

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

**APRIL, 2011**

**OFFICIAL PROCEEDINGS OF THE MEETING**  
**OF THE BOARD OF COUNTY COMMISSIONERS**  
**OF THE COUNTY OF ST. LOUIS, MINNESOTA,**  
**HELD ON APRIL 5, 2011**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 5<sup>th</sup> day of April, 2011, at 9:37 a.m., in the County Board Room, Duluth, Minnesota, with the following members present: Commissioners Frank Jewell, Steve O'Neil, Chris Dahlberg, Mike Forsman, Peg Sweeney, Keith Nelson, and Steve Raukar – 7. Absent: None.

Chair O'Neil asked for a moment of silence to honor U.S. troops serving throughout the world and their families as well as all persons adversely affected by war.

Commissioner O'Neil recognized Thomas R. Hrabik, Associate Professor, UMD Biology Department, for his work on clean water and fish. Professor Hrabik gave a presentation on Tropic Interaction and the Movement of Nutrients in Lake Superior.

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

Bobby Franke, Cotton, asked if the Board has had a chance to look into adopting a state building code as he had a garage built that was not in compliance with the state code.

Commissioner Raukar, supported by Commissioner Forsman, moved to approve the consent agenda. At the request of Commissioner Nelson item 23, Sunshine Week resolution, was pulled for separate consideration. The remainder of the consent was approved; seven yeas, zero nays.

Commissioner O'Neil, supported by Commissioner Raukar, moved a resolution to oppose Minnesota legislation requiring photo identification for voting. Commissioner O'Neil opened the meeting to persons wishing to speak on the motion and the following choose to do so:

Pete Stauber, Timothy Herstad, John M. Glendenning, Jr., Joyce Benson, Lawrence J. Burda, Lorna J. Burda, Anita Gille, Bryan Johnson, Kathy Heltzer, Ron Rodriguez, Jerry Kortesmaki, Steve Townsend, Nancy Aldridge, Joan Peterson, Rosemary Guttormsson, Marcia Stromgren, Ellen Wiss, Dan Tankersley, and Brian Billman.

At 11:00 a.m. the County Board recessed.

At 11:07 a.m. the County Board reconvened.

County Auditor Donald Dicklich thanked everyone who came today and recognized Election

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

86

Judges for their service. Auditor Dicklich said his office administers the laws set forth by the state legislature, and if they want this proposed legislation it should be funded through the state general fund, not by property taxpayers in St. Louis County. After further discussion, Commissioner Forsman, supported by Commissioner Nelson, moved to table the motion until the first meeting in November 2011. The motion failed; three yeas; four nays, Commissioners Dahlberg, Jewell, O'Neil and Sweeney. After further discussion, Commissioner Raukar withdrew his support and offered an amendment to the resolution removing some points and including language objecting to property taxpayers in St. Louis County bearing the cost of photo identification legislation. The amendment passed; six yeas, one nay, Commissioner Forsman. Commissioner Jewell said he would support the resolution, and moved to table for one week, supported by Commissioner Raukar; the motion failed, two yeas, five nays, Commissioners O'Neil, Dahlberg, Forsman, Sweeney and Nelson.

At 12:45 p.m. Commissioner O'Neil called for a recess until 1:45 p.m.

At 1:56 p.m., the County Board reconvened.

County Attorney Mark Rubin said support for a motion cannot be withdrawn once debate on the motion has taken place. County Attorney Rubin said the board currently has before them a resolution which includes an amendment made by Commissioner Raukar. Commissioner Dahlberg moved additional amendments, supported by Commissioner Nelson; the motion failed, two yeas, five nays, Commissioners Jewell, O'Neil, Forsman, Sweeney, and Raukar. The final resolution with the approved amendment passed; five yeas, two nays, Commissioners Forsman and Dahlberg. Resolution No. 168.

Commissioner Raukar, supported by Commissioner O'Neil, moved a resolution proclaiming Sunshine Week; seven yeas, zero nays. Resolution No. 166.

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

Applications for license to sell Tobacco products at retail for the year 2011.—[59239](#)

Kevin Gray, County Administrator, and Melissa Honkola, Interim Employee Relations Director, submitting Board Letter No. 11-101, Public Works Department Maintenance Divisions Bargaining Agreement – 2010/2011.—[59240](#)

Kevin Gray, County Administrator, submitting Board Letter No. 11-104, Support for Higher Gross Vehicle Weights for Trucks on Federal Interstate Highway System.—[59241](#)

Agreement for Professional Services between St. Louis County and Constellation Justice Systems, Inc., to implement the delivery system of electronic confirmation messages of MNCIS county activity.—[11-237](#)

Agreement for Professional Services between St. Louis County and Michael W. Lien, Attorney at Law, to provide adult mental health legal services.—[11-238](#)

Safety & Risk Management Training Contract between St. Louis County and Rod Raymond for *"It's My Life: Where do I go from here?" Presentation on Wellness and Body Mechanics.*—[11-239](#)

Contract for County-State aid Highway (CSAH) Projects between the County of St. Louis

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

87

and Watters & Sons Excavating, LLC, for SAP 69-614-012, CP 99645B (Culvert Replacement, Aggregate Base, PM Bituminous Surface, Aggregate Shouldering, Riprap, & Turf Establishment) on CSAH 14 (West Skyline Parkway).—[11-240](#)

Amendment #1 to Mn/DOT Partnership Agreement No. 96829P, Nopeming Shared Materials Storage Facility.—[11-241](#)

Miscellaneous Lease between St. Louis County Land Commissioner and Duluth MSA Limited Partnership d/b/a Verizon Wireless for a 10-year telecommunications tower lease ending December 31, 2021.—[11-242](#)

Agreement for Professional Services between St. Louis County and CH2M Hill, Inc., for *Saint Louis County Rumble Strip Workshop*.—[11-243](#)

2011 MN Dept. of Natural Resources 2011 Boat & Water Safety Grant.—[11-244](#)

Amendment No. 1 to MN Dept. of Public Safety, Div. of Emergency Communication Network Grant Contract 9600000260F for the ARMER radio communications system extending the term of the grant to from September 30, 2010 to March 31, 2011.—[11-245](#)

Amendment to Agreement for Professional Services, Damion No. 2010-5617, between St. Louis County and R.W. Beck, Inc., for feasibility study for Landfill Gas Management Options Evaluation for the St. Louis County Regional Landfill extending the termination date from December 31, 2010 to December 31, 2011.—[11-246](#)

St. Louis County On-Line Software Subscriber Agreement between the County of St. Louis and Common Ground.—[11-247](#)

Amendment to Agreement for Collection and Recycling of Electronic Waste, Contract Damion #2010-5806, extending the term from May 1, 2011 to April 30, 2012 and certain fees.—[11-248](#)

Agreement for Purchase of Services between St. Louis County and Northspan Group for economic development assistance.—[11-249](#)

Grant Agreement, Contract No. 20939, between St. Louis County Board of Commissioners and Occupational Development Center, Inc. (ODC) for Statewide Minnesota Family Investment Program (MFIP) Employment Services and Diversionary Work Program Services (DWP).—[11-250](#)

Purchase of Service Agreement, Contract No. 14863, between St. Louis County Board of Commissioners and Lutheran Social Service of Minnesota (Bethany Foster Care Program).—[11-251](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14542B, between the Public Health and Human Services Department and Interim Healthcare of Lake Superior, Inc.—[11-252](#)

Office of Pharmacy Affairs (OPA) Certification of Contract with State/Local Government to Provide Health Care Services to Low Income Individuals between St. Louis County and St. Mary's Medical Center.—[11-253](#)

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

88

Contract for County-State Aid Highway Projects between the County of St. Louis and Ulland Brothers, Inc., for MP 120492, Plant Mixed Bituminous Surface and Aggregate Shoulders, on the Landfill Access Road, Virginia, Minnesota.—[11-254](#)

Public Safety Product CDE E911 Full Remedial Maintenance Agreement between St. Louis County and Qwest Communications Company, LLC.—[11-255](#)

Grant Agreement, Contract No. 20944, between St. Louis County Board of Commissioners and Arrowhead Economic Opportunity Agency for Statewide Minnesota Family Investment Program (MFIP) Employment Services and Diversionary Work Program Services (DWP).—[11-256](#)

Grant Agreement, Contract No. 20945, between St. Louis County Board of Commissioners and Community Action Duluth for Minnesota Innovation Fund 2011 Transportation.—[11-257](#)

Agreement, Contract No. 14850, between St. Louis County Board of Commissioners and Life House for Assertive Community Treatment Team South.—[11-258](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14555B, between the Public Health and Human Services Department and Spectrum Community Health, Inc.—[11-259](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14679B, between the Public Health and Human Services Department and Fairview Range Regional Health Services d/b/a Greenview Residence.—[11-260](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14600A, between the St. Louis County Board of Commissioners and Welter Adult Foster Home. —[11-261](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14725A, between the St. Louis County Board of Commissioners and Shelly Sullivan and Charles Sullivan.—[11-262](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14704A, between the St. Louis County Board of Commissioners and Roxanne McMillen and Jeffrey McMillen.—[11-263](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14699B, between the St. Louis County Board of Commissioners and Maria Allen.—[11-264](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14701A, between the St. Louis County Board of Commissioners and Julie Vanderbeek and Kenneth Vanderbeek.—[11-265](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14681C, between the St. Louis County Board of Commissioners and New Life Horizons, Inc.—[11-266](#)

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

89

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14708A, between the St. Louis County Board of Commissioners and Cheryl Staury d/b/a Cotton Country Manor.—11-267

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14640A, between the St. Louis County Board of Commissioners and REM Arrowhead, Inc.—11-268

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14653B, between the St. Louis County Board of Commissioners and Northland AFC, Inc.—11-269

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14590A, between the St. Louis County Board of Commissioners and Lutheran Social Service of Minnesota.—11-270

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14588A, between the St. Louis County Board of Commissioners and Barbara Gross Adult Foster Home. — 11-271

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14601B, between the St. Louis County Board of Commissioners and Seeland Adult Foster Homes d/b/a Country Care.—11-272

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14559B, between the St. Louis County Board of Commissioners and Stepping Stones for Living, LLC.—11-273

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14759A, between the St. Louis County Board of Commissioners and Mark D. Nelson and Mona K. Nelson d/b/a Bayside Adult Foster Home. —11-274

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14780B, between the St. Louis County Board of Commissioners and Mary S. Atwood.—11-275

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14587A, between the St. Louis County Board of Commissioners and Comfort Living AFC Homes.—11-276

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14524B, between the St. Louis County Board of Commissioners and Alternative Opportunities, Inc.—11-277

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14810A, between the St. Louis County Board of Commissioners and Kathy J. Carlson d/b/a Carlson's Homes Plus.—11-278

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14593A, between the St. Louis County Board of Commissioners and Claudette Lentz Adult Foster Home. —11-279

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

90

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14742A, between the St. Louis County Board of Commissioners and Dana Johnson d/b/a Rising Sun Vista.—11-280

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14644A, between the St. Louis County Board of Commissioners and Range Center, Inc.—11-281

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14537A, between the St. Louis County Board of Commissioners and TL Care Services, LLC, d/b/a Westview Services.—11-282

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14540B, between the St. Louis County Board of Commissioners and Range Mental Health Center.—11-283

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14709A, between the St. Louis County Board of Commissioners and Susan Scufsa d/b/a The Pines.—11-284

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14586A, between the St. Louis County Board of Commissioners and Brandt Adult Foster Home.—11-285

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14659B, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc.—11-286

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14721A, between the St. Louis County Board of Commissioners and Ryan Kesselhon and Lora Kesselhon.—11-287

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14721B, between the St. Louis County Board of Commissioners and Ryan Kesselhon and Lora Kesselhorn.—11-288

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14726A, between the St. Louis County Board of Commissioners and Patricia Rongstad.—11-289

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14575A, between the St. Louis County Board of Commissioners and Lee Foster Care Homes (LFC).—11-290

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14706A, between the St. Louis County Board of Commissioners and Barbara Bernsdorf.—11-291

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14596A, between the St. Louis County Board of Commissioners and Donna Tracy Adult

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

91

Foster Home. —[11-292](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14602A, between the St. Louis County Board of Commissioners and Brenda Hansen Adult Foster Home. —[11-293](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14584A, between the St. Louis County Board of Commissioners and Balmer Adult Foster Home (Amity House). —[11-294](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14805A, between the St. Louis County Board of Commissioners and Shane Clemens Adult Foster Home. —[11-295](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14576A, between the St. Louis County Board of Commissioners and Kiminki Homes, Inc. —[11-296](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14806A, between the St. Louis County Board of Commissioners and “R” Home Adult Foster Care. —[11-297](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14631A, between the St. Louis County Board of Commissioners and Carol Reigstad Adult Foster Homes. —[11-298](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14638A, between the St. Louis County Board of Commissioners and Taylor SLS, Inc. —[11-299](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14696A, between the St. Louis County Board of Commissioners and Janis Arola and David Arola d/b/a Autumn Adult Foster Care Home. —[11-300](#)

Addendum to Grant Agreement, Contract No. 20792A, between the St. Louis County Board of Commissioners and Human Development Center. —[11-301](#)

Agreement for Professional Services between the County of St. Louis and Foster, Jacobs & Johnson, Inc., for engineering design services for the Duluth Government Services Center First Floor Remodeling Project. —[11-302](#)

Grant Agreement No. 2011-006166 between St. Louis County and St. Louis County Agricultural Fair Association.—[11-303](#)

Memorandum of Understanding between St. Louis County and the County of Itasca for funding from the 2010 Public Safety Interoperable Communication Grant for the Allied Radio Matrix for Emergency Response (ARMER) radio equipment.—[11-304](#)

Contract for County-State Aid Highway (CSAH) Projects between the County of St. Louis and Mesabi Bituminous, Inc., for MP 127-120490(low), and MP 452-120491, Plant Mixed Bituminous Surface and Aggregate Shoulders on County Rd. 452 and CSAH 127 near Iron,

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

92

MN.—11-305

Addendum to Community-Based Waiver Services Contract, Contract No. 14643C, between the St. Louis County Board of Commissioners and Rural Living Environments, Inc.—11-306

Addendum to Community-Based Waiver Services Contract, Contract No. 14783A, between the St. Louis County Board of Commissioners and Ann E. Teske and Mary Wentland d/b/a Our Brothers Love.—11-307

Addendum to Community-Based Waiver Services Contract, Contract No. 14695A, between the St. Louis County Board of Commissioners and Kathryn B. Brevik and Louis J. Brevik.—11-308

Addendum to Community-Based Waiver Services Contract, Contract No. 14539A, between the St. Louis County Board of Commissioners and Family Counseling and Extended Services, Inc., d/b/a FACES North.—11-309

Addendum to Community-Based Waiver Services Contract, Contract No. 14711A, between the St. Louis County Board of Commissioners and Michael Cooney and Heidi Cooney.—11-310

Addendum to Community-Based Waiver Services Contract, Contract No. 14597A, between the St. Louis County Board of Commissioners and Tuominen Adult Foster Home. —11-311

Addendum to Community-Based Waiver Services Contract, Contract No. 14574A, between the St. Louis County Board of Commissioners and L & M Opportunities, Inc.—11-312

Addendum to Community-Based Waiver Services Contract, Contract No. 14578A, between the St. Louis County Board of Commissioners and Capstone Services, LLC.—11-313

Addendum to Community-Based Waiver Services Contract, Contract No. 14566C, between the St. Louis County Board of Commissioners and Heartland Homes of Duluth, LLC.—11-314

Addendum to Community-Based Waiver Services Contract, Contract No. 14702A, between the St. Louis County Board of Commissioners and Theresa St. Germain.—11-315

Addendum to Community-Based Waiver Services Contract, Contract No. 14577A, between the St. Louis County Board of Commissioners and EBI, Inc. —11-316

Addendum to Community-Based Waiver Services Contract, Contract No. 14727A, between the St. Louis County Board of Commissioners and Carey Special Needs Foster Home. —11-317

Addendum to Community-Based Waiver Services Contract, Contract No. 14572A, between the St. Louis County Board of Commissioners and A & E Homes, Inc. —11-318

Addendum to Community-Based Waiver Services Contract, Contract No. 14617A, between the St. Louis County Board of Commissioners and Bluewater Residential Services, LLC. —11-319

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

93

Addendum to Community-Based Waiver Services Contract, Contract No. 14703A, between the St. Louis County Board of Commissioners and Jean Truman d/b/a Quilt Haven. —[11-320](#)

Addendum to Community-Based Waiver Services Contract, Contract No. 14699A, between the St. Louis County Board of Commissioners and Maria Allen. —[11-321](#)

Addendum to Community-Based Waiver Services Contract, Contract No. 14635D, between the St. Louis County Board of Commissioners and Innovative Living, Inc. —[11-322](#)

Agreement, Contract No. 14858, between the St. Louis County Board of Commissioners and Occupational Development Center, Inc. for Assertive Community Treatment Team North. —[11-323](#)

Agreement, Contract No. 14847, between the St. Louis County Board of Commissioners and Range Mental Health Center, Inc., for Assertive Community Treatment Team North. —[11-324](#)

Grant Agreement, Contract No. 20938, between the St. Louis County Board of Commissioners and the City of Duluth for Minnesota Innovation Fund 2011 Transportation. —[11-325](#)

Grant Agreement, Contract No. 20940, between the St. Louis County Board of Commissioners and the City of Duluth for Statewide Minnesota Family Investment Program (MFIP) Employment Services and Diversionary Work Program Services (DWP). —[11-326](#)

Home and Community-Based Waiver Services Contract, Contract No. 14852, between the St. Louis County Board of Commissioners and Jay Litman Construction/Remodeling & Handyman Services, Inc. —[11-327](#)

Purchase of Service Agreement, Contract No. 14845, between the St. Louis County Board of Commissioners and Colonial Management Group, LP, d/b/a Metro Treatment of Minnesota, LP d/b/a Lake Superior Treatment Center for Consolidated Chemical Dependency Treatment Fund. —[11-328](#)

Purchase of Service Agreement, Contract No. 14844, between the St. Louis County Board of Commissioners and Arrowhead Center, Inc., for Court Ordered Urinalysis Collection and Drug Testing Services. —[11-329](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14645A, between the St. Louis County Board of Commissioners and Iron Range Empowerment Services, LLC. —[11-330](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14784A, between the St. Louis County Board of Commissioners and Mary Gargano d/b/a Gargano Adult Foster Care. —[11-331](#)

Group Residential Housing Rate Agreement, Contract No. 50948, between the St. Louis County Board of Commissioners and Greenview Residence North. —[11-332](#)

Group Residential Housing Rate Agreement, Contract No. 50949, between the St. Louis County Board of Commissioners and Greenview Residence South. —[11-333](#)

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

94

Group Residential Housing Rate Agreement, Contract No. 50954, between the St. Louis County Board of Commissioners and Mary Atwood. —11-334

Agreement for Purchase of Services, Contract No. 2011-6207, between St. Louis County and Mesabi Humane Society for animal shelter/humane society services. —11-335

Purchase of Service Agreement, Contract No. 14856, between the St. Louis County Board of Commissioners and Woodland Hills for Children's Residential Services. —11-336

Agreement for Professional Services between St. Louis County and North St. Louis Soil and Water Conservation District for Wetland Conservation Act administration. —11-337

State of Minnesota Agency Agreement No. 97232 between Department of Transportation and St. Louis County for Federal Participation in Preliminary Engineering for SP 69-591-03, MP KRTS 6910(084). —11-338

Agreement between St. Louis County and Steven Koch and Carla Koch owner/operators of Melgeorge's Elephant Lake Lodge, Inc., for sanctions as a result of a liquor law violation. —11-339

Upon motion by Commissioner Raukar, supported by Commissioner Forsman, resolutions numbered 141 through 165 and 167, as submitted to this Board on the Consent Agenda, were unanimously adopted as follows:

**BY COMMISSIONER RAUKAR:**

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of March 22, 2011, are hereby approved.

Adopted April 5, 2011. No. 141

WHEREAS, St. Louis County provides Child Protection and Intervention and Prevention Programs; and

WHEREAS, the St. Louis County Department of Public Health and Human Services has contracted with Lutheran Social Service (LSS) Bethany Crisis Shelter and LSS Family Resource Center to provide Supervised Visitation Services on behalf of the county; and

WHEREAS, the Department wishes to renew these agreements to promote a safe environment for youth to visit non-custodial parents and other family members.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes agreements, for the period January 1, 2011 through December 31, 2011, with Lutheran Social Service Bethany Crisis Shelter at \$35 per hour for Basic Supervised Visitation and \$40 per hour for Structured Supervised Visitation; and with LSS Family Resource Center for Basic Supervised Visitation at \$34 per hour, payable from Fund 230 (Social Services), Agency 232008 (Children's Services), Expense Object 602000 (Other Children's Services).

RESOLVED FURTHER, that both programs shall have a uniform drive time rate of \$18 per hour for staff to go to the visitations.

Adopted April 5, 2011. No. 142

WHEREAS, the Minnesota Housing Finance Agency awards grant funds to counties to fund services for the homeless and those at risk of homelessness; and

WHEREAS, St. Louis County has received funding from the Minnesota Housing Finance Agency Family Homeless Prevention and Assistance Program since 1995 to fund services for

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

95

the homeless and those at risk of homelessness.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the submission of a grant application in an amount up to \$750,000 to the Minnesota Housing Finance Agency Family Homeless Prevention and Assistance Program for the 2011-2013 biennium.

Adopted April 5, 2011. No. 143

WHEREAS, the Land Department plans to treat 832.5 acres with ground applied herbicides for tree plantation site preparation and the release of existing conifer plantations on state tax forfeited lands in the summer of 2011; and

WHEREAS, the Purchasing Division solicited bids for ground application of herbicides with Future Forests, Inc., of Askov, MN, submitting the only bid in the amount of \$99,269.50.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to execute a contract with Future Forests, Inc., of Askov, MN, for the chemical site preparation of 20 sites totaling 503 acres and the chemical release of 8 sites totaling 329.5 acres, in accordance with the specifications of Bid No. 4939, subject to approval of the County Attorney, at its bid price of \$99,269.50, payable from Fund 290, Agency 290001.

Adopted April 5, 2011. No. 144

RESOLVED, that St. Louis County Board Resolution No. 11-92, dated March 1, 2011, authorizing the cancellation of contract for purchase of state tax forfeited lands by DelRae Ann Howard of Hibbing, MN, is amended to change the legal description to the following:

TOWN OF MCDAVITT

NE 1/4 OF NE 1/4 EX RY RT OF W 4 58/100 AC AND EX THAT PART W OF THE RY RT OF W ALSO EX 2 27/100 AC FOR ROAD AND THAT PART OF NE 1/4 OF NE 1/4 LYING W OF THE D M AND N RY RT OF WAY AND NLY 60 RODS OF SE 1/4 OF NE 1/4 WEST OF RY RT OF WAY

Twp 56 N Rng 18 W Sec 27

Parcel Codes: 435-10-4680, 4690, 4715

Adopted April 5, 2011. No. 145

WHEREAS, Douglas Hustad Logging, Inc., has requested a third one-year contract extension on St. Louis County Timber Contracts C19070152 (Dragon Sale), C19060042 (No Crows Sale), and C19060038 (Adios Muchacho Sale); and

WHEREAS, the request for a third one-year extension is outside the guidelines set forth in the 2006 Timber Sale Extension Exception Policy (County Board Resolution No. 06-642, December 12, 2006); and

WHEREAS, granting a third one-year extension on the three sales will result in cost savings in personnel time rather than re-offering the contracts.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes a third one-year contract extension with Douglas Hustad Logging, Inc., for St. Louis County Timber Contracts C19070152 (Dragon Sale), C19060042 (No Crows Sale), and C19060038 (Adios Muchacho Sale), with the requirement that if the contracts are not completed by the end of the extension period, the full contract value must be paid with no additional extensions allowed.

Adopted April 5, 2011. No. 146

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

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

96

WHEREAS, the applicants, Michael Livingston of Virginia, MN, Mabel Bolf of Duluth, MN, Fay Augustine of Duluth, MN, Conrad and Carol Peterzen of Hibbing, MN, Ronald Lackner of Virginia, MN, and Julie Diesing of Hastings, MN, have applied to repurchase state tax forfeited land; and

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

WHEREAS, approving the repurchases will correct undue hardship and promote the use of lands that will best serve the public interest.

NOW, THEREFORE, BE IT RESOLVED, that the St Louis County Board approves the repurchase application by Michael Livingston of Virginia, MN, on file in County Board File No. 59199, subject to payments including total taxes and assessments of \$9,896.74, service fee of \$114, deed tax of \$17.89, deed fee of \$25, and recording fee of \$46; for a total of \$10,099.63, to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, that the St Louis County Board approves the repurchase application by Mabel Bolf of Duluth, MN, on file in County Board File No. 59199, subject to payments including total taxes and assessments of \$1,130.80, service fee of \$114, deed tax of \$3.73, deed fee of \$25, and recording fee of \$46; for a total of \$1,319.53, to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, that the St Louis County Board approves the repurchase application by Fay Augustine of Duluth, MN, on file in County Board File No. 59199, subject to payments including total taxes and assessments of \$2,746.86, service fee of \$114, deed tax of \$9.06, deed fee of \$25, and recording fee of \$46; for a total of \$2,940.92, to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, that the St Louis County Board approves the repurchase application by Conrad and Carol Peterzen of Hibbing, MN, on file in County Board File No. 59199, subject to payments including total taxes and assessments of \$18,928.26, service fee of \$114, deed tax of \$36.72, deed fee of \$25, and recording fee of \$46; for a total of \$19,149.98, to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, that the St Louis County Board approves the repurchase application by Ronald Lackner on file in County Board File No. 59199, subject to payments including total taxes and assessments of \$3,718.45, a service fee of \$114, a deed tax of \$12.27, a deed fee of \$25, and a recording fee of \$46; for a total of \$3,915.72 to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, that the St Louis County Board approves the repurchase application by Ronald Lackner of Virginia, MN, on file in County Board File No. 59199, subject to payments including total taxes and assessments of \$1,393.50, service fee of \$114, deed tax of \$4.60, deed fee of \$25, and recording fee of \$46; for a total of \$1,583.10, to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, that the St Louis County Board approves the repurchase application by Ronald Lackner of Virginia, MN, on file in County Board File No. 59199, subject to payments including total taxes and assessments of \$1,139.56, service fee of \$114, deed tax of \$3.76, deed fee of \$25, and recording fee of \$46; for a total of \$1,328.32, to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, that the St Louis County Board approves the repurchase application by Julie Diesing of Hastings, MN, on file in County Board File No. 59199, subject to payments including total taxes and assessments of \$2,645.63, service fee of \$114, deed tax of \$8.73, deed fee of \$25, and recording fee of \$46; for a total of \$2,839.36, to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted April 5, 2011. No. 147

RESOLVED, that the St. Louis County Board authorizes an agreement, and any amendments

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

97

approved by the County Attorney, with Lake County where Lake County will pay its local share for items listed in the Schedule of Prices in the Proposal/Plan Package and Plan described as MP 97035, Crack Sealing 2011, with the funds to be receipted into Fund 200, Agency 201066, Object 551508.  
Adopted April 5, 2011. No. 148

RESOLVED, that the St. Louis County Board authorizes an agreement, and any amendments approved by the County Attorney, with the City of Biwabik where the City will pay its local share for items listed in the Schedule of Prices in the Proposal/Plan Package and Plan described as MP 97035, Crack Sealing 2011, with the funds to be receipted into Fund 200, Agency 201066, Object 551540.  
Adopted April 5, 2011. No. 149

RESOLVED, that the St. Louis County Board authorizes an agreement, and any amendments approved by the County Attorney, with the Town of Rice Lake where the Township will pay its local share for items listed in the Schedule of Prices in the Proposal/Plan Package and Plan described as MP 97035, Crack Sealing 2011, with the funds to be receipted into Fund 200, Agency 201066, Object 551521.  
Adopted April 5, 2011. No. 150

WHEREAS, the St. Louis County Public Works Department plans to reconstruct the intersection of County Road Number 697 with Main Street (Plat of Soudan) in Section 28, Township 62 North, Range 15 West; and  
WHEREAS, the improvement consists of the reconstruction of the intersection as 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 the project, together with temporary construction easements.  
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the Public Works Director to proceed with the acquisition of the necessary lands and temporary easements, payable from Fund 200, Agency 203001.  
Adopted April 5, 2011. No. 151

RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to enter into an agreement, and approve any amendments authorized by the County Attorney, with LHB Corporation of Duluth, MN, for design services for the reconstruction of County Bridge 808 along County State Aid Highway 7 over the Cloquet River in Industrial Township, MN, C.P. 98840. The total cost of these services is \$107,700.00, payable from Fund 220, Agency 220258, Object 626600.  
Adopted April 5, 2011. No. 152

RESOLVED, that the St. Louis County Board approves the applications for abatements, correction of assessed valuations and taxes plus penalty and interest, and any additional accrual, identified in County Board File No. 59185.  
Adopted April 5, 2011. No. 153

WHEREAS, St. Louis County purchased the Northland Office Center from the City of Virginia located at 307 First Street South in Virginia, Minnesota in 2003; and  
WHEREAS, the Range Women's Advocates, Dr. Kathleen Sulentic, M.D., and Dr. Charles A. Tietz, M.D. had entered into their original leases with the City of Virginia in October, 2002 for space, and these original leases were allowed to go month-to-month; and  
WHEREAS, all parties now wish to enter into new leases with the county for a one year term

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

98

with the option for five additional one year terms, if mutually agreed to by the lessees and the county.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board authorizes lease agreements as described above with Range Women's Advocates, Dr. Kathleen Sulentich, M.D., and Dr. Charles A. Tietz, M.D., retro-active to January 1, 2011, the annual sum of \$54,690.40 payable in equal monthly payments assigned to Fund 100, Agency 128006.

Adopted April 5, 2011. No. 154

RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to execute an agreement with SuperiorUSA Corporation, for the administration of the 2011-2012 Flexible Spending Accounts Plan, payable from Fund 100, Agency 123001, Object 620200.

Adopted April 5, 2011. No. 155

RESOLVED, that the St. Louis County Board establishes a public hearing on Tuesday, April 26, 2011, at 9:40 a.m. in the Northland Town Hall, Canyon, Minnesota, to consider alleged liquor law violations at Gateway Store, d/b/a Gateway Store, LLC, Unorganized Township 68-21.

Adopted April 5, 2011. No. 156

RESOLVED, that a public hearing will be held at 9:45 a.m. on Tuesday, April 26, 2011, in the Northland Town Hall, Canyon, Minnesota, to consider alleged liquor law violations at Vermilion Club d/b/a Vermilion Club, Inc., Greenwood Township.

Adopted April 5, 2011. No. 157

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. 59184;

RESOLVED FURTHER, that said license is approved contingent upon license holder paying real estate or personal property taxes when due;

RESOLVED FURTHER, 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;

RESOLVED FURTHER, that said license is approved contingent on Sheriff's Office approval of outdoor deck plans and applicant submitting Minnesota Department of Health Food/Beverage license application;

RESOLVED FURTHER, that said license shall be effective through June 30, 2011:

Crane Lake Bar & Grill, LLC, d/b/a Crane Lake Bar & Grill, Crane Lake Township, On-Sale Intoxicating Liquor License No. CMB11138 and Sunday On-Sale Intoxicating Liquor License No. SUN11138, new.

Adopted April 5, 2011. No. 158

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. 59239, is hereby approved and the County Auditor is authorized to issue the license as follows;

RESOLVED FURTHER, that if named license holder 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 license holder:

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

99

Crane Lake Bar & Grill, LLC, d/b/a Crane Lake Bar & Grill, Crane Lake  
Township, Tobacco Products License No. T11259, new.  
Adopted April 5, 2011. No. 159

WHEREAS, the St. Louis County Sheriff's Office has maintained a duty station on the 2<sup>nd</sup> floor of the Ely City Hall, Ely, Minnesota, for the past 20 years; and  
WHEREAS, the most recent lease expired on December 31, 2009; and  
WHEREAS, the Sheriff desires to continue to occupy this space.  
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to execute a new six-year lease with the City of Ely for the rental of Sheriff's Office space in the Ely City Hall, 209 E. Chapman Street, Ely, MN, for the period January 1, 2010 through December 31, 2015, at the annual rate of \$6,555, to be paid from Virginia Sheriff's Agency 129007, Object 634200.  
Adopted April 5, 2011. No. 160

WHEREAS, St. Louis County owns and operates the Hibbing Holding Facility in Hibbing, Minnesota; and  
WHEREAS, in 2003 the City of Hibbing and St. Louis County entered into an agreement to provide continuous operation of the Holding Facility twenty-four hours per day, seven days per week; and  
WHEREAS, the parties wish to continue this mutually beneficial arrangement.  
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to renew an agreement between the City of Hibbing and St. Louis County for housing inmates at the St. Louis County Holding Facility in Hibbing in the amount of \$75,295 for calendar year 2009, and \$66,000 annually for the period January 1, 2010 through December 31, 2013, to be accounted for in Fund 100, Agency 129001, Revenue 551504.  
Adopted April 5, 2011. No. 161

WHEREAS, the St. Louis County Sheriff's Office will need to replace two aging emergency response vehicles and has an opportunity to replace them with one state of the art command vehicle; and  
WHEREAS, the Sheriff's Office will also need to complete a microwave communications link from the tower on Observation Road to the St. Louis County Public Safety Building in Duluth, and then to the St. Louis County Emergency Operations Center at Pike Lake; and  
WHEREAS, the Sheriff's Office has been approved to receive a grant from the FY2008 Port Security Grant Program for these projects; and  
WHEREAS, the microwave link proposed would enhance the county's communications capabilities in the port area and the command vehicle would improve its ability to respond to any incident and assist other maritime partners' land response.  
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes acceptance of the 2008 Port Security Grant Program award for Port Security in the amount of \$545,813, to be accounted for in Fund 100, Agency 129999, Grant 12938, Year 2008.  
RESOLVED FURTHER, that the required 25% cash match of \$181,937 shall come from IT Telecommunications (\$79,437), Fund 760, Agency 760001, Object 697600 (Transfer Out) and in Motor Pool (\$102,500), Fund 715, Agency 715001, Object 697600 (Transfer Out) to the General Fund, Sheriff's Grants 129999, Object 590100 (Transfer In).

BUDGET ENTRY

760-760001-697600 Transfer Out  
760-999999-311500 Use of Fund Balance

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

100

715-715001-697600 Transfer Out  
715-999999-311500 Use of Fund Balance  
100-129999-590100-12938-99999999-2008 Transfer In  
  
100-129999-665900-12938-99999999-2008 Expense Budget  
100-129999-666300-12938-99999999-2008 Expense Budget

ACTUAL ENTRY

760-760001-697600 Transfer Out  
715-715001-697600 Transfer Out  
100-129999-590100-12938-99999999-2008 Transfer In  
Adopted April 5, 2011. No. 162

RESOLVED, that the 2010/2011 Public Works Department Maintenance Divisions contract is approved and the appropriate county officials are authorized to execute the Bargaining Unit Agreement, a copy of which is on file in County Board File No. 59240.  
Adopted April 5, 2011. No. 163

WHEREAS, St. Louis County has traditionally used outside professional legal services to provide civil commitment representation for individuals alleged to be mentally ill, mentally retarded, mentally ill and dangerous, chemically dependent, and sexually dangerous/sexual psychopathic personalities; and

WHEREAS, the need for these services still exists, and it is in the best interest of the citizens of St. Louis County to establish a Joint Powers Agreement with Carlton, Cook and Lake Counties for the purpose of entering into a professional services contract with Michael Lien, Attorney at Law; and

WHEREAS, as is past practice, an additional contract with an Attorney at Law on the Range is practical for providing civil commitment services in this area of the county.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to enter into a Joint Powers Agreement with Carlton, Cook and Lake Counties for purposes of a joint civil commitment contract as well as authorize the appropriate county officials to enter into one-year contracts with Michael Lien, Attorney at Law (to provide services to St. Louis, Carlton, Cook and Lake Counties) at the rate of \$31,304.80.

RESOLVED FURTHER, that a one year agreement be authorized with Todd Deal, Attorney at Law, to provide the same services for St. Louis County alone at the rate of \$15,000.

RESOLVED FURTHER, that the contracts will specify the cost of representation of individuals alleged to be sexually dangerous and/or sexual psychopathic personalities, whose petitions would be handled at the rate of \$60.00/hour (with a \$3,000 per case cap). Funding is available in the County Attorney's budget, Fund 100, Agency 110001, Object 626100.

Adopted April 5, 2011. No. 164

WHEREAS, for more than 25 years the federal weight limit for trucks using the federal interstate system has been set at 80,000 pounds - a regulation that now challenges the nation's safety, economy, environment, and infrastructure; and

WHEREAS, currently, logging trucks are forced to use city and county rural roads when the federal interstate system would provide a safer and more direct route to area mills, and routing them onto federal interstate highways that are more suitable for this type of traffic, reducing truck miles and the inevitable toll on local city and county roads; and

WHEREAS, the St. Louis County Board of Commissioners wishes to support a request from the Associated Contract Loggers & Truckers of Minnesota (ACLT) to allow logging trucks

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

101

on the federal interstate system; and

WHEREAS, the proposed federal legislation known as the "Safe & Efficient Transportation Act" will give states the option to safely raise interstate weight limits, without making trucks any larger, by setting interstate weight limits of up to 97,000 pounds for vehicles equipped with an additional sixth axle; and

WHEREAS, Minnesota statute allows for gross vehicle weights of 99,000 pounds, and Congressman Chip Cravaack has introduced the Truck Weight Uniformity Act of 2011 (H.R. 801) in the House of Representatives, which will mirror the Minnesota statute and therefore establish uniformity across county, state, and federal road systems in Minnesota.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board supports the passage of the Truck Weight Uniformity Act of 2011 (H.R. 801), which seeks gross vehicle weights of 99,000 pounds for trucks using federal highways and interstates while transporting raw, unprocessed agricultural and forest products, establishing uniformity across county, state, and federal road systems in Minnesota.

Adopted April 5, 2011. No. 165

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, dated March 25, 2011, on file in the office of the County Auditor, identified as County Board File No. 59188, is hereby received and ratified as payable from Fund 730, Agency 730001.

Adopted April 5, 2011. No. 167

**BY COMMISSIONER RAUKAR:**

WHEREAS, James Madison, the father of our federal Constitution, wrote that "consent of the governed" requires that the people be able to "arm themselves with the power which knowledge gives;" and

WHEREAS, every citizen in our participatory democracy has an inherent right of access to government meetings and public records; and

WHEREAS, an open and accessible government is vital to establishing and maintaining the people's trust and confidence in their government and in the government's ability to effectively serve its citizens; and

WHEREAS, the protection of every person's right of access to public records and government meetings is a high priority of the St. Louis County Board of Commissioners; and WHEREAS, the St. Louis County Board remains committed to openness and transparency in all aspects of its operations and seeks to set a standard in this regard.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby commits, in tribute to Sunshine Week, which commemorates the 261<sup>st</sup> anniversary of James Madison's birth, to continue to work diligently to enhance the public's access to government records and information, to increase information provided electronically and on-line, and to ensure that all meetings of deliberative bodies under its jurisdiction, and its committees, are fully noticed and open to the public.

Unanimously adopted April 5, 2011. No. 166

**BY COMMISSIONER RAUKAR:**

WHEREAS, the St. Louis County Board of Commissioners believes it is of the utmost importance to ensure full participation by eligible voters in every election held in the state of Minnesota, without disenfranchising any of our citizens in their efforts to cast a valid ballot; and

WHEREAS, many eligible voters including the elderly, low-income persons, persons with disabilities, and students do not have current photo identification; and

WHEREAS, photo identification requirements for voting may create an additional layer of

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

102

costly bureaucracy for local election officials, with proposed Minnesota legislation calling for significant up-front costs for equipment and added administration costs for local governments.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners is opposed to local property taxpayers bearing the costs of photo identification requirements for voters in elections conducted in the State of Minnesota.

Yeas – Commissioners Jewell, Sweeney, Nelson, Raukar, and Chair O’Neil - 5

Nays – Commissioners Dahlberg and Forsman - 2

Adopted April 5, 2011. No. 168

At 2:08 p.m., April 5, 2011, Commissioner Nelson, supported by Commissioner Raukar, moved to adjourn; seven yeas, zero nays.

Steve O’Neil, 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  
ST. LOUIS COUNTY, MINNESOTA**

103

**OFFICIAL PROCEEDINGS OF THE MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF ST. LOUIS, MINNESOTA,  
HELD ON APRIL 12, 2011**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 12<sup>th</sup> day of April, 2011, at 9:33 a.m., in the County Board Room, Duluth, Minnesota, with the following members present: Commissioners Frank Jewell, Steve O'Neil, Chris Dahlberg, Mike Forsman, Peg Sweeney, Keith Nelson, and Steve Raukar – 7. Absent: None.

Chair O'Neil asked for a moment of silence to honor U.S. troops serving throughout the world and their families as well as all persons adversely affected by war.

Commissioner O'Neil presented a Certificate of Achievement for Excellence in Financial Reporting to Auditor Donald Dicklich. Auditor Dicklich accepted the award on behalf of St. Louis County and recognized the various departments that helped make it happen. Auditor Dicklich recognized staff directly responsible for the preparation of the Comprehensive Annual Financial Report (CAFR) as follows: Cristen Christensen, Accounting Director; Jan Seafolk, Internal Auditor; and Nancy Nilsen, Chief Deputy Auditor. Auditor Dicklich said this is the 22<sup>nd</sup> consecutive year St. Louis County has been given this award.

Commissioner Dahlberg read the Proclamation of Community Wellness Day on April 16, 2011. Jim Gottschald, St. Louis County Employee Relations Manager, said the event is from 11:00 a.m.-3:00 p.m. at Clyde Iron in Duluth, MN. Accomplishments of St. Louis County employees who participated in the fitness challenge will also be celebrated. Manager Gottschald recognized Dr. Anthony Macioce representing Associated Chiropractic – Kenwood, the premiere sponsor of the event. Other sponsors include Northland Newscenter, Essentia Health, Duluth Dodge, KDAL 610 a.m. radio, and many more.

Sheriff Ross Litman presented five 911 Lifesaver Awards for 2010. Sheriff Litman said the award demonstrates life saving efforts and teamwork. Awards were given to the following individuals: #1 John Marks; #2 Paula Schneller, 911 Dispatcher, James Ostrander, Passenger, and Mark and Shanna Waters, Passersby; #3 Hibbing Police Officers Timothy Stauty and Shane Werneke, and Mr. William Bean; #4 911 Dispatcher Brent Giesen; #5 911 Dispatcher Jeff Hunt.

Chair O'Neil opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and no one chose to do so.

Commissioner Dahlberg, supported by Commissioner Forsman, moved to approve the consent agenda. At the request of Commissioner Nelson number 21 from the consent agenda, establishment of public hearing, was pulled for separate consideration. The remainder of the consent agenda was approved; five yeas, zero nays, with Commissioners Sweeney and Jewell temporarily away from the meeting.

Commissioner Forsman, supported by Commissioner Nelson, moved to table until April 26, 2011, the highway project bid for Hoover Construction, pending Minnesota Department of Transportation (MNDOT) approval; five yeas, zero nays, with Commissioners Sweeney and Jewell temporarily away from the meeting.

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

104

Commissioner Nelson, supported by Commissioner Forsman, move to suspend the rules to establish a public hearing; seven yeas, zero nays.

Commissioner Nelson, supported by Commissioner Sweeney, moved to establish a public hearing on April 26, 2011, at the Northland Town Hall, to consider liquor law violations by 5717, Inc. d/b/a Cross Roads Store, Brevator Township; seven yeas, zero nays. Resolution No. 195.

Commissioner Nelson, supported by Commissioner Jewell, move to suspend the rules to establish a public hearing; seven yeas, zero nays.

Commissioner Nelson, supported by Commissioner Dahlberg, moved to establish a public hearing on May 3, 2011, at the Duluth Court House, to consider liquor law violations by Curran Enterprises, Inc., d/b/a Makinen Liquor Store, Unorganized Township 56-16; seven yeas, zero nays. Resolution No. 196.

Commissioner Nelson, supported by Commissioner Forsman, move to suspend the rules to establish a public hearing; seven yeas, zero nays.

Commissioner Nelson, supported by Commissioner Dahlberg, moved to establish a public hearing on May 3, 2011, at the Duluth Court House, to consider liquor law violations by James Saugestad, d/b/a Melrude Pub, Ellsburg Township; seven yeas, zero nays. Resolution No. 197.

Commissioner Nelson, supported by Commissioner Forsman, moved to rescind item 21 from consent, establishment of a public hearing for Vermilion Club. Commissioner Nelson said this is to correct a clerical error as the public hearing for this establishment has already been scheduled, seven yeas, zero nays.

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

Kevin Gray, County Administrator, and Robert Krepps, Land Commissioner, submitting Board Letter No. 11-108, Classification of state tax forfeited lands as 'conservation'.—59242

Kevin Gray, County Administrator, and Robert Krepps, Land Commissioner, submitting Board Letter No. 11-109, Classification of state tax forfeited lands as 'non-conservation'.—59243

Kevin Gray, County Administrator, and Ted Troolin, Environmental Services Director, submitting Board Letter No. 11-123, Subsurface Sewage Treatment System (SSTS) Advisory Committee.—59244

Kevin Gray, County Administrator, and James Foldesi, Public Works Director/Highway Engineer, submitting Board Letter No. 11-110, Vacation of a Segment of Old Pequaywan Lake Road (Pequaywan Township) and Rescinding Resolution No. 10-173.—59245

Kevin Gray, County Administrator, and Donald Dicklich, County Auditor, submitting Board Letter No. 11-121, Establish a Public Hearing to Consider Off-Sale Intoxicating Liquor License: Crane Lake Bar & Grill, LLC d/b/a Crane Lake Bar & Grill, Crane Lake

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

105

Township.—[59246](#)

Kevin Gray, County Administrator, and Donald Dicklich, County Auditor, submitting Board Letter No. 11-120, Establish a Public Hearing to Consider Allegations of Liquor Law Violations: Knudson & Son, Inc., d/b/a Jim's Ash Trail Store, Unorg. 68-21.—[59247](#)

Kevin Gray, County Administrator, and Donald Dicklich, County Auditor, submitting Board Letter No. 11-131, Establish a Public Hearing to Consider Allegations of Liquor Law Violations: 5717, Inc., d/b/a Crossroads Store, Brevator Township.—[59248](#)

Kevin Gray, County Administrator, and Donald Dicklich, County Auditor, submitting Board Letter No. 11-132, Establish a Public Hearing to Consider Allegations of Liquor Law Violations: Curran Enterprises, Inc., d/b/a Makinen Liquor Store, Unorg. 56-16.—[59249](#)

Kevin Gray, County Administrator, and Donald Dicklich, County Auditor, submitting Board Letter No. 11-133, Establish a Public Hearing to Consider Allegations of Liquor Law Violations: James Saugestad d/b/a Melrude Pub, Ellsburg Township.—[59250](#)

News Release: St. Louis County Receives Certificate of Achievement for Excellence in Financial Reporting.—[59251](#)

Proclamation & Flier: Community Wellness Day - April 16, 2011.—[59252](#)

Sheriff Ross Litman submitting Lifesaver 2010 Awards: John Markas; Paula Schneller, James Ostrander, Mark Waters, Shanna Waters; Timothy Stauty, Shane Werneke, William Bean; Brent Giesen; Jeff Hunt.—[59253](#)

Home and Community-Based Waiver Services Contract, Contract No. 14854, between the St. Louis County Board of Commissioners and Northern Trends Building & Design, Inc.—[11-340](#)

Addendum to Grant Agreement, Contract No. 20793A, between the St. Louis County Board of Commissioners and Range Mental Health Center.—[11-341](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14685A, between the Public Health and Human Services Department and Primrose Lease Management, LLC d/b/a Primrose of Duluth.—[11-342](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14553B, between the Public Health and Human Services Department and Senior Friend Associates, Inc.—[11-343](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14553A, between the Public Health and Human Services Department and Senior Friends Associates, Inc.—[11-344](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14313C, between the Public Health and Human Services Department and Arrowhead Senior Living Community d/b/a St. Raphael's Health and Rehabilitation Center.—[11-345](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No.

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

106

14569A, between the Public Health and Human Services Department and Virginia Regional Medical Center.—11-346

Group Residential Housing Rate Agreement, Contract No. 50955, between the St. Louis County Board of Commissioners and TLC Chester Creek.—11-347

Agreement between the County of St. Louis and Proctor Public School District for Bicycle and Pedestrian Safety Curriculum Initiatives Safe Routes to School, SP 69-591-003, CP 97470.—11-348

Contract for County-State Aid Highway Projects between the County of St. Louis and Lake States Tree Service, Inc., for SAP 69-604-069, CP 126610, Clearing.—11-349

Upon motion of Commissioner Dahlberg, supported by Commissioner Forsman, Resolutions numbered 169 through 194, as submitted to this Board on the Consent agenda, were unanimously adopted as follows:

**BY COMMISSIONER DAHLBERG:**

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

WHEREAS, the applicant, Associated Bank, National Association of Milwaukee, WI, has applied to repurchase state tax forfeited land; and

WHEREAS, the applicant was the mortgagee at the time of forfeiture and is eligible to repurchase the property; and

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

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the repurchase application by Associated Bank, National Association (mortgagee) of Milwaukee, WI, on file in County Board File No. 59199, subject to payments including total taxes and assessments of \$124,720.08, service fee of \$114, deed tax of \$411.58, deed fee of \$25, and recording fee of \$46; for a total of \$125,316.66, to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted April 12, 2011. No. 169

WHEREAS, Minn. Stat. § 282.241 provides that state tax forfeited land may be repurchased by the owner at the time of forfeiture, or the owner's heirs, devisees, representatives, or mortgagees, subject to payment of taxes and/or assessments and penalties, costs, and interest; and

WHEREAS, the applicants, Marc Pocrnich (the heir of Nick Pocrnich), Wings Financial Credit Union (mortgagee), and Roger Moller (previous owner) have applied to repurchase state tax forfeited land; and

WHEREAS, the applicants were the owner, the owner's heirs, or mortgagees at the time of forfeiture, and are eligible to repurchase the properties; and

WHEREAS, approving the repurchases will correct undue hardship and promote the use of lands that will best serve the public interest.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the repurchase application by Marc Pocrnich for the Estate of Nick Pocrnich of Duluth, MN, on file in County Board File No. 59199, subject to payments including total taxes and assessments of \$224.83, service fee of \$114, deed tax of \$1.65, deed fee of \$25, and

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

107

recording fee of \$46; for a total of \$411.48, to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted April 12, 2011. No. 170

WHEREAS, Minn. Stat. § 282.241 provides that state tax forfeited land may be repurchased by the owner at the time of forfeiture, or the owner's heirs, devisees, representatives, or mortgagees, subject to payment of taxes and/or assessments and penalties, costs, and interest; and

WHEREAS, the applicants, Marc Pocrnich (the heir of Nick Pocrnich), Wings Financial Credit Union (mortgagee), and Roger Moller (previous owner) have applied to repurchase state tax forfeited land; and

WHEREAS, the applicants were the owner, the owner's heirs, or mortgagees at the time of forfeiture, and are eligible to repurchase the properties; and

WHEREAS, approving the repurchases will correct undue hardship and promote the use of lands that will best serve the public interest.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the repurchase application by Wings Financial Credit Union (mortgagee) of Apple Valley, MN, on file in County Board File No. 59199, subject to payments including total taxes and assessments of \$14,610.01, service fee of \$114, deed tax of \$37.09, deed fee of \$25, and recording fee of \$46; for a total of \$14,832.10, to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted April 12, 2011. No. 171

WHEREAS, Minn. Stat. § 282.241 provides that state tax forfeited land may be repurchased by the owner at the time of forfeiture, or the owner's heirs, devisees, representatives, or mortgagees, subject to payment of taxes and/or assessments and penalties, costs, and interest; and

WHEREAS, the applicants, Marc Pocrnich (the heir of Nick Pocrnich), Wings Financial Credit Union (mortgagee), and Roger Moller (previous owner) have applied to repurchase state tax forfeited land; and

WHEREAS, the applicants were the owner, the owner's heirs, or mortgagees at the time of forfeiture, and are eligible to repurchase the properties; and

WHEREAS, approving the repurchases will correct undue hardship and promote the use of lands that will best serve the public interest.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the repurchase application by Roger Moller of Eveleth, MN, on file in County Board File No. 59199, subject to payments including total taxes and assessments of \$528.32, service fee of \$114, deed tax of \$1.74, deed fee of \$25, and recording fee of \$46; for a total of \$715.06, to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted April 12, 2011. No. 172

WHEREAS, the Land Department 2011 equipment budget includes the purchase of one excavator for the maintenance needs of the forest management road system; and

WHEREAS, specifications were presented and State of Minnesota contract pricing was requested for the Caterpillar 315DL excavator; and

WHEREAS, Zeigler, Inc., of Duluth, MN, responded with the State of MN contract price of \$147,525, plus \$10,142.34 state sales tax, for a total of \$157,667.34.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the purchase of one Caterpillar 315DL excavator from Zeigler, Inc., Duluth, MN, at the State of MN contract price of \$147,525, plus \$10,142.34 state sales tax, for a total of \$157,667.34, payable from Forfeited Tax Fund 240, Agency 241005, Object 666400 (Heavy Equipment).

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

108

Adopted April 12, 2011. No. 173

WHEREAS, certain parcels forfeited to the State of Minnesota on November 30, 2010, for nonpayment of real estate taxes; and

WHEREAS, all parcels of land becoming the property of the State of Minnesota in Trust through forfeiture for nonpayment of real estate taxes shall be classified as 'conservation' or 'non-conservation' as required by Minn. Stat. § 282.01, Subd. 1; and

WHEREAS, the Land Department has recommended that the parcels be classified as 'conservation' after considering many factors including the present use of adjacent land, the productivity of the soil, the character of forest or other growth, the accessibility of lands to established roads, schools, and other public services, the suitability or desirability for particular uses and the suitability of the forest resources on the land for multiple use and sustained yield management; and

WHEREAS, these parcels are located inside the boundaries of a municipality or town and Minn. Stat. § 282.01 provides that notice of the classification or reclassification and sale of lands situated within a municipality or town must be transmitted to its governing body; and WHEREAS, classification of these parcels will be deemed approved if the County Board does not receive notice of the municipality's or town's disapproval within 60 days of the date on which this resolution is delivered to the clerks of the municipalities or towns in which the parcels are located.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board classifies the state tax forfeited parcels described in County Board file No. 59242 as 'conservation', and notice of the classification shall be transmitted by the Land Department to the clerks of the municipalities or towns in which the parcels are located.

Adopted April 12, 2011. No. 174

WHEREAS, the parcels described here forfeited to the State of Minnesota on November 30, 2010, for nonpayment of real estate taxes; and

WHEREAS, all parcels of land becoming the property of the State of Minnesota in Trust through forfeiture for nonpayment of real estate taxes shall be classified as 'conservation' or 'non-conservation' as required by Minn. Stat. § 282.01, Subd. 1; and

WHEREAS, the Land Department has recommended that the parcels be classified as 'non-conservation' after considering many factors including the present use of adjacent land, the productivity of the soil, the character of forest or other growth, the accessibility of lands to established roads, schools, and other public services, the suitability or desirability for particular uses and the suitability of the forest resources on the land for multiple use and sustained yield management; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board classifies the state tax forfeited parcels described in County Board File No. 59243 as 'non-conservation', and a notice of the classification shall be transmitted by the Land Department to the clerks of the municipalities or towns in which the parcels are located.

Adopted April 12, 2011. No. 175

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

109

WHEREAS, the St. Louis County Environmental Services Department oversees subsurface sewage treatment system regulation within its boundaries; and

WHEREAS, the county is revising St. Louis County Ordinance 55 – Individual Sewage Treatment Systems, to bring the ordinance into compliance with state law and to consider potential policy alternatives; and

WHEREAS, the county wishes to create a formal advisory body to assist in considering policy alternatives.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the creation of a Subsurface Sewage Treatment Systems (SSTS) Advisory Committee for three-year terms expiring on April 13, 2014, as follows:

James Balogh  
SPECTRUM RESEARCH, INC.  
Duluth, MN

Dan Belden  
WESTERN LAKE SUPERIOR SANITARY DISTRICT  
Duluth, MN

James Bertucci  
A-1 SEWAGE SERVICE  
Eveleth, MN

Nick Bougalis  
BOUGALIS CONSTRUCTION, INC.  
Hibbing, MN

Bruce Dudley  
DUDLEY EXCAVATING  
Duluth, MN

Paul Ojanen  
SOIL & WATER CONSERVATION DISTRICT  
Virginia, MN

Barbara McCarthy  
MINNESOTA POLLUTION CONTROL AGENCY  
Duluth, MN

John Kangas  
KANGAS EXCAVATING  
Aurora, MN

Tom Rovinsky  
LAKEHEAD TRUCKING, INC.  
Duluth, MN

John Walsh  
MINNESOTA ONSITE SPECIALTIES  
Saginaw, MN

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

110

Bob Whitmyer  
MATRIX SOILS & SYSTEMS  
Duluth, MN

John Doberstein (Jewell appointee)  
REMAX  
Duluth, MN

Dave Stark (O'Neil appointee)  
STARK ENTERPRISES, LLC  
Duluth, MN

Tom Sershon (Dahlberg appointee)  
Duluth, MN

Mark Drobac (Forsman appointee)  
Tower, MN

Mitchum Johnson (Sweeney appointee)  
SWAMPTHING ENVIRONMENTAL, INC.  
Duluth, MN

Jim Hofsommer (Nelson appointee)  
Colvin Township  
Aurora, MN

Bill Vukich (Raukar appointee)  
Side Lake, MN

RESOLVED FURTHER, that the non-governmental members of the SSTS Advisory Committee shall be reimbursed for vehicle mileage costs associated with attendance at its meetings, at the rates established by the Internal Revenue Service (CONUS) on an annual basis.

Adopted April 12, 2011. No. 176

WHEREAS, County State Aid Highway (CSAH) 44 (Pequaywan Lake Road) was reconstructed and realigned in 1989-1990; and

WHEREAS, the new road design realignment shifted the road southeasterly, varying in distance of 0 to 300 feet from its original location within that part of NW ¼ of NW ¼ located in Section 17, Township 54 North, Range 12, and Govt. Lot 1, Section 18, Township 54 North, Range 12, Town of Pequaywan; and

WHEREAS, a request was made by property owners to vacate the old road segment lying within said parcels and to vacate an access easement; and

WHEREAS, the old road segment and the access connector segment is not necessary for county roadway purposes; and

WHEREAS, access agreements for ingress and egress across subject parcels affected by this vacation have been drafted and are in place at this time.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Minn. Stat. §163.11, Subdivision 4, the St. Louis County Board vacates that portion of the "Old Pequaywan Lake Road" and the access connector segment all described in the attached "Exhibit A", reserving all in place utilities.

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

111

RESOLVED FURTHER, that this road vacation and the access connector vacation be contingent upon the granting of private access agreements (into perpetuity), between all affected property owners to the existing public road (CSAH 44).

RESOLVED FURTHER, that St. Louis County Board Resolution No. 10-473, dated October 5, 2010, is rescinded.

Exhibit A

That part of "Old Pequaywan Lake Road" lying within the NW ¼ of NW ¼ located in Section 17, Township 54N, Range 12, (Town of Pequaywan),

And

That part of "Old Pequaywan Lake Road" lying within Govt. Lot 1, Section 18, Township 54N, Range 12, (Town of Pequaywan),

And

The Northwest Quarter of the Northwest Quarter (NW ¼ of NW ¼), Section Seventeen (17), Township Fifty-four (54) North, Range Twelve (12) West, lying Easterly of Pequaywan Lake Road as it existed on 8/30/77 described as follows:

That part lying Easterly of the West line of said NW ¼ of NW ¼ and Westerly of a line 60.00 feet to the left of the following described line: Commencing at the Northwest corner of said NW ¼ of NW ¼, thence South 5 degrees 1 minute 50 Seconds West, along the west line of NW ¼ of NW ¼ a distance of 1203.93 feet to the point of beginning, thence North 30 degrees 59 minutes 31 seconds East a distance of 201.46 feet (as referenced in easement document # 0476530 recorded June 6, 1989),

And

The Northwest Quarter of the Northwest Quarter (NW ¼ of NW ¼), Section Seventeen (17), Township Fifty-four (54) North, Range Twelve (12) West, lying Easterly of Pequaywan Lake Road as it existed on 8/30/77 described as follows:

That part lying Easterly of the West line of said NW ¼ of NW ¼, Southerly and Easterly of said Pequaywan Lake Road and Westerly of a line 50.00 feet to the left of the following described line: Beginning at the terminus of the last above described line, thence continue North 30 degrees 59 minutes 31 seconds East, a distance of 560.00 feet, and said line there terminating (as referenced in easement document # 0476530 recorded June 6, 1989.)

Government Lot One (1), Section Eighteen (18), Township Fifty-Four (54) North, Range Twelve (12) described as follows:

That part lying 25.00 feet to the right and 25.00 feet to the left of the following described line: Commencing at the Southeast corner of said Government Lot One (1), thence North 5 degrees 1 minute 50 seconds East, along the East line of said Government Lot One (1) a distance of 101.86 feet, thence North 30 degrees 59 minutes 31 seconds East a distance of 235.46 feet; thence North 59 degrees 00 minutes 29 seconds West a distance of 115.00 feet to the point of beginning of the described line; thence continue North 59 degrees 00 minutes 29 seconds West a distance of 75.00 feet and said line there terminating (as referenced in easement document # 0480701, recorded August 9, 1989.)

The side lines of said easement are prolonged or shortened to terminate on the East line of said Government Lot 1.

And

That part of the first described property, lying 70.00 feet to the right and 25.00 feet to the left of the following described line:

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

112

Beginning at the terminus of the above described line, thence continue North 59 degrees 00 minutes 29 seconds West a distance of 70.00 feet and said line there terminating.

And

Government Lot One (1), Section Eighteen (18), Township Fifty-Four (54) North, Range Twelve (12) described as follows:

That part lying 25.00 feet to the right and 25.00 feet to the left of the following described line: Beginning at the terminus of the last above described line, thence continue North 59 degrees 00 minutes 29 seconds West a distance of 65.00 feet and said line there terminating (as referenced in easement document # 0480701, recorded August 9, 1989.)  
Adopted April 12, 2011. No. 177

RESOLVED, that pursuant to Minn. Stat. Sec. 161.36, the Commissioner of Transportation be appointed as agent of St. Louis County to accept, as its agent, federal aid funds which may be made available for eligible transportation related projects.

RESOLVED FURTHER, the County Board Chair and County Auditor are authorized 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. 98641", a copy of which was before the County Board and which is made a part by reference. This agreement corresponds with the AC Process for the county's share on SP 69-613-032, County Project No. 61938, with State Aid Funds, Fund 220, Agency 220262 used for the county share.  
Adopted April 12, 2011. No. 178

WHEREAS, the Public Works Department plans to reconstruct 2.3 miles of CSAH 91 (County Project 8269, SP 069-091-020) within the city of Duluth and the city of Hermantown, beginning at the Canadian National Railroad Tracks (40<sup>th</sup> Avenue West above 8<sup>th</sup> Street) and ending at CSAH 56 (Morris Thomas Road); and

WHEREAS, the improvement consists of widening and reconstructing the roadway as 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 construction, the acquisition of which was authorized by County Board Resolution 09-165 adopted April 28, 2009; and

WHEREAS, a right of way plat would be beneficial for acquisition purposes and for future reference.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the Public Works Department to prepare a Right of Way plat for the reconstruction of County State Aid Highway 91 (County Project 8269, SP 069-691-02) to be named "St. Louis County Highway Plat No. 32" to be filed with the County Recorder.

Adopted April 12, 2011. No. 179

WHEREAS, quotes have been received by the Public Works Department for the following project:

MP 840-86089, County Project 860898, for project materials for a bridge on County Road 840 in Floodwood Township, length 0.1 mi.

WHEREAS, on March 18, 2011, quotes were received at the Public Works Facility in Virginia, MN, and the low quote determined.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the quote for concrete culverts.

LOW QUOTE

ADDRESS

AMOUNT



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

114

Adopted April 12, 2011. No. 184

WHEREAS, St. Louis County owns property which is being considered for sale; and  
WHEREAS, it is the intent of the St. Louis County Board to preserve additional highway  
right of way necessary to construct and maintain said segments of road when the county  
owned parcels are sold or transferred.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Minn. Stat. § 163.11, the St.  
Louis County Board dedicates to the public the permanent highway easements described on  
the attached Exhibit A(s).

EXHIBIT A	Parcel 1	County State Aid Highway 128
EXHIBIT A	Parcel 2	County State Aid Highways 4 & 16
EXHIBIT A	Parcel 3	County State Aid Hwy 16
EXHIBIT A	Parcel 4	County State Aid Highway 48
EXHIBIT A	Parcel 5	County State Aid Highway 7

EXHIBIT A

Parcel 1

County State Aid Highway 128

Legal Description:

Lots 4, 5 and 6, BLOCK 10, EAGLES NEST

Rights to Be Acquired:

A PERMANENT EASEMENT for highway purposes over including all trees, shrubs and  
herbage, over, under and across Lots 4, 5 and 6, Block 10, Plat of EAGLES NEST located in  
Government Lot 2, Section 22, Township 62 North, Range 14 West and being a strip of land  
125 feet, 60 feet to the right and 65 feet to the left of the following described line:

Commencing at the southeast corner of Govt. Lot 2, Section 22, T62N, R14W; thence west  
along the south line of said Government Lot 2, a distance of 251.83 feet; thence northeasterly  
deflecting to the right 104 degrees 47 minutes 30 seconds, a distance of 108.00 feet to the  
Point of Beginning of the line to be described: thence northeasterly along the last described  
course, a distance of 200 feet and said line there terminating.

Said easement contains approximately 0.34 acres

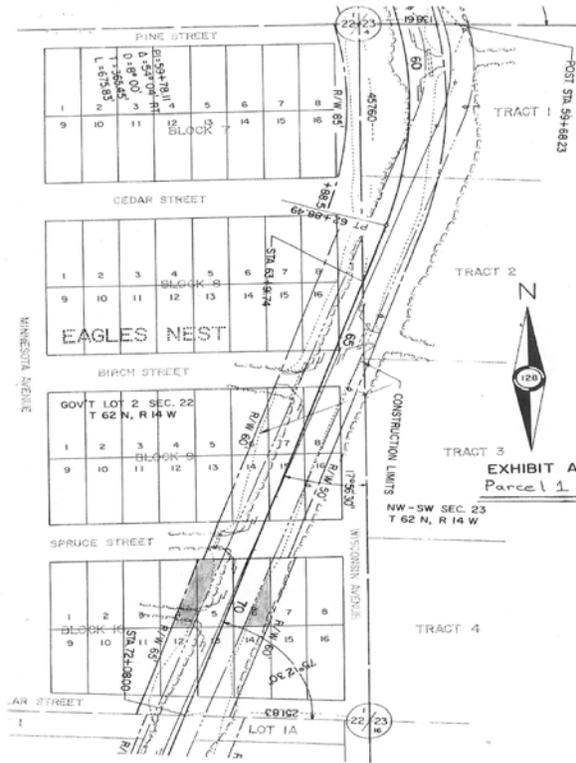


EXHIBIT A  
Parcel 2  
County State Aid Highways 4 & 16

Legal Description:

A tract of land to be used as a County of St. Louis Garage Site, described as follows: Starting at the Section Corner common Sections 4 and 5, Township 56 N, Range 15 West; thence westerly along the boundary line common to Section 32, Twp 57 N, R 15 W. and Section 5, Township 56 N, R 15 W, a distance of 490.1 feet; Thence at an angle of 90° to the left, a distance of 33 feet to the south Right of Way Line of County Highway No. 16, the POINT OF BEGINNING; Thence continuing on the last named course a distance of 202 feet; Thence at an angle of 90° to the Left a distance of 244.8 feet to the westerly R.O.W. Line of State Aid Road No. 4. Thence in a northwesterly direction along the said westerly R.O.W. Line of State Aid Road No. 4. to the southerly R.O.W Line of County Highway No. 16; Thence westerly along the said southerly R.O.W. Line of County Highway No. 16; a

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

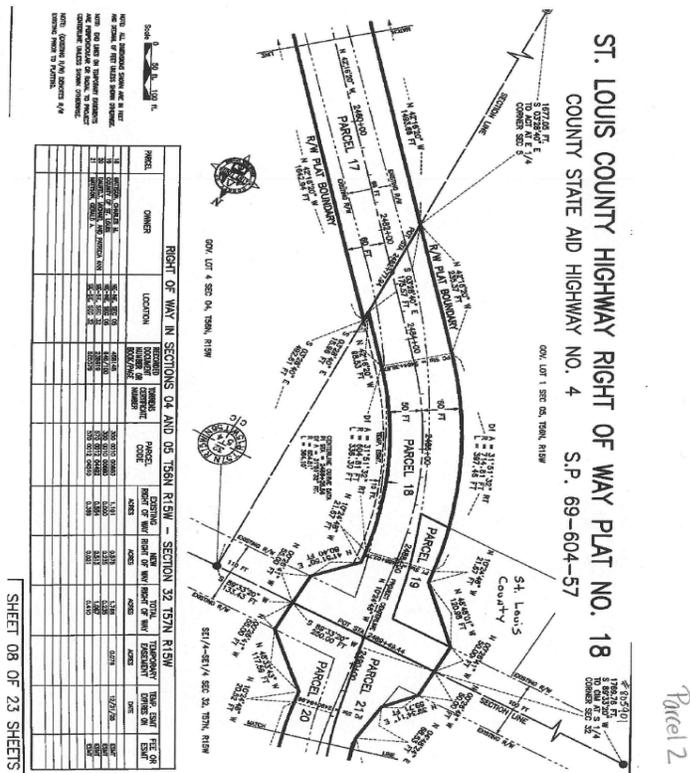
116

distance of 199.8 feet to the Point of Beginning, containing an area of approximately one (1) Acre and lying wholly within Lot 1 (NE ¼ of NE ¼) Section 5, Township 56 N, R15W.

**Rights to Be Acquired:**

A PERMANENT EASEMENT for highway purposes including all trees, shrubs and herbage, over, under and across the above described property shown as Parcel 19 on the plat designated as St. Louis County Highway Right of Way Plat NO. 18, recorded as document No. 805901 in the Office of the County Recorder in and for the County of St. Louis, Minnesota.

Said easement contains approximately 0.235 acres.



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

EXHIBIT A  
Parcel 3  
County State Aid Hwy 16

Legal Description:

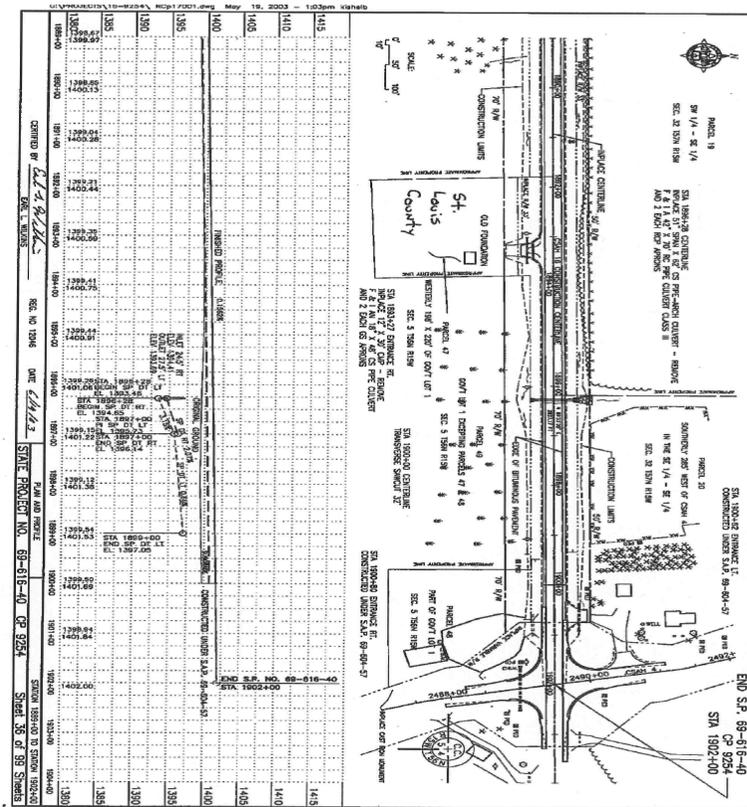
That part of Government Lot One (1), Section Five (5), Township Fifty-six (56) North of Range Fifteen (15) West of the Fourth Principal Meridian, according to the Government Survey thereof described as follows;

Beginning 1122 feet West of the Northeast Corner of Government Lot One (1), running thence South Two hundred twenty (220) feet, thence West One Hundred ninety-eight (198) feet, thence North Two Hundred Twenty (220) feet, thence East One Hundred Ninety-eight (198) feet to the Point of Beginning.

Rights to Be Acquired:

A PERMANENT EASEMENT for highway purposes including all trees, shrubs and herbage, over, under and across the northerly 70.00 feet of the above described property.

Said easement contains approximately 0.32 acres.





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

119

EXHIBIT A  
Parcel 5  
County State Aid Highway 7

Legal Description:

The West 440 feet of Government Lot Seven (7), Section Two (2), Township Fifty-six (56) North, Range Eighteen (18) West according to the U.S. Government Survey.

Rights to Be Acquired:

A PERMANENT EASEMENT for highway purposes including all trees, shrubs and herbage, over, under and across part of the above described property, the centerline of said easement being described as follows.

COUNTY STATE AID HIGHWAY 7 CENTERLINE DESCRIPTION IN SECTIONS 2 AND 3, TOWNSHIP 56 NORTH, RANGE 18 WEST OF THE FOURTH PRINCIPAL MERIDIAN.

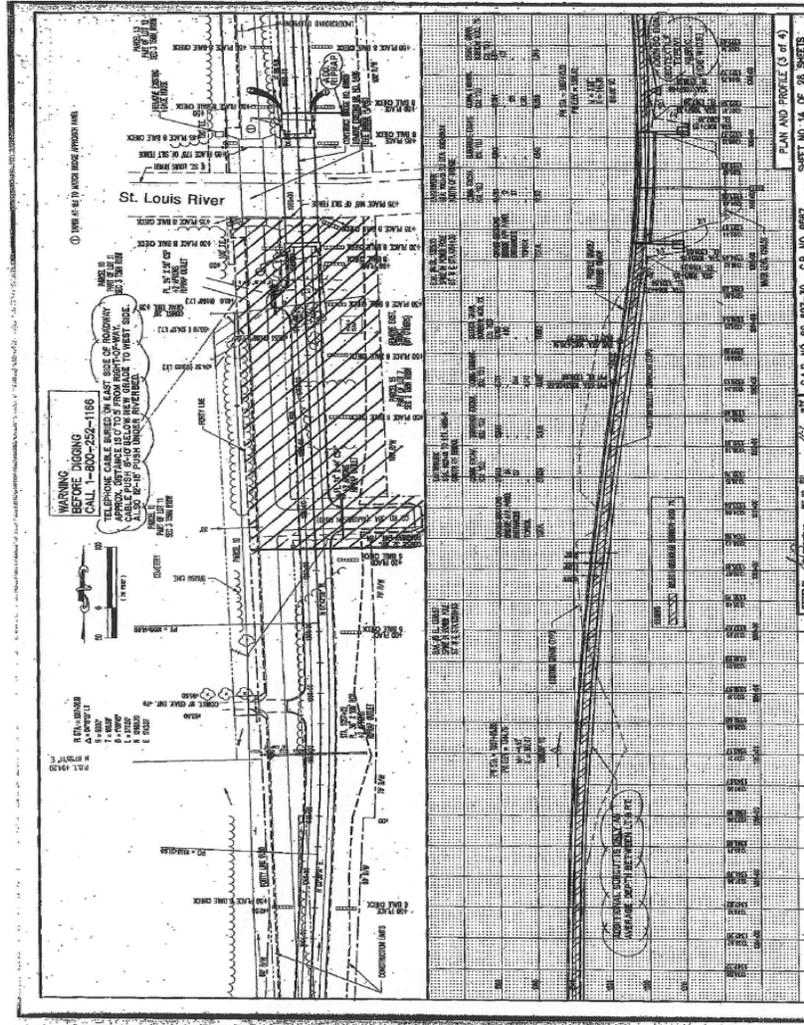
Commencing at the southwest corner of said Section 2, from which the west quarter corner of said Section 2 lies 2644.26 feet distant on an assumed bearing of North 02 degrees 19 minutes 15 seconds West; thence on an assumed bearing of South 89 degrees 37 minutes 57 seconds West a distance of 1.15 feet to a point on the south line of said Section 3, said point being Point on Tangent Station 1047+32.35 as shown on construction plan S.A.P. 69-607-30 (1998); thence continuing North 02 degrees 36 minutes 14 seconds East a distance of 805.22 feet to Point of Curvature Station 1055+37.60; thence northerly along a tangential curve, concave to the west, having a radius of 5000.00 feet, and a central angle of 04 degrees 19 minutes 12 seconds, a distance of 377.00 feet to Point of Tangency Station 1059+14.60; thence North 01 degrees 42 minutes 58 seconds West, tangent to said curve a distance of 1267.32 feet to Point of Curvature Station 1071+81.92 and said line there terminating.

Said PERMANENT EASEMENT being 100.00 feet in width on the east side of said centerline and all of the above described property on the west side of said centerline between the south and north boundaries of the above described property.

TOGETHER WITH A PERMANENT EASEMENT for highway purposes including all trees, shrubs and herbage, over, under and across THE SOUTHERLY 75.00 FEET of the first above described property.

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

120



Parcel 5 Exhibit "A"

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

121

WHEREAS, a request to sell county fee land in combination with county tax forfeit property was proposed by the St. Louis County Land Department and the County Property Acquisition Team deems the property to be non-conforming surplus property described as follows:

Lots 4, 5 and 6 EX HWY RT OF WAY, BLOCK 10, EAGLES NEST

WHEREAS, J. Michael Bowers and Mary Kay Bowers submitted a bid amount of \$3,685 for the property.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the requirements and procedures of Minn. Stat. § 373.01 Subdivision (h), the appropriate county officials are authorized to execute and deliver a quit claim deed, conveying the above listed property to J. Michael Bowers and Mary Kay Bowers as joint tenants, for the bid amount of \$3,685, payable to Fund 100, Agency 128014, Object 583100. Buyers are responsible for all recording fees and associated filing fees.

Adopted April 12, 2011. No. 186

RESOLVED, that pursuant to Minn. Stat. § 349.213, Subd. 2, the St. Louis County Board approves the following Lawful Gambling License Application (Pull-tabs with dispensing device and Tipboards) on file in the office of the County Auditor, identified as County Board File No. 59219, for the following organization:

Gnesen Volunteer Fire to operate out of Boondocks Saloon & Grill, Gnesen Township,  
7047 Rice Lake Road, Duluth, MN 55803, new.

Adopted April 12, 2011. No. 187

RESOLVED, that a public hearing will be held at 9:35 A.M. on April 26, 2011, in the Northland Town Hall, Canyon, Minnesota, for the purpose of considering the granting of an Off-Sale Intoxicating Liquor License to Crane Lake Bar & Grill, LLC d/b/a Crane Lake Bar & Grill, Crane Lake Township.

Adopted April 12, 2011. No. 188

WHEREAS, all increases in original governmental funds revenue and expenditure budgets require County Board approval; and

WHEREAS, departments anticipate being notified of additional revenues throughout the year and need approval to increase revenue and expenditure budgets; and

WHEREAS, proposed budget adjustments are levy neutral.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the following budget changes:

1. Increase revenue and expense budget on Public Works project MP-10026, 2010 Central Crushing; Cedar Valley Township went over the amount initially budgeted (per resolution 349-10) and will be billed for the amount actually used (\$27.30)
2. Increase revenue and expense budget on Public Works project MP-10029, 2010 South Crushing; Brevator Township went over the amount initially budgeted (per resolution 260-10) and will be billed for the amount actually used (\$13.92)
3. Increase revenue and expense budgets in Natural Resources Block Grant due to revenue exceeding what was originally expected and budgeted (\$1,500.00)
4. Use of parking fund balance for lower green lot reconstruction (\$19,897.00)
5. Increase revenue and expense budgets to actual grant amounts for Emergency Shelter Grant (\$36,954.70)

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

122

6. Assign general fund fund balance resulting from departmental savings and/or additional revenue for future unallotments (\$2,899,276.63)  
Land Department accumulation of fund balance due to savings in operating budget (\$161,358.72)  
Environmental Services accumulation of fund balance due to operating budget savings/changes in revenue budget (\$1,107,621.16)  
Individual Sewage Treatment System accumulation of fund balance due to operating budget savings (\$53,624.88)
7. Transfer excess personnel budget in Veterans Service Office to operating budget to cover higher than anticipated operating expenses, specifically for mailing and postage (\$4,949.67)
8. Use of fund balance to cover third and fourth quarter unemployment expense in Community Foods and Assisted Living (\$16,148.57)
9. Use of Attorney's Forfeitures fund balance for contributions to Juvenile Detention Alternatives Initiative (JDAI) and Specialty Courts (\$25,156.04)
10. Remove revenue and expense budgets in Veterans Service Office grant 12403, grant year 2008; anticipated revenue was not received and budget was entered in error (\$43,122.74)
11. Increase revenue and expense budget in Public Health & Human Services for higher than anticipated relative custody assistance pass-through funds from the state (\$200,000.00)
12. Increase revenue and expense budget in Fund 280 Septic Loans to allow for the principal received in 2010 to be reprogrammed for new septic loans (\$8,040.00)
13. Use of fund balance to pay 2010 Workers' Comp expenses related to software and reporting compliance which adopted budget was not sufficient to cover (\$160,254.26)
14. Increase Northeast Law Enforcement Administrator's Council (NLEAC) meth grant revenue and expenditure budget to reflect amounts actually received (\$1,577.02)
15. Carry forward 2010 budget into 2011 for MP 10022R Crack sealing project that had to be rebid, Resolution No. 10-599, dated December 21, 2010 (\$196,502.95)
16. Use of fund balance to cover increased reimbursements for maintenance of unorganized township road system (\$400,000.00)
17. Increase revenue and expense budget to reflect revenue actually received for county fee land sales (\$22,566.93)
18. Transfer funds from Administration operating budget to Planning and Community Development personnel budget to cover overspending due to budget error (\$23,252.48)
19. Increase Property Management expense and revenue budget by amount of City of Duluth reimbursement for retaining wall construction (\$40,046.00)
20. Use of parking fund balance to cover overspending in parking agency caused by retainage expense (\$16,584.13)
21. Per State Auditors, St. Louis County was required to add Fund 295 NLX as a SLC Fund in 2010, because St. Louis County is named on the grant agreement. Due to this change, this resolution is authorizing the matching revenue and expense budget for Northern Lights Express pass-through grant (\$1,171,359.87).
22. Use of Public Works fund balance accumulated through 2010 gas/diesel savings to fund capital equipment purchases (\$2,500,000.00)

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

23. Assign Public Works fund balance for Gas and Diesel variability (\$962,947.00)
24. Assign Public Works fund balance for emergency contingency (\$107,674.00)
25. Restrict Public Works fund balance for emergency contingency (\$392,326.00)
26. Assign Public Works fund balance resulting from expense savings for future unallotments (\$750,000)
27. Assign Public Health & Human Services fund balance for chemical dependency (\$400,000.00)
28. Assign Public Health & Human Services fund balance for technology improvements (\$1,274,331.00)
29. Assign Public Health & Human Services fund balance resulting from expense savings and additional revenue for future unallotments (\$1,463,713.61)  
Changes from initial GASB Statement 54 categories as presented in 2011 County Board Budget Resolution No. 10-574 dated December 27, 2010 for Comprehensive Annual Financial Report presentation purposes that do not require budget adjustments:
30. Per GASB 51, budget and actual personnel costs to be capitalized as part of a software project, will be presented as capital instead of personnel
31. Due to recommendation of State Auditor in entrance interview, change vesting sick leave fund balance from assigned to committed
32. Due to recommendation of State Auditor in entrance interview, change Forest Resources fund balance from assigned to committed for conservation of natural resources

	FUN	AGENC	OBJEC	Budget	Transfer F Du	Accumulation Fund	Revenue Budget	Transfer # 1	Use of Fund Balance	Total
1	200	201054	650200	\$ 27.3			\$ (27.30)			
2	200	201055	650200	\$ 13.9			\$ (13.92)			
3	616	616999	629900	61601	9999999	2010	\$ 1,500.00			
	616	616999	530102	61601	9999999	2010	\$ (1,500.00)			
4	100	999999	311105						\$ (19,897.00)	
	100	120010	666600	\$ 19,897.0						
5	173	173001	629900	\$ 7,245.00						
	173	173002	540302				\$ (36,954.70)			
	173	173003	629900	\$ 10,002.7						
	173	173004	629900	\$ 6,287.04						
	173	173006	629900	\$ 4,497.11						
	173	173007	629900	\$ 8,922.79						
6	100	999999	311109				\$ 7,899,276.6			
	240	999999	311200				\$ 161,359.7			
	600	999999	311200				\$ 1,107,621.1			
	616	999999	311200				\$ 53,624.6			

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

124

7	100	124001	610000		\$	(4,949.67)				
	100	124001	620000		\$	4,949.67				
8	100	104007	611200		\$	14,426.7				
	100	104011	617200		\$	1,721.80				
	100	999999	311200					\$	(16,148.57)	
9	167	999999	311000		\$	25,156.0			\$	(25,156.34)
	167	167001	637900							
10	100	124999	631402	12403	99999999	2008		\$	43,122.7	
	100	124999	610100	12403	99999999	2008	\$	(37,202.84)		
	100	124999	615200	12403	99999999	2008	\$	191.60		
	100	124999	153000	12403	99999999	2008	\$	(308.09)		
	100	124999	616200	12403	99999999	2008	\$	(2,604.20)		
	100	124999	617100	12403	99999999	2008	\$	(2,846.02)		
11	230	232008	608000		\$	200,000.00				
	230	232008	539259					\$	(200,000.00)	
12	280	280001	584101					\$	(8,040.00)	
	280	280001	635200		\$	8,040.00				
13	730	730001	626400		\$	36,296.2				
	730	730001	610000		\$	123,959.0				
	730	999999	311200					\$	(160,254.26)	
14	100	129999	540515	12943	99999999	2010			\$	(1,577.02)
	100	129999	629900	12943	99999999	2010	\$	1,577.02		
15	200	201010	653300		\$	(196,002.95)				
	200	999999	311200					\$	196,002.9	
16	210	210004	637900		\$	141,500.0				
	210	210005	637900		\$	1,000.00				
	210	210006	637900		\$	170,000.0				
	210	210007	637900		\$	84,500.0				
	210	999999	311200					\$	(400,000.00)	
17	100	128014	583100		\$	22,566.93			\$	(22,566.93)
	100	128014	610000							
18	100	104001	629900		\$	(23,252.48)				
	100	109002	623100		\$	1,041.07				
	100	109002	610000		\$	22,211.41				
19	438	438006	663500		\$	40,048.00				
	438	438006	551501					\$	(40,048.00)	
20	100	128010	600600		\$	16,584.13				
	100	999999	311105					\$	(16,584.13)	
21	205	205999	532303	20501	99999999	2010		\$	(749,378.37)	
	205	205999	540708	20501	99999999	2010		\$	(421,861.50)	
	205	205999	629900	20501	99999999	2010	\$	1,171,359.87		
22	200	999999	311138					\$	(2,500,000.00)	
	200	207001	697600		\$	2,500,000.00				
	407	407001	590100					\$	(2,500,000.00)	
	407	999999	311200		\$	2,500,000.00				

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

23	200	000000	311136						\$ 682,047.00
24	200	000000	311133						\$ 107,674.00
25	200	000000	311108						\$ 382,326.00
26	200	000000	311109						\$ 750,000.00
27	230	000000	311402						\$ 400,000.00
28	230	000000	311401						\$ 1,274,331.00
29	230	000000	311108						\$ 1,483,713.61
30									
31									
32									

Adopted April 12, 2011. No. 189

WHEREAS, the Duluth courthouse sally port addition has been completed with the first floor arraignment courtroom relocated to the west side of the building for direct access from the sally port; and

WHEREAS, the relocation of the courtroom required moving some Sheriff's and Recorder's staff and this project will complete the location exchange of the former prisoner holding and courtroom areas for the Sheriff and Recorder operations; and

WHEREAS, St. Louis County Purchasing solicited bids (Bid No. 4851) for project construction services for the Duluth Courthouse first floor remodeling (final phase), which were opened on March 15, 2011 with Johnson-Wilson Constructors, Inc., of Duluth, MN, being the lowest responsible bidder in an amount of \$322,000.00.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board authorizes the appropriate county officials to execute an agreement with Johnson-Wilson Constructors, Inc., of Duluth, MN, in an amount of \$322,000, payable from Capital Improvement Bond Proceeds 2008, Fund 438-438008.

Adopted April 12, 2011. No. 190

RESOLVED, that the St. Louis County Board establishes a public hearing on Tuesday, April 26, 2011, at 9:50 a.m. in the Northland Town Hall, Canyon, Minnesota, to consider alleged liquor law violations at Knudson & Son, Inc., d/b/a Jim's Ash Trail Store, Unorganized Township 68-21.

Adopted April 12, 2011. No. 191

WHEREAS, St. Louis County and Northern PCS Services, LLC, have enjoyed the mutual benefits of a cell tower lease arrangement at the St. Louis County Jail site on Haines Road in Duluth since May 1, 2000, and both parties wish to continue this arrangement.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to enter into a new lease agreement with Northern PCS Services, LLC, 6391 Sprint Parkway, Overland, Kansas 66251-2650, for the purpose of maintaining and operating a communications facility totaling an area of approximately six (6) feet by fifteen (15) feet (225 square feet) at the St. Louis County Jail site, 4334 Haines Road, Duluth, MN, for the term May 1, 2010 through April 30, 2015, with up to three additional five-year extension periods unless otherwise terminated by the county.

RESOLVED FURTHER, the agreement shall continue to require Northern PCS Services, LLC, to carry necessary insurance and provide its own electrical service.

RESOLVED FURTHER, that Northern PCS Services, LLC, will pay St. Louis County rent in the amount of \$6,000 for the first year, with each successive annual rent payment increased by 3% thereafter for the duration of the lease, to be accounted for in Fund 100, Agency 128099.

Adopted April 12, 2011. No. 192

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

126

WHEREAS, the State of Minnesota Department of Public Safety through the Division of Emergency Communication Networks has made available \$732,760 in funding from the Allied Radio Matrix for Emergency Response (ARMER) Integration grant program for Interoperable Communications equipment for the Northeast Regional Radio Board; and WHEREAS, St. Louis County through its Sheriff's Office, has offered to serve as the grant administrator and fiscal agent for this funding.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes application for the 2010 Allied Radio Matrix for Emergency Response (ARMER) Integration grant for Interoperable Communications equipment in the amount of \$732,760, to be accounted for in Fund 100, Agency 136999, Grant 13603, Year 2010, and authorizes St. Louis County to serve as fiscal agent for the grant on behalf of Northeast Regional Radio Board.

Adopted April 12, 2011. No. 193

WHEREAS, the St. Louis County Board appoints citizens to serve on the Civil Service Commission; and

WHEREAS, the resignation of Mr. Harold Baland has created a vacancy on this commission. NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the County Auditor to advertise and accept applications until May 6, 2011, for the vacant position on the Civil Service Commission.

Adopted April 12, 2011. No. 194

**BY COMMISSIONER NELSON:**

RESOLVED, that a public hearing will be held at 9:55 a.m. on Tuesday, April 26, 2011, in the Northland Town Hall, Canyon, Minnesota, for the consideration of the allegations and, if proven, the suspension or revocation of the intoxicating liquor licenses issued to 5717, Inc., d/b/a Crossroads Store, Brevator Township, and/or the imposition of civil penalties for the violations.

Unanimously adopted April 12, 2011. No. 195

**BY COMMISSIONER NELSON:**

RESOLVED, that a public hearing will be held at 9:40 a.m. on Tuesday, May 3, 2011, in the St. Louis County Courthouse, Duluth, Minnesota, for the consideration of the allegations and, if proven, the suspension or revocation of the intoxicating liquor licenses issued to Curran Enterprises, Inc., d/b/a Makinen Liquor Store, Unorganized Township 56-16, and/or the imposition of civil penalties for the violations.

Unanimously adopted April 12, 2011. No. 196

**BY COMMISSIONER NELSON:**

RESOLVED, that a public hearing will be held at 9:45 a.m. on Tuesday, May 3, 2011, in the St. Louis County Courthouse, Duluth, Minnesota, for the consideration of the allegations and, if proven, the suspension or revocation of the intoxicating liquor licenses issued to James Saugestad d/b/a Melrude Pub, Ellsburg Township, and/or the imposition of civil penalties for the violations.

Unanimously adopted April 12, 2011. No. 197

At 2:08 p.m., April 12, 2011, Commissioner Nelson, supported by Commissioner Raukar, moved to adjourn; seven yeas, zero nays.

Steve O'Neil, Chair of the Board

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

127

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  
ST. LOUIS COUNTY, MINNESOTA**

128

**OFFICIAL PROCEEDINGS OF THE MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF ST. LOUIS, MINNESOTA,  
HELD ON APRIL 26, 2011**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 26<sup>th</sup> day of April, 2011, at 9:34 a.m., in the Northland Town Hall, Canyon, Minnesota, with the following members present: Commissioners Frank Jewell, Steve O'Neil, Chris Dahlberg, Mike Forsman, Peg Sweeney, Keith Nelson, and Steve Raukar – 7. Absent: None.

Chair O'Neil asked for a moment of silence to honor U.S. troops serving throughout the world and their families as well as all persons adversely affected by war.

Commissioner Nelson recognized Bob Kesti, retired Eveleth High School teacher, for excellence in the arts and sciences. Mr. Kesti taught various courses in mathematics and sciences. In addition, Mr. Kesti taught Minnesota Ecology, which focused on topics concerning the local area. Mr. Kesti thanked the board for the honor and said he wanted to teach about Northeastern Minnesota and was fortunate to be able to do so. Commissioner Nelson said Bob Kesti not only taught the subject matter at hand, he also instilled a love of lifelong learning. The impact he had on his many students has enriched their lives and our community as a whole.

Chair O'Neil opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and no one chose to do so.

At 9:48 a.m., a public hearing was held pursuant to Resolution 188, adopted April 12, 2011, to consider granting an off-sale intoxicating liquor license to Crane Lake Bar & Grill, LLC, d/b/a Crane Lake Bar & Grill, Crane Lake Township, MN. Assistant County Attorney Jim Nephew presented the packet which included the town board approval, required notices, and proof of liquor liability insurance. Kristen Scott, owner of Crane Lake Bar & Grill, appeared for questioning. Commissioner Forsman asked if Ms. Scott read the liquor ordinance and will abide by the rules. Ms. Scott replied yes. Commissioner Sweeney reminded Ms. Scott how important the rules are and noted the other public hearings scheduled today are for liquor law violations. At 9:53 a.m. Commissioner Sweeney, supported by Commissioner Nelson, moved to close the public hearing. Commissioner Forsman, supported by Commissioner Nelson moved to grant the off-sale intoxicating liquor license to Kristen Scott, Crane Lake Bar & Grill; seven yeas, zero nays. Resolution No. 218.

At 9:54 a.m., a public hearing was held pursuant to Resolution 156 adopted April 5, 2011, to consider alleged liquor law violations at Vermilion Club, Inc., d/b/a/ Vermilion Club, Inc., Greenwood Township. Commissioner Nelson said there is a clerical error on all of the resolutions pertaining to liquor law violations, and he will note each as it is considered. Assistant County Attorney Jim Nephew presented a packet which included the Sheriff's report, required public notices, and a signed agreement by the owner accepting a ten day suspension and \$1,000 fine, with nine days and the \$1,000 fine stayed for one year with no same or similar violation during that period. In response to a question from Commissioner Forsman, Assistant County Attorney Nephew said the offence is a gross misdemeanor. In response to a question from Commissioner Jewell, Assistant County Attorney Nephew said the penalty is the same for all first time offenders, a ten day suspension and \$1,000 fine, nine days and the fine stayed for one year with no same or similar violation. If another violation occurs within one year, then the remainder of the suspension and penalty would apply, plus

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

129

additional penalties may be assessed, according to Assistant County Attorney Nephew. In response to a question from Commissioner Raukar, Assistant County Attorney Nephew said if an employee is convicted there is no legal requirement that the employer pay the fine; however some employers do represent and pay on behalf of the employee. Commissioner Nelson noted that first time offenders were told they did not need to be present at the public hearing. At 10:09 a.m. Commissioner Sweeney, supported by Commissioner Jewell, moved to close the hearing. Commissioner Nelson, supported by Commissioner Dahlberg, moved to approve the resolution with the amendment to change the suspension from thirty days to ten days, the days stayed from twenty nine to nine. Commissioner Dahlberg offered a friendly amendment to include the suspension day of Monday, May 2, 2011, which the maker accepted. Commissioner Nelson said the liquor committee verifies the suspension is a day the business is normally open; seven yeas, zero nays. Resolution No. 219.

At 10:16 a.m. a public hearing was held pursuant to Resolution 157, adopted April 5, 2011, to consider liquor law violations at Gateway Store d/b/a/ Gateway Store LLC, Unorganized Township 68-21. Assistant County Attorney Nephew presented a packet which included the Sheriff's report, required notices, and a signed agreement by the owner accepting a ten day suspension and \$1,000 fine, nine days and the \$1,000 fine stayed for one year with no same or similar violation during that period. At 10: 17 a.m. Commissioner Nelson, supported by Commissioner Forsman, moved to close the public hearing. Commissioner Nelson, supported by Commissioner Dahlberg moved to approve the resolution with the amendment to change the suspension from thirty days to ten days, the days stayed from twenty nine to nine days, and include May 2, 2011, as the suspension date; seven yeas, zero nays. Resolution No. 220.

At 10:18 a.m. a public hearing was held pursuant to Resolution 191 adopted April 12, 2011, to consider alleged liquor law violations at Knudson & Son, Inc. d/b/a/ Jim's Ash Trail Store, Unorganized Township 68-12. Assistant County Attorney Nephew presented a packet which included the Sheriff's report, required notices, and a signed agreement by the owner accepting a ten day suspension and \$1,000 fine, nine days and the \$1,000 fine stayed for one year with no same or similar violation during that period. At 10:19 a.m. Commissioner Sweeney, supported by Commissioner Jewell, moved to close the public hearing. Commissioner Nelson, supported by Commissioner Dahlberg moved to approve the resolution with the amendment to change the suspension from thirty days to ten days, the days stayed from twenty nine to nine, and include May 2, 2011, as the suspension date. Commissioner Forsman said he talked to the owner and he is working to help his employees. County Auditor Donald Dicklich said the owners have taken measures to help employees including purchasing a machine to swipe ID cards. Commissioner Sweeney noted that agreements with the establishments have been made in advance. After further discussion, the motion was approved; seven yeas, zero nays. Resolution No. 221.

At 10:26 a.m. a public hearing was held pursuant to Resolution 196 adopted April 12, 2011, to consider alleged liquor law violations at 5717, Inc., d/b/a Crossroads Store, Brevator Township. Assistant County Attorney Nephew presented a packet which included the Sheriff's report, required notices, and a signed agreement by the owner accepting a ten day suspension and \$1,000 fine, nine days and the \$1,000 fine stayed for one year with no same or similar violation during that period. At 10:28 a.m. Commissioner Sweeney, supported by Commissioner Forsman moved to close the public hearing. Commissioner Nelson, supported by Commissioner Dahlberg moved to approve the resolution with the amendment to change the suspension from thirty days to ten days, the days stayed from twenty nine to nine, and include May 2, 2011, as the suspension date, seven yeas, zero nays. Resolution No. 222.

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

130

Commissioner Forsman, supported by Commissioner Sweeney, moved to approve the consent agenda; seven yes, zero nays.

Commissioner Forsman, supported by Commissioner Sweeney, moved to table the highway project bid for Hoover Construction, as Minnesota Department of Transportation (MNDOT) approval is still pending; seven yes, zero nays.

Commissioner Forsman, supported by Commissioner Nelson, moved to approve a resolution cancelling the special assessment for unpaid septic loan on property owned by Beverly Allis, d/b/a Kountry Krossroads and authorize a loan to Ms. Allis for \$12,083 plus 3% interest over ten years. Administrator Gray said Kountry Krossroads matter related to a septic loan issued to another person for the establishment. An agreement was worked out with Ms. Allis to make loan payments in the amount of \$116.00 per month for ten years, noting this is a personal loan to Ms. Allis. Administrator Gray said the special assessment will be removed and a new agreement will be in place for the septic loan. After further discussion, the resolution was approved; seven yes, zero nays. Resolution No. 223.

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

Kevin Gray, County Administrator, and Robert Krepps, Land Commissioners, submitting Board Letter No. 11-134, Removal and Cleanup of Abandoned Personal Property.—[59254](#)

County Auditor submitting applications for 3.2 percent non-intoxicating malt liquor (Beer) licenses for 2011.—[59255](#)

Kevin Gray, County Administrator, Donald Dicklich, County Auditor, and Mark Rubin, County Attorney, submitting Board Letter 11-145, Public Hearing to Consider Alleged Liquor Law Violations – Vermilion Club, Inc., (Greenwood Township).—[59256](#)

Kevin Gray, County Administrator, Donald Dicklich, County Auditor, and Mark Rubin, County Attorney, submitting Board Letter 11-146, Public Hearing to Consider Alleged Liquor Law Violations – Gateway Store, LLC (Unorganized Township 68-21)—[59257](#)

Kevin Gray, County Administrator, and Melissa Honkola, Interim Employee Relations Director, submitting Board Letter 11-143, County Attorney Investigators Bargaining Agreement 2010-2011.—[59258](#)

Commissioner Keith Nelson submitting “Recognition of Excellence in the Arts and Sciences” award presentation to Bob Kesti, retired Eveleth High School teacher.—[59259](#)

Agreement between the St. Louis County Board of Commissioners and The Minnesota Teamsters Public and Law Enforcement Employees Union, Local No. 320 (Public Works Maintenance Division) for 2010-2011.—[11-350](#)

Agreement between St. Louis County and the City of Babbitt for 2011 Maintenance Striping, MP 97037.—[11-351](#)

Armored Transportation Service Agreement between the St. Louis County Auditor and Granite City Armored Car, Inc., for pick up and delivery service of bank deposits and interoffice mail.—[11-352](#)

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

131

Agreement for Professional Services between St. Louis County and Sandy Roggenkamp for lab testing services for Public Works during the period commencing May 9, 2011 and terminating November 30, 2011.—11-353

Purchase of Service Agreement between the County of St. Louis and Range Women's Advocates for assistance in the writing and filing of petitions, motions and affidavits for victims of domestic abuse.—11-354

Agreement between the County of St. Louis and the City of Hibbing for the housing of inmates at the St. Louis County Holding Facility in Hibbing, MN.—11-355

Community Development Block Grant Program FY 2010 Agreement between St. Louis County and the City of Babbitt for the Babbitt Comprehensive Plan.—11-356

Minnesota Department of Public Safety, Division of Emergency Communication Networks State Homeland Security Program Grant Agreement for interoperable communications equipment for the Northeast Regional Radio Board.—11-357

Minnesota Department of Public Safety, Homeland Security and Emergency Management Division (HSEM) 2008 Port Security Grant for communications link to the St. Louis County Public Safety Building in Duluth and to the St. Louis County Emergency Operations Center at Pike Lake.—11-358

Agreement between the County of St. Louis and the City of Eveleth for 2011 Maintenance Striping, MP 97037.—11-359

Agreement for Professional Services between the County of St. Louis and Unique Security, Inc., for Jail Security System Service & Maintenance Support.—11-360

Service Agreement between the Regents of the University of Minnesota and St. Louis County Land Department for operation of cooperative program in environmental education for the Boulder Lake Environmental Learning Center.—11-361

Kevin McKoskey, Sr. Assoc. Director, Sponsored Projects Administration, University of Minnesota, regarding funding by the St. Louis County Land Department for the Minnesota Forest Productivity Research Cooperative 2010-11.—11-362

Upon motion of Commissioner Forsman, supported by Commissioner Sweeney, resolutions numbered 198 through 217, as submitted to this Board on the Consent Agenda, were unanimously approved as follows:

**BY COMMISSIONER FORSMAN:**

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of April 5, 2011, are hereby approved.  
Adopted April 26, 2011. No. 198

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of April 12, 2011, are hereby approved.  
Adopted April 26, 2011. No. 199

WHEREAS, the St. Louis County Land Department requests authorization to dispose of

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

132

abandoned personal property on state tax forfeited parcels described in County Board File No. 59254; and

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

WHEREAS, the previous owners of the properties were properly notified by posting of property or by mail.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the County Auditor to dispose of abandoned personal property from the above described state tax forfeited properties.

Adopted April 26, 2011. No. 200

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

WHEREAS, Robert Rodenwald of Duluth, MN, has applied to repurchase state tax forfeited land; and

WHEREAS, the applicant was the owner of record at the time of forfeiture and is eligible to repurchase the property; and

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

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the repurchase application by Robert Rodenwald of Duluth, MN, on file in County Board File No. 59199, subject to payments including total taxes and assessments of \$5,793.83, service fees of \$114, deed tax of \$18.41, deed fee of \$25, and recording fee of \$46; for a total of \$5,997.24, to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted April 26, 2011. No. 201

WHEREAS, the City of Duluth has requested to purchase the following described state tax forfeited land for the appraised value of \$25,000, plus fees, for street and utility purposes;

Legal: Lots 7, 8, 9 and 10

Hainesville Addition to Duluth

City of Duluth

Parcel Codes: 10-2025-70, 80, 90 and 100

2.3 Acres

LDKEYS: 29167, 29168, 29169, 29170

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

WHEREAS, these parcels of land have not been withdrawn from sale pursuant to Minn. Stat. §§ 85.012, 92.461, 282.01, Subd 8; and 282.018, and other statutes that require the withholding of state tax forfeited lands from sale.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the sale of the state tax forfeited land, as described, to the City of Duluth for the appraised value of \$25,000 plus the following fees: 3% assurance fee of \$750, deed fee of \$25, deed tax of \$82.50, recording fee of \$46, and administration fee of \$1,750; for a total of \$27,653.50, to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, that the St. Louis County Auditor shall offer for sale at public auction the state tax forfeited land described here if the City of Duluth does not purchase the land by July 1, 2011.

Adopted April 26, 2011. No. 202

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

133

RESOLVED, that the appraisal reports for the sale of timber to be offered at PUBLIC ORAL TIMBER AUCTION, Tracts 1 through 35 (totaling \$902,252.94), as submitted by the Land Commissioner, on file in the office of the County Auditor, identified as County Board File No. 59196, are approved and the County Auditor is authorized to carry out the recommendations as listed in said appraisal reports.

Adopted April 26, 2011. No. 203

WHEREAS, St. Louis County has developed plans for the reconstruction of part of County Road 267 (Laine Road) and the replacement of County Bridge 849 (County project M.P. 267-78113); and

WHEREAS, permanent highway right of way is needed for this county road over a parcel of land that is currently tax-forfeited; and

WHEREAS, Minn. Stat. § 282.04, Subdivision 4, permits the County Auditor to grant highway easements over tax forfeited lands.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the County Auditor to grant the necessary easement for highway purposes over the following parcel:

The NE ¼ of the SW ¼ of Section 12, Township 53 North, Range 12 West of the Fourth Principal Meridian.

(Parcel Identification Number – 210-0010-02000)

Adopted April 26, 2011. No. 204

WHEREAS, the Purchasing Division solicited a joint bid request with the City of Duluth for the purchase of bituminous materials for use throughout St. Louis County; and

WHEREAS, the Purchasing Division received bids which met specifications from five vendors; and

WHEREAS, bituminous materials are purchased from the vendor with the lowest net cost for the product required for each project site; the lowest net cost includes price per ton, proximity to the project and transportation costs.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board authorizes the appropriate county officials to enter into contracts for the purchase of bituminous materials from Ulland Brothers, Inc., of Cloquet, MN; Mesabi Bituminous, Inc., of Gilbert, MN; Monarch Paving Company of Superior, WI; Northland Constructors of Duluth, LLC, of Duluth, MN; and KGM Contractors, Inc., of Angora MN, at the prices submitted on Bid No. 4949 found in County Board File No. 59205, payable from Fund 200, Agencies 201004, 201005, 201006, 201007, and 201013, Object 651100.

Adopted April 26, 2011. No. 205

RESOLVED, that the St. Louis County Board approves the applications for abatements, correction of assessed valuations and taxes plus penalty and interest, and any additional accrual, identified in County Board File No. 59185.

Adopted April 26, 2011. No. 206

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. 59197, are hereby approved and the County Auditor shall issue checks in the following amounts:

MARCH 2011

100	General Fund	\$6,585,669.29
147	Namakan Basin Sewer System	385,000.00

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

134

149	Personnel Service Fund	812.03
150	Sheriff's Nemesis Fund Group	65,774.51
160	MN Trail Assistance	51,116.73
166	Sheriff Fine Contingency	2,851.64
167	Attorney's Forfeitures	149.60
168	Sheriff's State Forfeitures	1,675.19
173	Emergency Shelter Grant	107,527.32
179	Enhanced 9-1-1	19,105.54
180	Law Library	19,853.72
183	City/County Communications	445.16
184	Extension Service	36,502.02
200	Public Works	2,671,453.87
210	Road Maint – Unorg Townships	227.72
220	State Road Aid	69,003.29
230	Public Health & Human Services	6,561,470.31
240	Forfeited Tax	405,349.81
250	St. Louis County HRA	5.68
260	CDBG Grant	510,197.98
270	Home Grant	28,721.82
280	Federal Septic Loan – EPA Fund	31,245.00
290	Forest Resources	3,662.20
302	Hibbing PW Facility 1997	82,104.00
400	County Facility	256,789.84
405	Public Works Building Const	87,154.22
407	Public Works – Equipment	19,649.82
437	2008A Capital Equipment Note	102,027.15
438	2008B Capital Improvement Bond	161,536.07
439	2010A Capital Improvement Bond	42.00
600	Environmental Services	413,297.42
616	On-Site Waste Water Division	39,794.75
625	Chris Jensen Health & Rehab	6.12
626	Cap Exp/Operations Account	66,238.20
700	Printing	35,135.54
705	Postage Office Supplies	69,741.83
715	County Garage	175,698.84
720	Property Casualty Liability	212,904.35
730	Workers Compensation	331,179.33
770	Retired Employees Health Ins.	460.50
825	Taconite Relief/Other	239,980.00
826	Taconite Production Tax	1,528,863.00
900	State of Minnesota	1,160,733.04
902	Courts	259,531.61
908	Cities and Towns Taxes	23,747.90
909	Tax Refunds	144,526.89
910	School Districts Taxes	23,128.11
911	Taxes and Penalties	68.50
925	Arrowhead Regional Corrections	1,510,104.55
955	Community Health Board	476,240.22
985	Collective Local Collaborative	69,532.75
989	Regional Railroad Authority	85,785.66
990	Northern Cities Land Use	2,358.53

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

135

992	Permits to Carry-Firearms	7,941.47
994	Sheriff Forfeits/Evidence	164.84
998	MPL-DUL Train Alliance	<u>71,361.15</u>
		\$25,215,648.63

Adopted April 26, 2011. No. 207

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. 59255.

RESOLVED FURTHER, that said license is approved contingent upon the license holder paying real estate or personal property taxes when due.

RESOLVED FURTHER, that said license is approved contingent upon the Auditor's Office receipt of Grand Lake Township approval and Certificate of Liquor Liability Insurance.

RESOLVED FURTHER, that if named license holder 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 license holder.

RESOLVED FURTHER, that said license shall be effective through June 30, 2011:

The Bear's Den, LLC d/b/a The Bear's Den, Grand Lake Township, On/Off-Sale  
3.2 Percent Malt Liquor License No. B1197, new.

Adopted April 26, 2011. No. 208

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. 59223;

The Bear's Den, LLC, d/b/a The Bear's Den, Grand Lake Township, Permit No.  
S1224, new.

Adopted April 26, 2011. No. 209

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. 59239, is hereby approved and the County Auditor is authorized to issue the license as follows:

The Bear's Den, LLC d/b/a The Bear's Den, Grand Lake Township, Tobacco  
Products License No. T11260, new.

RESOLVED FURTHER, that if named license holder 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 license holder.

Adopted April 26, 2011. No. 210

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, 2011, as per application on file in the office of the County Auditor, identified as County Board File No. 59184.

Adopted April 26, 2011. No. 211

RESOLVED, that pursuant to Ordinance No. 28, Section 11, Subdivision 11.06,

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

136

authorization is hereby granted to Buffalo Valley, Inc., d/b/a Buffalo House, Midway Township, to sell/serve outside the designated serving area of the County Liquor License for the dates of August 19 and 20, 2011, as per application on file in the office of the County Auditor, identified as County Board File No. 59184.

Adopted April 26, 2011. No. 212

RESOLVED, that the 2010/2011 County Attorney Investigators Unit contract is approved and the appropriate county officials are authorized to execute the Bargaining Unit Agreement, a copy of which is on file in County Board File No. 59258.

Adopted April 26, 2011. No. 213

RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to execute an agreement with St. Mary's/Duluth Clinic Health Systems to provide medical services at the County Jail from January 1, 2011 through December 31, 2011, payable from Fund 100, Agency 137002, Object 626400.

Adopted April 26, 2011. No. 214

WHEREAS, the St. Louis County Hazard Mitigation Plan was completed in 2005 and needs to be updated; and

WHEREAS, the Federal Emergency Management Agency has made available funding from the Pre-Disaster Mitigation Program; and

WHEREAS, Local Hazard Mitigation Plans are often required in order to qualify for federal hazard mitigation funding; and

WHEREAS, the St. Louis County Planning and Community Development Department will work with the Sheriff's Office Division of Emergency Management to update the current Hazard Mitigation Plan.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes application for the 2010 Pre-Disaster Mitigation Grant in the amount of \$68,967 in federal funding, with a 25% match of \$22,989, to update the St. Louis County Hazard Mitigation Plan, with funds to be accounted for in Fund 100, Agency 132999, Grant 13206, Year 2010.

Adopted April 26, 2011. No. 215

WHEREAS, St. Louis County has received a grant from the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, for Interoperable Communications equipment for the Northern Border; and

WHEREAS, the original grant expiration date was set for March 31, 2011, but since there is money remaining, the State of Minnesota has extended the grant deadline to August 31, 2011.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes acceptance of the grant extension from the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management for the 2008 Homeland Security Northern Border grant, to be accounted for in Fund 100, Agency 129999, Grant 12940, Grant Year 2009, and authorizes St. Louis County to continue to serve as fiscal agent on behalf of the Northern Border counties.

Adopted April 26, 2011. No. 216

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, dated April 8, 2011, on file in the office of the County Auditor, identified as County Board File No. 59188, is hereby received and ratified as payable from Fund 730, Agency 730001.

Adopted April 26, 2011. No. 217

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

137

WHEREAS, Crane Lake Bar & Grill, LLC d/b/a Crane Lake Bar & Grill, Crane Lake Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minn. Stat. 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 26, 2011, at or about 9:35 A.M. in the Northland Town Hall, Canyon, 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, Crane Lake Bar & Grill 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 CMB11138) shall be issued to Crane Lake Bar & Grill, LLC d/b/a Crane Lake Bar & Grill, Crane Lake Township;

RESOLVED FURTHER, that said liquor license shall be effective through June 30, 2011;

RESOLVED FURTHER, that said license is approved contingent upon payment of real estate taxes when due;

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

Adopted April 26, 2011. No. 218

WHEREAS, the St. Louis County Liquor Licensing Committee met on March 8, 2011 to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on December 16, 2009 against Vermilion Club, Inc., d/b/a Vermilion Club, Inc., Greenwood Township; and

WHEREAS, the Liquor Licensing Committee recommended a ten (10) day suspension and \$1,000 civil penalty, with nine (9) days of the suspension and \$1,000 of the civil penalty stayed, for one year with no same or similar violations during that year; and

WHEREAS, after hearing testimony on the matter at a public hearing conducted on April 26, 2011 at 9:40 a.m. in the Northland Town Hall, Canyon, MN, the St. Louis County Board determined the recommendation of the St. Louis County Liquor Licensing Committee to be an appropriate penalty for the liquor law violation.

NOW, THEREFORE, BE IT RESOLVED, that the Combination On/Off-Sale Intoxicating Liquor License No. CMB1152 and Sunday On-Sale Intoxicating Liquor License No. SUN1152, issued to Vermilion Club, Inc. d/b/a Vermilion Club, Inc., Greenwood Township, are hereby suspended for ten (10) days and a \$1,000 civil penalty is due, with nine (9) days of the suspension and \$1,000 of the civil penalty stayed for one (1) year, with no same or similar violations during that period.

RESOLVED FURTHER, that the date of suspension of the liquor license will be May 2, 2011.

RESOLVED FURTHER, that a new violation within the next year (ending April 26, 2012) will result in the imposition of the remainder of the suspension and civil penalty, and may also be cause for additional action against the liquor license of the licensee pursuant to St. Louis County Ordinance Number 28, Section 13.

Adopted April 26, 2011. No. 219

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

138

WHEREAS, the St. Louis County Liquor Licensing Committee met on April 26, 2011 to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on November 20, 2010 against Gateway Store, LLC d/b/a Gateway Store, LLC, Unorganized Township 68-21; and

WHEREAS, the Liquor Licensing Committee recommended a ten (10) day suspension and \$1,000 civil penalty, with nine (9) days of the suspension and \$1,000 of the civil penalty stayed, for one year with no same or similar violations during that year; and

WHEREAS, after hearing testimony on the matter at a public hearing conducted on April 26, 2011 at 9:45 a.m. in the Northland Town Hall, Canyon, MN, the St. Louis County Board determined the recommendation of the St. Louis County Liquor Licensing Committee to be an appropriate penalty for the liquor law violation.

NOW, THEREFORE, BE IT RESOLVED, that the Off-Sale Intoxicating Liquor License No. OFSL113 issued to Gateway Store, LLC d/b/a Gateway Store, LLC, Unorganized Township 68-21, is hereby suspended for ten (10) days and a \$1,000 civil penalty is due, with nine (9) days of the suspension and \$1,000 of the civil penalty stayed for one (1) year, with no same or similar violations during that period.

RESOLVED FURTHER, that the date of suspension of the liquor license will be May 2, 2011.

RESOLVED FURTHER, that a new violation within the next year (ending April 26, 2012) will result in the imposition of the remainder of the suspension and civil penalty, and may also be cause for additional action against the liquor license of the licensee pursuant to St. Louis County Ordinance Number 28, Section 13.

Adopted April 26, 2011. No. 220

WHEREAS, the St. Louis County Liquor Licensing Committee met on April 26, 2011 to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on November 20, 2010 against Knutson & Son, Inc. d/b/a Jim's Ash Trail Store, Unorganized Township 68-21; and

WHEREAS, the Liquor Licensing Committee recommended a ten (10) day suspension and \$1,000 civil penalty, with nine (9) days of the suspension and \$1,000 of the civil penalty stayed, for one year with no same or similar violations during that year; and

WHEREAS, after hearing testimony on the matter at a public hearing conducted on April 26, 2011 at 9:50 a.m. in the Northland Town Hall, Canyon, MN, the St. Louis County Board determined the recommendation of the St. Louis County Liquor Licensing Committee to be an appropriate penalty for the liquor law violation.

NOW, THEREFORE, BE IT RESOLVED, that the Off-Sale Intoxicating Liquor License No. OFSL1114, issued to Knutson & Son, Inc. d/b/a Jim's Ash Trail Store, Unorganized Township 68-21, is hereby suspended for ten (10) days and a \$1,000 civil penalty is due, with nine (9) days of the suspension and \$1,000 of the civil penalty stayed for one (1) year, with no same or similar violations during that period.

RESOLVED FURTHER, that the date of suspension of the liquor license will be May 2, 2011.

RESOLVED FURTHER, that a new violation within the next year (ending April 26, 2012) will result in the imposition of the remainder of the suspension and civil penalty, and may also be cause for additional action against the liquor license of the licensee pursuant to St. Louis County Ordinance Number 28, Section 13.

Adopted April 26, 2011. No. 221

WHEREAS, the St. Louis County Liquor Licensing Committee met on April 26, 2011 to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on December 13, 2010 against 5717, Inc. d/b/a Crossroads Store,

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

139

Brevator Township; and

WHEREAS, the Liquor Licensing Committee recommended a ten (10) day suspension and \$1,000 civil penalty, with nine (9) days of the suspension and \$1,000 of the civil penalty stayed, for one year with no same or similar violations during that year; and

WHEREAS, after hearing testimony on the matter at a public hearing conducted on April 26, 2011 at 9:55 a.m. in the Northland Town Hall, Canyon, MN, the St. Louis County Board determined the recommendation of the St. Louis County Liquor Licensing Committee to be an appropriate penalty for the liquor law violation.

NOW, THEREFORE, BE IT RESOLVED, that the Off-Sale 3.2 Percent Malt Liquor License No. B1110, issued to 5717, Inc. d/b/a Crossroads Store, Brevator Township, is hereby suspended for ten (10) days and a \$1,000 civil penalty is due, with nine (9) days of the suspension and \$1,000 of the civil penalty stayed for one (1) year, with no same or similar violations during that period.

RESOLVED FURTHER, that the date of suspension of the liquor license will be May 2, 2011.

RESOLVED FURTHER, that a new violation within the next year (ending April 26, 2012) will result in the imposition of the remainder of the suspension and civil penalty, and may also be cause for additional action against the liquor license of the licensee pursuant to St. Louis County Ordinance Number 28, Section 13.

Adopted April 26, 2011. No. 222

**BY COMMISSIONER FORSMAN:**

WHEREAS, in 2006, Jeremiah Hoover applied to the St. Louis County Septic Loan Program for a loan to construct a septic system on property described as: W'LY 660" OF THE SW ¼ OF NE ¼, SECTION 30, TOWNSHIP 60, NORTH OF RANGE 16 WEST; EXCEPT HIGHWAY RIGHT OF WAY; and

WHEREAS, Jeremiah and Pamela Hoover were purchasing the property from Beverly Allis, by Contract for Deed; and

WHEREAS, this loan application was processed by Northspan pursuant to a contract with St. Louis County and a loan in the amount of \$28,500.00 was made to Jeremiah and Pamela Hoover d/b/a Kountry Krossroads who executed loan documents including a promissory note and mortgage in favor of St. Louis County as security for the loan, and a septic system was subsequently installed on the property paid for with the loan proceeds; and

WHEREAS, on or about September 18, 2008, the Contract for Deed between Beverly Allis and Jeremiah and Pamela Hoover was cancelled, and Beverly Allis took possession of the property, which continues to be operated as a restaurant with a liquor license; and

WHEREAS, in November of 2009, Ms. Allis was sent a notice that the septic system loan was delinquent in the amount of \$7,277.43 and that failure to arrange for payment of that amount would result in certification of the full amount of the loan as a special assessment for collection with the 2010 real estate taxes; and

WHEREAS, the delinquent loan payments were not paid and the full amount of the unpaid loan to St. Louis County was certified by the St. Louis County Environmental Services Department to the St. Louis County Auditor as a special assessment; and

WHEREAS, Ms. Allis claims that she is not responsible for payment of the special assessment; and

WHEREAS, St. Louis County desires to resolve this matter in a way that is fair and likely to result in repayment of the septic loan; and

WHEREAS, the property currently operated as Kountry Krossroads has been enhanced by the addition of the septic system paid for by a loan from St. Louis County and the business of a restaurant with a liquor license would not be possible without a proper septic system.

NOW, THEREFORE, BE IT RESOLVED, St. Louis County hereby cancels the special

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

140

assessment (principle and interest) on the subject property conditioned on execution of a loan agreement with Beverly Allis with a principle amount of \$12,083 plus interest at 3% over a term of 10 years for a total payment of \$14,000, including monthly payments of equal installments, according to the standard terms of Ordinance 49, the Individual Sewage Systems Treatment Loan Program, and including execution by Beverly Allis of a Promissory Note and Mortgage in favor of St. Louis County.

RESOLVED FURTHER, that this agreement will be subject to the remedies available to the County for non-payment that are set forth in County Ordinance 49 and Ordinance 28 which governs Liquor Licensing, as well as any other remedies available at law.

Unanimously adopted April 26, 2011. No. 223

At 10:48 a.m., April 26, 2011, Commissioner Sweeney, supported by Commissioner Raukar, moved to adjourn; seven yeas, zero nays.

Steve O'Neil, 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)