriate quote, said his election wish is that Minnesota is not a "swing state" in the 2008 elections. Commissioner Nelson then distributed samples of lures manufactured by Krog Lures of Aurora, MN, including a patented bobber that contains a heating element powerful enough to keep an ice hole open during winter.

Commissioner Sweeney reminded everyone that October was Breast Cancer Awareness Month.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda, but no one chose to do so.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Amy N. Giddings, Duluth, expressing her gratitude to St. Louis County and her public health nurse Dana Litman for the wonderful service of prenatal and postpartum nursing home visits.-58319

Traci H. Eaton and the residents of Helm Road, Duluth, submitting a petition requesting the revocation of the new speed limit of 50 miles per hour and the reinstatement of the 30 mile per hour speed limit on Helm Road.-58320

Ann Busche, Director of Public Health and Human Services, submitting facts about lead poisoning and recommendations as to who should receive the limited influenza vaccine.-58321

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Amendment to Agreement for Collection of Waste from Canister Sites between St. Louis County and The G-Men Company.–[04-666](#)

Agreement for Clinical Public Health Experience between the County of St. Louis, through its Department of Public Health and Human Services, and the College of St. Scholastica.–[04-667](#)

Lease Agreement between the County of St. Louis and Northern Communities Credit Union for Room 112 on the first floor of the Government Services Center in Duluth.–[04-668](#)

Agreement for Clinical Public Health Experience between the County of St. Louis, through its Department of Public Health and Human Services, and Bemidji State University.–[04-669](#)

Agreement for Professional Nursing Services, through its Health Department, and the Duluth Regional Care Center for Community Alternative Care Client No. 03.–[04-670](#)

Employee Safety & Development Training Contract between St. Louis County and Richard Townsend for a *Stress Management - T'ai Chi* session.–[04-671](#)

Employee Safety & Development Training Contract between St. Louis County and David Swenson for a *Stress Management - T'ai Chi* session.–[04-672](#)

Employee Safety & Development Training Contract between St. Louis County and Pattie Clark for *The Leadership Challenge: Essential Skills for Career and Personal Success* session.–[04-673](#)

Employee Safety & Development Training Contract between St. Louis County and Mary McHardy for *Pre-Retirement Planning: Psychological Considerations of Retirement* portion of the training session.–[04-674](#)

Grant Contract between the State of Minnesota, through its Commissioner of Public Safety, Division of Homeland Security and Emergency Management, for 2004 Law Enforcement Terrorism Prevention Program.–[04-675](#)

Grant Contract between the State of Minnesota, through its Commissioner of Public Safety, Division of Homeland Security and Emergency Management, for 2004 State Homeland Security Grant Program.–[04-676](#)

Medica Health Plans, Medica Insurance Company, Medica Health Plans of Wisconsin and Medica Self-Insured, d/b/a Medica Self-Insured Public Health Agency, Participation Agreement with St. Louis County.–[04-677](#)

Upon motion of Commissioner Sweeney, supported by Commissioner Forsman, Resolutions No. 543 through 552, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER SWEENEY:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of October 5, 2004, are hereby approved.
Adopted October 26, 2004. [No. 543](#)

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of October 12, 2004, are hereby approved.
Adopted October 26, 2004. [No. 544](#)

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated October 15, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.
Adopted October 26, 2004. No. 545

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, is hereby approved and the County Auditor is authorized to issue the license as follows;

RESOLVED FURTHER, that said license shall be effective November 1, 2004, to December 31, 2004;

RESOLVED FURTHER, that if named licenseholder sells their licensed business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund to the licenseholder:

Bandelow Partnership, d/b/a B & B Country Mart, McDavitt Township, Tobacco Products License No. T04206, new.

Adopted October 26, 2004. No. 546

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, is hereby approved and the County Auditor is authorized to issue the license as follows;

RESOLVED FURTHER, that if named licenseholder sells their licensed business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund to the licenseholder:

Back Country Bar, Inc., d/b/a Hugo's, Ault Township, Tobacco Products License No. T04207, transfer.

Adopted October 26, 2004. No. 547

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for a permit authorizing the consumption and display of intoxicating liquor is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58202;

Back Country Bar, Inc., d/b/a Hugo's, Ault Township, Permit No. S0518, transfer.

Adopted October 26, 2004. No. 548

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for a 3.2 percent malt liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58200;

FURTHER RESOLVED, that said license is approved contingent upon the licenseholder paying real estate or personal property taxes when due;

FURTHER RESOLVED, that if named licenseholder sells their licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of the license fee to the licenseholder;

FURTHER RESOLVED, that said license shall be effective through June 30, 2005:

Back Country Bar, Inc., d/b/a Hugo's, Ault Township, On/Off-Sale 3.2 Percent Malt Liquor License No. B0570, transfer.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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Adopted October 26, 2004. No. 549

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for a 3.2 percent malt liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 58200; FURTHER RESOLVED, that said license is approved contingent upon the licenseholder paying real estate or personal property taxes when due;

FURTHER RESOLVED, that if named licenseholder sells their licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of the license fee to the licenseholder;

FURTHER RESOLVED, license issuance is contingent on the Auditor receiving McDavitt Township approval;

FURTHER RESOLVED, that said license shall be effective November 1, 2004, through June 30, 2005:

Bandelow Partnership, d/b/a B & B Country Mart, McDavitt Township, Off-Sale 3.2 Percent Malt Liquor License No. B0569, new.

Adopted October 26, 2004. No. 550

RESOLVED, that the appraisal reports for sale of timber, numbered Tracts 1 through 3, as submitted by the Land Commissioner, on file in the office of the County Auditor, identified as County Board File No. 58170, are approved and the County Auditor is authorized to carry out the recommendations as listed in said appraisal reports.

Adopted October 26, 2004. No. 551

RESOLVED, that the appraisal reports for the sale of timber to be offered at Sealed Bid Timber Auction, Tracts 1 through 20 (totaling \$681,966.85), as submitted by the Land Commissioner, on file in the office of the County Auditor, identified as County Board File No. 58170, are approved and the County Auditor is authorized to carry out the recommendations as listed in said appraisal reports.

Adopted October 26, 2004. No. 552

At 10:40 A.M. on Tuesday, October 26, 2004, upon motion of Commissioner Sweeney, supported by Commissioner Nelson, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

OFFICIAL PROCEEDINGS
OF THE
BOARD OF COUNTY COMMISSIONERS
OF ST. LOUIS COUNTY, MINNESOTA
NOVEMBER, 2004

**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON NOVEMBER 2, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 2nd day of November, 2004, at 9:43 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Chair Raukar began the meeting by offering the following quotations on election day:

“Let Freedom Reign. The sun never set on so glorious a human achievement.” Nelson Mandela

“We fear things in proportion to our ignorance of them.” Titus Livius (Roman author and historian)

“The reward of a thing well done is to have done it.” Ralph Waldo Emerson

“Let us never forget that Government is ourselves and not an alien power over us. The ultimate rulers of our democracy are not a President and Senators and Congressmen nor other elected officials . . . but rather the voters of this country.” Franklin Delano Roosevelt

“Let choice, not chance, determine our destiny.” Steve Raukar

At 9:46 A.M., a public hearing was convened pursuant to County Board Resolution No. 538, adopted October 12, 2004, to receive citizen comment on the established priorities and funding recommendations included in the FY 2005 Action Plan and Community Development Block Grant (CDBG), HOME and ESG programs. The following persons addressed the issue:

Barbara Hayden, Planning Director, explained the process used to develop the FY 2005 Plan and she recommended adoption. In response to Commissioner questions, Director Hayden said funding distribution is similar to prior years and only one project failed to be approved.

Liz Kurppala, Minnesota Coalition for the Homeless, said her concerns have been addressed and she urged the Board to support the plan.

Nancy Larson, CDBG Manager, in response to a question from Commissioner Sweeney, said crisis shelters would be eligible for funding.

At 10:03 A.M., Commissioner Fay, supported by Commissioner Sweeney, moved to close the hearing; seven yeas - zero nays. Commissioner Sweeney, supported by Commissioner Kron, moved to approve the FY 2005 Action Plan; seven yeas - zero nays. Resolution No. 564.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda, but no one chose to do so.

Commissioner Sweeney, supported by Commissioner Nelson, moved to authorize execution of an agreement with Northspan Group, Inc., to provide administrative services for the septic loan program and to authorize the Director of Public Health and Human Services to execute individual septic loan agreements on behalf of the County; seven yeas - zero nays. Resolution No. 565.

Ann Busche, Director of Public Health and Human Services, said sufficient flu vaccine has been secured to immunize all nursing home patients. An additional 6,000 to 8,000 doses for high risk individuals has also been obtained.

Guy Peterson, Health Department, described efforts put forth to acquire flu vaccine and the process that will be followed to administer shots. In response to a question from Commissioner Sweeney, Mr. Peterson compared symptoms of influenza to the common cold.

Commissioner Forsman, supported by Commissioner Kron, moved to approve sale of tax forfeited land located in Section 32, Township 63 North, Range 12 West, for reconveyance to the North American Bear Center for \$108,725 plus fees. Alan Mitchell, County Attorney, explained the appraisal process and said meetings with Land Department staff and City of Ely representatives resulted in lowering the appraised value from \$114,000 to \$108,725, which was agreeable to both parties. After further discussion, the sale was approved; seven yeas - zero nays. Resolution No. 566.

Commissioner Forsman, supported by Commissioner Nelson, moved to authorize expending \$7,390 from the Forest Recreation Fund for the Clinton Township Outdoor Shelter. Commissioner Fink said there is a need to establish criteria or matching fund requirements for these types of projects. Donald Dicklich, County Auditor, said Iron Range Resources (IRR) has changed its focus and will only approve grants for economic development projects that create jobs. After further discussion, the expenditure was approved; seven yeas - zero nays. Resolution No. 567.

Commissioner Kron, supported by Commissioner Fink, moved to rescind County Board Resolution No. 413, adopted August 3, 2004, which established Truth in Taxation (TINT) hearings for 2004. Dana Frey, County Administrator, said the County is not required to hold the hearings because there will not be a levy increase for 2005; seven yeas - zero nays. Resolution No. 568.

Commissioner Forsman, supported by Commissioner Fay, moved to direct Administration to change some of the wording that will be included in the TINT notification and consider adding an insert to the mailing that would list when and where citizens could address the County Board about the proposed 2005 Budget. After further discussion, the motion was approved; seven yeas - zero nays.

Commissioner Fink, supported by Commissioner Sweeney, moved to approve a supplemental labor agreement establishing a flexible work schedule for all Solid Waste employees. County Attorney Mitchell explained changes that were made to the resolution and the agreement; seven yeas - zero nays. Resolution No. 569.

Commissioner Fink, supported by Commissioner Nelson, moved to approve a resolution establishing a 60-day public comment period for the Hazard Mitigation Plan. Commissioner Fink said the comment period would commence when the plan is officially submitted; seven yeas - zero nays. Resolution No. 570.

The following Board and Contract Files were created as a result of documents received at this

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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Board meeting:

Draft of Saint Louis County Consolidated Plan for years 2005 - 2009.-58322-D

St. Louis County Community Development Block Grant Program FY 2004 Agreement between St. Louis County and City of Biwabik for sewer/water improvements.-04-678

Supplement No. 1 - Maps Contract No. R29 - 05... A55192 between the State of Minnesota Department of Natural Resources and St. Louis County to improve public transportation where necessary in the immediate vicinity of a safe harbor.-04-679

Addendum to Agreement between St. Louis County and Ecologico Consultants Company for assisting the Land Department in development of an Environmental Management System.-04-680

Lease Agreement between St. Louis County and the Iron Range Racing Association for years 2005 and 2006.-04-681

Amended Supplemental Labor Agreement between St. Louis County and A.F.S.C.M.E., Council No. 5, for all Basic Unit employees of the Solid Waste Department.-04-682

Upon motion of Commissioner Fay, supported by Commissioner Forsman, Resolutions No. 553 through 563, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER FAY:

WHEREAS, the Department of Public Health and Human Services currently has a vacancy in an Information Specialist I position; and

WHEREAS, the Department has reviewed workloads and determined that a change in classification from an Information Specialist I to an Information Specialist II will allow the Department to generate increased revenue through billing services under the Children's Therapeutic Support Services Program funded by Medical Assistance and private health plans.

NOW, THEREFORE, BE IT RESOLVED, the County Board of Commissioners authorizes the Auditor's Office to delete 1.0 FTE Information Specialist I and add 1.0 FTE Information Specialist II to the Department of Public Health and Human Services 2004 budget.

Adopted November 2, 2004. No. 553

WHEREAS, the Land Department has reviewed a request of Minnesota Power for an electrical distribution line right-of-way easement across State Tax Forfeited land and recommends approval; and WHEREAS, exercising the easement will not conflict with public use of the land.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Auditor, by the authority vested in him by Minnesota Statutes 282.04, Subdivision 4, is hereby authorized to grant a electrical distribution line right-of-way easement to Minnesota Power over State Tax Forfeited property described as: An easement 80 feet in width, being 40 feet in width on each side of the following described line: Commencing at the northwest corner of Government Lot 1, Section 6, Township 58 North, Range 15 West; thence South 89 degrees 56 minutes 48 seconds West along the North line of said Government Lot 1 a distance of 1284.9 feet, more or less, to the POINT OF BEGINNING; thence South 02 degrees 46 minutes 52 seconds East a distance of 27.1 feet; thence South 5 degrees 29 minutes 53 seconds West a distance of 448 feet to a point on the West line of said Government Lot 1 and there terminating. The boundaries of said 80 foot wide easement are lengthened or shortened to terminate on the North and West boundaries of said Government Lot 1.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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The granting of this easement is conditioned on payment of \$42.00 Land Use Fee, \$100.00 Administration fee, \$6.00 Publication Fee, \$19.50 Recording Fee, for a total cost of \$167.50.
Adopted November 2, 2004. No. 554

WHEREAS, St. Louis County has received and reviewed a request from the City of Chisholm for improvements to the Longyear Lake Trail; and
WHEREAS, the St. Louis County Board of Commissioners has determined it is in the best interest of the County to make these improvements to the Longyear Lake Trail in the City of Chisholm.
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby authorizes spending \$10,000 for bituminous paving to upgrade and improve the Longyear Lake Trail, payable from Fund 16, Agency F16 (Memorial Forest), Org. F21 (Forest Recreation).
Adopted November 2, 2004. No. 555

WHEREAS, St. Louis County has received and reviewed a request from the City of Gilbert for enhancing scuba diving sites at Lake Ore-Be-Gone; and
WHEREAS, the St. Louis County Board of Commissioners has determined it is in the best interest of the County to make these improvements to the Lake Ore-Be-Gone Scuba Diving Site.
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby authorizes spending \$15,000 for five additional sites to enhance and improve the Lake Ore-Be-Gone Scuba Diving Site, payable from Fund 16, Agency F16 (Memorial Forest), Org. F21 (Forest Recreation), and contingent upon a matching grant of \$15,000 from Iron Range Resources.
Adopted November 2, 2004. No. 556

WHEREAS, St. Louis County has received and reviewed a request from the Town of Alborn to assist with the Alborn Township Park Project; and
WHEREAS, the St. Louis County Board of Commissioners has determined it is in the best interest of the County to assist in the development of the Alborn Township Park.
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby authorizes spending \$9,300 for the materials required for the Alborn Township Park Project, payable from Fund 16, Agency F16 (Memorial Forest), Org. F21 (Forest Recreation).
Adopted November 2, 2004. No. 557

WHEREAS, the St. Louis County Public Works Department budgeted for the purchase of three crawler mounted hydraulic excavators while also trading three crawler mounted excavators; and
WHEREAS, the Public Works provided specifications to the Purchasing Department for preparation of Bid No. 4499 - Crawler Mounted Hydraulic Excavators 26,000, 35,000 & 44,000 lb. Class; and
WHEREAS, St. Joseph Equipment, Inc., of Duluth, Minnesota, submitted the lowest with trade-in bid for the 26,000 lb. class excavator of \$75,754 and also submitted the lowest with trade-in bid for the 44,000 lb. class excavator of \$103,006 and Ziegler, Inc., of Duluth, Minnesota, submitted the lowest bid of \$86,607 for a 35,000 lb. class excavator, and selected options to the three machines will add \$16,840.77 plus an additional \$18,343.51 State of Minnesota sales tax for a total of \$300,551.28.
NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners authorizes the Director of Purchasing to issue purchase orders for one 26,000 lb. class, one 35,000 lb. class and one 44,000 lb. class hydraulic crawler excavator with trade-in of three units. Funding for this purchase is payable from Fund 200, Agency 202003, 202006 and 202007, Object 666400.
Adopted November 2, 2004. No. 558

WHEREAS, a consultant (Foster, Jacobs, & Johnson) was hired to inspect the heating, ventilation, and air conditioning systems (HVAC) at the Virginia Public Works Facility and offer a recommendation for the needed repairs or replacement of equipment for the systems; and

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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WHEREAS, it has been determined that the Virginia Public Works Facility is in need of immediate emergency repairs to the HVAC systems; and

WHEREAS, the funds needed for the 2004 immediate emergency repairs were not identified in the current budget; and

WHEREAS, the Public Works Department is requesting that \$175,000.00 be transferred from Fund 405 Fund Balance to Fund 405, Agency 405012, Object 63100, for these emergency repairs.

NOW, THEREFORE, BE IT RESOLVED, that the Public Works Department requests that the 2004 Capital Improvement Budget (Fund 405, Agency 405012, Object 63100) be increased by \$175,000.00. The revenue source for this expenditure will be Fund 405 Fund Balance.

Adopted November 2, 2004. No. 559

WHEREAS, St. Louis County serves as the sponsor of various winter recreational trails that are part of the State of Minnesota Grant-in-Aid Trail System; and

WHEREAS, the construction and maintenance of these trails are funded through the Minnesota Trail Assistance Program Grants issued with the approval of the Minnesota Department of Natural Resources; and

WHEREAS, Minnesota Trail Assistance Program Applications have been prepared for approval of St. Louis County as sponsor for the following trail funded by the State of Minnesota Trail Assistance Program:

Tomahawk Trail
(11,950 feet of trail - maintained by the Ely Igloos Snowmobile Club)

NOW, THEREFORE, BE IT RESOLVED, that St. Louis County agrees to sponsor said trail at no cost to the County; and

RESOLVED FURTHER, that the Chairperson of the St. Louis County Board of Commissioners and/or County Auditor be authorized to sign grant applications, agreements, and reimbursement claims to the Minnesota Department of Natural Resources for construction, maintenance, and administration of said trails;

RESOLVED FURTHER, that the Chairperson of the St. Louis County Board of Commissioners and/or County Auditor are authorized to sign all easements, licenses, or other instruments associated with the trail, subject to the approval of the County Attorney.

RESOLVED FURTHER, that this Resolution is contingent upon the Ely Igloos Snowmobile Club being individually named as an insured on the general liability policy covering St. Louis County sponsored State Grant-in-Aid Trails, and the club naming as additional insureds on said general liability policy, the landowners over whose lands the trails travel.

Adopted November 2, 2004. No. 560

WHEREAS, St. Louis County's Food and Beverage Ordinance needs to be updated to bring it in compliance with Minnesota Rules; and

WHEREAS, Minnesota Statutes 375.51 requires a public hearing to be held prior to the adoption of a revised ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby establishes a public hearing for Tuesday, November 23, 2004, at 9:35 A.M. in the Hibbing City Hall, Hibbing, Minnesota, for the purpose of obtaining comment on the proposed revisions to Ordinance No. 6, the Food and Beverage Establishment Ordinance.

Adopted November 2, 2004. No. 561

RESOLVED, that the St. Louis County Board of Commissioners will convene a public hearing at 9:40 A.M. on Tuesday, November 23, 2004, City Council Chambers, Hibbing, Minnesota, to consider the adoption of the fee schedule for various County departments for the year 2005.

Adopted November 2, 2004. No. 562

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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WHEREAS, the St. Louis County Board authorized a lease agreement with the Iron Range Racing Association for the St. Louis County Raceway in Hibbing, Minnesota, for the years 2003 and 2004; and

WHEREAS, the Iron Range Racing Association has requested that the option for an additional two years contained in the Agreement be granted for 2005 and 2006, with the same terms and conditions as the current lease Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board consents to the option contained in the current lease Agreement between St. Louis County and the Iron Range Racing Association, continuing the terms and conditions of the current lease Agreement contained in Contract File No. 04-681, for the years 2005 and 2006.

Adopted November 2, 2004. No. 563

BY COMMISSIONER SWEENEY:

WHEREAS, Title I of the Housing and Community Development Act of 1974, as amended, establishes a Community Development Program (CDBG) for the purpose of developing viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities and preventing and eliminating conditions of slums and blight, principally for persons of low and moderate income; and

WHEREAS, Title II of the Affordable Housing Act of 1990, as amended, establishes a Housing Program (HOME) for purposes of expanding the supply of affordable housing units for very-low and low-income families and to promote the involvement of private nonprofit organizations in sponsoring and developing affordable housing projects; and

WHEREAS, Subtitle B of Title IV of McKinney Homeless Assistance Act of 1987, as amended, establishes a Emergency Shelter Grant Program (ESG) for purposes of improving the quality of emergency shelters, to assist in the costs of operations of shelters and transitional housing and in the provision of essential social services to homeless individuals; and

WHEREAS, the Secretary of Housing and Urban Development (HUD) is authorized to make grants to cities and counties to finance local CDBG, HOME and ESG Programs, submitted and approved in accordance with the Consolidated Plan regulations; and

WHEREAS, the St. Louis County Board desires to continue to carry out the *2005-2009 Consolidated Plan* HUD entitlement programs, including CDBG, HOME, and ESG.

NOW, THEREFORE, BE IT RESOLVED, that the County Board of Commissioners hereby approves the *2005-2009 Consolidated Plan* and *2005 Action Plan* and authorizes the Planning Director to submit the documents and amendments thereto, and all assurances and understandings contained therein, to the United States Department of Housing and Urban Development for those projects and corresponding levels as set forth in the plan on file with the clerk of the board, and to act in connection with its submission and subsequent activity, and to provide such additional information to HUD as may be required.

**St. Louis County FY 2005 Action Plan
HUD CPD Funding Sources**

Estimated 2005 CDBG Allocation	2,750,000
Estimated CDBG Program Income	125,000
Reprogrammed CDBG Project Pool Funds	250,000
Estimated 2005 HOME Allocation	751,000
Estimated HOME Program Income	125,000
Estimated 2005 ESG Allocation	108,678

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*Total Funds for FY 2005 Action Plan
St. Louis County and Consortium* **4,109,678**

Program Summary of Uses

FY 2005 CDBG Program	3,000,000
FY 2005 CDBG Estimated	125,000
FY 2005 HOME Program	876,000
FY 2005 ESG Program	108,678

*Total FY 2005 Action Plan for
St. Louis County and Consortium* **4,109,678**

Definitions:

ST. LOUIS COUNTY CONSOLIDATED PLAN OBJECTIVES

1. *Provide Decent Affordable Housing*
2. *Create Economic Opportunities*
3. *Create a Suitable Living Environment*

SUMMARY OUTCOMES FOR HUD REPORTING PURPOSES - *Activities or Projects that provide:*

Accessibility: Expansion or Creation

- C Accessibility for the purpose of providing decent affordable housing
- C Accessibility for the purpose of creating economic opportunities
- C Accessibility for the purpose of creating suitable living environment

Affordability: Reduce Cost Burden

- C Affordability for the purpose of providing decent affordable housing
- C Affordability for the purpose of creating economic opportunities
- C Affordability for the purpose of creating suitable living environment

Sustainability: Preservation or Maintenance

- C Sustainability for the purpose of providing decent affordable housing
- C Sustainability for the purpose of creating economic opportunities
- C Sustainability for the purpose of creating suitable living environment

FY 2005 CDBG Program – St. Louis County					
<u>Project</u>	<u>Priority</u>	<u>Need</u>	<u>Objective</u>	<u>Outcome</u>	<u>Amount</u>
Housing					
AEOA Homeownership Assistance Program	H		1	Affordability	65,000
AEOA Single Family Housing Rehabilitation	H		1	Sustainability	650,000
Range Mental Health Center Housing Project	H		1	Accessibility	200,000
<i>Subtotal</i>					915,000

Economic Development

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NE Entrepreneur Fund Micro-enterprise	M	2	Accessibility	75,000
SLC Economic Development Set-Aside	H	2	Accessibility	250,000
<i>Subtotal</i>				<i>325,000</i>
Physical Improvement				
AEOA ADA	H	3	Accessibility	8,500
Aurora Wastewater Line Improvements	H	3	Sustainability	142,000
Breitung Recreation Improvements	H	3	Accessibility	67,000
Cook Rude Building Demolition	H	3	Accessibility	47,500
Floodwood Riverwalk	H	3	Accessibility	94,000
Hibbing Sewer Improvements	H	3	Affordability	200,000
LSS Family Resource Center Renovation	H	3	Sustainability	48,000
Mountain Iron Public Library ADA	H	3	Accessibility	50,000
Tower Hoodoo Point Trail	H	3	Accessibility	23,000
Tower Sewer Improvements	H	3	Sustainability	50,000
Virginia Street Improvements	M	3	Affordability	50,000
Winton Sewer Improvements	H	3	Sustainability	180,000
<i>Subtotal</i>				<i>960,000</i>
Public Service				
AEOA Homeless Shelter Operations	H	1	Accessibility	38,000
AEOA Raising Our Children's Kids (ROCK)	M	3	Accessibility	10,000
Legal Aid Housing Counseling & Information.	H	3	Accessibility	45,000
Life House – Proctor House	H	3	Accessibility	20,000
Project SOAR Career Development	M	2	Accessibility	14,000
Range Transitional Housing	H	3	Accessibility	35,000
Range Women's Advocates Children's Program	M	3	Accessibility	22,000
Salvation Army – Hibbing Melting Pot Meals	H	3	Accessibility	13,000

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Salvation Army – Northern SLC Money Mgmt	H	2	Accessibility	15,000
Salvation Army – Virginia Supper Club	H	3	Accessibility	15,000
Sexual Assault Outreach Services	M	3	Accessibility	23,000
<i>Subtotal</i>				<i>250,000</i>
Administration				
Administration	N/A	N/A	N/A	550,000
<i>Subtotal</i>				<i>550,000</i>
Estimated CDBG Program Income				
Estimated Program Income	H	1	Affordability	125,000
<i>Subtotal</i>				<i>125,000</i>
Total FY 2005 CDBG Program				
Housing				915,000
Economic Development				325,000
Physical Improvements				960,000
Public Service				250,000
Administration				550,000
Estimated CDBG Program Income				125,000
TOTAL				3,125,000

FY 2005 HOME Program – Northeast Minnesota HOME Consortium

<u>Project</u>	<u>Priority Need</u>	<u>Objective</u>	<u>Outcome</u>	<u>Amount</u>
HOME Program Categories				
Home Ownership Assistance Program	H	1	Affordability	500,000
Housing Development Fund	H	1	Accessibility	6,100
CHDO Set-Aside Projects	H	1	Affordability	250,000
CHDO Operating Expense	H	1	Accessibility	35,900
Administration	N/A	N/A	N/A	84,000
<i>Subtotal</i>				<i>876,000</i>

FY 2005 ESG Program – St. Louis County

<u>Project</u>	<u>Priority Need</u>	<u>Objective</u>	<u>Outcome</u>	<u>Amount</u>
Housing				
Operations Homeless Shelters	H	1	Accessibility	46,675
Essential Services	H	3	Accessibility	28,200
Homeless Prevention	H	1	Accessibility	30,550
Administration	N/A	N/A	N/A	3,253
<i>Subtotal</i>				<i>108,678</i>

Unanimously adopted. November 2, 2004. No. 564

BY COMMISSIONER SWEENEY:

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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WHEREAS, St. Louis County has a septic loan program which is governed by the Septic Loan Program Policy and Ordinance No. 49; and

WHEREAS, the Department of Public Health and Human Services has contracted with Northspan Group, Inc., for the past two years to provide loan administrative services on behalf of the County; and

WHEREAS, the Department wishes to renew this agreement.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the Director of Public Health and Human Services to execute the Agreement with Northspan Group, Inc., with administrative costs up to a maximum of \$8,000 per year from 2004 through 2006, to be paid from: Fund 100, Agency 142001, Object 629900.

RESOLVED FURTHER, pursuant to Minnesota Statute 375.18, the Board authorizes the Director of Public Health and Human Services to execute individual septic loan agreements on behalf of the County.

Unanimously adopted. November 2, 2004. No. 565

BY COMMISSIONER FORSMAN:

WHEREAS, the City of Ely has requested approval of the County Board to purchase the following described State tax forfeited parcel: The Southeast one quarter (SE 1/4) of the Northeast one quarter (NE 1/4) of Section 32, Township 63 North, Range 12 West of the Fourth Principal Meridian, St. Louis County, Minnesota, EXCEPT the West 115.00 feet thereof. This parcel contains 38.9 acres more or less; for the public purpose of conveyance to the North American Bear Center pursuant to the economic development authority of the City; and

WHEREAS, Minnesota Statute 282.01, Subdivision 1(a), authorizes the sale of State tax forfeited land to an organized governmental subdivision for a public purpose; and

WHEREAS, said parcel of land has been classified as non-conservation land pursuant to Minnesota Statutes, Section 282.01; and

WHEREAS, this parcel of land is not withdrawn from sale pursuant to Minnesota Statutes, Sections 84.012, 92.461, 282.01, Subdivision 8; and 282.018, and other statutes that require the withholding of State tax forfeited lands from sale; and

WHEREAS, the parcel has been appraised at a value of \$114,000.00; and

WHEREAS, the City of Ely has raised issues concerning the value of the property due to the low access to the property off the existing highway, the existence of rock outcrops and the existence of wetlands; and

WHEREAS, the County Board has considered the best comparable sales to this property and the average of these sales is \$2,795 per acre, and therefore, determines that this is a fair value per acre of the requested property.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the sale of the above described State tax forfeited parcel to the City of Ely for \$108,725.00 plus the following fees: 3% Assurance Fee of \$3,261.75, Deed Fee of \$25.00, Deed Tax of \$359.70, and a Recording Fee of \$19.50; for a total of \$112,390.95.

Unanimously adopted. November 2, 2004. No. 566

WHEREAS, St. Louis County has received and reviewed a request from the Town of Clinton for assistance in the construction of an outdoor shelter; and

WHEREAS, the St. Louis County Board of Commissioners has determined it is in the best interest of the County to assist in the development of the Clinton Township Outdoor Shelter.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby authorizes spending \$7,390.00 towards the construction of the Clinton Township Outdoor Shelter, payable from Fund 16, Agency F16 (Memorial Forest), Org. F21 (Forest Recreation).

Unanimously adopted. November 2, 2004. No. 567

BY COMMISSIONER KRON:

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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RESOLVED, that Resolution No. 413, adopted August 3, 2004, by the St. Louis County Board of Commissioners establishing public hearings on the proposed property tax levy and budget for the tax year 2005 is hereby rescinded in its entirety.

Unanimously adopted. November 2, 2004. No. 568

BY COMMISSIONER FINK:

WHEREAS, pursuant to Article 4 of the Basic Unit Labor Agreement, flex time work schedules may be had upon mutual agreement between the Board, the Department Head, and the Union; and WHEREAS, St. Louis County and the Basic Unit previously entered into a flexible work schedule for a limited group of employees in the Solid Waste Department; and

WHEREAS, the parties now wish to amend the flexible work schedule to include all employees of the Solid Waste Department that are in the Basic Unit bargaining unit.

NOW, THEREFORE, BE IT RESOLVED, that an Amended Supplemental Labor Agreement between St. Louis County and A.F.S.C.M.E., Council No. 5, for all Basic Unit employees of the Solid Waste Department, as contained in Contract File No. 04-682, is approved and the necessary County officials are authorized to sign the agreement.

Unanimously adopted. November 2, 2004. No. 569

WHEREAS, the Hazard Mitigation Grant Program provides funds to assist State and local communities to implement long term hazard mitigation measures following a disaster declaration; and

WHEREAS, the Disaster Mitigation Act of 2000 requires a mitigation plan for release of HMGP funds; and

WHEREAS, it is anticipated that, a mitigation plan will be required in order to be eligible for disaster relief funding; and

WHEREAS, a Pre-Disaster Mitigation Plan Draft presentation was given to St. Louis County Commissioners on October 12, 2004, which requires the County Board to establish a public comment period on the Draft Plan;

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby establishes a period of sixty (60) calendar days from the date the Plan is announced as ready for viewing for receiving of public comment.

Unanimously adopted. November 2, 2004. No. 570

At 11:25 A.M. on Tuesday, November 2, 2004, upon motion of Commissioner Kron, supported by Commissioner Nelson, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON NOVEMBER 9, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 9th day of November, 2004, at 9:43 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Commissioner Fink, taking his turn presenting an appropriate quotation, offered the following:

“There are no necessary evils in government. Its evils exist only in its abuses.” Andrew Jackson.

“After all, when we wake up tomorrow, we are all still Americans.” Senator John Kerry.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda, but no one chose to do so.

Commissioner Sweeney, supported by Commissioner Forsman, moved to eliminate one Public Health Supervisor position and replace it with one full time Public Health Nurse or Public Health Nutrition Educator. Ann Busche, Director of Public Health and Human Services, said the reallocation, recommended by Public Health Staff, will provide better WIC services and make the best use of existing staff. After brief discussion, the resolution was approved; seven yeas - zero nays. Resolution No. 581.

Commissioner Fink, supported by Commissioner Sweeney, moved to schedule a closed session for labor negotiations for 1:30 P.M.; seven yeas - zero nays.

Commissioner Fink applauded the City of Duluth and St. Louis County for the heavy voter turnout at the November 2 General Election.

Commissioner Nelson then presented a binder of photographs and other items commemorating the Lorentzson Century Farm in Cotton. Commissioner Kron, a member of the Depot Board, presented the binder to Joanne Coombe, Executive Director of the Minnesota Historical Society.

Commissioner Sweeney noted that the Don Juten Family in her district was also commemorating Century Farm status this year.

At 9:52 A.M. in the forenoon of Tuesday, November 9, 2004, Chair Raukar moved to recess the Board until 11:30 A.M. on November 9, 2004, in the in the Commissioners' Conference Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 2:58 P.M. on November 9, 2004, and the regular order of business resumed with all members present except Commissioner Fay.

Commissioner Sweeney, supported by Commissioner Nelson, moved to approve a second consent agenda consisting of all items unanimously passed at Committee of the Whole earlier: six yeas - zero nays.

The following Board and Contract Files were created as a result of documents received at this

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Board meeting:

Purchase Agreement between St. Louis County and the City of Ely for the Ely Joint Use Facility.-04-683

Purchase of Service Agreement, Contract No. 13710, between the St. Louis County Board of Commissioners and September House for assisted living plus services.-04-684ss

Purchase of Service Agreement, Contract No. 13757, between the St. Louis County Board of Commissioners and UDAC for supported employment non-residential services.-04-685ss

Purchase of Service Agreement, Contract No. 13753, between the St. Louis County Board of Commissioners and Interim Healthcare of Lake Superior, Inc., for home care services.-04-686ss

Purchase of Service Agreement, Contract No. 13756, between the St. Louis County Board of Commissioners and Home Health Services of Hibbing, d/b/a HomeCare Specialists, for home care services.-04-687ss

Homes Plus Agreement for Adult Foster Care/Respite Care between the St. Louis County Board of Commissioners and Timothy and Bobbie Jo Majchrzak.-04-688ss

Addendum to Purchase Agreement, Contract No. 13695A, between the St. Louis County Board of Commissioners and Healthline Homecare.-04-689ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and TLC - Faribault.-04-690ss

Addendum to Purchase Agreement, Contract No. 13673C, between the St. Louis County Board of Commissioners and Tender Loving Care of Duluth, Inc.-04-691ss

Homes Plus Agreement for Adult Foster Care/Respite Care between the St. Louis County Board of Commissioners and Theresa St. Germain.-04-692ss

Group Residential Housing Rate Agreement between the St. Louis County Board of Commissioners and Theresa St. Germain.-04-693ss

Purchase of Service Agreement, Contract No. 13704, between the St. Louis County Board of Commissioners and Heritage Haven, Inc., for assisted living plus services.-04-694ss

Purchase of Service Agreement, Contract No. 13640, between the St. Louis County Board of Commissioners and Range Mental Health Center, Inc., for therapeutic day treatment services.-04-695ss

Addendum to Purchase Agreement, Contract No. 13649A, between the St. Louis County Board of Commissioners and Human Development Center.-04-696ss

Addendum to Purchase Agreement, Contract No. 12552D, between the St. Louis County Board of Commissioners and Trillium Services, Inc. (SILS).-04-697ss

Addendum to Purchase Agreement, Contract No. 13064C, between the St. Louis County Board of Commissioners and CHOICE, Unlimited - Options (MA MR/RC Waiver).-04-698ss

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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Addendum to Purchase Agreement, Contract No. 13063C, between the St. Louis County Board of Commissioners and CHOICE, Unlimited - Options (CCSA).-04-699ss

Addendum to Purchase Agreement, Contract No. 13061C, between the St. Louis County Board of Commissioners and CHOICE, Unlimited - CHOICE (CCSA).-04-700ss

Addendum to Purchase Agreement, Contract No. 13062C, between the St. Louis County Board of Commissioners and CHOICE, Unlimited - CHOICE (MA MR/RC Waiver).-04-701ss

Addendum to Purchase Agreement, Contract No. 13341C, between the St. Louis County Board of Commissioners and CHOICE, Unlimited - CORE (Community Outreach for Retirement Enrichment) - Personal Support.-04-702ss

Addendum to Purchase Agreement, Contract No. 13298C, between the St. Louis County Board of Commissioners and CHOICE, Unlimited - Work by Design - SES (MA MR/RC Waiver Supported Employment).-04-703ss

Addendum to Purchase Agreement, Contract No. 13079C, between the St. Louis County Board of Commissioners and Pinewood-Duluth, Inc. (MA MR/RC Waiver).-04-704ss

Addendum to Purchase Agreement, Contract No. 13078C, between the St. Louis County Board of Commissioners and Pinewood - Duluth, Inc. (CCSA).-04-705ss

Addendum to Purchase Agreement, Contract No. 13075C, between the St. Louis County Board of Commissioners and Range Center, Inc. (MA MR/RC Waiver).-04-706ss

Addendum to Purchase Agreement, Contract No. 13074C, between the St. Louis County Board of Commissioners and Range Center, Inc. (CCSA).-04-707ss

Addendum to Purchase Agreement, Contract No. 13060C, between the St. Louis County Board of Commissioners and Access to Employment, Too, Inc. (MA MR/RC Waiver).-04-708ss

Addendum to Purchase Agreement, Contract No. 13059C, between the St. Louis County Board of Commissioners and Access to Employment, Too, Inc. (CCSA).-04-709ss

Addendum to Purchase Agreement, Contract No. 13503B, between the St. Louis County Board of Commissioners and Access to Employment, Too, Inc. (MA MR/RC Waiver Supported Employment and Transportation - Extended).-04-710ss

Addendum to Purchase Agreement, Contract No. 13226C, between the St. Louis County Board of Commissioners and Range Center, Inc. (MA MR/RC Waiver Supported Employment).-04-711ss

Addendum to Purchase Agreement, Contract No. 13233C, between the St. Louis County Board of Commissioners and Occupational Development Center, Inc. (ODC) - MA MR/RC Waiver Supported Employment.-04-712ss

Addendum to Purchase Agreement, Contract No. 13483B, between the St. Louis County Board of Commissioners and Innovative Living, Inc. (SILS).-04-713ss

Grant Agreement between St. Louis County and The Northspan Group for marketing communities for economic development.-04-714

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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Amendment No. 1 to MN/DOT Agreement No. 84593 between the State of Minnesota, through its Commissioner of Transportation, and St. Louis County for preliminary engineering for continued design of the Mesabi Trail in St. Louis and Itasca Counties. -04-715

Agreement for Professional Services between the County of St. Louis and Duluth Archaeology Center, L.L.C., for a pre-Phase I architectural and historical survey prior to the construction and realignment of C-SAH 63. -04-716

Grant Agreement, Contract No. 20562, between the St. Louis County Board of Commissioners and Lutheran Social Services for Truancy Intervention Grant. -04-717

Upon motion of Commissioner Fay, supported by Commissioner Forsman, Resolutions No. 571 through 580, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER FAY:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of October 26, 2004, are hereby approved.

Adopted November 9, 2004. No. 571

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. 58174, are hereby approved and the County Auditor shall issue checks in the following amounts:

<u>FUND</u>		<u>TOTAL</u>
100	General Fund	\$ 1,703,331.40
184	Extension Service	35,219.86
200	Public Works	1,191,014.43
230	Social Services	3,044,158.11
240	Forfeited Tax	159,357.45
250	St. Louis County HRA	36,448.01
600	Solid Waste Authorities	645,173.95
625	Chris Jensen Health & Rehab.	537,450.27
650	Laundry	28,945.53
660	Community Food Services	72,653.71
670	Supervised Living Facilities	10,336.04
700	Printing	3,478.67
715	County Garage	54,649.26
750	Management Information Systems	159,549.25
760	Telecommunications	63,331.31
925	Arrowhead Regional Corrections	367,190.82
955	Community Health Services	48,527.71
989	Regional Railroad Authority	<u>90,897.69</u>
		\$ 8,251,713.47

Adopted November 9, 2004. No. 572

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated October 29, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
ST. LOUIS COUNTY, MINNESOTA**

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Adopted November 9, 2004. No. 573

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, are hereby approved and the County Auditor is authorized to issue the licenses as follows;

RESOLVED FURTHER, that if named licenseholders sell their licensed business, the County Board, at its discretion, may, after an investigation, transfer the licenses to a new owner, but without pro-rated refund to the licenseholders:

Tuchek, Inc., d/b/a Bear River Viking Bar, Morcom Township, Tobacco Products License No. T05203;

Bimbo's, Inc., d/b/a Bimbo's Octagon, French Township, Tobacco Products License No. T05166;

Van Gillen's Dry Dock Bar, Inc., d/b/a Dry Dock Bar & Restaurant, Midway Township, Tobacco Products License No. T0542;

Curtis Convenience Stores, Inc., d/b/a Food-n-Fuel, Cotton Township, Tobacco Products License No. T0550;

Violet Hall, d/b/a Greaney Store, Unorganized Township 63-21, Tobacco Products License No. T0558;

Charles Halmet, d/b/a Halmet's General Store, White Township, Tobacco Products License No. T0560;

Hi Banks Resort, Inc., d/b/a Hi Banks Resort, Fredenberg Township, Tobacco Products License No. T05187;

Hideaway Bar & Lounge, Inc., d/b/a Hideaway Bar & Lounge, Inc., Unorganized Township 61-13, Tobacco Products License No. T05149;

Back Country Bar, Inc., d/b/a Hugo's, Ault Township, Tobacco Products License No. T05207;

Hwy 5 Bar & Grill, Inc., d/b/a Hwy 5 Bar & Grill, Inc., Unorganized Township 59-21, Tobacco Products License No. T05181;

Knutson & Son, Inc., d/b/a Jim's Ash Trail Store, Unorganized Township 68-21, Tobacco Products License No. T05189;

Oveson Kab-Con, Inc., d/b/a Kettle Falls Hotel, Unorganized Township 70-18, Tobacco Products License No. T0576;

James Saugestad, d/b/a Melrude Pub, Ellsburg Township, Tobacco Products License No. T05147;

Mar Mar, Inc., d/b/a Novy's Haven, City of Hoyt Lakes, Tobacco Products License No. T05172;

Proctor Pit Stop Bar & Lounge, Inc., d/b/a Pit Stop Bar, City of Proctor, Tobacco Products License No. T05175;

City of Winton, d/b/a Winton Municipal Liquor Store, City of Winton, Tobacco Products License

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No. T05135;

M. & T. Wedin, Inc., d/b/a Wooden Table Inn, Unorganized Township 60-19, Tobacco Products License No. T05185.

Adopted November 9, 2004. No. 574

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, are hereby approved and the County Auditor is authorized to issue the licenses as follows;

RESOLVED FURTHER, that if named licenseholders sell their licensed business, the County Board, at its discretion, may, after an investigation, transfer the licenses to a new owner, but without pro-rated refund to the licenseholders:

The following licenseholders were issued a tobacco violation citation on the dates as stated:

Cold Springs, Inc., d/b/a Cold Springs, Inc., Unorganized Township 67-20, Tobacco Products License No. T05182, September 6, 1998, and August 16, 2003;

City of Cook, d/b/a Cook Last Chance Liquors, City of Cook, Tobacco Products License No. T0530, September 1, 1998, and August 25, 2001;

Belo Enterprises, Inc., d/b/a Crossroads Convenience and Liquor Store, Clinton Township, Tobacco Products License No. T0536, December 10, 2002;

Misty, Inc., d/b/a Fredenberg Minnoette, Fredenberg Township, Tobacco Products License No. T0553, December 31, 2002;

Susan/Patrick Carey, d/b/a Lakeland Store, Biwabik Township, Tobacco Products License No. T05169, December 15, 2002;

Marshall's One Stop, Inc., d/b/a Lakewood One Stop, Lakewood Township, Tobacco Products License No. T0581, December 31, 2002;

Paulson's Super Valu, Inc., d/b/a Paulson's Super Valu, Inc., Canosia Township, Tobacco Products License No. T05103, December 28, 2002;

Leon Polley, d/b/a Polley's Resort, Unorganized Township 63-17, Tobacco Products License No. T05108, September 13, 1998;

Best Oil Co., Inc., d/b/a Proctor Little Store, City of Proctor, Tobacco Products License No. T05110, September 30, 1998;

Proctor Milk House, Inc., d/b/a Proctor Milk House, Inc., City of Proctor, Tobacco Products License No. T05111, September 30, 1998, and December 22, 2000;

Riverside Inn of Side Lake, Inc., d/b/a Riverside Inn of Side Lake, Inc., French Township, Tobacco Products License No. T05112, September 13, 1998, and May 25, 2000;

Jilliando Properties, Inc., d/b/a Timber's Edge Grill & Bar, Unorganized Township 56-17, Tobacco Products License No. T05162, December 8, 2002;

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Bernard Zupancich/Edward Zupancich, d/b/a Zup's Cook, City of Cook, Tobacco Products License No. T05139, May 7, 2000, and October 18, 2002.
Adopted November 9, 2004. No. 575

WHEREAS, low-income families with the most serious and complicated needs are also the families least likely to successfully navigate the social services, health and employment systems; and
WHEREAS, the Minnesota Department of Human Services (DHS) recognizes that the serious and complicated nature of problems experienced by these families require a more intensive and integrated response from all parts of the human service system; and
WHEREAS, the Minnesota Department of Human Services (DHS) requests proposals from counties and tribes for pilot projects to test models that integrate the delivery of employment, health, and social services for low-income families who have serious and multiple issues that interfere with their ability to become economically stable.
NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Public Health and Human Service Department is authorized to develop an Integrated Services Pilot Project and apply for a grant in an amount not to exceed \$750,000, with St. Louis County serving as the fiscal agent for the regional project with no local match required.
Adopted November 9, 2004. No. 576

WHEREAS, St. Louis County Department of Public Health and Human Services seeks to support families and maintain children within their families; and
WHEREAS, children can benefit and be supported by community-based therapeutic support services; and
WHEREAS, the Minnesota Legislature has approved changes to increase the availability of therapeutic support services, and St. Louis County Department of Public Health and Human Services is a qualified and eligible provider of said services.
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby authorizes the Director of Public Health and Human Services to submit an application to the Minnesota Department of Human Services to be certified as a M.A. provider of therapeutic supports and services.
Adopted November 9, 2004. No. 577

WHEREAS, the St. Louis County Planning Commission on April 8, 2003, held a public hearing regarding the preliminary Plat of Mineview Addition; and
WHEREAS, the St. Louis County Planning Commission granted preliminary approval for the Plat of Mineview Addition; and
WHEREAS, the final prints have been submitted and conform with the requirements set forth by the Planning Commission. The County Attorney and County Surveyor have approved the plat.
NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners grants final approval to the Plat of Mineview Addition located in Section 27, Township 62 North, Range 15 West (Breitung).
Adopted November 9, 2004. No. 578

RESOLVED, that the Director of Purchasing is hereby authorized to purchase two (2) new (2005 model year) Wilkens Load Runner Model 45119SCGOTW solid waste transfer trailers and remote operating system from Wilkens Industries, Inc., of Morris, Minnesota, at their specification bid price of \$124,378 including options, plus 6.5 percent state sales tax of \$8,084.57, for a total of \$132,462.57, payable from: Fund 600 Solid Waste, Agency 604001.
Adopted November 9, 2004. No. 579

RESOLVED, the St. Louis County Board of Commissioners hereby appoints Laura Schacht to the Civil Service Commission to complete the uncompleted term of Rebekha Syck, term ending

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December 31, 2005.

Adopted November 9, 2004. No. 580

BY COMMISSIONER SWEENEY:

WHEREAS, the Public Health Division has one vacant Public Health Nursing Supervisor position; and

WHEREAS, Public Health Nursing Administration has determined that the public health workforce could be improved by eliminating the vacant supervisor position and replacing that position with 1.0 FTE of hourly Public Health Nurse and/or Public Health Nutrition Educator employees.

NOW, THEREFORE, BE IT RESOLVED, that the County Board approves eliminating one Public Health Nursing Supervisor position (Grade E25) and replacing it with up to 1.0 FTE of an hourly Public Health Nurse (Grade 21) or Public Health Nutrition Educator (Grade 20) position.

Unanimously adopted. November 9, 2004. No. 581

Upon motion of Commissioner Sweeney, supported by Commissioner Nelson, Resolutions No. 582 through 589, which were approved at the Committee of the Whole meeting this date, were brought forth to this meeting as a second Consent Agenda and were unanimously adopted as follows with Commissioner Fay absent:

BY COMMISSIONER SWEENEY:

WHEREAS, the St. Louis County Planning Commission, on August 14, 2003, held a public hearing regarding the preliminary plat of North Pelican Acres; and

WHEREAS, the St. Louis County Planning Commission granted preliminary approval for the plat of North Pelican Acres; and

WHEREAS, the final prints have been submitted and conform with the requirements set forth by the Planning Commission. The County Attorney and County Surveyor have approved the plat.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners grants final approval to the Plat of North Pelican Acres located in Sections 25, 26, 35 and 36, Township 65 North, Range 20 West (Leiding).

Adopted November 9, 2004. No. 582

WHEREAS, the U.S. Department of Agriculture - Forest Service has granted St. Louis County road easements for the reconstruction of County-State Aid Highway 116 - the Echo Trail - (S.A.P. 69-716-08, County Project 9255); and

WHEREAS, a certificate of acceptance of the terms of the easement must be executed by the Chair of the County Board prior to recording the easement.

NOW, THEREFORE, BE IT RESOLVED, that the Chair of the County Board of Commissioners is hereby authorized to accept and sign the certificate of acceptance on behalf of the County.

Adopted November 9, 2004. No. 583

RESOLVED, that the County of St. Louis enter into Agreement 87031 with the Duluth, Missabe, and Iron Range Railway Company and the Commissioner of Transportation for the installation and maintenance of railroad crossing signals with gates, constant warning circuitry and LED Lenses at the intersection of Seville Road (C.R. 873) with the tracks of the Duluth, Missabe, and Iron Range Railway near Saginaw, Minnesota, S.P. 69-00177, C.P. 8280, and appointing the Commissioner of Transportation agent for the County to supervise said project and administer available Federal Funds in accordance with Minnesota Statute, Section 161.36. The County's share of the cost shall be 10% of the total signal cost, estimated at 10% of \$153,460.00, or \$15,436.00; payable from Fund 200, Agency 203133, Object 652800, Project 10660873.

Adopted November 9, 2004. No. 584

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:

Real Estate - Timothy Andrews, \$867.72; Benedict Aultman, \$3,255.84; Teresa Bennett, \$514.30; Helvi Byman, \$318.02; Mauro Caruso, \$4,534.14; Randall Cowling, \$501.00; Brent Garden, \$853.66; Rachel Garza, \$288.40; Girl Scouts of America, \$5.82; Jeffrey Grahek, \$470.30; Brenda Habermann, \$803.90; Arnold Hall, \$583.46; Charles McPhail, \$739.34; Michael Menton, \$452.24; Greg Thorne, \$179.44; USA, \$546.22; Wallander, \$329.60.

Personal Property - Raymond Bjorkquist, \$86.96; Dennis Grubich, \$191.66; Fred Hervey, \$46.80. Adopted November 9, 2004. No. 585

WHEREAS, St. Louis County Public Health and Human Services seeks to have the Lincoln Park and Rainbow Senior Centers move from county supported entities to community supported entities; and

WHEREAS, the Transition Team from the Centers has developed a plan to make the Center operations independent and self-sustaining.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves of the concept providing for funding by the County to hire a coordinator/center director to assist in the transition of the Lincoln Park and Rainbow Senior Centers and requests staff to enter into negotiations to provide for the appropriate contracts, documentation and budget revisions that will accomplish this goal.

Adopted November 9, 2004. No. 586

WHEREAS, St. Louis County requires the services of a competent Contractor to provide the tractors, and drivers, to transport County-owned trailers loaded with MSW from the Brookston, Cook, Hudson, and Northwoods Transfer Stations to the Regional Landfill; and

WHEREAS, the County also requires the Contractor to provide basic maintenance services on the County owned trailers; and

WHEREAS, the Contractor must perform the services in a timely manner; and

WHEREAS, a request for proposal process was completed by the Solid Waste and Purchasing departments; and

WHEREAS, Kangas Excavating, Inc., was determined to be the most qualified provider of these services.

NOW, THEREFORE, BE IT RESOLVED, that the Purchasing and Solid Waste Departments be authorized to enter into a three-year contract with Kangas Excavating, Inc., with the possibility of up to two one-year extensions if mutually agreed by both parties, to transport County owned transfer trailers loaded with MSW to the Regional Landfill from the Brookston Transfer Station at \$225 per pull, Cook Transfer Station at \$150 per pull, Hudson Transfer Station at \$117 per pull, and the Northwoods Transfer Station at \$185 per pull, and to provide a tractor and driver at \$55 per hour on an as needed basis, and perform trailer maintenance at \$25 per hour on an as needed basis, payable from Fund 600, Agency 604001.

Adopted November 9, 2004. No. 587

WHEREAS, St. Louis County is prepared to commence Phase Two of the HVAC upgrade and replacement project for the mechanical infrastructure in the Duluth Courthouse.

NOW, THEREFORE, BE IT RESOLVED, the Board authorizes the appropriate County officials to execute an agreement with Merrimac Construction of East Bethel, Minnesota, for an amount of \$2,460,809. Funds are available from Bond Fund 423.

Adopted November 9, 2004. No. 588

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WHEREAS, ownership of the old 1892 Union Depot was transferred to St. Louis County in 1977 and the name was changed to the St. Louis County Heritage & Arts Center, The Depot; and
WHEREAS, the dream of an educational and cultural center to offer something for everyone through a variety of programs and displays was fulfilled with the permanent establishment of ownership and control of The Depot by St. Louis County; and
WHEREAS, the Depot Foundation was established in 1979 as a public foundation to help support the Depot building and the organizations which are housed there; and
WHEREAS, because of the 2002 failure of a prior management contractor at The Depot, the community has expressed concerns about St. Louis County's continued commitment to own, control and manage The Depot for cultural and educational purposes;
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby commits to the continued ownership, control and management of the St. Louis County Heritage & Arts Center, The Depot.
Adopted November 9, 2004. No. 589

At 3:01 P.M. on Tuesday, November 9, 2004, upon motion of Commissioner Forsman, supported by Commissioner Sweeney, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON NOVEMBER 23, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 23rd day of November, 2004, at 9:38 A.M. in the City Council Chambers, City Hall, Hibbing, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 6. Absent: Commissioner Joanne Fay - 1.

In the absence of Commissioner Fay, who had a family emergency, Chair Raukar offered the following quotation to begin the meeting:

“Peace cannot be kept by force. It can only be achieved by understanding.” Albert Einstein

Commissioner Kron presented Thanksgiving history and the role played by Sarah Josepha Hale in establishing the holiday.

At 9:41 A.M., a public hearing was convened pursuant to County Board Resolution No. 561, adopted November 2, 2004, to obtain public comment on proposed revisions to Ordinance No. 6 - the Food and Beverage Ordinance. The following persons addressed the issue:

Ann Busche, Director of Public Health and Human Services, explained the purpose of the revisions, which adopt the Minnesota Food Code and update an ordinance enacted in the 1970's. Because of extensive revisions, Director Busche recommended rescission of Ordinance No. 6 and adoption of a new Food and Beverage Ordinance (Ordinance No. 59).

Richard Hyrkas, Public Health and Human Services, outlined major changes including citation authority and emergency closing procedures.

Alan Mitchell, County Attorney, in response to a question from Commissioner Fink, said his staff is confident definitions used in the new ordinance are sufficiently broad.

At 10:09 A.M., Commissioner Nelson, supported by Commissioner Sweeney, moved to close the hearing; six yeas - zero nays. Commissioner Sweeney, supported by Commissioner Kron, moved to rescind Ordinance No. 6 and adopt Ordinance No. 59 effective December 1, 2004; six yeas - zero nays. Resolution No. 595.

At 10:14 A.M., a public hearing was convened, pursuant to County Board Resolution No. 562, adopted November 2, 2004, to consider adoption of a fee schedule for various County Departments for 2005. The following persons addressed the issue:

Gary Eckenberg, Deputy County Administrator, described the hearing process, which only involves miscellaneous fees not covered by specific statutes. A discussion of other fees will take place at the close of the public hearing.

Alan Mitchell, County Attorney, in response to a question from Commissioner Nelson, said per diem fees for the housing of prisoners are not established by this fee schedule but result instead from a variety of agreements.

Ted Troolin, Solid Waste Director, described fees for various types of solid waste.

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At 10:32 A.M., after brief discussion, Commissioner Sweeney, supported by Commissioner Forsman, moved to close the public hearing; six yeas - zero nays. Commissioner Sweeney, supported by Commissioner Kron, moved to adopt the fee schedule effective January 1, 2005; six yeas - zero nays. Resolution No. 596.

Deputy Administrator Eckenberg detailed other fees that did not require Board approval. After further discussion, Chair Raukar suspended the fee discussion to allow citizens an opportunity to address the Board concerning issues not on the agenda. The following chose to do so:

Ted Melgeorge, Camp 5 Township, said recent increases in the assessed value of resorts are having a detrimental effect on the future of resorts. Mr. Melgeorge asked for Board support of a graduated increase similar to what is done for homesteads or to tie future value increases to cash flow. Dana Frey, County Administrator, explained state statutes. Mel Hintz, Interim County Assessor, described the assessment process for resorts. Commissioner Forsman suggested referring the matter to the legislative delegation.

At 11:30 A.M., Chair Raukar recessed the County Board meeting to allow a Committee of the Whole presentation by the Minnesota Department of Natural Resources (DNR) to be made.

At 12:05 P.M. in the afternoon of Tuesday, November 23, 2004, Chair Raukar moved to recess the Board until 1:20 P.M. on November 23, 2004, in the City Council Chambers, City Hall, Hibbing, Minnesota.

The Board reconvened at 1:30 P.M. on November 23, 2004, and the regular order of business resumed with all members present except Commissioner Fay.

A discussion of fees not included in the earlier public hearing ensued. Ann Busche, Director of Public Health and Human Services, Rich Hyrkas, Public Health, and Vicki Maher, Human Services, addressed fees to be collected for various services such as septic inspections. After further discussion, Director Busche asked for direction from the Board on whether food service fees should fully fund the process. Chair Raukar suggested establishment of a subcommittee to look at how fees are determined. No formal action was taken.

At 2:14 P.M. in the afternoon of Tuesday, November 23, 2004, Chair Raukar moved to recess the Board until 3:00 P.M. on November 23, 2004, in the City Council Chambers, City Hall, Hibbing, Minnesota.

The Board reconvened at 3:51 P.M. on November 23, 2004, and the regular order of business resumed with all members present except Commissioner Fay.

Commissioner Kron, supported by Commissioner Forsman, moved to approve a second consent agenda consisting of all items passed earlier at Committee of the Whole.

Commissioner Nelson, supported by Commissioner Forsman, moved to appoint Commissioner Sweeney as representative to the Western Lake Superior Sanitary District Biosolids Sustainability Master Planning Initiative. Commissioner Fink said appointments should be made at the Annual Organizational meeting. Commissioner Sweeney noted the first meeting is scheduled for the end of November and a County representative is needed; six yeas - zero nays. Resolution No. 611.

Commissioner Fink noted the upcoming Association of Minnesota Counties (AMC) Conference and said commissioners from two neighboring counties have been nominated for the AMC Board.

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FOOD ORDINANCE

CHAPTER 1. TITLE AND REPEALER

1.01 This Ordinance hereby repeals and replaces St. Louis County Ordinance #6 and shall be known as the Food and Beverage Establishment Ordinance for St. Louis County, Minnesota, otherwise known as Ordinance #59.

CHAPTER 2. INTRODUCTION

2.01 **PURPOSE AND INTENT.** The purpose and intent of this Ordinance is to establish standards for food and beverage service establishments to protect the health, safety, and the general welfare of the people of St. Louis County pursuant to powers granted under Minnesota Statutes, Chapters 145A & 157 (2000). The objectives are to:

- A. Prevent foodborne illness.
- B. Correct and prevent conditions that may adversely affect the health and safety of customers and employees of food and beverage service establishments.
- C. Provide minimum standards for the design, construction, operation, and maintenance of food and beverage service establishments.
- D. Meet consumer expectations of the quality and safety of food and beverage service establishments.
- E. Assure that foodservice management personnel are knowledgeable and qualified to educate their employees in the elements of foodborne disease prevention.

2.02 **SCOPE.** This Ordinance shall apply to all food and beverage service establishments located in St. Louis County where food, meals, lunches, or beverages are prepared or served for consumption by the general public either on the premises or for immediate consumption off the premises as defined in Minnesota Statutes, Rules and in this Ordinance.

2.03 **LEGAL AUTHORITY.** This Ordinance is enacted pursuant to Minnesota Statutes Chapter 157, which established the authority for the Commissioner of Health to license food and beverage establishments and Minn. Stat. § 145A.07 which authorizes the Commissioner of Health to enter into an agreement with any Board of Health to perform all or part of the licensing, inspection, and enforcement duties authorized by law. The St. Louis County Board of Commissioners, by agreement, functions as the Board of Health.

2.04 **ADOPTED STANDARDS.** This Ordinance hereby adopts by reference; Minnesota Rules 4626.0020 through 4626.1870, now in effect or as hereafter amended or modified, otherwise known as the Minnesota State Food Code; and Minnesota Rules 4626.2000 through 4626.2025, now in effect or as hereafter amended or modified, otherwise known as the Food Manager Certification rule.

2.05 **CONSTRUCTION.** Words used in the present tense include the past and future tense; the singular includes the plural, and the plural includes the singular; the word “shall” is mandatory and the word “may” is permissive; the masculine gender includes the feminine gender.

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- 2.06 **INTERPRETATION.** In the interpretation of this Ordinance, its provisions shall be held to be minimum requirements and shall be construed so as to fully effect its purpose and shall not be deemed a limitation or repeal of any other power established by law or ordinance except as specifically provided herein. In the event conflicting requirements are imposed by this Ordinance or other ordinances of St. Louis County, the more restrictive conditions shall apply. The Administrator shall rule on what is more restrictive as well as other interpretations that may arise.

CHAPTER 3. DEFINITIONS

- 3.01 **ADOPTED DEFINITIONS.** The definitions contained in the Minnesota State Food Code, and Minnesota Rules 4626.2000 otherwise known as Certification of Food Managers, now in effect or as hereafter amended or modified, are hereby adopted except as modified in Section 3.02.
- 3.02 The following definitions shall apply to the interpretation and enforcement of this Ordinance and adopted Standards.
- A. **Administrator.** The Director of the St. Louis County Department of Public Health and Human Services or his/her designee.
 - B. **Board.** The St. Louis County Board of Commissioners.
 - C. **Business Days.** Monday through Friday excluding holidays.
 - D. **County.** St. Louis County.
 - E. **Department.** The St. Louis County Department of Public Health and Human Services.
 - F. **Seasonal.** An establishment that is open 180 days or less per year based on opening and closing dates.
 - G. **Food and Beverage Establishment.** Any building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be an operation that prepares, serves, or otherwise provides food or beverages, or both, for human consumption. (Ch. 157)

CHAPTER 4. ADMINISTRATION

- 4.01 **ADMINISTRATION.** The Administrator shall administer and interpret the provisions of this Ordinance. In addition to the duties set forth herein, the Administrator shall maintain adequate files and records relating to all licenses or permits issued, inspections made, work approved, and other official actions.
- 4.02 **POWERS.** The Administrator shall have all powers necessary to administer and enforce the provisions of this Ordinance. In addition to the other powers set forth herein, and without limitation, the Administrator shall be empowered to do the following:
- A. Prepare reports and recommendations regarding any additional measures that he or she deems necessary to effect the purpose of this Ordinance.
 - B. Obtain assistance and cooperation from other state and local health, legal, and law

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enforcement officials in the administration and enforcement of this Ordinance.

- C. Cooperate with local and state personnel in the enforcement of this Ordinance and state regulations, rules, and requirements relating to food and beverage establishments.
- D. Arrange for the enforcement of any and all rules, orders, permits, and other requirements established herein or issued pursuant to this Ordinance.
- E. Enter upon the premises of any food or beverage establishment at any reasonable time for the purpose of administering and enforcing this Ordinance.
- F. The Administrator may impose additional requirements to protect against health hazards related to the conduct of their operation and may prohibit the sale or distribution of any or all foods.
- G. Interpret the provisions and intent of the Ordinance as may be necessary from time to time.

CHAPTER 5. LICENSURE

5.01 **REQUIREMENT.** It shall be unlawful for any person to operate a food or beverage establishment within the County who does not possess a valid license for all aspects of his or her business. The Administrator is authorized to issue licenses or permits for the operation of food or beverage establishments, and such establishments are required to obtain such licenses prior to commencing operation. Only a licensee who complies with the requirements of this Ordinance and the adopted Standards shall be entitled to receive and retain such a license. To qualify for a license, an applicant shall be an owner of the establishment, an officer of the legal ownership, or the manager of the food operation through lease or other agreement with the property owner; comply with the requirements of this Ordinance, the Minnesota Food Code, Certification of Food Managers Rule, and pay all applicable license fees at the time the application is submitted or before the establishment opens for business. If the property owner enters into a new lease agreement for establishment operation with a new manager, a new license shall be issued, even if the food operation is essentially the same. Licenses shall not be transferable from one establishment or person to another establishment or person. Discontinuance of an operation by the licensee at the address covered by the license voids the license. A licensee shall immediately surrender a void or invalid license to the Administrator.

5.02 **APPLICATION.** Prior to June 1 annually, or the first day of operation, every person, partnership, or corporation, operating or seeking to operate a food or beverage establishment shall make application in writing to the Administrator for a license to operate such establishment. Applications or fees received after June 1 or the first day of operation will be charged a late fee as set by the Board. The application shall be in such form and shall contain such information as the Administrator may find necessary to his or her determination that the food or beverage establishment shall be operated and maintained in such a manner as to protect and preserve the health and safety of the persons utilizing the establishment. Each license application, or subsequent renewal, with the applicable fee shall be submitted to the Administrator who shall issue a receipt for the payment received. The license year ends on May 31 annually and all renewals are due on or before June 1 or the first day of operation. Failure to pay fees within the designated time limits will result in immediate closure of the establishment.

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- 5.03 APPROVAL. If the Administrator determines from the application that the health and safety of the public using the establishment will be properly safeguarded, he or she may, prior to actual inspection of the establishment, issue the license in writing, provided the appropriate fee(s) have been paid in full.
- 5.04 DENIAL. If the Administrator determines from the application or subsequent inspection that the health and safety of the persons in the food or beverage establishment will not be properly safeguarded, he or she may deny the application for licensure. Such applicant is then entitled to a hearing before the Board as outlined in Chapter 9, of this Ordinance.
- 5.05 PLAN REVIEW. Whenever a food or beverage service establishment is constructed or remodeled or whenever an existing structure is converted to use as a food or beverage service establishment, properly prepared plans and specifications for such food service area construction, remodeling, or conversion shall be submitted to the Administrator with applicable fees for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed equipment layout, room finish materials, plumbing specifications, kitchen exhaust ventilation and make-up air specifications, construction materials of work areas, and the manufacturer's name and model number of proposed equipment and facilities. The plans and specifications shall be drawn to scale and shall be legible and complete in all details, and must be submitted to the Department for review and approval prior to the start of construction.
- H. The Administrator shall approve the plans and specifications only if they meet the requirements of this Ordinance, the Minnesota Food Code and any other applicable Federal, State or Local laws and regulations.
- I. The establishment shall be constructed and finished in conformance with the approved plans.
- J. The licensee must obtain an inspection from the Administrator prior to the start of operation. Construction must be completed and approved before operation can begin.
- K. The licensee is responsible for obtaining written approval for the proposed construction from any other agency or official that may have authority over elements of such proposed construction, including, but not limited to; the State Fire Marshall, the Minnesota Department of Health Plumbing Division, or the appropriate city or township officials.
- 5.06 LICENSE APPROVAL WITHDRAWAL. The Administrator may, by written order, suspend or revoke any food or beverage establishment license or permit when he or she has information indicating the license or permit has been issued in error, on the basis of incorrect or inadequate information, that the food/beverage establishment is not operating in compliance with the provisions of the license or permit issued; or for non-payment of fees.
- 5.07 POSTING. The license shall be posted in a conspicuous place on the premises of the establishment.

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- 5.08 LICENSE NOT TRANSFERABLE. A license is not transferable to another licensee or location.
- 5.09 RECIPROCAL LICENSING AGREEMENTS. Food originating from establishments not required to be licensed by the County may be sold within the County if such food establishments conform to the requirements of the Minnesota Food Code and are licensed by the United States Department of Agriculture, the Minnesota Department of Agriculture or the Minnesota Department of Health. To determine the extent of compliance with such provisions, the Administrator, at his or her discretion, may accept reports from responsible authorities in other jurisdictions where such food establishments are located or may perform inspections to assure compliance with this Ordinance.

CHAPTER 6. INSPECTIONS

- 6.01 REQUIREMENT. It shall be the duty of the Administrator to inspect each licensed or permitted food and beverage establishment in accordance with Minnesota Department of Health requirements. Reinspections required due to non-compliance with correction orders may be charged an additional fee. The Department shall maintain a written policy for charging reinspection fees.
- 6.02 RIGHT-OF-ENTRY. The Administrator, after proper identification, shall be permitted at any reasonable time, to enter any food or beverage establishment for the purpose of making inspections to determine compliance with this Ordinance or the Minnesota Food Code. The Administrator shall be permitted to examine the records of the food or beverage establishment to obtain information pertaining to food and equipment purchased, received, or used, and persons employed and to obtain any other information that may be necessary to determine whether the establishment is in compliance with this Ordinance or the Minnesota Food Code. Any interference with the Administrator in performance of his/her duties shall be grounds for immediate suspension of the license.

CHAPTER 7. ENFORCEMENT

- 7.01 NON-PAYMENT OF FEES. All license fees must be paid by the designated due date or the first day of operation, whichever comes first. A late fee charge, as approved by the Board, shall be assessed to the licensee for any fees that are not paid on or before the designated due date. In the case of previously licensed facilities, failure to pay the license fee and any assessed late charges within 30 days of the original due date shall result in the Administrator issuing an order to close the establishment immediately for failure to have a valid license.
- 7.02 VIOLATIONS. Whenever the Administrator conducts an inspection of a food or beverage establishment and discovers that any of the requirements of this Ordinance have been violated, he or she shall notify the licensee or operator of such violations by means of an inspection report or other written notice. In such notification, the Administrator shall:
- A. Set forth the specific violations found;
 - B. Write correction orders for the violations found;
 - C. Establish a specific and reasonable period of time for the correction of the violations found;

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- D. State that failure to comply with any notice issued in accordance with the provisions of this Ordinance may result in suspension of the license or permit or that a citation may be issued;
- E. State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Administrator within 30 days of the date of inspection.

7.03 CITATIONS. Whenever the Administrator discovers a violation of this Ordinance, a citation may be issued by the appropriate law enforcement agency or Administrator to the person alleged to have committed the violation. The citation may be issued in addition to other enforcement actions as deemed necessary by the Administrator to effect the purpose of the Ordinance. The Department shall maintain a written policy for issuing citations.

- A. Citations shall contain the following information:
 - 1. The name and address of the person charged with a violation or the owner or person in charge of the premises at which the violation occurs.
 - 2. The date and place of the violation.
 - 3. A short description of the violation followed by the chapter of the Ordinance, the Minnesota Food Code and or Standards violated.
 - 4. The court date and location at which the person receiving the citation shall appear and a notice that if such person does not respond, a warrant may be issued for such person's arrest.
- B. Pursuant to the Minnesota Rules of Criminal Procedure, the citation shall be issued to the person charged with the violation, or in the case of a corporation or unit of government, to any officer or agent authorized to accept such issuance.
- C. If the person charged with the violation does not appear at the time specified by court rule, the Administrator may request a complaint to be signed and a warrant to be issued for the arrest of such person to compel appearance in court.

7.04 CORRECTION OF VIOLATIONS. All violations found must be corrected within the time specified in the inspection report given to the licensee. Upon reinspection, any uncorrected violation orders may be cause for further action as outlined in this Ordinance.

7.05 PROBATION. If during an inspection, the Administrator finds critical item violations and/or correction orders not remedied from a previous inspection, the Administrator may place a licensee on probation. Probation means that if the stated violations are not corrected within the time limits specified in the probation notice, an Administrative Hearing shall be ordered. The licensee may be removed from probationary status if the violations are corrected within the stated time limits.

7.06 ADMINISTRATIVE HEARING. If the conditions of a probationary status are not met, the licensee/operator shall be required to appear at a hearing before the Administrator

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and the inspecting Environmental Health Specialist. At the conclusion of such hearing, the Administrator shall:

- A. Determine that the establishment is in compliance and no further action is necessary;
- B. Reach a written agreement with the operator stating a schedule of corrections that would bring the establishment into compliance. Any additional inspections will be subject to a reinspection fee.
- C. Order the immediate suspension of the license pending correction of the violations.

If the licensee fails to comply with the correction order by the date(s) specified or does not appear at the Administrative Hearing, the Administrator shall immediately suspend the license pending an appeal before the Board.

- 7.07 SUSPENSION. Any license may be suspended for cause as provided in this Ordinance. Such suspension requires that all operations cease and the establishment remain closed until the suspension has been lifted by the Administrator.
- 7.08 REINSPECTION. Any establishment whose license has been suspended may at any time make written application to the Administrator for a reinspection for the purpose of reinstatement. Within three (3) business days following receipt of a written request, including a statement signed by the licensee that in his/her opinion the conditions causing the suspension have been corrected, the Administrator shall make a reinspection. If the licensee is in compliance with the requirements of this Ordinance, the license shall be reinstated. If the establishment is not in compliance upon reinspection, the suspension shall remain in effect and any further reinspections will be result in a reinspection fee being charged.
- 7.09 REVOCAATION. For serious or repeated violations of any of the requirements of this Ordinance, or for interference with the Administrator in the performance of his or her duties, a license may be revoked after opportunity for a revocation hearing before the Board as provided in Chapter 9. A license may be suspended for cause pending revocation. If the Board upholds the revocation, such license becomes null and void. A new license application, including plan review and payment of the appropriate fees, must be submitted and approved before a new license is issued.
- 7.10 REINSTATEMENT. Whenever a licensed establishment is required to close under the provisions of this Ordinance, it shall not resume operations until the conditions causing the closure no longer exist and the Administrator has issued clearance to resume operations in writing. The licensee may request reinspection as per Section 7.08.

CHAPTER 8. EMERGENCY CLOSURE

8.01 EMERGENCY CLOSURE. Notwithstanding the other provisions of this ordinance, whenever the Administrator finds an imminent health hazard to exist, such as, but not limited to, those listed below, the establishment shall immediately cease food service operations according to the procedures outlined in this section. The licensee shall not resume operations until authorized in writing by the Administrator.

- A. An imminent health hazard may include, but not necessarily be limited to the following:

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1. Lack of any utilities such as water, electricity or sewer;
 2. Evidence of a sewer backup in the food preparation or food storage areas;
 3. The licensee fails to comply with the orders of the Administrator such that the provisions of Chapter 11 of this Ordinance cannot be met;
 4. The presence of a foodservice worker with a communicable disease or infected wound who refuses to comply with the orders of the Administrator such that the provisions of Chapter 11 of this Ordinance cannot be met;
 5. An infestation of rodents or insects; or
 6. Evidence of a foodborne illness associated with the operation of the establishment.
- B. If, following an on-site inspection, the Administrator determines that closure of a food establishment is required in order to protect public health as provided in this Chapter, the Administrator shall order immediate closure of the establishment in writing. The order shall identify the food establishment, describe the specific grounds upon which closure is based, direct the immediate closure of the establishment and vacating of the premises by consumers, list the corrective actions necessary to re-open the establishment, and state that a hearing on the emergency closure may be requested by the licensee. The order shall be given to the owner, manager, or person in charge.
- C. The person receiving the order shall immediately close the establishment and require all persons to vacate. The establishment shall remain closed until the Administrator rescinds the order for emergency closure. Failure to close the establishment or keep the establishment closed is a misdemeanor.
- D. In the event the person receiving the order fails to close the establishment, the Administrator may order all persons to vacate the premises. Failure to leave upon said orders is a misdemeanor. If a person fails to vacate the premises as ordered by the Administrator, law enforcement may be summoned to assist in vacating the premises and issuing such citations or making such arrests as may be necessary to comply with this Chapter.
- E. The licensee may request, in writing, a hearing contesting the emergency closure order or the conditions for reopening the establishment. The hearing shall be held before the Administrator within two (2) business days following receipt of the request. The Administrator shall render a written decision within two (2) business days after the conclusion of the hearing. The decision of the Administrator may be appealed to the Board as provided in Chapter 9.

CHAPTER 9. HEARINGS AND APPEALS

- 9.01 APPEAL/HEARING REQUEST. Any decision of the Administrator, including denial of licensure, suspension of license or other such action may be appealed to the Board.
- 9.02 APPEAL REQUEST. The licensee must submit a request for an appeal from the Administrator's order within 10 days of the order. The appeal must be submitted to the

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Administrator who shall submit the appeal to the Board. The Board shall follow the procedure for an appeal as outlined in Section 9.04 of this Chapter.

9.03 CAUSE. Any license issued pursuant to this Ordinance may be suspended for up to ninety (90) days, revoked, a civil penalty imposed or a combination of any of these sanctions may be imposed by the Board after a hearing.

9.04 PROCEDURE FOR HEARING BY THE COUNTY BOARD. Notice of intent to revoke, deny, withdraw or suspend a food or beverage license and a brief statement of the facts upon which said action(s) is based shall be served by mail at the address stated on the licensee's food or beverage application. The notice shall further include the time, place and date of the hearing before the Board. Public notice of the hearing shall be given by publication in the newspaper designated for publication of public notices. A minimum of ten (10) days written notice to the licensee prior to the hearing shall be provided.

The hearing shall be public. The St. Louis County Attorney's Office shall present evidence through documents, witnesses sworn on oath, and arguments in support of the factual basis for the action(s) requested. The licensee or someone on his behalf may present evidence, cross-examine any witnesses, and make argument on behalf of the licensee.

9.05 FINDINGS, CONCLUSIONS AND ORDER. The Board shall, based upon the record and evidence at the hearing, render findings of fact and conclusions on all material issues no later than twenty-one (21) days after the hearing date. Written findings, conclusions and order may be filed with the County Auditor and served on the licensee.

9.06 INFORMAL DISPOSITION. Resolution of any matter involving suspension or revocation of a license may be handled informally by agreement of the Board and licensee through stipulation, agreed settlement, consent order or default. Any matter handled by informal disposition shall be included in the licensee's file and record for purposes of future assessment of the licensee's qualifications to be a license holder.

CHAPTER 10. PENALTIES

10.01 CRIMINAL PENALTIES. Any person violating any of the provisions of this Ordinance or of the regulations or standards promulgated hereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed \$1000.00 for each violation. Each day upon which a violation occurs shall constitute a separate violation. The Administrator may, in addition, enforce all provisions of this Ordinance through such proceedings for injunctive relief as may be proper under the laws of Minnesota. The Administrator shall initiate action to prevent, restrain, correct, or abate violations or threatened violations.

10.02 CIVIL PENALTIES. Upon cause shown, the Board shall have the authority to assess a civil penalty of up to \$2000.00 imposed for each violation.

CHAPTER 11. SUSPECTED DISEASE TRANSMISSION

11.01 When the Administrator has reasonable cause to suspect the possibility of disease transmission from any food establishment or employee, the Administrator shall make such investigation as may be indicated, and take appropriate action to protect the health and safety of the employees, customers or the general public. The Administrator may require any or all of the following measures:

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- A. The immediate removal of any employee from any and all food establishment operations until such time as the Administrator gives clearance for the employee to return to work.
- B. The immediate closure of the food establishment(s) until, in the opinion of the Administrator, no further danger of disease outbreak exists.
- C. Restriction of any employee's services to an area of the establishment where there would be no danger of transmitting disease.
- D. Conduct medical and laboratory examinations of any employee, or other employees, and of his, her, and/or their body discharges.

CHAPTER 12. COMPLIANCE WITH OTHER LAWS, ORDINANCES, AND REGULATIONS

- 12.01 In order for a license to be obtained and retained under the provisions of this Ordinance, the licensee must be in compliance with all other federal, state, and local laws, ordinances, and regulations as they pertain to such establishment.

CHAPTER 13. FEES

- 13.01 The Board shall set, revise, rescind and collect such fees as it deems necessary for the administration of this Ordinance. Fees may include, but are not limited to, those charged for licenses, reinspection and plan review. The Board may establish a late fee for any or all categories. All fees must be paid in full prior to opening or the beginning of operation.

CHAPTER 14. SEVERABILITY

- 14.01 The provisions of this Ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase, or portion of this Ordinance be declared invalid for any reason, the remainder of said Ordinance shall not be affected.

CHAPTER 15. EFFECTUATION

- 15.01 This Ordinance shall take effect and be in full force on the 1st day of December, 2004, upon its adoption by the St. Louis County Board of Commissioners, and shall be published in the official newspaper(s) of St. Louis County as provided by Minnesota Statutes.

Commissioner Sweeney moved the adoption of this Ordinance, and Commissioner Kron duly seconded the motion, and it was adopted on the following vote:

Yeas: Commissioners Fink, Kron, Forsman, Sweeney, Nelson, and Chair Raukar - 6
Nays: None
Absent: Commissioner Fay - 1

Steve Raukar
Chair, County Board

Certified as a complete and accurate copy of Ordinance No. 59
Don Dicklich, County Auditor

ATTEST:
Paul Tynjala, Deputy Auditor
Clerk of the County Board

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The following Board and Contract Files were created as a result of documents received at this Board meeting:

St. Louis County Fair of Hibbing submitting Annual Report of the Secretary for 2004.–58323

Fee schedules for various County departments to be effective Fiscal Year 2005.–58324

Agreement for Professional Services between the County of St. Louis and Braun Intertec Corporation for evaluation of roadway strength of a 15-mile segment of C-SAH 133.–04-718

Snowmobile Enforcement Grant Contract between the State of Minnesota, acting through its Commissioner of Natural Resources, Division of Enforcement, and St. Louis County Sheriff's Office.–04-719

Cooperative Agreement regarding law enforcement technical support between the Fond du Lac Band of Lake Superior Chippewa and St. Louis County, through its Sheriff's Department.–04-720

Agreement for Professional Services between St. Louis County, through its Land Department, and Quality Management Institute for SFI Certification and ISO 14001 Registration Services.–04-721

Upon motion of Commissioner Sweeney, supported by Commissioner Kron, Resolutions No. 590 through 594, as submitted to this Board on the Consent Agenda were unanimously adopted as follows with Commissioner Fay absent:

BY COMMISSIONER SWEENEY:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of November 2, 2004, are hereby approved.
Adopted November 23, 2004. No. 590

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of November 9, 2004, are hereby approved.
Adopted November 23, 2004. No. 591

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated November 12, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.
Adopted November 23, 2004. No. 592

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, are hereby approved and the County Auditor is authorized to issue the licenses as follows;

RESOLVED FURTHER, that if named licenseholders sell their licensed business, the County Board, at its discretion, may, after an investigation, transfer the licenses to a new owner, but without pro-rated refund to the licenseholders:

C.C. Campground No. 717, Inc., d/b/a C.C. Campground No. 717, Inc., French Township, Tobacco Products License No. T0522;

Paul/Mary Lautigar, d/b/a Corner Express, Biwabik Township, Tobacco Products License No.

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T0531;

Gateway Store, LLC, d/b/a Gateway Store, LLC, Unorganized Township 68-21, Tobacco Products License No. T0555;

Inter City Oil Co., Inc., d/b/a Inter City Oil Co., Inc., Cotton Township, Tobacco Products License No. T0570;

Curran Enterprises, Inc., d/b/a Makinen Market, Inc., Unorganized Township 56-16, Tobacco Products License No. T0588;

CMK Management, Inc., d/b/a Powerhouse Bar, City of Proctor, Tobacco Products License No. T05141;

Ely-Winton Rod & Gun Club, Inc., d/b/a Samz Place, Morse Township, Tobacco Products License No. T05116.

Adopted November 23, 2004. No. 593

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, are hereby approved and the County Auditor is authorized to issue the licenses as follows;

RESOLVED FURTHER, that if named licenseholders sell their licensed business, the County Board, at its discretion, may, after an investigation, transfer the licenses to a new owner, but without pro-rated refund to the licenseholders:

The following licenseholders were issued a tobacco violation citation on the dates as stated:

ILI, Inc., d/b/a Island Lake Inn, Gnesen Township, Tobacco Products License No. T0573, November 30, 1999;

Martinson Log Cabin, Inc., d/b/a Log Cabin, Angora Township, Tobacco Products License No. T0585, September 26, 1998;

Ely-Winton Rod & Gun Club, Inc., d/b/a Longbranch Clubhouse, City of Winton, Tobacco Products License No. T0586, December 15, 2002;

Korby's, Inc., d/b/a Pequaywan Inn, Unorganized Township 54-13, Tobacco Products License No. T05173, December 29, 2003.

Adopted November 23, 2004. No. 594

BY COMMISSIONER SWEENEY:

RESOLVED, that the St. Louis County Board hereby repeals Ordinance No. 6 - Food and Beverage Establishment Ordinance and adopts Ordinance No. 59 - Food Ordinance, effective December 1, 2004.

Unanimously adopted. November 23, 2004. No. 595

RESOLVED, that the St. Louis County Board of Commissioners hereby adopts the fee schedule for various County Departments for the year 2005, as on file in County Board File No. 58324.

Unanimously adopted. November 23, 2004. No. 596

Upon motion of Commissioner Kron, supported by Commissioner Forsman, Resolutions No. 597

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through 610, which were approved at the Committee of the Whole meeting this date, were brought forth to this meeting as a second Consent Agenda and were unanimously adopted as follows with Commissioner Fay absent:

BY COMMISSIONER KRON:

WHEREAS, St. Louis County Public Health and Human Services Department seeks to assure children have a safe and permanent living arrangement; and

WHEREAS, St. Louis County Public Health and Human Services Department and the Minnesota Department of Human Services recognize the value and strength of families jointly making permanent living decisions for their children; and

WHEREAS, the Minnesota Department of Human Services has awarded \$400,000 for the Family Group Decision Making project for the period October 1, 2004, to December 31, 2006.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners accepts the Minnesota Department of Human Services grant for Family Group Decision Making in the amount of \$400,000, such funds to be deposited into Fund 230, Agency 232999, Revenue Source 540217.

RESOLVED FURTHER, that the Director of Public Health and Human Services and the County Administrator coordinate as necessary to increase authorized staffing levels by 1 FTE Social Worker from January 1, 2005, through December 31, 2006, and incorporate grant revenues and expenditures in the proposed budget that will be presented for Board action in December of 2004. Adopted November 23, 2004. No. 597

WHEREAS, the following described parcels forfeited to the State of Minnesota for nonpayment of real estate taxes, were previously classified as conservation, and are located in Pelican Lake Memorial Forest:

Parcel 510-0040-00010; Government Lot 1, Section 1, Township 66 North, Range 18 West (40.73 acres);

Parcel 510-0040-00050; Government Lot 3, Section 1, Township 66 North, Range 18 West (40.52 acres);

WHEREAS, Pelican Lake Memorial Forest is currently dedicated as Memorial Forest; and
WHEREAS, all parcels of land becoming the property of the State of Minnesota in trust through forfeiture for nonpayment of real estate taxes shall be classified or reclassified as 'conservation' or 'non-conservation' as required by Minnesota Statutes, Section 282.01, Subdivision 1; and

WHEREAS, the Land Department has recommended that the parcels described above be withdrawn from Memorial Forest and reclassified as non-conservation after considering, among other things, the present use of adjacent land; the productivity of the soil; the character of forest or other growth; the accessibility of lands to established roads, schools, and other public services; and the peculiar suitability or desirability of lands for particular uses; and

WHEREAS, said parcels of land are not withdrawn from sale pursuant to Minnesota Statutes, Sections 84.012, 92.461, 282.01, Subdivision 8, and 282.018, or any other statutes that require the withholding of State tax forfeited lands from sale; and

WHEREAS, said parcels of land are located inside the boundaries of an organized town, and Minnesota Statutes, Section 282.01, provides that classification or reclassification and sale of lands situated within an organized town must be approved by the town board; and

WHEREAS, reclassification of said parcels will be deemed approved if the County Board does not receive notice of the town board's disapproval of the reclassification within 60 days of the date on which this resolution is delivered to the Clerk of the town board.

NOW, THEREFORE, BE IT RESOLVED, that the State Tax Forfeited parcels described above be released from Memorial Forest and reclassified as non-conservation, and that the request for

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approval of the reclassification be transmitted by the St. Louis County Land Department to the Clerk of the Town of Portage.

Adopted November 23, 2004. No. 598

WHEREAS, the following described parcels forfeited to the State of Minnesota for nonpayment of real estate taxes and was previously classified as conservation:

Block 1, Lots 9, 10, 11, 12, 13, and 14, Brighton Gardens Second Division of Duluth. Parcel Codes: 10-0290-0090, 0100, 0110, 0120, 0130, 0140.

Block 2, Lots 1, 2, 3, and 4, Brighton Gardens Second Division of Duluth. Parcel Codes: 10-0290-0210, 0220, 0230, 0240.

WHEREAS, all parcels of land becoming the property of the State of Minnesota in trust through forfeiture for nonpayment of real estate taxes shall be classified or reclassified as 'conservation' or 'non-conservation' as required by Minnesota Statutes, Section 282.01, Subdivision 1; and

WHEREAS, the Land Department has recommended that the parcels described above be reclassified as non-conservation and approved for sale after considering, among other things, the present use of adjacent land; the accessibility of lands to established roads, schools, and other public services; and the peculiar suitability or desirability of lands for particular uses; and

WHEREAS, this parcel of land is not withdrawn from sale pursuant to Minnesota Statutes, Sections 84.012, 92.461, 282.01, Subdivision 8, and 282.018, or any other statutes that require the withholding of State Tax Forfeited land from sale; and

WHEREAS, said parcel of land is located inside the boundaries of a municipality, and Minnesota Statutes, Section 282.01, provides that classification or reclassification and sale of lands situated within a municipality must be approved by the governing body of the municipality; and

WHEREAS, reclassification and sale of said parcel will be deemed approved if the County Board does not receive notice of the municipality's disapproval of the reclassification and sale of any parcel within 60 days of the date on which this resolution is delivered to the Clerk of the Municipality.

NOW, THEREFORE, BE IT RESOLVED, that the State Tax Forfeited parcels described above be reclassified as non-conservation and offered for sale at the February 8th, 2005, land auction, and that the request for approval of the reclassification be transmitted by the St. Louis County Land Department to the Clerk of the Municipality.

Adopted November 23, 2004. No. 599

WHEREAS, the County relies on clean curbside or alley ("Curbside") collected recyclable materials as one of the primary methods of recyclables collection to achieve SCORE and County recycling goals; and

WHEREAS, the County has developed programs to work with the six cities of Hibbing, Chisholm, Gilbert, Eveleth, Mt. Iron, and Virginia to develop and sustain curbside recycling programs; and

WHEREAS, the six cities will continue to provide Curbside recyclable materials collection for its residents and businesses in the year 2005; and

WHEREAS, the six cities will continue to provide the County with all Curbside collected recyclable materials collected by or for the cities in the year 2005; and

WHEREAS, the County will pay for the processing and marketing of Curbside collected recyclable materials, up to a predetermined maximum tonnage, weighed and hauled by the six cities to the County-designated recyclables processing facility or recyclables transfer station; and

WHEREAS, the term of the current Cities' curbside recyclable materials processing agreements ends December 31, 2004; and

WHEREAS, the six cities and the County wish to enter into new curbside recycling agreements.

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NOW, THEREFORE, BE IT RESOLVED, that the County will extend the agreements with the cities of Hibbing, Chisholm, Gilbert, Eveleth, Mt. Iron, and Virginia to ensure the collection, processing, and marketing of curbside collected recycled materials. The term of the agreements will be January 1, 2005, through December 31, 2005, and may be extended for an additional period of up to two (2) years at one (1) year intervals, upon mutual agreement of the parties.
Adopted November 23, 2004. No. 600

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subd. 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit applications, on file in the office of the County Auditor, identified as County Board File No. 58195, as follows:

Voyageur Trail Society to operate out of the following:
The Dam, Leiding Township, *RENEWAL*;
Frontier Resort, Unorganized Township 69-19, *RENEWAL*;
Kec's Kove Resort, Kabetogama Township, *RENEWAL*;
Portage Inn, Portage Township, *RENEWAL*;
Rocky Ledge Resort, Kabetogama Township, *RENEWAL*.

Cook Firemen's Relief Association to operate out of the following:
Log Cabin, Angora Township, *RENEWAL*;
South Switch, Angora Township, *RENEWAL*.
Adopted November 23, 2004. No. 601

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subd. 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit application, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization: American Red Cross Northland Chapter to operate out of B & B Country Mart, McDavitt Township, *NEW*.
Adopted November 23, 2004. No. 602

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subd. 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit application, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization: Irving Community Association to operate out of Buffalo House, Midway Township, *NEW*.
Adopted November 23, 2004. No. 603

RESOLVED, that the St. Louis County Sheriff's Office is hereby authorized to enter into Maintenance and Support Agreements with Motorola, Inc., of Anaheim, California (Printrak-LiveScan/Seller), in the amount of \$35,737. This agreement will provide St. Louis County (Customer/Buyer) maintenance support services for the period of January 1, 2005, through December 31, 2005, payable from Fund 100, Agency 129001, Object Code 629900.
RESOLVED FURTHER, that the Chair of the Board, County Auditor and Sheriff are hereby authorized to execute such documents as are necessary to implement this agreement.
Adopted November 23, 2004. No. 604

WHEREAS, a rezoning was initiated by the property owner of record; and
WHEREAS, the St. Louis County Planning Commission expanded the area to be considered for rezoning; and
WHEREAS, the St. Louis County Planning Commission held a public hearing on the proposed rezoning on October 14, 2004; and
WHEREAS, the St. Louis County Planning Commission voted to recommend that the St. Louis County Board of Commissioners adopt the rezoning by amending Ordinance 46, zoning maps.

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NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners will hold a public hearing on Tuesday, December 21, 2004, at 9:35 A.M., Morse Town Hall, Ely, Minnesota, to consider the rezoning.

Adopted November 23, 2004. No. 605

RESOLVED, that a public hearing will be held at 9:40 A.M. on Tuesday, December 21, 2004, in the Morse Town Hall, Ely, Minnesota, for the purpose of considering the suspension/revocation of liquor licenses for failure to pay real estate or personal property taxes when due, pursuant to St. Louis County Ordinance No. 28.

Adopted November 23, 2004. No. 606

WHEREAS, the County of St. Louis has requested additional State Aid funds in excess of those available in its State Aid Regular Construction Account through Resolution No. 281, dated May 11, 2004; and

WHEREAS, the Commissioner of Transportation approved the advance request in the amount of \$10.0 Million; and

WHEREAS, the County of St. Louis has implemented additional County-State Aid Highway Projects in 2004 which required State Aid funds in excess of those available in its State Aid Regular Construction Account; and

WHEREAS, said County has proceeded with the construction of said projects through the use of advance encumbrances from the general State Aid Construction Account to supplement the available funds in their State Aid Regular Construction Account; and

WHEREAS, repayment of the funds so advanced will be made in accordance with the provisions of Minnesota Statutes 162.08, Subdivision 7, and Minnesota Rules, Chapter 8820.

NOW, THEREFORE, BE IT RESOLVED, that the Commissioner of Transportation is hereby requested to approve this revised advance for financing approved County-State Aid Highway Projects of St. Louis County in an amount up to \$4.74 Million in accordance with Minnesota Rules 8820.1500, Subparagraph 9, and to authorize repayments from the next three year's accruals in equal amounts to the Regular Construction Account of the County State Aid Highway fund for said County, commencing in 2005.

Adopted November 23, 2004. No. 607

WHEREAS, Resolution No. 134, adopted February 25, 2003, authorized the Auditor through the remainder of 2003 to loan cash flow monies to Chris Jensen Health and Rehabilitation; and

NOW, THEREFORE, BE IT RESOLVED, that the Auditor is authorized to loan cash flow monies under Minnesota Statutes 385.32 to the Chris Jensen Health and Rehabilitation fund through the remainder of 2004 and through March 31, 2005.

RESOLVED FURTHER, that the County Auditor shall present projections for the monthly revolving cash flow for the remainder of 2005 prior to March 31, 2005.

Adopted November 23, 2004. No. 608

WHEREAS, many businesses and property owners are gravely concerned about the drastic reductions in the authorization of "day use motor permits" on the "BWCA chain of lakes" affecting the White Iron Lake Chain, Moose Lake Chain, and the Gull/Saganaga Lake Chains; and

WHEREAS, a recent court ruling stated that the United States Forest Service (USFS) could not adjust the day use motor quota system to take into account all of the use by the previously exempt groups that were not counted in 1976 - 78 (the actual use at that time was to be used to come up with quota numbers); and

WHEREAS, residents have contacted the USFS and have been told that the USFS has recommended an appeal of the ruling, but there is currently no effort on the part of the USFS to request a "stay" or "injunction" to this ruling;

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NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby directs a letter of support be written to the United States Forest Service encouraging that agency to appeal the recent ruling restricting the authorization of "day use motor permits" on the "BWCA chain of lakes" affecting the White Iron Lake Chain, Moose Lake Chain, and the Gull/Saganaga Lake Chains.

Adopted November 23, 2004. No. 609

RESOLVED, that the St. Louis County Board hereby schedules a closed session for labor negotiation purposes for Thursday, December 9, 2004, at 10:00 A.M. in the Duluth Courthouse.

Adopted November 23, 2004. No. 610

BY COMMISSIONER NELSON:

WHEREAS, the Western Lake Superior Sanitary District (WLSSD) will soon begin a Biosolids Sustainability Master Planning initiative; and

WHEREAS, the purpose of the project is to develop a plan that is both consistent with community values and provides for sustainable biosolids management over the next 20 years; and

WHEREAS, WLSSD is seeking community leaders to serve on an Advisory Board that will work closely with a Project Team to develop a proposed plan for submittal to the District's Master Planning Steering Committee; and

WHEREAS, the County Board is being asked to select a Commissioner to serve on the Advisory Group to represent the interests of the County;

NOW THEREFORE BE IT RESOLVED, that Commissioner Peg Sweeney is hereby appointed to serve as the County Board's representative to the WLSSD Biosolids Sustainability Master Planning Advisory Board through the completion of the project.

Unanimously adopted. November 23, 2004. No. 611

At 4:00 P.M. on Tuesday, November 23, 2004, upon motion of Commissioner Kron, supported by Commissioner Nelson, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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OFFICIAL PROCEEDINGS
OF THE
BOARD OF COUNTY COMMISSIONERS
OF ST. LOUIS COUNTY, MINNESOTA

DECEMBER, 2004

OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON DECEMBER 14, 2004

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 14th day of December, 2004, at 9:42 A.M. in the County Board Room, Courthouse, Duluth, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Joanne Fay, Bill Kron, Mike Forsman, Peg Sweeney, Keith Nelson, and Chair Steve Raukar - 7. Absent: None.

Commissioner Fay said she has enjoyed serving as a County Commissioner for the past six years. Citing some of her own personal experiences and those of others, Commissioner Fay said even though you may not achieve everything you strive for, life can still provide "quite a ride." Taking her turn presenting an appropriate quote, Commissioner Fay offered the following:

"The secret of good management is to keep the guys who hate you away from the guys who are still undecided." Casey Stengel, former manager of the New York Yankees and New York Mets.

The County Land Department was presented with ISO/SFI certification for forest lands managed by the department. The following persons addressed the certification:

Jerry Rose, Sustainable Forestry Board, described the composition of the independent board that provides third party certification for forestry work. Mr. Rose said he was proud to have St. Louis County as a certified ISO/SFI member.

Gene Merriam, Department of Natural Resources Commissioner, congratulated the Land Department and the County Board for achieving certification. The DNR is committed to healthy, sustainable forests and hopes to complete certification for lands they manage by the end of 2005. Commissioner Merriam noted large paper product users are beginning to demand an extensive percentage of their paper from certified forests.

Brad Moore, Assistant DNR Commissioner, lauded County staff on their certification, adding that the Land Department provides invaluable assistance to the DNR.

Tim O'Hara, Coordinator of Sustainable Forests, explained third party certification process.

David Epperly, Land Commissioner, and Mark Reed, Deputy Land Commissioner, presented ISO/SFI certificates to the Board.

At 10:23 A.M. in the forenoon of Tuesday, December 14, 2004, Chair Raukar moved to recess the Board until 10:30 A.M. on December 14, 2004, in the County Board Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 10:42 P.M. on December 14, 2004, and the regular order of business resumed

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with all members present.

Commissioner Nelson read and presented a plaque to Commissioner Fay for her years of service as a member of Cooperative Extension. Allen Willman, Extension Committee member, Patti Swedberg, Extension Service, and Bob Olen, Extension Service Horticulturalist, thanked Commissioner Fay for her work and efforts supporting Extension Service.

Commissioner Nelson then read and presented a plaque from the Office of the Dean and Director of the University of Minnesota Extension Service expressing appreciation for the efforts of Commissioner Fay. Commissioner Fay said Extension and 4-H provide valuable community services and she related how an Extension Service helped revitalize the area of Wisconsin where she grew up.

Chair Raukar presented Commissioner Fay with an engraved clock as a memento of her six years as a County Commissioner.

Commissioner Fink presented an Association of Minnesota Counties (AMC) transportation initiative that will be submitted to the Minnesota Legislature next year. The AMC proposal hinges on approval of a gas tax increase to meet growing transportation and transit needs throughout the state. Marcus Hall, Public Works Director, said this proposal - as opposed to other plans proposed by different groups - takes a broad look at transportation problems and does not neglect counties and rural areas. Commissioner Fink said a resolution supporting the AMC plan will be brought to the Board for consideration in early 2005.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and the following chose to do so:

Gary Glass, St. Louis County Historical Society, updated the Board on changes implemented by the Society in response to a Minnesota Attorney General opinion.

Commissioner Forsman, supported by Commissioner Nelson, moved to approve a request to have the DNR include St. Louis County as the next eligible county in the Aggregate Mapping Program. Dana Frey, County Administrator, said goals can be accomplished without duplication of effort and costs should be minimal; seven yeas - zero nays. Resolution No. 617.

Commissioner Kron, supported by Commissioner Nelson, moved to establish February 8, 2005, as the date to receive written proposals for the sale of the Nopeming facility. Grant Forsyth, Zoning Administrator for the Town of Midway, said the sale will have a large impact on the township and he asked that the County work with Midway to help sort out myriad problems that will arise. Commissioner Sweeney noted that the artesian well will not be part of the sale. After further discussion, the motion was approved; seven yeas - zero nays. Resolution No. 618.

At 12:04 A.M. in the afternoon of Tuesday, December 14, 2004, Chair Raukar moved to recess the Board until 1:15 P.M. on December 14, 2004, in the County Board Room, Courthouse, Duluth, Minnesota.

The Board reconvened at 1:29 P.M. on December 14, 2004, and the regular order of business resumed with all members present.

The final 2005 Capital Budget and 2004 Property Tax Levy were then considered. Dana Frey, County Administrator, presented an overview of the budget, which has no levy increase for 2005. Administrator Frey said the county share of property taxes as a percentage of market value has been decreasing the past several years. Projected state revenue shortfalls pose some risk for the County,

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according to Administrator Frey.

Commissioner Nelson asked for consideration of adjustments to the Individual Sewage Treatment System (ISTS) fees. Alan Mitchell, County Attorney, advised that the issue should be considered at the conclusion of the budget discussion because the fees were not a specific budget item.

Commissioner Forsman, supported by Commissioner Nelson, moved to deduct \$300,000 from the Assessor's budget and redirect the funding as follows: \$100,000 for dust control; \$100,000 for reclamation projects; and, \$100,000 to Social Services for senior/elderly programs. Commissioner Forsman said the Assessor was over budgeted and over staffed compared to other counties. Mel Hintz, Interim County Assessor, said the \$300,000 cut would result in layoffs and the diverse assessment types in St. Louis County make comparison difficult. Interim Administrator Hintz, in response to a question from Commissioner Sweeney, said other counties also charge political subdivisions for assessment services. After lengthy discussion, Commissioner Nelson withdrew his support and the motion died.

Commissioner Forsman asked if other Commissioners were willing to forego a pay raise this year as an example for belt tightening measures that may be coming next year. No action was taken on the suggestion.

Chair Raukar, supported by Commissioner Forsman, moved to amend the budget by adding \$24,000 to the Sheriff's budget to facilitate equalization of per diem fees charged to cities and towns for housing prisoners. Ross Litman, Sheriff, explained how the process would work. Commissioner Fink objected to the proposal, insisting the Sheriff should be allowed time to find an equitable solution to the per diem problem during the next year. After further discussion, the amendment was approved; six yeas - one nay, Commissioner Fink.

The Budget and Levy Resolution 2004 for Fiscal Year 2005 was then approved; seven yeas - zero nays. Resolution No. 619.

Commissioner Nelson, supported by Commissioner Forsman, moved to suspend the rules to consider changes in the proposed ISTS fees for 2005; seven yeas - zero nays. Commissioner Nelson, supported by Commissioner Forsman, moved to establish ISTS fees as follows: Type 1 - \$200; Type 2 - \$300; Type 3 - \$445. Commissioner Nelson said the new fees more accurately reflect time spent and he asked that a future time study be conducted to determine if adjustments may be needed next year. After further discussion, the motion was approved; seven yeas - zero nays. Resolution No. 620.

Commissioner Kron, supported by Commissioner Nelson, moved to suspend the rules to consider 2005 Health and Dental Rates for employees and retirees; seven yeas - zero nays. Commissioner Kron, supported by Commissioner Sweeney, moved to approve the rates. The following persons addressed the issue:

County Attorney Mitchell said rates should be approved now because the Auditor needs time to coordinate rates for employees and get notices out to the retirees. The Labor/Management Health Insurance Committee was unable to agree on a rate for 2005.

Dana Frey, County Administrator, said proposed rates are the recommendation of the management team and will balance projected revenues and expenditures.

Bob Martimo, St. Louis County Employees Association, presented labor's position on the Labor/Management Committee and said the various unit representatives were recommending a 20 percent across the board increase for all health plans in effect. Adjustments could be made if future shortfalls occur.

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After further discussion, the proposed rates were adopted; seven yeas - zero nays. Resolution No. 621.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Ann Bloodhart, Assistant Attorney General, Manager, Charities Division, State of Minnesota, regarding their review of various complaints regarding the St. Louis County Historical Society.-58325

Patrick McDermott, Chairman of Beatty Township, submitting a resolution by Beatty Township requesting that the St. Louis County Board initiate a moratorium on development of Lake Vermilion shoreland until the Vermilion Plan has been considered.-58326

Robert J. Zallar, Johnson, Killen & Seiler, regarding the Estate of William Scanlon, Jr., a/k/a William Michael Scanlon and W.M. Scanlon, deceased, St. Louis County Probate Court File No. PO-04-600149.-58327

McGladrey & Pullen, Certified Public Accountants, submitting City of Virginia, Minnesota, Financial and Compliance Report for the year ended December 31, 2003.-58328-D

Gary Glass, St. Louis County Historical Society, regarding changes implemented by the Society in response to a Minnesota Attorney General opinion.-58329

Ross Litman, Sheriff, regarding St. Louis County Jail Charged Per Diems.-58330

Bob Martimo, St. Louis County Employees' Association representative to the Labor/Management Health Insurance Committee, recommending a twenty percent increase for all of St. Louis County's health insurance plans.-58331

Commissioner Dennis Fink submitting an Association of Minnesota Counties (AMC) transportation initiative that will be submitted to the Minnesota Legislature in 2005.-58332

Amendment No. 2 to Lease Agreement No. 11257 between St. Louis County and the State of Minnesota, Department of Administration, for rental of 871 usable square feet of space on the sixth floor of the Duluth Government Services Center for the benefit of the Department of Agriculture.-04-722

Amendment No. 1 to Lease Agreement No. 11258 between St. Louis County and the State of Minnesota, Department of Administration, for rental of 45 usable square feet of space on the plaza level of the Duluth Government Services Center for the benefit of the Ombudsman for Mental Health and Mental Retardation.-04-723

Amendment No. 1 to Lease Agreement No. 11259 between St. Louis County and the State of Minnesota, Department of Administration, for rental of 3,890 usable square feet of space on the seventh floor of the Duluth Government Services Center for the benefit of the Office of Administrative Hearings.-04-724

Amendment No. 2 to Lease Agreement No. 11260 between St. Louis County and the State of Minnesota, Department of Administration, for rental of 1,441 usable square feet of space on the seventh floor of the Duluth Government Services Center for the benefit of the Department of Human Services.-04-725

Amendment No. 1 to Lease Agreement No. 11261 between St. Louis County and the State of Minnesota, Department of Administration, for rental of 5,500 usable square feet of space on the seventh floor, lower level and plaza level of the Duluth Government Services Center for the benefit of the Department of Health.-04-726

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Amendment No. 2 to Lease Agreement No. 11262 between St. Louis County and the State of Minnesota, Department of Administration, for rental of 885 usable square feet of space in Suite 707 of the Duluth Government Services Center for the benefit of the Explore Minnesota Tourism.–04-727

Amendment No. 2 to Lease Agreement No. 11263 between St. Louis County and the State of Minnesota, Department of Administration, for rental of 13,379 usable square feet of space in the Duluth Government Services Center for the benefit of the Department of Employment and Economic Development.–04-728

Agreement No. 87031 between the County of St. Louis, the Duluth, Missabe and Iron Range Railway Company, and the Commissioner of Transportation of the State of Minnesota for railroad crossing signals and gates on the Seville Road (C.R. 873).–04-729

Amendment No. 1 and addition to Lease No. 2004-001878 between St. Louis County and Simon Property Group, L.P., for 3,368 square feet of floor space (Room L22B) for the operation of the St. Louis County Auditor's License Center.–04-730

Agreement for Professional Services between St. Louis County and Foster, Jacobs & Johnson, Inc., for architectural services for the structural, mechanical and electrical design services for the reconditioning of the HVAC systems at the Public Works Garage.–04-731

Amendment to Regional Landfill Daily Operations Contract between St. Louis County and Kangas Excavating, Inc.–04-732

Purchase of Service Agreement, Contract No. 13675, between the St. Louis County Board of Commissioners and Hynes Enterprises, Inc., d/b/a Sylvan Learning Center (Education Program).–04-733

Loan Agreement between the County of St. Louis and William R. Latady for the replacing or upgrading of an individual sewage treatment system.–04-734

Joint Maintenance Garage Architectural/Design Agreement between the County of St. Louis, the City of Ely, Morse Township, and Lake County.–04-735

Public Health Agency Participation Agreement between Medica Health Plans, Medica Insurance Company, Medica Health Plans of Wisconsin, and Medica Self-Insured, d/b/a Medica Self-Insured, and St. Louis County.–04-736

Upon motion of Commissioner Kron, supported by Commissioner Sweeney, Resolutions No. 612 through 616, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER KRON:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of November 23, 2004, are hereby approved.
Adopted December 14, 2004. No. 612

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated November 26, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.
Adopted December 14, 2004. No. 613

RESOLVED, that the appraisal reports for sale of timber, numbered Tracts 1 and 2, as submitted by the Land Commissioner, on file in the office of the County Auditor, identified as County Board File No.

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58170, are approved and the County Auditor is authorized to carry out the recommendations as listed in said appraisal reports.

Adopted December 14, 2004. No. 614

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, are hereby approved and the County Auditor is authorized to issue the licenses as follows; RESOLVED FURTHER, that if named licenseholders sell their licensed business, the County Board, at its discretion, may, after an investigation, transfer the licenses to a new owner, but without pro-rated refund to the licenseholders;

Ash-Ka-Nam Resort, LLC, d/b/a Ash-Ka-Nam, Unorganized Township 68-19, Tobacco Products License No. T05194;

Bandelow Partnership, d/b/a B & B Country Mart, McDavitt Township, Tobacco Products License No. T05206;

Frieda Wilton, d/b/a Baba's Place, City of Brookston, Tobacco Products License No. T055;

McV's, Inc., d/b/a Big Guys Bar, City of Aurora, Tobacco Products License No. T058;

Ragnar Properties, Inc., d/b/a Billy's, Rice Lake Township, Tobacco Products License No. T05170;

Black Bear Café, Inc., d/b/a Black Bear Café, Vermilion Lake Township, Tobacco Products License No. T0512;

Boondocks-Forbes, LLC, d/b/a Boondocks, Clinton Township, Tobacco Products License No. T05196;

C & B Warehouse Distr., Inc., d/b/a Britt Short Stop, Unorganized Township 60-18, Tobacco Products License No. T0518;

Burns Bar & Grill, Inc., d/b/a Burns Bar & Grill, Inc., Rice Lake Township, Tobacco Products License No. T0521;

Michele Richards, d/b/a Chainsaw Sisters Saloon, Unorganized Township 64-12, Tobacco Products License No. T0523;

Marlene Anding, d/b/a Char Mars, Alborn Township, Tobacco Products License No. T0525;

The Clip Joint Tavern, Inc., d/b/a The Clip Joint Tavern, Inc., Alborn Township, Tobacco Products License No. T0528;

Country Market, Inc., d/b/a Country Market, City of Meadowlands, Tobacco Products License No. T05195;

C & O Wardas, Inc., d/b/a The Dam Supper Club, Leiding Township, Tobacco Products License No. T0538;

Brady Miller, d/b/a Dawghouse Bar & Grill, Northland Township, Tobacco Products License No. T05154;

Every Buddy's Tavern, Inc., d/b/a Every Buddy's Tavern, Inc., Cherry Township, Tobacco Products

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License No. T0547;

Gruben's Marina, Inc., d/b/a Gruben's Marina, Greenwood Township, Tobacco Products License No. T0559;

Holiday Stationstores, Inc., d/b/a Holiday Stationstore No. 85, City of Proctor, Tobacco Products License No. T0564;

Holiday Stationstores, Inc., d/b/a Holiday Stationstore No. 184, White Township, Tobacco Products License No. T0565;

Homecroft Super Valu, Inc., d/b/a Homecroft Super Valu, Rice Lake Township, Tobacco Products License No. T0566;

Joni Stutzman/Sharon Stutzman, d/b/a Hoyt Lakes IGA, City of Hoyt Lakes, Tobacco Products License No. T0568;

Edwards Oil, Inc., d/b/a Hoyt Lakes Lucky Seven, City of Hoyt Lakes, Tobacco Products License No. T0569;

Kendalberry's, Inc., d/b/a Kountry Krossroads, Pike Township, Tobacco Products License No. T05165;

F & D, Inc., d/b/a Lakeview Castle, Duluth Township, Tobacco Products License No. T0580;

C & B Warehouse Distributing, Inc., d/b/a The Ledge Short Stop, Vermilion Lake Township, Tobacco Products License No. T05178;

Edwards Oil Co., Inc., d/b/a Lucky Seven General Store, City of Aurora, Tobacco Products License No. T0587;

Liupakka, Inc., Munger Tavern & Grill, Solway Township, Tobacco Products License No. T05163;

S & J Liquor, Inc., d/b/a Rascal's Lounge, City of Proctor, Tobacco Products License No. T05198;

Rocky Ledge Resort, LLC, d/b/a Rocky Ledge Resort, Kabetogama Township, Tobacco Products License No. T05184;

Pike River, Inc., d/b/a Silverado Saloon, Unorganized Township 59-16, Tobacco Products License No. T05190;

Sullivan's Mercantile, Inc., d/b/a Twig General, Grand Lake Township, Tobacco Products License No. T05129;

Wilbert, Inc., d/b/a Wilbert Café & El Toro Lounge, Cotton Township, Tobacco Products License No. T05199;

Zupancich Bros., Inc., d/b/a Zupancich Bros., Inc., City of Aurora, Tobacco Products License No. T05140.

Adopted December 14, 2004. No. 615

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File

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No. 58172, are hereby approved and the County Auditor is authorized to issue the licenses as follows; RESOLVED FURTHER, that if named licenseholders sell their licensed business, the County Board, at its discretion, may, after an investigation, transfer the licenses to a new owner, but without pro-rated refund to the licenseholders;

The following licenseholders were issued a tobacco violation citation on the dates as stated:

Wieber & Associates, Inc., d/b/a Ash Trail Lodge, Unorganized Township 68-19, Tobacco Products License No. T053, August 16, 2003;

Keith/Lois Nelson, d/b/a At Your Convenience, Fayal Township, Tobacco Products License No. T054, December 8, 2002;

Patrick/Min Baker, d/b/a Baker's Side Lake Store, French Township, Tobacco Products License No. T056, May 30, 2000;

Bil-Mar's Supper Club, Inc., d/b/a Bil-Mar's Supper Club, Inc., Unorganized Township 55-21, Tobacco Products License No. T059, May 25, 2000;

J & M Ventures, Inc., d/b/a Breeze Inn, Lakewood Township, Tobacco Products License No. T0517, December 29, 2003;

Buffalo Valley, Inc., d/b/a Buffalo House, Midway Township, Tobacco Products License No. T05202, September 30, 1998;

Susan Chalstrom/John Chalstrom, d/b/a Chalstrom's Bait, Rice Lake Township, Tobacco Products License No. T0524, December 31, 2002;

Curtis/Maryalys Mortenson, d/b/a Cherry Corner Store, Cherry Township, Tobacco Products License No. T0526, October 11, 2002;

Randall Willeck, d/b/a Country Corner, Culver Township, Tobacco Products License No. T0532, December 30, 2002;

5717, Inc., d/b/a Crossroads Store, Brevator Township, Tobacco Products License No. T0537, October 1, 1998;

Edwards Oil, Inc., d/b/a Edwards Lucky 7, Ashawa, City of Cook, Tobacco Products License No. T0544, September 7, 1998, August 25, 2001, and October 18, 2002;

C & B Warehouse Distr., Inc., d/b/a Ely Lake Short Stop, Fayal Township, Tobacco Products License No. T0546, December 10, 2002;

JDL's Landing, Inc., d/b/a JDL's Landing, Inc., Beatty Township, Tobacco Products License No. T05142, July 10, 2003;

JT's General Stores, Inc., d/b/a JT's General Store, Colvin Township, Tobacco Products License No. T05168, December 15, 2002;

Barbara Boisjolie, d/b/a Jerry's Place, Unorganized 63-19, Tobacco Products License No. T0574, October 18, 2002;

Lakeway Drive, LLC, d/b/a LeGrand Supper Club, Grand Lake Township, Tobacco Products License No. T05146, December 28, 2002;

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Theodore Melgeorge, d/b/a Melgeorge's Resort, Camp 5 Township, Tobacco Products License No. T0590, August 25, 2001, and August 16, 2003;

Frederick A. Meyer, d/b/a Meyer's Minnows, Gas & More, Unorganized 63-19, Tobacco Products License No. T05151, July 10, 2003;

Ronald Martin/Susan Martin, d/b/a Moosebirds, Beatty Township, Tobacco Products License No. T0594, September 7, 1998;

Pike Lake Liquors, Inc., d/b/a Pike Lake Liquors, Inc., Canosia Township, Tobacco Products License No. T05106, December 28, 2002;

Lakehead Oil Company, Inc., d/b/a Pike Lake Travel Plaza, Canosia Township, Tobacco Products License No. T05105, December 28, 2002;

Nancy G. Green, d/b/a Pike-Sandy Co-op, Pike Township, Tobacco Products License No. T05107, October 20, 1998.

Adopted December 14, 2004. No. 616

BY COMMISSIONER FORSMAN:

WHEREAS, the Minnesota DNR has funded the Aggregate Mapping Program for the benefit of individual county governments throughout Minnesota; and

WHEREAS, several counties in Minnesota have already requested and received the benefits from the DNR Aggregate Mapping Program; and

WHEREAS, St. Louis County recognizes that a completed county-wide Aggregate Mapping Program would be of great benefit to several county departments, especially those related to Planning & Zoning functions.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners does hereby request that the DNR Division of Lands and Minerals include St. Louis County as their next eligible county in their Aggregate Mapping Program, coordinating this effort with St. Louis County Departments.

BE IT FURTHER RESOLVED, that a separate letter specifically noting this request be sent to Bill Brice, Director of the DNR Division of Lands & Minerals and the St. Louis County Legislative Delegation.

Unanimously adopted. December 14, 2004. No. 617

BY COMMISSIONER KRON:

RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the Director of Property Management to offer for sale, pursuant to the requirements and procedures of Minnesota Statutes, Section 373.01, approximately 212 acres, more or less, of County fee owned land and improvements located in Midway Township and known as the Nopeming care facility, and legally described as follows:

Parcel 1

West Half of East Half of East Half of Southwest Quarter of Southwest Quarter of Section 20, Township 49 North, Range 15 West except for highway (Nopeming Road) and except for right of way of T.H. No. 35.

Parcel 2

East Half of East Half of East Half of Southwest Quarter of Southwest Quarter of Section 20, Township 49 North, Range 15 West except for highway (Nopeming Road) and except for right of way of T.H. No. 35.

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Parcel 3

Southwest Quarter of Southeast Quarter of Section 20, Township 49 North, Range 15 West except for a strip of land, 50.00 feet northerly and 110.00 feet southerly of the following described line: Beginning at a point on the east line of said Southwest Quarter 70.00 feet northerly of the southeast corner of said Southwest Quarter; thence to a point on the south line of said Southwest Quarter 71.00 feet westerly of said southeast corner and said line there terminating.

Parcel 4

Northwest Quarter of Northeast Quarter of Section 29, Township 49 North, Range 15 West except for a strip of land 50.00 feet northerly and 110.00 feet southerly of the following described line: Beginning at a point on the north line of said Northwest Quarter 71.00 feet westerly from the northeast corner of said Northwest Quarter; thence to a point on the west line of said Northwest Quarter 72.00 feet northerly of the southwest corner of said Northwest Quarter and said line there terminating.

Parcel 5

Northeast Quarter of Northwest Quarter of Section 29, Township 49 North, Range 15 West except for a strip of land 50.00 feet northerly and 110.00 feet southerly of the following described line: Beginning at a point on the east line of said Northeast Quarter 72.00 feet northerly of the southeast corner of said Northeast Quarter; thence to a point on the south line of said Northeast Quarter 72.00 feet westerly of said southeast corner and said line there terminating.

Parcel 6

Northwest Quarter of Northwest Quarter of Section 29, Township 49 North, Range 15 West except that part westerly of C.S.A.H. No. 13 (Midway Road) and except the following described land:

All of the following described tract:

That part of the Northwest Quarter of Section 29, Township 49 North, Range 15 West, St. Louis County, Minnesota, described as follows: Commencing at the west quarter corner of said Section 29; thence run east on the east and west quarter line of said Section 29 for 1085 feet to the point of beginning of the tract to be described; thence deflect to the left at an angle of 47 degrees, 00 minutes 00 seconds and run northeasterly to an intersection with the west line of the Southeast Quarter of the Northwest Quarter of said Section 29; thence run north on the west line of said Southeast Quarter of the Northwest Quarter to a point thereon, distant 520 feet north of the southwest corner thereof; thence deflect to the right at an angle of 45 degrees 00 minutes 00 seconds and run northeasterly to an intersection with a line run parallel with and distant 250 feet east of the west line of said Southeast Quarter of the Northwest Quarter; thence run northerly on said 250 foot parallel line to its intersection with the north line of said Southeast Quarter of the Northwest Quarter; thence run west on the north line of said Southeast Quarter of the Northwest Quarter to the northwest corner thereof; thence run north on the east line of the Northwest Quarter of the Northwest Quarter of said Section 29 to its intersection with a line run parallel with an distant 200 feet north of the south line of said Northwest Quarter of the Northwest Quarter; thence run west on said 200 foot parallel line to its intersection with a line run parallel with and distant 150 feet easterly of the west line of County Road No. 13 as now located and established; thence run south on said 150 foot parallel line to its intersection with the northeasterly right of way line of the Duluth, Winnipeg and Pacific Railway Company; thence run southeasterly along the northeasterly right of way line of said railway company to its intersection with the east and west quarter line of said Section 29; thence run east on the east and west quarter line of said Section 29 to the point of beginning.

Parcel 7

Southwest Quarter of Northwest Quarter of Section 29, Township 49 North, Range 15 West
EXCEPT
That part westerly of C.S.A.H. No. 13 (Midway Road)
AND EXCEPT

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Right of way of Duluth, Winnipeg and Pacific Railroad

AND EXCEPT

A strip of land 50.00 feet northerly and 110.00 feet southerly of the following described line: Beginning at a point on the east line of said Southwest Quarter 75.00 feet northerly of the southeast corner of said Southwest Quarter; thence to a point on the south line of said Southwest Quarter 73.00 feet westerly of said southeast corner and said line there terminating.

AND EXCEPT

All of the following described tract:

That part of the Northwest Quarter of Section 29, Township 49 North, Range 15 West, St. Louis County, Minnesota, described as follows: Commencing at the west quarter corner of said Section 29; thence run east on the east and west quarter line of said Section 29 for 1085 feet to the point of beginning of the tract to be described; thence deflect to the left at an angle of 47 degrees, 00 minutes 00 seconds and run northeasterly to an intersection with the west line of the Southeast Quarter of the Northwest Quarter of said Section 29; thence run north on the west line of said Southeast Quarter of the Northwest Quarter to a point thereon, distant 520 feet north of the southwest corner thereof; thence deflect to the right at an angle of 45 degrees 00 minutes 00 seconds and run northeasterly to an intersection with a line run parallel with and distant 250 feet east of the west line of said Southeast Quarter of the Northwest Quarter; thence run northerly on said 250 foot parallel line to its intersection with the north line of said Southeast Quarter of the Northwest Quarter; thence run west on the north line of said Southeast Quarter of the Northwest Quarter to the northwest corner thereof; thence run north on the east line of the Northwest Quarter of the Northwest Quarter of said Section 29 to its intersection with a line run parallel with an distant 200 feet north of the south line of said Northwest Quarter of the Northwest Quarter; thence run west on said 200 foot parallel line to its intersection with a line run parallel with and distant 150 feet easterly of the west line of County Road No. 13 as now located and established; thence run south on said 150 foot parallel line to its intersection with the northeasterly right of way line of the Duluth, Winnipeg and Pacific Railway Company; thence run southeasterly along the northeasterly right of way line of said railway company to its intersection with the east and west quarter line of said Section 29; thence run east on the east and west quarter line of said Section 29 to the point of beginning.

Parcel 8

Southeast Quarter of Northwest Quarter of Section 29, Township 49 North, Range 15 West except a strip of land 50.00 feet northerly and 110.00 feet southerly of the following described line: Beginning at a point on the northerly line of said Southeast Quarter 72.00 feet westerly of the northeast corner of said Southeast Quarter; thence to a point on the west line of said Southeast Quarter 75.00 feet northerly of the southwest corner of said Southeast Quarter and said line there terminating.

AND EXCEPT

All of the following described tract:

That part of the Northwest Quarter of Section 29, Township 49 North, Range 15 West, St. Louis County, Minnesota, described as follows: Commencing at the west quarter corner of said Section 29; thence run east on the east and west quarter line of said Section 29 for 1085 feet to the point of beginning of the tract to be described; thence deflect to the left at an angle of 47 degrees, 00 minutes 00 seconds and run northeasterly to an intersection with the west line of the Southeast Quarter of the Northwest Quarter of said Section 29; thence run north on the west line of said Southeast Quarter of the Northwest Quarter to a point thereon, distant 520 feet north of the southwest corner thereof; thence deflect to the right at an angle of 45 degrees 00 minutes 00 seconds and run northeasterly to an intersection with a line run parallel with and distant 250 feet east of the west line of said Southeast Quarter of the Northwest Quarter; thence run northerly on said 250 foot parallel line to its intersection with the north line of said Southeast Quarter of the Northwest Quarter; thence run west on the north line of said Southeast Quarter of the Northwest Quarter to the northwest corner thereof; thence run north on the east line of the Northwest Quarter of the Northwest Quarter of said Section 29 to its intersection with a line run parallel with an distant 200 feet north of the south line of said Northwest Quarter of the Northwest Quarter; thence run west on said 200 foot parallel line to its intersection with a line run parallel with and distant

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150 feet easterly of the west line of County Road No. 13 as now located and established; thence run south on said 150 foot parallel line to its intersection with the northeasterly right of way line of the Duluth, Winnipeg and Pacific Railway Company; thence run southeasterly along the northeasterly right of way line of said railway company to its intersection with the east and west quarter line of said Section 29; thence run east on the east and west quarter line of said Section 29 to the point of beginning.

Parcel 9

The Southeast Quarter of the Southwest Quarter of Section 20, Township 49 North, Range 15 West except for right-of-way of T.H. No. 35.

Parcel 10

That part of the South Half of the West Half of the Northeast Quarter of the Southwest Quarter lying south of the right-of-way of T.H. No. 35.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Board hereby establishes the time for consideration of written proposals to be at 9:35 A.M. on Tuesday, February 8, 2005, at the St. Louis County Board meeting in the Duluth Courthouse, Duluth, Minnesota.

Unanimously adopted. December 14, 2004. No. 618

BUDGET AND LEVY RESOLUTION
2004 FOR FISCAL YEAR 2005

RESOLVED, that the Board of Commissioners of the County of St. Louis, duly assembled in regular session this 14th day of December, 2004, does hereby approve the 2005 budget document (excluding Arrowhead Regional Corrections) and does hereby levy and assess against the taxable real and personal property in the County of St. Louis, exclusive of monies and credits for County purposes, the sum of \$85,340,393 as heretofore prepared by this Board, pursuant to Minnesota Statutes 383C.021 and made a part of its proceedings, to-wit:

A. County-wide Levy (Non-debt)		
Fund 100 General Fund	\$ 37,659,321	
Fund 200 Road & Bridge Fund	16,549,452	
Fund 230 Social Services Fund	22,716,012	
Fund 400 Capital Project-Courthouses	1,009,635	
Fund 405 Capital Project-Road & Bridge Buildings	<u>217,895</u>	
		\$ 78,152,315
B. Regional Levy (Non-debt)		
Fund 100 General Fund - Arrowhead Regional Library		\$ 534,457
C. Debt service (County-wide)		
Fund 301 Law Enforcement Facilities Revenue Bonds 1997	\$ 530,203	
Fund 302 Hibbing Public Works Facility 1997	85,902	
Fund 304 Capital Improvement Bonds 2001	1,249,225	
Fund 635 Nursing Home Revenue Bonds 2002A	118,519	
Fund 305 Jail Refunding Bonds 2002B	1,289,295	
Fund 306 Capital Equipment Notes 2002C	1,123,442	
Fund 309 Capital Improvement Bonds 2004A	1,267,580	
Fund 308 Capital Equipment Notes 2004B	814,551	
Fund 310 ARC Refunding Bonds 2004C	<u>174,904</u>	
		\$ 6,653,621
TOTAL PROPERTY TAX LEVY		<u>\$ 85,340,393</u>

BUDGET BY FUND TYPE AND MEANS OF FINANCING INCLUDING PROPERTY TAX LEVIES

Fund	Adopted Budget	Use of Fd Bal or Working Capital	MEANS OF FINANCING		Total Financing
			Property Tax Levy	Other Sources of Revenue	
GENERAL FUND					

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General Fund	\$ 73,223,085	\$ 602,188	\$ 38,193,778	\$ 34,427,119	\$ 73,223,085
ESG Grant	108,000			108,000	108,000
Total GENERAL FUND	\$ 73,331,085	\$ 602,188	\$ 38,193,778	\$ 34,535,119	\$ 73,331,085
SPECIAL REVENUE FUNDS					
Road and Bridge Fund	\$ 34,008,688	\$ 1,100,000	\$ 16,549,452	\$ 16,359,236	\$ 34,008,688
Social Services Fund	\$ 61,586,208		\$ 22,716,012	\$ 38,870,196	\$ 61,586,208
Land Department	\$ 5,191,047			\$ 8,226,500	8,226,500
Memorial Forests	\$ 1,231,100	\$ 731,100		\$ 500,000	\$ 1,231,100
Economic Development Fund	\$ 500,000			\$ 500,000	\$ 500,000
CDBG Fund	\$ 2,800,000			\$ 2,800,000	2,800,000
Home Grant Fund	\$ 750,000			\$ 750,000	\$ 750,000
Total SPECIAL REVENUE	\$ 106,067,043	\$ 1,831,100	\$ 39,265,464	\$ 68,005,932	\$ 109,102,496
DEBT SERVICE FUNDS					
Law Enforcement Facilities Revenue Bonds 1997	\$ 504,955		\$ 530,203		\$ 530,203
Hibbing Public Works Facility 1997	\$ 85,902		\$ 85,902		\$ 85,902
Capital Improvement Bonds 2001	\$ 1,358,658		\$ 1,249,225	\$ 168,920	\$ 1,418,145
Nursing Home Revenue Bonds 2002A	\$ 112,875		\$ 118,519		\$ 118,519
Jail Refunding Bonds 2002B	\$ 1,377,900	\$ 150,000	\$ 1,289,295		\$ 1,439,295
Capital Equipment Notes 2002C	\$ 1,069,945		\$ 1,123,442		\$ 1,123,442
Capital Improvement Bonds 2004A	\$ 1,207,219		\$ 1,267,580		\$ 1,267,580
Capital Equipment Notes 2004B	\$ 775,763		\$ 814,551		\$ 814,551
ARC Refunding Bonds 2004C	\$ 166,575		\$ 174,904		\$ 174,904
Total DEBT SERVICE FUNDS	\$ 6,659,792	\$ 150,000	\$ 6,653,621	\$ 168,920	\$ 6,972,541
CAPITAL PROJECTS FUNDS					
State Road Aid	\$ 23,152,080			\$ 23,152,080	\$ 23,152,080
Courthouses	\$ 1,044,554		\$ 1,009,635	\$ 34,919	\$ 1,044,554
Road & Bridge Buildings	\$ 235,000		\$ 217,895	\$ 17,105	\$ 235,000
Total CAPITAL PROJECTS FUNDS	\$ 24,431,634		\$ 1,227,530	\$ 23,204,104	\$ 24,431,634

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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ENTERPRISE FUNDS	\$ 24,129,596	\$ 1,146,091		\$ 23,354,168	\$ 24,500,259
INTERNAL SERVICE FUNDS	\$ 36,778,542	<u>1,505,789</u>	\$ 35,653,043	\$ 37,158,832	
TOTAL BUDGET	\$ 271,397,692	\$ 5,235,168	\$ 85,340,393	\$ 184,921,286	\$ 275,496,847

MEMO

The Arrowhead Library has a 2005 adopted budget of \$534,457 for which means of financing is a regional property tax levy. This regional property tax is levied against all taxable real and personal property of the County of St. Louis, exclusive of monies and credits and excluding taxable real and personal property of any city or township wherein a free public library is located or which is already taxed for local support of any such library.

The budget expenditure during the fiscal year 2005 in the several departments of St. Louis County, the estimates of receipts from sources other than the monies herein levied, and the use of balances remaining in the several funds as of December 31, 2004, all of which are hereinafter itemized, are hereby approved, allowed, levied, and apportioned to the several departments and made a part of the proceedings of this Board as follows:

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GENERAL FUND

MEANS OF FINANCING

Use of Fund Balance	\$ 602,188
Property Tax	38,193,778
Other Taxes	2,313,968
Fees and Services	7,045,551
Fines and Forfeitures	824,150
Licenses and Permits	127,070
Other Revenues	4,734,220
Intergovernmental Aid	19,490,160

TOTAL MEANS OF FINANCING **\$ 73,331,085**

Of the foregoing budget allowance, the sum of \$73,331,085 is hereby apportioned to the several departments operating under the General Fund, and pursuant to Chapter 240 of the Laws of Minnesota for 1990, and the rules and regulations thereof, heretofore approved by the Board, there is hereby appropriated from the General Fund for expenditure during the fiscal year of 2005 the sum of \$73,331,085 to the items, in the amounts of hereinafter listed; and said expenditure shall be made by appointed or elected department heads in charge of such items (subject to the fiscal policies of the Board as adopted in the Budget), all of whom are hereby declared to be the encumbrance officers for said items within the meaning of said Chapter 240. The expenditures shall be made for the purpose as shown in the 2005 budget record which is made part of these proceedings by reference, to wit:

Board of County Commissioners	\$ 852,838
Aid to Other Agencies	1,037,845
Administrator	2,804,276
Intergovernmental Affairs	280,396
Administrative Support Division	439,967
Labor Relations	45,760

TOTAL POLICY AND MANAGEMENT **\$ 5,461,082**

Community Development	\$ 234,647
Planning & Zoning	1,226,398

TOTAL PLANNING DEPARTMENT **\$ 1,461,045**

MIS Common Charges	\$ 1,622,204
Veterans' Services	564,418
Employee Development	186,077
Safety Office	489,162

TOTAL ADMINISTRATION **\$ 2,861,861**

Property Management	\$ 5,358,491
Purchasing	\$ 483,750
Microfilming	203,623

TOTAL PURCHASING **\$ 687,373**

Auditor	\$ 3,929,947
Elections	12,500

TOTAL AUDITOR **\$ 3,942,447**

Reserve for Retired Employees **\$ 975,000**

Civil Service **\$ 1,316,066**

Attorney **\$ 3,723,006**

Assessor **\$ 2,012,185**

Recorder **\$ 1,739,030**

Emergency Communications	\$ 2,846,899
Radio Maintenance	461,601

TOTAL COMMUNICATIONS **\$ 3,308,500**

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Extension Service		\$	712,591
Support Services	\$ 1,679,925		
Health Risk Reduction	3,732,523		
Assessment/Evaluation	1,472,872		
TOTAL HEALTH			\$ 6,885,320
Court Administrator	\$ 3,364,943		
Examiner of Titles	156,012		
TOTAL COURT ADMINISTRATOR			\$ 3,520,955
Commitments			\$ 60,438
Sheriff Patrol	\$ 9,814,999		
Boat and Water Safety	126,449		
Medical Examiner	351,100		
Emergency Management	194,871		
Rescue Squad	168,923		
Law Enforcement Services	801,841		
County Jail	7,273,305		
TOTAL SHERIFF			\$ 18,731,488
Administration	\$ 2,333,716		
Court and Field Services	8,289,121		
Northeast Regional Corrections Center	4,684,049		
Arrowhead Juvenile System	3,111,592		
Grants/Reimbursements	(9,077,376)		
TOTAL ARROWHEAD REGIONAL CORRECTIONS			\$ 9,341,102
Mine Inspector	\$ 243,874		
Land Survey	881,231		
TOTAL PUBLIC WORKS			\$ 1,125,105
Emergency Shelter Grant Fund			\$ 108,000
<u>TOTAL GENERAL FUND BUDGET ALLOWANCE</u>			\$ 73,331,085

SPECIAL REVENUE FUNDS

ROAD AND BRIDGE FUND

<u>Budget Allowance</u>			
Administration & Engineering	\$ 5,751,020		
Road Maintenance	15,117,115		
Equipment & Maintenance Shops	9,637,553		
Road Construction - County	3,503,000		
<u>TOTAL BUDGET ALLOWANCE</u>			\$ 34,008,688
<u>Means of Financing</u>			
Use of Fund Balance	\$ 1,100,000		
Property Tax	16,549,452		
Fees and Services	215,000		
Licenses and permits	21,000		
Other Revenue	782,800		
Intergovernmental Aid	15,340,436		
<u>TOTAL MEANS OF FINANCING</u>			\$ 34,008,688

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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SOCIAL SERVICES FUND

<u>Budget Allowance</u>		
Administration and Support Services	\$	8,955,030
Financial Assistance		11,384,802
Social Services		41,246,376
<u>TOTAL BUDGET ALLOWANCE</u>		\$ 61,586,208
<u>Means of Financing</u>		
Property Tax	\$	22,716,012
Fees and Services		2,388,311
Other Revenue		514,500
Intergovernmental Aid		35,967,385
<u>TOTAL MEANS OF FINANCING</u>		\$ 61,586,208

ECONOMIC DEVELOPMENT FUND

<u>Budget Allowance</u>		\$ 500,000
<u>Means of Financing</u>		
Other Revenue		\$ 500,000

LAND DEPARTMENT

<u>Budget Allowance</u>		\$ 5,191,047
<u>Means of Financing</u>		
Fees and Services	\$	2,000
Other Revenue		8,209,500
Intergovernmental Aid		15,000
<u>TOTAL MEANS OF FINANCING</u>		\$ 8,226,500

MEMORIAL FORESTS FUND

<u>Budget Allowance</u>		\$ 1,231,100
<u>Means of Financing</u>		
Use of Fund Balance	\$	731,100
Other Taxes		400,000
Intergovernmental Aid		100,000
<u>TOTAL MEANS OF FINANCING</u>		\$ 1,231,100

SPECIAL REVENUE FUND GRANTS

<u>Budget Allowance</u>		
Community Development Block Grant	\$	2,800,000
Home Grant		750,000
<u>TOTAL BUDGET ALLOWANCE</u>		\$ 3,550,000
<u>Means of Financing</u>		
Intergovernmental Aid		\$ 3,550,000
<u>TOTAL SPECIAL REVENUE FUNDS BUDGET ALLOWANCE</u>		\$ 106,067,043

DEBT SERVICE FUNDS

<u>Budget Allowance</u>		
Fund 301 Law Enforcement Facilities	\$	504,955
Revenue Bonds 1997		
Fund 302 Hibbing Public Works Facility 1997		85,902
Fund 304 Capital Improvement Bonds 2001		1,358,658
Fund 635 Nursing Home Revenue Bonds 2002A		112,875
Fund 305 Jail Refunding Bonds 2002B		1,377,900
Fund 305 Capital Equipment Notes 2002C		1,069,945

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Fund 309 Capital Improvement Bonds 2004A	1,207,219	
Fund 308 Capital Equipment Notes 2004B	775,763	
Fund 310 ARC Refunding Bonds 2004C	166,575	

TOTAL BUDGET ALLOWANCE **\$ 6,659,792**

Means of Financing

Use of Fund Balance	\$ 150,000	
Other Revenue	\$ 168,920	

Property Tax:

Fund 301 Law Enforcement Facilities	\$ 530,203	
Revenue Bonds 1997		
Fund 302 Hibbing Public Works Facility 1997	85,902	
Fund 304 Capital Improvement Bonds 2001	1,249,225	
Fund 635 Nursing Home Revenue Bonds 2002A	118,519	
Fund 305 Jail Refunding Bonds 2002B	1,289,295	
Fund 305 Capital Equipment Notes 2002C	1,123,442	
Fund 309 Capital Improvement Bonds 2004A	1,267,580	
Fund 308 Capital Equipment Notes 2004B	814,551	
Fund 310 ARC Refunding Bonds 2004C	174,904	
Total Property Tax	\$ 6,653,621	

TOTAL MEANS OF FINANCING **\$ 6,972,541**

CAPITAL IMPROVEMENT FUNDS

Budget Allowance

Courthouses	\$ 1,044,554	
Public Works Department		
State Road Aid	\$ 23,152,080	
Road & Bridge Buildings	235,000	
Total Public Works	\$ 23,387,080	

TOTAL BUDGET ALLOWANCE **\$ 24,431,634**

Means of Financing

Property Tax	\$ 1,227,530	
Other Revenue	3,026,320	
Intergovernmental Aid	20,177,784	

TOTAL MEANS OF FINANCING **\$ 24,431,634**

ENTERPRISE FUNDS

Budget Allowance

Chris Jensen Health & Rehabilitation Center	\$ 14,657,960	
Solid Waste		
Solid Waste Management/Recycling	\$ 2,816,339	
Solid Waste Service Areas	3,671,960	
	\$ 6,488,299	
Other		
Community Foods	\$ 1,268,786	
Laundry	849,567	
Supervised Living Facilities	864,984	
	\$ 2,983,337	

TOTAL BUDGET ALLOWANCE **\$ 24,129,596**

Means of Financing

Chris Jensen Health & Rehabilitation Center		
Use of Fund Balance	\$ 475,720	
Fees and Services	14,113,969	
Other Revenue	21,159	
Intergovernmental Aid	47,112	
	\$ 14,657,960	

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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RESOLVED FURTHER, that the County Board recognizes the need to provide discretion to departments heads in spending their budget allocations. The County Board hereby authorizes departmental spending within their departmental budgets on any line item within their department so long as their total budget is not overspent. However, no public aid assistance and/or personnel services budget authority may be used for any other purpose without prior Board approval.

RESOLVED FURTHER, that in order to achieve consistent and accurate staffing levels for each Department, the County Board authorizes the County Administrator to report the personnel complement as full-time equivalents. The County Board also authorizes Department Heads to add and delete positions within their personnel complement so long as the total full-time equivalent personnel complement does not exceed the total number of authorized positions contained in their 2005 budget and approved by the County Board. In addition, positions being added or deleted must be within three pay grades of each other and must be approved by the County Administrator as the budget officer of the County.

RESOLVED FURTHER, that the MIS Capital budget will be adjusted to reflect the five-year balances available to the various user departments at the close of 2004 and the beginning of 2005.

RESOLVED FURTHER, that unless directed by Administration, the various funds and departments that have 'unbudgeted' positions within their respective departments, will not fill those vacancies during 2005.

RESOLVED FURTHER, that each Capital Projects Fund will have an appropriation which shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of a capital expenditure appropriation is abandoned if three years pass without a disbursement from or encumbrance of the appropriation, or earlier at the discretion of the County Administrator.

RESOLVED FURTHER, that each appropriation, except an appropriation within the Capital Project Funds, lapses at the close of the fiscal year to the extent that it has not been expended or encumbered.

RESOLVED FURTHER, that the 2004 unspent balances of those grants which extend into 2005 will be carried forward into the 2005 budget.

RESOLVED FURTHER, that at year's end any unspent 2004 encumbrances will be carried forward into the 2005 budget.

RESOLVED FURTHER, that \$40,000 be transferred from Fund 176, Economic Development, Agency 178001, Forfeited Lands Proceeds, to the General Fund, Agency 102004, Aid to Other Agencies-Grants, Veterans' Memorial Hall, in support of Veterans' 2005 activities.

RESOLVED FURTHER, that at each year's end, starting with 2003, the Northland Office Building rent revenues in excess of expenditures be transferred into Fund 421, Northland Office Building Improvements.

RESOLVED FURTHER, that the Auditor has the authority to add budgets into Department 132 to facilitate tracking expenses and revenues for various conferences, etc. held by the Extension Department, and that each activity's expense and revenue budgets shall be equal.

RESOLVED FURTHER, that proceeds from the insurance fund for losses of covered property or proceeds from the sale by bid of damaged assets will be reimbursed into the capital outlay budget of the department involved.

RESOLVED FURTHER, that proceeds from the sale by bid of equipment that would otherwise be used in trade against the purchase price of new equipment be added to the budget by increasing both the capital outlay and the revenue budgets of the owning department by the amount of the sale.

RESOLVED FURTHER, that the 2005 Administrative Budget includes funding allocations for FY 2005 for service contracts with the following agencies within the Aid to Other Agencies Account (100-103001):

St. Louis County Historical Society	\$ 213,548
Veterans' Memorial Hall	\$ 40,000
St. Louis County Promotional Bureau	\$ 55,064
Community Fair	\$ 578
County Fair, Hibbing	\$ 13,005
South St. Louis County Fair, Proctor	\$ 13,005
Soil Conservation, North	\$ 51,000
Soil Conservation, South	\$ 51,000
Port Authority	\$ 36,125
Duluth Drug Court	\$ 3,613
Arrowhead Library System	\$ 534,457
Northspan	<u>\$ 14,450</u>
TOTAL:	\$1,025,845

RESOLVED FURTHER, that the following Public Service Contracts will be paid by Social Services (Fund 230). These contracts total \$397,595 as listed below:

Valley Youth Center	\$ 19,409
Life House	\$ 1,843
Minnesota Program Development	\$ 8,290
Copeland Community Center	\$ 6,141
Arrowhead Center	\$ 67,554
Ely Community Resources	\$ 4,606
St. Louis County on Aging	\$ 43,850
AEOA - RSVP	\$ 18,156
AEOA - Meals on Wheels	\$ 7,063
AEOA - Senior Services	\$ 3,218
Safe Haven Shelter for Battered Women	\$ 3,071
Range Women's Advocates	\$ 3,071
AEOA - Lives in Transition	\$ 3,071
Legal Aid of NE Minnesota	\$ 67,554
Indian Legal Assistance	\$ 9,212
Sexual Assault Program of	

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS
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North St. Louis County		\$ 19,185
PAVSA		\$ 27,550
Lake Superior Community Health Center		\$ 9,212
Salvation Army		\$ 7,370
Bethany Crisis Nursery		\$ 15,354
First Witness		\$ 28,250
Elder Services Network		<u>\$ 24,565</u>
TOTAL:		<u>\$ 397,595</u>

RESOLVED FURTHER, that the County Board authorizes the County Auditor to continue to reserve portions of fund balances for cash flow purposes in an amount equal to 5/12 of the 2005 levy plus the 2005 HACA and other property tax aids.

RESOLVED FURTHER, whereas the County receives federal program revenues as reimbursement of indirect costs incurred by the General Fund, and whereas those revenues on future remittances may not always be separately identified from specific County Department revenues at the time of payment, that when federal program revenues are earned jointly by the General Government and a specific Department, and earnings are not separately identified at the time of payment, revenues shall be allocated between the General Fund and the specific department in the same proportion as federal program costs. Such allocation shall be made at the time quarterly settlement payments are received.

RESOLVED FURTHER, that the St. Louis County Auditor is authorized to bill the St. Louis County Land Department (Fund 240) for the 2005 services it will receive as follows:

Legal Services from the St. Louis County Attorney's Office (Fund 100, Dept. 113002)		\$ 100,000
Accounting Services from the St. Louis County Auditor's Office (Fund 100, Dept. 115001)		\$ 150,500
Personnel Services from the St. Louis County Civil Service Department (Fund 100, Dept. 123001)		\$ 27,500

RESOLVED FURTHER, that the St. Louis County Auditor is authorized to bill the St. Louis County Solid Waste Department (Fund 600) for 2005 services it will receive as follows:

Legal services from the St. Louis County Attorney's Office (Fund 100, Dept. 113002)		\$ 80,000
Personnel services from the St. Louis County Civil Service Department (Fund 100, Dept. 123001)		\$ 26,000

RESOLVED FURTHER, that the St. Louis County Auditor is authorized to bill the St. Louis County Laundry (Fund 650) for 2005 services it will receive as follows:

Personnel services from the St. Louis County Civil Service Department (Fund 100, Dept. 123001)		\$ 5,500
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RESOLVED FURTHER, that the Board authorizes compensation for County Commissioners of \$49,600 effective January 1, 2005. Any Commissioner may choose a lesser amount upon written notification to the County Auditor before December 31, 2004.

RESOLVED FURTHER, that, as in the past, the Chair of the County Board shall receive an additional \$500 annually.

RESOLVED FURTHER, that the salaries of County Commissioners shall be published in one newspaper in the county in a municipality to be determined by the County Auditor, in addition to the official newspaper, as required by law.

RESOLVED FURTHER, that the St. Louis County Attorney shall have the authority to annually adjust the salaries of the unclassified employees in the St. Louis County Attorney's Office within the total funds allocated for salaries by the County Board.

RESOLVED FURTHER, that the estimated 2005 net receipts from the Forfeited Tax Fund (Fund 240) be allocated in such a way that the amount allocated to the General Fund is at least \$1,250,000.

RESOLVED FURTHER, that pursuant to M.S. 282.08 and M.S. 459.06, Subd. 2, and Minnesota Laws of 2002, Chapter 390, Sec. 30, Subd. 2, year 2004 net receipts of the Forfeited Tax Fund (Fund 240) shall be set aside or allocated as follows:

Thirty percent (30%) to the Forest Resources Fund (Fund 290, Dept 290001, Memorial Forests) for timber development.

Twenty percent (20%) of the net receipts after the above allocation shall be allocated according to Minnesota Laws of 2002, Chapter 390, Section 39, Subd. 3, in the following manner:

1. In item three (3), which allows for \$4 per capita to be set aside for the promotion of tourism, agricultural, and economic development, \$500,000 for such activities will be transferred into Fund 176, Agency 178001.
2. In items one (1) and two (2), any remaining balance will be used for the acquisition and maintenance of parks and recreational areas and for land use planning programs.

The above set asides and transfers are to be proportionately reduced until there are sufficient net receipts to produce an apportionment of net receipts to the County General fund, Cities, and School districts of at least \$3,125,000 with \$1,250,000 going to the General Fund of

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the County, \$1,250,000 to the School Districts, and \$625,000 going to the Cities and Townships.

RESOLVED FURTHER, that \$168,920 in lease payments deposited in Fund 304, Capital Improvement Bond Debt Service (Resolution 685-02), received from the State of Minnesota for use of the Pike Lake Joint Maintenance Facility be expended in 2005 for debt service on the 2001 Capital Improvement Bonds.

RESOLVED FURTHER, that \$50,000 from the Forest Recreation Fund, Fund 290, Agency 290002, be designated to the Mesabi Trail Project in 2005.

RESOLVED FURTHER, that the County Auditor is directed to make any changes in departmental budgets to comply with this resolution. Unanimously adopted. December 14, 2004. No. 619

Upon motion of Commissioner Nelson, supported by Commissioner Forsman, the rules were suspended to adopt Resolution No. 620 which was not on the agenda.

BY COMMISSIONER NELSON:

RESOLVED, that ISTS (Individual Sewage Treatment Systems) fees for 2005 are established as follows:

Type 1	\$200
Type 2	\$300
Type 3	\$445

Unanimously adopted. December 14, 2004. No. 620

Upon motion of Commissioner Kron, supported by Commissioner Nelson, the rules were suspended to adopt Resolution No. 621 which was not on the agenda.

BY COMMISSIONER KRON:

WHEREAS, the County Board believes that the premium increase recommendation of the Management group is reasonable based on the projected costs of administering the various health plans offered; NOW, THEREFORE BE IT RESOLVED, that the 2005 monthly rates for the self-funded Fee-for-Service health coverage are increased 25 percent and approved as follows:

	<u>2005 Rate</u>
SINGLE COVERAGE	\$ 483.09
FAMILY COVERAGE	\$1,122.00

RESOLVED FURTHER, that the 2005 monthly rates for the self-funded Managed Care health coverage are increased and approved as follows:

	<u>2005 Rate</u>
SINGLE COVERAGE	\$ 483.09
FAMILY COVERAGE	\$1,122.00

RESOLVED FURTHER, that the 2005 monthly rates for the self-funded Option A health care coverage is approved as follows:

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	<u>2005 Rate</u>
SINGLE COVERAGE	\$ 415.46
FAMILY COVERAGE	\$ 964.92

RESOLVED FURTHER, that the 2005 monthly rates for the self-funded Option B health care coverage is approved as follows:

	<u>2005 Rate</u>
SINGLE COVERAGE	\$ 386.47
FAMILY COVERAGE	\$ 897.60

RESOLVED FURTHER, that the 2005 monthly rate increases for the retired employees are the same as the percentage increases applied to the available plan option(s) of the bargaining units from which they retired.

RESOLVED FURTHER, that the stop loss rate payable to Blue Cross Blue Shield of Minnesota of \$3.04 per contract per month for the St. Louis County self-funded employee and retiree health plan in the year 2005 is accepted;

RESOLVED FURTHER, a monthly rate of \$29.00 for dental insurance in 2005 is hereby adopted;

RESOLVED FURTHER, an administrative service fee with Delta Dental Plan of Minnesota for the period of January 1, 2005 through December 31, 2005, for the administration of the St. Louis County self-funded employee dental plan is set at a rate of \$1.93 per employee per month.

Unanimously adopted. December 14, 2004. No. 621

At 3:38 P.M. on Tuesday, December 14, 2004, upon motion of Commissioner Kron, supported by Commissioner Nelson, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON DECEMBER 21, 2004**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 21st day of December, 2004, at 9:46 A.M. in the Morse Town Hall, Ely, Minnesota. The meeting was called to order by the Chair with the following members present: Commissioners Dennis Fink, Bill Kron, Mike Forsman, Keith Nelson, and Chair Steve Raukar - 5. Absent: Commissioners Joanne Fay and Peg Sweeney - 2.

At 9:47 A.M., a public hearing was convened pursuant to County Board Resolution No. 605, adopted November 23, 2004, to consider amending Ordinance No. 46 (Zoning Maps) for approximately 240 acres in Unorganized Townships 64-12 and 64-13. Scott Smith, Planning Department described the zoning changes and location of the property. No one else chose to address the issue.

At 9:52 A.M., Commissioner Kron, supported by Commissioner Nelson, moved to close the public hearing; five yeas - zero nays. Commissioner Forsman, supported by Commissioner Nelson, moved to approve zoning changes to Ordinance No. 46; five yeas - zero nays. Resolution No. 650.

At 9:53 A.M., a public hearing was convened pursuant to County Board Resolution No. 606, adopted November 23, 2004, to consider suspension/revocation of liquor licenses for failure to pay property taxes when due. Alan Mitchell, County Attorney, cited applicable sections of County Ordinance No. 28 (Liquor Ordinance), noted the amount of taxes owed and said all required notices were published or sent to the licenseholder, Pokorny's Resort, Ray, MN. No one else chose to address the issue.

At 9:59 A.M., Commissioner Fink, supported by Commissioner Forsman, moved to close the hearing; five yeas - zero nays. Commissioner Nelson, supported by Commissioner Fink, moved to approve suspension of the liquor license of Pokorny's Resort until such time as past due property taxes are paid; five yeas - zero nays. County Attorney Mitchell said his office will prepare a Findings of Fact to serve the licenseholder.

Chair Raukar opened the meeting to persons who wanted to address the Board concerning issues not on the agenda, but no one chose to do so.

At 10:05 A.M., Commissioner Fay joined the County Board meeting.

Commissioner Kron, supported by Commissioner Forsman, moved to authorize purchase of CareFacts Clinical Software System. Ann Busche, Director of Public Health and Human Services, briefly described costs and changes to the resolution. Commissioners Nelson and Forsman expressed concern about the high price of software and associated maintenance agreements. After further discussion, the resolution was approved; six yeas - zero nays. Resolution No. 651.

Commissioner Forsman, supported by Commissioner Nelson, moved to impose a moratorium until April 2, 2004, on termination of any recreation cabin leases or forced deconstruction of structures because of violations of current lease program policies. Commissioner Forsman said the delay will allow time to develop an enforceable policy. Chair Raukar said he was upset with leaseholders who appear to flaunt the rules. The moratorium was then approved; six yeas - zero nays. Resolution No. 652.

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Commissioner Kron, supported by Commissioner Raukar, moved to authorize execution of a quit claim deed for two parcels of county fee land to Iron Range Resources for development of a Motorplex facility; six yeas - zero nays. Resolution No. 653.

Commissioner Kron, supported by Commissioner Forsman, moved to approve a tax abatement list. Commissioner Nelson said his questions about the abatements were answered by the Assessor's Office; six yeas - zero nays. Resolution No. 654.

Chair Raukar then opened the meeting to a "free for all" of inspirational thoughts/quotes to close 2004. The following persons offered words of wisdom:

Chair Raukar, donning a Canadian Mountie hat, paid tribute to our northern neighbors, citing Canada's rich cultural traditions and history as a "social democracy with a conscience."

Commissioner Kron, wearing a hat in honor of former County Commissioner Joe Priley, said a recent survey of graduating high school seniors revealed only 40 percent could name one or more branches of the federal government, yet 60 percent knew the names of each of the Three Stooges. Commissioner Kron added the following quotation: "To remain ignorant of what happened before you were born is to remain a child always." Cicero

Commissioner Fay recited the Pledge of Allegiance and listed some of the "dos and don'ts" of being a Green Bay Packer fan. Commissioner Fay offered the following quote for Minnesota Viking fans: "The most important things in life are things that can't be counted." (Unknown)

Commissioner Nelson, who is studying the history of 9-1-1, said "those who do not study history are destined to relive it." Commission Nelson, noting that cars have large windshields and very small rear view mirrors, said driving, governing and living life should be done with forward vision.

Commissioner Forsman paid tributes to the late Ernie Lund of Gheen, staff and board members traveling to Ely for the meeting, our armed services for protecting our freedom to celebrate the holidays in any way we choose and all the heroes that people may have in life.

Commissioner Fink said on a daily basis everyone must wear different hats.

Paul Tynjala, Clerk of the County Board, gave an example of how words of wisdom can occasionally come back to haunt you. Clerk Tynjala also offered the following quote: "Never make an important decision before you have to." Bud Grant, former coach of the Minnesota Vikings.

John Ongaro, wearing a National Public Radio hat, offered the following: "He who shall, so shall he. Who is he? He is who."

Ellen Quinn, Administration, offered a poem by Dorothy Parker entitled "Inventory."

Four be the things I am wiser to know:
Idleness, sorrow, a friend, and a foe

Four be the things I'd been better without:
Love, curiosity, freckles and doubt.

Three be the things I shall never attain
Envy, content, and sufficient champagne.

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Three be the things I shall have till I die:
Laughter and hope and a sock in the eye.

Dana Frey, County Administrator, related experiences from his tenure in the Soviet Union and said he was always amazed at their sense of humor.

Ann Busche, Director of Public Health and Human Services, presented the following: "We are responsible for our own effectiveness, our own happiness and, ultimately I would say, our own circumstances." Stephen Covey

Gary Eckenberg, Deputy County Administrator - Roy Rogers hat and lunch box in tow - presented the Roy Rogers Rider Rules: 1) Be neat and clean; 2) Be courteous and polite; 3) Always obey your parents; 4) Protect the weak and help them; 5) Be brave but never take any chances; 6) Study hard and learn all that you can; 7) Be kind to animals and take care of them; 8) Eat all your food and waste nothing; 9) Love God and go to Sunday School regularly; 10) Always respect our flag and our country.

Chair Raukar closed the "free for all" with the following quotes:

"There is nowhere too far to walk if you have the time." Johnny Appleseed and Stephen Wright
"There is more to life than to increase its speed." Gandhi.
"Of all the things you wear, expression is the most important." Unknown

At 10:55 A.M. in the forenoon of Tuesday, December 21, 2004, Chair Raukar moved to recess the Board until 11:15 A.M. on December 21, 2004, in the Morse Town Hall, Ely, Minnesota.

The Board reconvened at 12:15 P.M. on December 21, 2004, and the regular order of business resumed with all members present except Commissioner Sweeney.

Commissioner Fay, supported by Commissioner Kron, moved to approve a second consent agenda consisting of all items passed earlier at Committee of the Whole; six yeas - zero nays.

The following Board and Contract Files were created as a result of documents received at this Board meeting:

Frances Silverberg, Clerk, Township of Vermilion Lake, requesting the County Board to impose a one-year moratorium on the issuance of permits for new planned unit developments, common interest communities, plats, subdivisions and high density developments.-58333

Audra Lenzen informing the County Board that the average county employee does not work for the county for the money, but the benefits and that in recent years the employees have given up pay raises for an affordable health care plan.-58334

Paul G. Buckentin, Duluth, suggesting that St. Louis County not sell the artesian well in Midway, but turn it over to Midway Township.-58335

Fund transfers and appropriations for 2004 within various funds.-58336

Dana Frey, County Administrator, and Barbara Hayden, Planning Director, submitting Board Letter No. 04-466 regarding amending Ordinance No. 46, County zoning maps for portions of Sections 18 and 19, Township 64 North, Range 12 West, and portions of Sections 13 and 24, Township 64 North, Range 13 West.-58337

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Finds of Fact, Conclusions of Law and Order in the matter of the public hearing held on December 21, 2004, to consider to consider the suspension/revocation of liquor licenses for failure to pay real estate taxes when due by Cary Pokorny and Sherry Pokorny, d/b/a Pokorny's Resort & Campground.–58338

Contract between the County Attorney and Arrowhead Regional Corrections for legal services.–04-737

Contract between the County Attorney and St. Louis County Housing and Redevelopment Authority for legal services.–04-738

Contract between the Civil Service Department and Arrowhead Regional Corrections for personnel services.–04-739

Contract between the County Auditor and Arrowhead Regional Corrections for fiscal services.–04-740

Contract between the County Auditor and the Carlton-Cook-Lake-St. Louis Community Health Board for fiscal services.–04-741

Lobbying Services Agreement between St. Louis County Lobbyist John Ongaro and Arrowhead Counties Association.–04-742

Civil Service Confidential Bargaining Unit Agreement for 2004/2005.–04-743

Civil Service Basic Bargaining Unit Agreement for 2004/2005.–04-744

Merit Basic Bargaining Unit Agreement for 2004/2005.–04-745

Deputy Sheriff's (LELS No. 288) Bargaining Unit Agreement for 2004/2005.–04-746

Merit Supervisors' Bargaining Unit Agreement for 2004/2005.–04-747

Deputy Sheriff Supervisors' Bargaining Unit Agreement for 2004/2005.–04-748

Civil Service Supervisors' Bargaining Unit Agreement for 2004/2005.–04-749

Health Care Supervisory Bargaining Unit Agreement for 2004/2005.–04-750

Corrections/9-1-1 Supplemental Agreement for Option A health plan.–04-751

Upon motion of Commissioner Fink, supported by Commissioner Nelson, Resolutions No. 622 through 649, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER FINK:

RESOLVED, that the appraisal report for sale of timber, numbered Tract 1, as submitted by the Land Commissioner, on file in the office of the County Auditor, identified as County Board File No. 58170, is approved and the County Auditor is authorized to carry out the recommendations as listed in said appraisal report.

Adopted December 21, 2004. No. 622

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RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, as set forth by the County Attorney, dated December 10, 2004, on file in the office of the County Auditor, identified as County Board File No. 58171, is hereby received and ratified as payable from Fund 52, Department 12.
Adopted December 21, 2004. No. 623

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, are hereby approved and the County Auditor is authorized to issue the licenses as follows;

RESOLVED FURTHER, that if named licenseholders sell their licensed business, the County Board, at its discretion, may, after an investigation, transfer the licenses to a new owner, but without pro-rated refund to the licenseholders:

Triple R Enterprises of Duluth, Inc., d/b/a Blue Max Resort, Fredenberg Township, Tobacco Products License No. T0515;

Bob's Better Bait and Bobbers, d/b/a Bob's Better Bait and Bobbers, Unorganized Township 60-18, Tobacco Products License No. T05191;

Furry's Inc., d/b/a Dino's, City of Aurora, Tobacco Products License No. T05201;

John Dohnansky, d/b/a Dohnansky's Bar, City of Meadowlands, Tobacco Products License No. T0541;

James Butchart, d/b/a Fall Inn Tavern, Rice Lake Township, Tobacco Products License No. T0548;

Gnesen Convenience Store, LLC, d/b/a Gnesen Convenience Store, LLC, Gnesen Township, Tobacco Products License No. T05186;

Porky's Restaurant & Lounge, LLC, d/b/a Island Pines Restaurant & Lounge, Gnesen Township, Tobacco Products License No. T05205;

Meadowlands Investment, Inc., d/b/a Meadowlands Rocket Saloon, City of Meadowlands, Tobacco Products License No. T05188;

Mooseline Enterprises, Inc., d/b/a Mooseline Café, Unorganized Township 56-14, Tobacco Products License No. T05197;

Tim & Jesse, Inc., d/b/a Rudy's Bar, City of Aurora, Tobacco Products License No. T05183;

Brian Scott Kirsh, d/b/a Sportsmens Inn, Gnesen Township, Tobacco Products License No. T05200;

Lakeway Drive II, LLC, d/b/a Sunset Bottle Shop & Lounge, Rice Lake Township, Tobacco Products License No. T05152;

Timbuktu Marina, LLC, d/b/a Timbuktu Marina, Greenwood Township, Tobacco Products License No. T05161;

Cloquet River Inn, Inc., d/b/a Walt's Cloquet River Inn, Grand Lake Township, Tobacco Products License No. T05132.

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Adopted December 21, 2004. No. 624

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 58172, are hereby approved and the County Auditor is authorized to issue the licenses as follows;

RESOLVED FURTHER, that if named licenseholders sell their licensed business, the County Board, at its discretion, may, after an investigation, transfer the licenses to a new owner, but without pro-rated refund to the licenseholders:

The following licenseholders were issued a tobacco violation citation on the dates as stated:

T. Musech Enterprise, Inc., d/b/a Country Store, City of Cook, Tobacco Products License No. T0533, August 25, 2001;

Jauert, Inc., d/b/a Eagle's Nest Resort, Fredenberg Township, Tobacco Products License No. T0543, December 29, 2003;

Debra Sanders, d/b/a Frontier Resort, Unorganized 69-19, Tobacco Products License No. T0554, September 26, 1998;

Lh, Inc., d/b/a Liquid Larry's, City of Kinney, Tobacco Products License No. T05158, October 11, 2002;

Moccasin Point, Inc., d/b/a Moccasin Point Resort, Greenwood Township, Tobacco Products License No. T0593, December 10, 2002;

Saginaw Grand Lake Station, LLC, d/b/a Saginaw Grand Lake Station, LLC, Solway Township, Tobacco Products License No. T05171, December 29, 2003;

The South Switch, Inc., d/b/a The South Switch, Inc., Angora Township, Tobacco Products License No. T05119, September 26, 1998;

Stoneybrook Saloon, Inc., d/b/a Stoneybrook Saloon, Inc., City of Brookston, Tobacco Products License No. T05121, October 1, 1998.

Adopted December 21, 2004. No. 625

WHEREAS, St. Louis County has a variety of Chemical Dependency services available in the community funded by the Consolidated Fund; and

WHEREAS, the Department of Public Health and Human Services has contracted with the providers listed below for at least ten years to provide needed chemical dependency treatment services on behalf of the County; and

WHEREAS, the Department wishes to renew these Agreements.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the Director of Public Health and Human Services to execute Agreements for the period January 1, 2005, through December 31, 2005, with the following providers as follows:

Non-Residential:

Arrowhead Center, Inc.

Adult and Youth Outpatient Treatment

Service Rate

\$ 35.33 per hour

Center for Alcohol and Drug Treatment

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First Step	\$ 22.43 per hour
Intensive Outpatient - Adult	\$ 28.35 per hour
Intensive Outpatient at NERCC	\$ 28.35 per hour
Mental Illness/Chemical Dependency (MI/CD) 1:1 Treatment	\$ 28.35 per hour
Woodland Hills Adolescent CD Program	\$ 28.35 per hour
Motivational Enhancement/Individual Program	\$ 28.35 per hour
 <u>Duluth Bethel Society</u>	
Bethel Outpatient Center-Outpatient Treatment	\$ 26.25 per hour
 <u>Miller-Dwan Medical Center</u>	
Adolescent Outpatient Treatment	\$ 75.67 per hour
 <u>Range Mental Health Center</u>	
Outpatient Day Treatment	\$ 35.69 per hour
Outpatient Evening Treatment	\$ 35.69 per hour
 <u>Residential:</u>	
<u>Service Rate</u>	
<u>Center for Alcohol and Drug Treatment</u>	
Short-term Primary Residential - Adult	\$278.33 per day
 <u>Miller-Dwan Medical Center</u>	
Residential - Youth	\$308.97 per day
 <u>Range Mental Health Center</u>	
Residential - Adult	\$273.07 per day
 <u>Half-Way House:</u>	
<u>Service Rate</u>	
<u>Center for Alcohol and Drug Treatment</u>	
Howard Friese House	\$ 70.36 per day
Marty Mann House	\$ 70.36 per day
 <u>Duluth Bethel Society</u>	
Bethel Port Rehabilitation Center	\$ 64.74 per day
 <u>Minnesota Indian Primary Residential Treatment Center, Inc.</u>	
Thunderbird House	\$ 37.97 per day
Wren House	\$ 37.97 per day
 <u>Extended Care:</u>	
<u>Service Rate</u>	
<u>Duluth Bethel Society</u>	
Bethel Port Rehabilitation Center, Extended Care Treatment	\$113.32 per day
Adopted December 21, 2004. <u>No. 626</u>	

WHEREAS, tax forfeited land cannot be sold at a non-public sale without special legislation from the State of Minnesota; and

WHEREAS, it is in the public's interest to resolve certain unintentional occupancy trespasses on tax forfeited land through a non-public sale.

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NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board supports the necessary legislation enabling the non-public sale of the following State Tax Forfeited lands to resolve unintentional occupancy trespasses; for their appraised value and administrative expenses, and in a manner otherwise provided for by Minnesota Statute 282.01:

1. Special private sale to William Steger Jr. to resolve an unintentional occupancy trespass. The legislation shall include a requirement that Mr. Steger pay an administration fee covering incurred County expenses.
West 335 feet of the south 130 feet of the northwest one-quarter of the northeast one-quarter of section 12, Township 63 North, Range 12 West of the Fourth Principal Meridian, St. Louis County. This parcel contains 1.0 acres more or less.
2. Special private sale to Jaimie Panger to resolve an unintentional occupancy trespass. The legislation shall include a requirement that Mr. Panger pay an administration fee covering incurred County expenses.
Westerly 165.00 feet of the southerly 80.00 feet of the easterly 490.00 feet of the southeast one-quarter of the southeast one-quarter of section 14, Township 51 North, Range 14 West. This parcel contains 0.3 acres.
3. Special private sale to Chuck Frederick to resolve an unintentional occupancy trespass in the City of Duluth. The legislation shall include a requirement that Mr. Frederick pay an administration fee covering incurred County expenses.
Lot 17, Block 5, Lyman Park Division of Duluth
4. Special private sale to Dale Claus and associates to resolve an unintentional occupancy trespass (hunting cabin). The legislation shall include a requirement that Mr. Claus and associates pay an administration fee covering incurred County expenses.
West 220 feet of SW1/4 of NE1/4, Section 11, Township 54 North, Range 15 West.
5. Special private sale to Edwin Luukkonen to resolve an unintentional occupancy trespass near the proposed site for the North American Bear Center. The legislation shall include a requirement that Mr. Luukkonen pay an administration fee covering incurred County expenses.
West 115 feet of the SE1/4 of NE1/4 of Section 32, Township 63 North, Range 12 West lying north of the centerline of State Trunk Highway No. 169 and subject to highway right-of-way easement. This parcel contains 1.2 acres more or less.
6. Special private sale to Dale and Heather Tweit to resolve an unintentional occupancy trespass near the proposed site for the North American Bear Center. The legislation shall include a requirement that Mr. and Mrs. Tweit pay an administration fee covering incurred County expenses.
West 115 feet of the SE1/4 of NE1/4 of Section 32, Township 63 North, Range 12 West lying south of the centerline of State Trunk Highway No. 169 and subject to highway right-of-way easement. This parcel contains 2.5 acres more or less.

Adopted December 21, 2004. No. 627

WHEREAS, tax forfeited land on public waters containing greater than 150 feet of water frontage cannot be sold without special legislation from the State of Minnesota; and
WHEREAS, St. Louis County's best interest would be served from a land management and economic viewpoint if the following lands were returned to private ownership:

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1. N 1/2 OF S 1/2 OF NE 1/4 OF SE 1/4, SECTION 31, T52N, R14W.
2. NE 1/4 OF SW 1/4 INC E 1/2 OF NW 1/4 OF SW 1/4, SECTION 32, T52N, R14W.
3. NE 1/4 OF NE 1/4, SECTION 7, T50N, R18W.
4. N 1/2 OF NE 1/4 AND N 1/2 OF NW 1/4, SECTION 8, T50N, R18W.
5. NW 1/4 OF NE 1/4 EX N 1/2 AND PART OF W 10 AC OF NE 1/4 OF NE 1/4 LYING S OF LESTER RIVER AND W 10 AC OF NE 1/4 OF NE 1/4 LYING N OF LESTER RIVER EX N 5 AC, SECTION 17, T51N, R13W.
6. WLY 400 FT OF ELY 800 FT OF LOT 4, SECTION 13, T54N, R17W.
7. NE 1/4 OF SW 1/4, SECTION 31, T52N, R14W.
8. S 1/2 OF SW 1/4 OF SW 1/4 EX WLY 15 ACRES, SECTION 31, T52N, R14W.
9. SW 1/4 OF SE 1/4, SECTION 32, T52N, R14W.
10. NW 1/4 OF SE 1/4 EX W 1/2 AND E 165 FT OF W 1/2 OF NW 1/4 OF SE 1/4, SECTION 5, T51N, R13W.
11. LOT 6, 7, AND LOT 8 EX ELY 50 FT, ERICKSON'S BEACH TOWN OF FAYAL, SECTION 27, T57N, R17W.
12. LOT 65, VERMILION DELLS 1st ADD GREENWOOD, SECTION 2, T62N, R16W.
13. LOTS 130, 134, 135, OUTLOT J, OUTLOT K, VERMILION DELLS, TOWN OF GREENWOOD, SECTION 2, T62N, R16W.
14. LOT 7, KLIMEKS ADDITION TO GRAND LAKE, SECTION 31, T51N, R16W.
15. W 1/2 OF NW 1/4 OF SW 1/4, SECTION 33, T51N, R16W.
16. GOVT. LOT 2, SECTION 17, T51N, R12W, WONDERLAND 1st ADDITION TO TOWN OF DULUTH, LOT 22, BLK 1.
17. E 1/2 OF SE 1/4 OF SE 1/4, SECTION 34, T58N, R20W.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board supports legislation authorizing the sale of these tax forfeited lands at public auction for their appraised value and in a manner otherwise provided for by Minnesota Statute 282.01.

Adopted December 21, 2004. No. 628

WHEREAS, the following described parcel forfeited to the State of Minnesota for nonpayment of real estate taxes and was previously classified as conservation:

Grays Addition to Duluth: Block 32, Lots 9, 10 & 11 Ex. Part taken by USA;
Parcel Code No. 10-1980-4980;

WHEREAS, all parcels of land becoming the property of the State of Minnesota in trust through

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forfeiture for nonpayment of real estate taxes shall be classified or reclassified as 'conservation' or 'non-conservation' as required by Minnesota Statutes, Section 282.01, Subdivision 1; and WHEREAS, Land Department staff have determined that said parcel of land is non-buildable, and recommends that it be reclassified as non-conservation and offered for sale at an adjoining owner auction after considering, among other things, the present use of adjacent land; the accessibility of lands to established roads, schools, and other public services; and the peculiar suitability or desirability of lands for particular uses; and

WHEREAS, said parcel of land is not withdrawn from sale pursuant to Minnesota Statutes, Sections 84.012, 92.461, 282.01, Subdivision 8, and 282.018, or any other statutes that require the withholding of State Tax Forfeited land from sale; and

WHEREAS, said parcel of land is located inside the boundaries of a municipality, and Minnesota Statutes, Section 282.01, provides that classification or reclassification and sale of lands situated within a municipality must be approved by the governing body of the municipality; and WHEREAS, reclassification and sale of said parcel will be deemed approved if the County Board does not receive notice of the municipality's disapproval of the reclassification and sale within 60 days of the date on which this resolution is delivered to the clerk of the Municipality.

NOW, THEREFORE, BE IT RESOLVED, that the State Tax Forfeited parcel described above be reclassified as non-conservation and offered for sale at an adjoining owner auction for the amount of \$640.00 plus 3% Assurance Fee of \$19.20, Deed Fee of \$25.00, Deed Tax of \$2.11 and Recording Fee of \$19.50, for a total of \$705.81; and that the request for approval of the reclassification be transmitted by the St. Louis County Land Department to the Clerk of the City of Duluth.

Adopted December 21, 2004. No. 629

WHEREAS, The Minnesota Department of Transportation has requested to purchase the following described Tax-Forfeited parcels for the amount of \$134,500.00 plus fees:

- Tract 1: That part of the NW 1/4 of the NW 1/4 of Section 29, Township 50 North, Range 14 West, shown as Parcel 226B on Minnesota Department of Transportation Right of Way Plat Numbered 69-65 as the same is on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota; containing 0.61 acre, more or less. Parcel Code No. 010-2710-06579.
- Tract 2: That part of the SE 1/4 of the SE 1/4 of Section 19, Township 50 North, Range 14 West, shown as Parcel 261 on Minnesota Department of Transportation Right of Way Plat Numbered 69-66 as the same is on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota; containing 1.49 acres, more or less. Parcel Code No. 010-2710-05741.
- Tract 3: That part of the NE 1/4 of the SE 1/4 of Section 19, Township 50 North, Range 14 West, shown as Parcel 266 on Minnesota Department of Transportation Right of Way Plat Numbered 69-67 as the same is on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota; containing 0.39 acre, more or less. Parcel Code No. 010-2710-05551.
- Tract 4: That part of Lots 21 and 24, AUDITOR'S PLAT OF TRINITY ROAD ACRES, shown as Parcel 256 on Minnesota Department of Transportation Right of Way Plat Numbered 69-66 as the same is on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota; containing 0.54 acre, more or less, of which 0.20 acre is encumbered by an existing highway easement. Parcel Code No. 010-0128-00211 (Lot 21) and 010-0125-00241 (Lot 24).

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- Tract 5: That part of Outlot A, KOSKI'S DIVISION, shown as Parcel 227A on Minnesota Department of Transportation Right of Way Plat Numbered 69-66 as the same is on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota. Parcel Code No. 010-2675-00101.
- Tract 6: Tract A: That part of the N 1/2 of the NW 1/4 of the NE 1/4 of the NE 1/4 of Section 30, Township 50 North, Range 14 West, St. Louis County, Minnesota, that lies easterly of the easterly line of Trinity Road as the same was located on December 5, 1930; excepting the southerly 209.5 feet thereof; and excepting the northerly 33 feet thereof; the title thereto being registered as evidenced by Certificate of Title No. 162399.0; containing 0.18 acre, more or less, of which 0.04 acre is encumbered by an existing highway easement. Parcel Code No. 010-2710-06740.

WHEREAS, all parcels of land becoming the property of the State of Minnesota in trust through forfeiture for nonpayment of real estate taxes shall be classified or reclassified as 'conservation' or 'non-conservation' as required by Minnesota Statutes, Section 282.01, subdivision 1; and WHEREAS, Land Department staff have determined that said parcels of land are best suited for highway right-of-way, and recommends that they be reclassified as non-conservation and offered for sale to the Minnesota Department of Transportation; and

WHEREAS, said parcels of land are not withdrawn from sale pursuant to Minnesota Statutes, Sections 84.012, 92.461, 282.01, Subdivision 8, and 282.018, or any other statutes that require the withholding of State Tax Forfeited land from sale; and

WHEREAS, said parcels of land are located inside the boundaries of the City of Duluth, and Minnesota Statutes, Section 282.01, provides that classification or reclassification and sale of lands situated within a municipality must be approved by the governing body of the municipality; and WHEREAS, reclassification and sale of said parcels will be deemed approved if the County Board does not receive notice of the City of Duluth's disapproval of the reclassification and sale of any parcel within 60 days of the date on which this resolution is delivered to the clerk of the City of Duluth.

NOW, THEREFORE, BE IT RESOLVED, that the State Tax Forfeited parcels described above be reclassified as non-conservation and offered for sale to the Minnesota Department of Transportation for \$134,500.00 plus Deed Fee of \$25.00; Deed Tax of \$443.85; Recording Fee of \$19.50; and 3% State Deed Assurance Fee of \$4035.00; for a total of \$139,023.35, and that the request for approval of the reclassifications be transmitted by the St. Louis County Land Department to the Clerk of the City of Duluth.

Adopted December 21, 2004. No. 630

WHEREAS, the following described parcels forfeited to the State of Minnesota for nonpayment of real estate taxes and were previously classified as conservation:

Parcel 141-20-461; Gov. Lot 4, Section 3, T57N, R20W Ex Ry ROW 3.4 Ac (35.56 acres);

Parcel 141-20-606; SW 1/4 of NE 1/4 of Section 4, T57N, R20W Ex Ry ROW 3 14/100 Ac (36.86 acres);

Parcel 141-0020-00611; SE 1/4 of NE 1/4 of Section 4, T57N, R20W Ex Ry ROW 1 77/100 Ac (Undivided 1/2 Interest in 38.33 acres);

WHEREAS, all parcels of land becoming the property of the State of Minnesota in trust through forfeiture for nonpayment of real estate taxes shall be classified or reclassified as 'conservation' or 'non-conservation' as required by Minnesota Statutes, Section 282.01, subdivision 1; and WHEREAS, the Land Department has recommended that the parcels described above be reclassified as non-conservation after considering, among other things, the present use of adjacent

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land; the productivity of the soil; the character of forest or other growth; the accessibility of lands to established roads, schools, and other public services; and the peculiar suitability or desirability of lands for particular uses; and

WHEREAS, said parcels of land are not withdrawn from sale pursuant to Minnesota Statutes sections 84.012, 92.461, 282.01, Subdivision 8, and 282.018, or any other statutes that require the withholding of State tax forfeited lands from sale; and

WHEREAS, said parcels of land are located inside the boundaries of a municipality, and Minnesota Statutes, Section 282.01, provides that classification or reclassification and sale of lands situated within a municipality must be approved by the governing body of the municipality; and

WHEREAS, reclassification of said parcels will be deemed approved if the County Board does not receive notice of the municipality's disapproval of the reclassification and sale within 60 days of the date on which this resolution is delivered to the Clerk of the Municipality.

NOW, THEREFORE, BE IT RESOLVED, that the State Tax Forfeited parcels described above be reclassified as non-conservation, and that the request for approval of the reclassification be transmitted by the St. Louis County Land Department to the Clerk of the City of Hibbing.

Adopted December 21, 2004. No. 631

WHEREAS, the County has provided information regarding tax forfeited land which has been sold under the provisions of Minnesota Statute Section 282, subject to purchase or repurchase contract and which is in default for failure to pay taxes or installments.

NOW, THEREFORE, BE IT RESOLVED, the County Board does hereby approve the cancellation of this contract for purchase or repurchase of tax forfeited land which is in default and on the list prepared by the County Auditor in County Board File No. 58286, all according to the provisions of Minnesota Statute, Section 282.01, Subdivision 5, and Minnesota Statute, Section 282.40, and according to the procedures of Minnesota Statute, Section 559.21.

Adopted December 21, 2004. No. 632

WHEREAS, preliminary Land Department plans are to plant trees on approximately 1800 acres in Spring 2005; and,

WHEREAS, the containerized portion of those tree seedlings needed for planting have already been purchased; and,

WHEREAS, bids were requested and the MN DNR-General Andrews Nursery is the only bidder able and willing to supply the quantity and variety of species of bare-root tree seedlings needed and that bid was within \$100.00 of the estimated cost.

NOW, THEREFORE BE IT RESOLVED, the Director of Purchasing is hereby authorized to execute a contract with MN DNR-General Andrews Nursery, of Willow River, MN, to furnish and deliver 885,000 Bare-Root Tree Seedlings for delivery Spring, 2005, in accordance with the specifications of Bid No. 4509 and subject to approval of the County Attorney, at their low specification bid price of \$158,062.25, payable from:

Fund	290	Forest Resources
Agency	290003	Resource Development

Adopted December 21, 2004. No. 633

RESOLVED, that the appropriate County officials are hereby authorized to enter into an agreement with the Town of Morse in the Fourth Maintenance District whereby the County will provide general surface and snowplowing on the township roads listed in the agreement at the rates set forth in the agreement;

RESOLVED, that the term of this agreement shall be for a period of one (1) year, and unless terminated unilaterally or by mutual agreement, this agreement shall renew on October 1st for each and every year hereafter;

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RESOLVED, that the funds received for this work will be receipted into Fund 200, Agency 205003, Revenue Source 584003.

Adopted December 21, 2004. No. 634

RESOLVED, that the appropriate County officials are hereby authorized to enter into an agreement with the Town of Fayal in the Sixth Maintenance District whereby the County will provide winter road maintenance and snowplow removal on the township roads listed in the agreement based on time and materials at the rates established by the County Board and as stated in the agreement;

RESOLVED, that the term of this agreement shall be for a period of one (1) year, and unless terminated unilaterally or by mutual agreement, this agreement shall renew on October 1st for each and every year hereafter;

RESOLVED, that the funds received for this work will be receipted into Fund 200, Agency 205003, Revenue Source 584003.

Adopted December 21, 2004. No. 635

WHEREAS, the St. Louis County Public Works Department has an ongoing need for gravel for road maintenance purposes; and

WHEREAS, the Second Maintenance Division has limited gravel sources remaining in the area; and

WHEREAS, Potlatch Corporation currently owns 40 acres in Alden Township which contains a large gravel source; and

WHEREAS, the Potlatch Corporation has agreed to sell the property for \$100,000; and

WHEREAS, no additional permitting would be necessary because the parcel to be purchased is adjacent to an existing County pit.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the Board Chair and Auditor to execute, on behalf of St. Louis County, a Purchase Agreement for the acquisition of the following property for the sum of \$100,000: Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4), Section Twenty-eight (28), Township Fifty-three (53), Range Twelve (12).

Funding for said purchase shall come from Public Works Fund 200, Agency 203001, Object 636500, Project 30830000.

RESOLVED FURTHER, that all documents involved and related to the acquisition of said property are subject to approval by the County Attorney.

Adopted December 21, 2004. No. 636

RESOLVED, that the appropriate County officials are hereby authorized to enter into an agreement with the Bois Forte Reservation Tribal Council of Nett Lake, Minnesota, for construction of a 2,600 cubic yard Sand/Salt Shelter on Reservation whereby St. Louis County will pay a one time lump sum payment of \$40,000.00 and provide 2,600 cubic yards of sand/salt annually for a period of 25 years; payable from Fund 405, Agency 405016, Object 661100, C.P. 3668.

Adopted December 21, 2004. No. 637

WHEREAS, the Public Works Department's 2004 budget included \$62,970 designated for the purchase of bituminous materials for miscellaneous road repairs in the Third Maintenance District; and

WHEREAS, due to time constraints, this fund will not be fully expended in 2004; and

WHEREAS, the Public Works Department has \$58,000 in budgeted, but unexpended funds in its 2004 Fund 200, Agency 201003, Object 65100 (Linden Grove) budget; and

WHEREAS, budgeted but unexpended funds from this fund go into the Public Works Undesignated Fund Balance.

NOW, THEREFORE, BE IT RESOLVED, that the Public Works Department requests that the 2005 Public Works Capital Improvements Fund (Fund 405, Agency 405016, Object 661100) be

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increased by the amount of \$40,000. The revenue source for this expenditure will be from the Public Works Undesignated Fund Balance (originally from Fund 200, Agency 201003, Object 651100).

Adopted December 21, 2004. No. 638

RESOLVED, that the necessary County officials are hereby authorized to execute the following agreements:

St. Louis County Attorney with Arrowhead Regional Corrections for legal services in the amount of \$45,000, the agreement contained in Contract File No. 04-737 and that said funds will be reimbursed to the St. Louis County Attorney's Office, Fund 01, Agency 031.

St. Louis County Attorney with the St. Louis County Housing and Redevelopment Authority for legal services in the amount of \$40,000, the agreement contained in Contract File No. 04-738 to be reimbursed to the St. Louis County Attorney's Office, Fund 01, Agency 031.

St. Louis County Civil Service Commission with Arrowhead Regional Corrections for personnel services in the amount of \$61,270, the agreement contained in Contract File No. 04-739 and that said funds will be reimbursed to the St. Louis County Civil Service Department, Fund 01, Agency 063.

St. Louis County Auditor with Arrowhead Regional Corrections for fiscal services in the amount of \$148,300, the agreement contained in Contract File No. 04-740 and that said funds will be reimbursed to the St. Louis County Auditor's Office, Fund 01, Agency 051.

St. Louis County Auditor with the Carlton-Cook-Lake-St. Louis Community Health Board for fiscal services in the amount of \$5,500, the agreement contained in Contract File No. 04-741 and that said funds will be reimbursed to the St. Louis County Auditor's Office, Fund 01, Agency 051, Revenue Source 2000.

Adopted December 21, 2004. No. 639

RESOLVED, that pursuant to Minnesota Statutes 349.213, Subdivision 2, the St. Louis County Board of Commissioners hereby approves the following Premises Permit application, on file in the office of the County Auditor, identified as County Board File No. 58195, for the following organization:

Voyageur Trail Society, Inc., to operate out of Ash-Ka-Nam Resorts, LLC, Unorganized Township 68-19, New.

Adopted December 21, 2004. No. 640

WHEREAS, St. Louis County serves as the sponsor of various winter recreational trails that are part of the State of Minnesota Grant-in-Aid Trail System; and

WHEREAS, the construction and maintenance of these trails are funded through the Minnesota Trail Assistance Program Grants issued with the approval of the Minnesota Department of Natural Resources; and

WHEREAS, Minnesota Trail Assistance Program Applications have been prepared for approval of St. Louis County as sponsor for the following trail funded by the State of Minnesota Trail Assistance Program:

Kinney Spur to the Laurentian Trail
(1.25 miles of trail - maintained by the Range Trail Committee)

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NOW, THEREFORE, BE IT RESOLVED, that St. Louis County agrees to sponsor said trail at no cost to the County; and

RESOLVED FURTHER, that the Chairperson of the St. Louis County Board of Commissioners and/or County Auditor be authorized to sign grant applications, agreements, and reimbursements claims to the Minnesota Department of Natural Resources for construction, maintenance, and administration of said trails;

RESOLVED FURTHER, that the Chairperson of the St. Louis County Board of Commissioners and/or County Auditor are authorized to sign all easements, licenses, or other instruments associated with the trail, subject to the approval of the County Attorney.

RESOLVED FURTHER, that this Resolution is contingent upon the Range Trail Committee being individually named as an insured on the general liability policy covering St. Louis County sponsored State Grant-in-Aid Trails, and the club naming as additional insureds on said general liability policy, the landowners over whose lands the trails travel.

Adopted December 21, 2004. No. 641

RESOLVED, that the County Board of Commissioners authorizes the Chair of the Board, County Auditor, and County Administrator to add one (1) full-time Information Specialist II to the Chris Jensen Health and Rehabilitation Center, payable from Fund 625 (Chris Jensen), Agency 625019 (Nursing Home Accounting).

Adopted December 21, 2004. No. 642

WHEREAS, Iron Range Resources has offered to purchase the following described State Tax Forfeited parcels for the appraised price of \$36,864.30 plus fees for the purpose of the Motorplex Project pursuant to the organization's economic development authority:

- | | |
|----------|---|
| Tract 1: | Part of SE 1/4 of SE 1/4 of Section 32, T58N, R20W lying NE of highway right-of-way (Undivided 1/8 Interest in 9 acres) |
| Tract 2: | SW 1/4 of SW 1/4 of Section 33, T58N, R20W Subject to Easement of Record (Undivided 5/64 Interest in 40 acres) |
| Tract 3: | SW 1/4 of SW 1/4 of Section 34, T58N, R20W Subject to Easement of Record (40 acres) |
| Tract 4: | Government Lot 3, Section 4, T57N, R20W Subject to Easement of Record (Undivided 4/72 Interest in 40 acres) |
| Tract 5: | Government Lot 1, Section 4, T57N, R20W Ex Ry ROW 1 42/100 acres (Undivided 1/4 Interest in 37.60 acres) |
| Tract 6: | Government Lot 4, Section 3, T57N, R20W Ex Ry ROW 3.4 acres (35.56 acres) |
| Tract 7: | SW 1/4 of NE 1/4 of Section 4, T57N, R20W Ex Ry ROW 3 14/100 Acres (36.86 acres) |
| Tract 8: | SE 1/4 of NE 1/4 of Section 4, T57N, R20W Ex Ry ROW 1 77/100 acres (Undivided 1/2 Interest in 38.33 ac) |

WHEREAS, Minnesota Statute 282.01, Subd. 1(a), authorizes the release of State Tax Forfeited land to a state agency for an authorized use at not less than the appraised value; and

WHEREAS, said parcels of land have been classified as non-conservation land pursuant to

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Minnesota Statutes Section 282.01; and

WHEREAS, said parcels of land are not withdrawn from sale pursuant to Minnesota Statutes Sections 84.012, 92.461, 282.01, Subdivision 8; and 282.018, and other statutes that require the withholding of State Tax Forfeited lands from sale.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the sale of the above described State Tax Forfeited parcels to Iron Range Resources for the appraised value of \$36,864.30 plus the following fees: 3% Assurance Fee of \$1,105.93, Deed Fee of \$25.00, Deed Tax of \$121.65, and a Recording fee of \$19.50; for a total of \$38,136.38.

Adopted December 21, 2004. No. 643

WHEREAS, St. Louis County has received and reviewed a request from the Town of Fayal to assist with the Town of Fayal Playground Project; and

WHEREAS, the St. Louis County Board of Commissioners has determined it is in the best interest of the County to assist in the improvement of the Town of Fayal playground.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby authorizes spending \$20,000.00 for playground equipment to improve the Town of Fayal playground, payable from Fund 16, Agency F16 (Memorial Forest), Org. F21 (Forest Recreation).

Adopted December 21, 2004. No. 644

WHEREAS, St. Louis County has received and reviewed a request from Iron Range Youth in Action to assist with the Babbitt Beach Development Project; and

WHEREAS, the St. Louis County Board of Commissioners has determined it is in the best interest of the County to assist in the improvement of Babbitt Beach.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby authorizes spending \$5,000.00 for materials and labor to complete the pavilion at Babbitt Beach, payable from Fund 16, Agency F16 (Memorial Forest), Org. F21 (Forest Recreation).

Adopted December 21, 2004. No. 645

WHEREAS, St. Louis County has a Geographic Information System (GIS) Strategic Plan which has as a foundational goal the development of parcel layers; and

WHEREAS, the Minnesota Lake Superior Coastal Assistance Grant Program has funds available for GIS data collection and implementation; and

WHEREAS, the cities of Hermantown and Proctor are located in the coastal zone and are in the process of updating plans and public infrastructure.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners authorizes the submission of a grant application to the Minnesota Lake Superior Coastal Assistance Grant Program for not more than \$75,000 for the purpose of developing parcel layers in the cities of Hermantown and Proctor to assist with future development issues; and

RESOLVED FURTHER, that the Planning Department Director execute the grant agreements and related documents; and

RESOLVED FURTHER, the Board authorizes use of staff time to fulfill the grant requirement of in-kind match in the amount of not more than \$75,000; and

RESOLVED FURTHER, that said grant funds will be appropriated and disbursed from Fund 100, Agency 109999, Organization 10901 (2005).

Adopted December 21, 2004. No. 646

BE IT RESOLVED, the Board authorizes the appropriate County officials to execute annually renewed lease agreements with the Lake Superior Railroad Museum, the Duluth Playhouse, the Duluth Art Institute, the St. Louis County Historical Society, the Duluth Area Children's Museum, the Minnesota Ballet, and the Duluth/Superior Symphony Orchestra for the use of the County owned Depot facility. Rent for all leases except the Duluth/Superior Symphony Orchestra lease

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shall be based upon operating expenses. Rent for the Duluth/Superior Symphony Orchestra lease shall be the flat rate of \$350.00 per month, for the first year.

Adopted December 21, 2004. No. 647

WHEREAS, the St. Louis County Board of Commissioners appoints citizens to serve on the CDBG Citizen Advisory Committee, Board of Adjustment and Planning Commission; and

WHEREAS, several current citizen members have requested to serve another term on their respective boards; and

WHEREAS, there are vacancies on these boards which need to be filled through an advertised application process.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners reappoints the following citizens to their respective boards with terms expiring December 31, 2007:

CDBG Citizen Advisory Committee:

Patricia Alander (Rice Lake)

David DeNoyer (At Large)

Planning Commission:

Ron Envall (Fredenberg)

Board of Adjustment

George Rogich (Makinen)

Marilyn Mueller (Greenwood)

BE IT FURTHER RESOLVED, that the Auditor advertise and accept applications until January 15, 2005, for vacant positions on the CDBG Citizen Advisory Committee and the Board of Adjustment.

Adopted December 21, 2004. No. 648

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. 58174, are hereby approved and the County Auditor shall issue checks in the following amounts:

<u>FUND</u>		<u>TOTAL</u>
100	General Fund	\$ 1,753,999.40
184	Extension Service	42,393.79
200	Public Works	809,692.46
230	Social Services	4,485,866.46
240	Forfeited Tax	96,456.40
250	St. Louis County HRA	2,169.95
600	Solid Waste Authorities	340,879.12
625	Chris Jensen Health & Rehab.	492,743.03
650	Laundry	29,190.77
660	Community Food Services	72,610.81
670	Supervised Living Facilities	10,471.72
700	Printing	1,643.63
715	County Garage	42,353.78
750	Management Information Systems	82,286.49
760	Telecommunications	83,045.23
925	Arrowhead Regional Corrections	286,866.39
955	Community Health Services	86,535.03

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989	Regional Railroad Authority	<u>64,092.69</u>
		\$8,783,297.15

Adopted December 21, 2004. No. 649

BY COMMISSIONER FORSMAN:

WHEREAS, a rezoning was initiated by the property owner of record; and
WHEREAS, the St. Louis County Planning Commission expanded the area to be considered for rezoning; and
WHEREAS, the St. Louis County Planning Commission held a public hearing on the proposed rezoning on October 14, 2004; and
WHEREAS, the St. Louis County Planning Commission voted to recommend that the St. Louis County Board of Commissioners adopt the rezoning by amending Ordinance 46, zoning maps; and
WHEREAS, the St. Louis County Board conducted a public hearing on December 21, 2004; and
WHEREAS, the St. Louis County Board has considered the recommendation of the Planning Commission, the recommendations of staff, and all of the testimony, written and verbal, as presented.
NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners affirms the Planning Commission recommendation and revises the zoning maps for Township 64 North, Range 12 West, and Township 64 North, Range 13 West (Unorganized).
BE IT FURTHER RESOLVED, that the effective date of this amendment is January 28, 2005.
Unanimously adopted. December 21, 2004. No. 650

BY COMMISSIONER KRON:

WHEREAS, an assessment completed by the County's Health Insurance Portability and Accountability Act (HIPAA) compliance committee revealed that the system used by Public Health and Human Services for client documentation was not HIPAA compliant; and
WHEREAS, HIPAA requires all software systems must be compliant by April, 2005; and
WHEREAS, CareFacts Clinical Software System has been determined to be the superior software that will allow efficient client documentation and reporting on essential public health activity; and
WHEREAS, the total cost of the system, including hardware, software, installation, and training is \$108,200, and the annual maintenance agreement for 2005 is \$13,896, and the department has sufficient funds in its 2004 budget for the purchase of the system and has funds in its 2005 budget to cover the maintenance expense.
NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the appropriate County officials to enter into appropriate agreements to purchase CareFacts Clinic Software System at a cost not to exceed \$108,200 and a first year maintenance agreement not to exceed \$13,896, upon review of the County Attorney's office.
BUDGET REFERENCES:
Fund 100, Agency 140001, Object 634800
Unanimously adopted. December 21, 2004. No. 651

BY COMMISSIONER FORSMAN:

WHEREAS, a Board Workshop was held on November 16, 2004, where Commissioners discussed the Land Department's Recreation Cabin Lease Program; and
WHEREAS, Commissioners determined that a task force would be formed to address the future of the program and the many directions which it may take; and
WHEREAS, Commissioners also discussed the issue of enforcement of the current lease policies regarding oversized structures and other issues relating to specific program requirements;
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby imposes a moratorium on the termination of any recreation cabin leases and the forced deconstruction of structures because of oversized buildings which may be determined in violation

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of current program policy;

RESOLVED FURTHER, the moratorium will be effective from the day of passage through April 2, 2005.

Yeas - Commissioners Fink, Fay, Kron, Forsman, and Nelson - 5

Nays - Chair Raukar - 1

Absent - Commissioner Sweeney - 1

Adopted December 21, 2004. No. 652

BY COMMISSIONER KRON:

WHEREAS, on October 24, 2003, the Cities of Hibbing and Chisholm, Balkan Township, Iron Range Resources Board (IRR), and St. Louis County executed a memorandum of understanding agreeing to work collectively to move the Motorplex project forward, with IRR being the lead public agency; and

WHEREAS, the Motorplex project site requires two parcels of County owned fee land described as:

#1 - The South 1/2 of the Southwest 1/4 of the Northwest 1/4, Section 3, Township 57, Range 20

#2 - The Southeast 1/4 of the Southwest 1/4, Section 33, Township 58, Range 20

NOW, THEREFORE, BE IT RESOLVED, the Board authorizes the appropriate County officials to execute a quit claim deed for the above-described parcels to the Iron Range Resources Board for the public purpose of developing a Motorplex facility.

BE IT FURTHER RESOLVED, the Iron Range Resources Board is required to pay the County a \$500 administrative fee for the "public purpose" land transfer prior to receiving a quit claim deed. Unanimously adopted. December 21, 2004. No. 653

BY COMMISSIONER KRON:

RESOLVED, that pursuant to the recommendations of the Tax Committee, the applications of the following named persons and firms for reduction and correction of assessed valuations and taxes in the following amounts plus on those abatements of penalty and interest, any additional accrual to the date of this resolution, on file in the office of the County Auditor, identified as County Board File No. 58175, are hereby approved:

Real Estate - David J. Banttari, \$992.60; Nancy Bobich, \$139.88; David Cherro, \$1,224.19; Daniel Dryke, \$128.76; Ruth Erdmann-Sluka, \$167.74; Vicki Hall, \$999.90; Timothy Heinen, \$57.31; Wilford Jacka, \$11.42; Adam Kane, \$451.32; Brian Lindland, \$616.36; Thomas MacKay, \$120.44; Marlys McFarland, \$884.36; Justin Medlin, \$535.20; Tom Mighell, \$185.86; Kurtis Soular, \$115.10; Herbert Stunkart, \$211.84; University of Minnesota, \$3,785.36; Wendy Varey, \$451.50.

Personal Property - Jason Lindgren, \$93.60.

Unanimously adopted. December 21, 2004. No. 654

Upon motion of Commissioner Fay, supported by Commissioner Kron, Resolutions No. 655 through 677, which were approved at the Committee of the Whole meeting this date, were brought forth to this meeting as a second Consent Agenda and were unanimously adopted as follows with Commissioner Sweeney absent:

BY COMMISSIONER FAY:

WHEREAS, St. Louis County has a variety of children's services available in the community that are Federal Title IV-E eligible at a reimbursement rate of approximately 15 to 20 percent. The balance of the cost is paid with local taxes. The County pays the entire cost for any child who does not have private insurance coverage or is not MA eligible; and

WHEREAS, the Department of Public Health and Human Services has contracted with the providers listed below to provide needed children's services on behalf of the County; and

WHEREAS, the Department wishes to renew these Agreements.

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NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the Director of Public Health and Human Services to execute Agreements for children's services covering the period January 1, 2005, through December 31, 2005, with the following providers at the specified rates listed as follows; such contracts to be paid from Fund 230, Objects 601200 (Out-of-Home Placement Costs), 602400 (Placement Support Costs), and 601600 (Children's Mental Health Services):

Bethany Crisis Shelter/Duluth	\$136.18	
25-Day Diagnostic Evaluation	\$158.82	
Bethany Range Youth Shelter	\$184.66	
Woodland Hills		
Main Residential Treatment	\$175.70	
Chisholm House Short-Term Program	\$117.04	
Chisholm House Treatment Program	\$153.51	
Community Transition Services	\$151.62	
Mesabi Academy		
Secure Residential Program	\$185.00	
Sexual Offender Residential Program	\$208.00	
Open Residential	\$171.00	
Diagnostic Residential	\$196.00	
Short-Term Program	\$138.00	
Northwood Children's Services (Rule 5 Programs)		
Main, West & Honors Home Programs	\$180.75	
Diagnostic & Assessment Center	\$187.90	
Northwood Children's Services		
Therapeutic Foster Care		
Foster Care		DHS Difficulty of Care (DOC) Guidelines
Licensing & Placement Admin.		\$25.75
Fond du Lac Foster Care Licensing and Placement Agency		
Family Foster Care		
Foster Care Service		DHS Difficulty of Care (DOC) Guidelines

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Licensing & Placement Admin.		\$18.00
Respite Foster Care	\$27.00	
Licensing & Placement Admin.		\$18.00

LSS - Bethany Foster Care Program		
Family Foster Care		
Foster Care Service		DHS Difficulty of Care (DOC) Guidelines
Licensing & Placement Admin.		\$25.00

Woodland Hills Day Treatment Program	\$ 70.18 per diem
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Range Mental Health Center	
Therapeutic Day Treatment	\$ 20.41 per hour
Diagnostic Assessments	\$ 86.94 per hour

Adopted December 21, 2004. No. 655

WHEREAS, St. Louis County serves residents who would benefit from the Home Delivered Meals program, which is governed and funded by Title III, Nutrition Support Incentive Program (NSIP - formerly USDA), and Medical Assistance waived services; and
 WHEREAS, the Department of Public Health and Human Services has contracted with the providers listed below for at least four years to provide Home Delivered Meal Services on behalf of the County; and
 WHEREAS, the Department wishes to renew these Agreements, and the Department has budgeted funds for 2005 in Fund 230, Object 606800 (Adult In-Home Services).
 NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the Director of Public Health and Human Services to execute Agreements for Home Delivered Meal Services for the period January 1, 2005, through December 31, 2005, with the following providers at the indicated rates:

Provider	Non-Waiver Rate	AC/Waiver Rate
Duluth Senior Dining Norton Park, Morgan Park, Gary, Woodland Gardens	\$2.00	\$5.81
Lakeshore Lutheran East & West Duluth	\$2.00	\$5.81
MITH-East Duluth-Central Hillside & Park Point	\$2.00	\$5.81
MITH-West Duluth-Lincoln Park, Piedmont Heights, Duluth Heights, Hermantown	\$2.00	\$5.81
Proctor Meals on Wheels Proctor	\$2.00	\$5.81
AEOA Meals (AC/Waiver only) Adopted December 21, 2004. <u>No. 656</u>	N/A	\$5.81

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WHEREAS, St. Louis County serves residents who would benefit from a low-cost hot meal; and WHEREAS, the City of Duluth has contracted with the Department of Public Health and Human Services to provide meals at their senior sites for at least six years. NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the Director of Public Health and Human Services to execute an Agreement with the City of Duluth for Senior Site Meals for the period January 1, 2005, through December 31, 2005 as follows:

	<u>Proposed 2005 Rates</u>
Regular meals	\$3.29
Meals with pre-preparation	\$3.54
Ready-to-serve meals	\$4.00
Meatless meals	\$2.14

Adopted December 21, 2004. No. 657

WHEREAS, St. Louis County serves residents who would benefit from a low-cost hot meal at the Rainbow and Lincoln Park Centers; and WHEREAS, the City of Duluth has contracted with the Department of Public Health and Human Services to provide congregate meals at these locations for the past ten years; and WHEREAS, the City and the Department wish to renew this Agreement; NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby authorizes the appropriate County officials to enter into a contract between the Community Food Service and the City of Duluth for the period from January 1, 2005, through December 31, 2005, for the Congregate Meals Program. BE IT FURTHER RESOLVED, that the City of Duluth will purchase meals for the Rainbow and Lincoln Park Senior Centers from the Community Food Service at the following rates:

C Noon meals at Rainbow Senior Center	
Eligible persons	\$4.63 per meal
Underage and ineligible guests	\$5.03 per meal
C Noon and evening meals at Lincoln Park Senior Center (Includes a \$.29 per meal fee for dining room manager)	
Eligible persons	\$4.92 per meal
Underage and ineligible guests	\$5.32 per meal

Adopted December 21, 2004. No. 658

WHEREAS, St. Louis County has Child Protection and Intervention and Prevention Programs; and WHEREAS, the Department of Public Health and Human Services has contracted with LSS Bethany Crisis Shelter and LSS Bethany Range Shelter to provide Supervised Visitation Services on behalf of the County; and WHEREAS, the Department wishes to renew this Agreement, and the Department has budgeted funds for 2005 in Fund 230, Object 602000 (Other Children's Services). NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the Director of Public Health and Human Services to execute this Agreement with LSS Bethany Crisis Shelter and LSS Bethany Range Shelter for the period January 1, 2005, through December 31, 2005, at \$33.33 per hour with a contract maximum of \$36,808 for the Bethany Crisis Shelter and a contract maximum of \$43,500 for the Bethany Range Shelter. Adopted December 21, 2004. No. 659

WHEREAS, St. Louis County purchases employment services for persons with disabilities; and

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WHEREAS, the Department of Public Health and Human Services has contracted with ODC, Inc., and GIVE, Inc., for the past 30+ years to provide extended employment services for persons with disabilities on behalf of the County; and

WHEREAS, the Department wishes to renew these Agreements and has budgeted funds for 2005 in Fund 230, Object 604800 (Developmental Disability Services).

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the Director of Public Health and Human Services to execute amended and extended contracts with ODC, Inc., and GIVE, Inc., each with a contract maximum of \$87,757 for the period January 1, 2005, through December 31, 2005.

BE IT FURTHER RESOLVED, that the following 2004 rates be extended through December 31, 2005:

<u>Agency</u>	<u>Services</u>	<u>2005 Recommended</u>
ODC	Shelter-Based Work	\$8.50/worker/day
	Supported Employment	\$8.50/worker/day
	Job Coaching	\$22/hour
GIVE	Shelter-Based Work	\$7.74/worker/day
	Supported Employment	\$7.74/worker/day
	Job Coaching	\$16.25/hour

Adopted December 21, 2004. No. 660

WHEREAS, the County Board of Commissioners of the County of St. Louis, State of Minnesota, desires to offer for sale, as recommended by the Land Commissioner, certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes; and

WHEREAS, said parcels of land as described in the County Board File No. 58246 have been classified as non-conservation land as provided for in Minnesota Statutes, Section 282.01; and

WHEREAS, said parcels of land are not withdrawn from sale pursuant to Minnesota Statutes, Section 84.012, 92.461, 282.01, Subd. 8, and 282.018, and other statutes that require the withholding of tax forfeited lands from sale; and

WHEREAS, the classification and sale of these lands has been approved by the government subdivision in which they are located.

NOW, THEREFORE, BE IT RESOLVED, the County Auditor is hereby authorized to offer said lands at public sale at not less than the basic sale price in accordance with terms set forth in the Land Department policy, and in a manner provided for by law on Tuesday, February 8, 2005, at 10:00 A.M. at The Depot, Great Hall, 506 West Michigan Street, Duluth, Minnesota.

BE IT FURTHER RESOLVED, that the St. Louis County Board of Commissioners hereby requests approval from the Commissioner of Natural Resources for the sale of said lands.

Adopted December 21, 2004. No. 661

RESOLVED, that the fund transfers and appropriations for 2004 within the listed funds, as on file in County Board File No. 58336, are hereby approved.

Adopted December 21, 2004. No. 662

WHEREAS, the County requires the services of a consultant to assist with federal legislative and administrative matters; and

WHEREAS, Lockridge, Grindal & Nauen has demonstrated professional expertise and knowledge of federal legislation and administrative activities; and

WHEREAS, the contractor desires and is capable of providing legislative consultant services to St. Louis County during 2005.

NOW, THEREFORE, BE IT RESOLVED, that the appropriate County officials are authorized to enter into an agreement with Lockridge, Grindal & Nauen in 2005 for an amount not to exceed

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\$50,000.00.

RESOLVED FURTHER, that this agreement be funded through the Inter-Governmental Affairs Division (Fund 100, Agency 105001, Object 629900).

Adopted December 21, 2004. No. 663

RESOLVED, that the St. Louis County Board of Commissioners hereby authorizes participation in the Joint Property Tax Study Group for 2005 and authorizes the expenditure of \$11,500 as St. Louis County's share for the Joint Property Tax Study Group for the period of January 1, 2005, through December 31, 2005, payable from Fund 100, Agency 105001, Object 629900.

Adopted December 21, 2004. No. 664

RESOLVED, that the Chair of the Board and the County Auditor are hereby authorized to execute the lobbying services agreement with Arrowhead Counties Association, a copy of which is on file in Contract File No. 04-742, which would utilize the services of St. Louis County's lobbyist, John Ongaro, to further Arrowhead Counties lobbying activities at the State Legislature during the 2005 legislative session.

Adopted December 21, 2004. No. 665

WHEREAS, Detoxification and Hold Services in St. Louis County protect individuals and the community by (1) safely withdrawing people from mood altering substances; (2) protecting clients and others in the community; (3) improving their level of functioning; (4) providing assessment services, medical care, interventive counseling, and appropriate referrals; and (5) supporting their ability to protect and provide for themselves; and

WHEREAS, St. Louis County has supported Detoxification Services with purchase of service agreements since 1997 using local funds, and has paid for Emergency Hold Services as needed with County funds; and

WHEREAS, the Department of Public Health and Human Services can continue supporting these services at a lower overall cost by converting the purchase of service agreements to grant agreements that include both Detoxification and Hold Services.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the Director of Public Health and Human Services to execute grant agreements with the following providers of Detoxification and Hold services for St. Louis County for the period from January 1, 2005, through December 31, 2005, such contracts to be paid from Fund 230, Agency 232006, Object 60600:

<u>Provider</u>	<u>Grant Amount</u>
Center for Alcohol and Drug Treatment	\$1,300,000.00
Range Mental Health Center	\$ 351,125.00

Adopted December 21, 2004. No. 666

WHEREAS, the County Board on June 8th, 2004, directed the Department of Administration and Veteran Services Office to extend the time period for WWII Veterans from St. Louis County to submit their biographical information to the County for the purpose of adding more names and stories to the St. Louis County WWII Book;

WHEREAS, the extended window of opportunity afforded for submittal of additional WWII biographies resulted in nearly 200 more entries into the WWII Book;

WHEREAS, these additional biographies that were submitted added a considerable number of additional pages and costs to the WWII Book along with other accompanying publication costs such as editing, proofing, and shipping;

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby authorizes a supplemental payment not to exceed \$9,400 to Jostens Publishing Company for the

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purposes of publication of the St. Louis County World War II Book, payable from Fund 100, Agency 124001, Object 623900.

RESOLVED FURTHER, that revenues generated from the sales of the St. Louis County World War II Book shall be deposited into the Veteran's Services Office budget (Fund 100, Agency 124001, Org. WWII).

Adopted December 21, 2004. No. 667

RESOLVED, the St. Louis County Board hereby appoints James Laumeyer to serve on the Grievance Board for calendar year 2005.

Adopted December 21, 2004. No. 668

RESOLVED, that the 2004/2005 Civil Service Confidential Bargaining Unit Agreement, a copy of which is on file in Contract File No. 04-743, is hereby approved, and the appropriate County officials are authorized to execute said contract.

Adopted December 21, 2004. No. 669

RESOLVED, that the 2004/2005 Civil Service Basic Bargaining Unit Agreement, a copy of which is on file in Contract File No. 04-744, is hereby approved, and the appropriate County officials are authorized to execute said contract.

Adopted December 21, 2004. No. 670

RESOLVED, that the 2004/2005 Merit Basic Bargaining Unit Agreement, a copy of which is on file in Contract File No. 04-745, is hereby approved, and the appropriate County officials are authorized to execute said contract.

Adopted December 21, 2004. No. 671

RESOLVED, that the 2004/2005 Deputy Sheriffs' (LELS No. 288) Bargaining Unit Agreement is hereby approved and appropriate County officials are authorized to execute said contract contingent upon approval and receipt of a signed contract from the bargaining unit, a copy to be filed in Contract File No. 04-746.

Adopted December 21, 2004. No. 672

RESOLVED, that the 2004/2005 Merit Supervisors' Bargaining Unit Agreement is hereby approved and appropriate County officials are authorized to execute said contract contingent upon approval and receipt of a signed contract from the bargaining unit, a copy to be filed in Contract File No. 04-747.

Adopted December 21, 2004. No. 673

RESOLVED, that the 2004/2005 Deputy Sheriff Supervisors' Bargaining Unit Agreement is hereby approved and appropriate County officials are authorized to execute said contract contingent upon approval and receipt of a signed contract from the bargaining unit, a copy to be filed in Contract File No. 04-748.

Adopted December 21, 2004. No. 674

RESOLVED, that the 2004/2005 Civil Service Supervisors' Bargaining Unit Agreement is hereby approved and appropriate County officials are authorized to execute said contract contingent upon approval and receipt of a signed contract from the bargaining unit, a copy to be filed in Contract File No. 04-749.

Adopted December 21, 2004. No. 675

RESOLVED, that the Health Care Supervisory Bargaining Unit Agreement is hereby approved and appropriate County officials are authorized to execute said contract contingent upon approval and

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receipt of a signed contract from the bargaining unit, a copy to be filed in Contract File No. 04-750.
Adopted December 21, 2004. No. 676

WHEREAS, the Corrections Officers/9-1-1 Bargaining Unit has agreed to accept "Option A" as their County Health Plan; and

WHEREAS, the County has agreed to language changes pertaining to meal and scheduling provisions.

NOW, THEREFORE, BE IT RESOLVED, that the Corrections/9-1-1 Supplemental Agreement is hereby approved and appropriate County officials are authorized to execute said agreement contingent upon approval and receipt of a signed contract from the bargaining unit, a copy to be filed in Contract File No. 04-751.

Adopted December 21, 2004. No. 677

At 12:17 P.M. on Tuesday, December 21, 2004, upon motion of Commissioner Fay, supported by Commissioner Nelson, the Board of County Commissioners adjourned.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:
Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)