

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

NOVEMBER, 2011

**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON NOVEMBER 1, 2011**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 1st day of November, 2011, at 9:37 a.m., in the County Board Room, Duluth Courthouse, 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 Sweeney reminded everyone that there are several local elections next Tuesday, November 8, noting many of the school levies are expiring and votes are needed to continue existing funding.

Commissioner O'Neil recognized artist Carl Gawboy for excellence in the arts and sciences. Commissioner O'Neil said Carl Gawboy is an exceptional artist who was born in Cloquet, grew up in Ely, and now lives in Duluth. His work is inspired by his personal experiences. A video was shown of Carl Gawboy's artwork.

Pursuant to Resolution No. 405, adopted July 26, 2011, the board considered bids for the sale of surplus fee land in Biwabik Township. Commissioner Nelson, supported by Commissioner Sweeney, moved to accept the highest bid from Duane M. and Lilly A. Salo, Eveleth, MN, in the amount of \$7,300; seven yeas, zero nays. Resolution No. 575.

Pursuant to Resolution No. 406, adopted July 26, 2011, heard on the matter of surplus fee land sale in Section 14, Township 60 North, Range 19 West, Administrator Kevin Gray said the property was advertised for sale and no bids were received, therefore no board action is required.

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.

Lee Fawcett, Duluth, and Greg Warren, Duluth, brought forth concerns regarding septic system usage fees and assessments by Alborn Township for their properties on Erie Lake.

Commissioner Sweeney, supported by Commissioner Dahlberg, moved the consent agenda. At the request of Commissioner Raukar, item number one, authorization of lease for state tax forfeited land to Mining Resources, LLC was pulled for separate consideration. The reminder of the consent agenda was approved; seven yeas, zero nays.

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Commissioner Dahlberg, supported by Commissioner Jewell, moved to approve the 2012-2013 Vulnerable Children and Adults Act and Minnesota Family Investment Program Biennial Service Agreements. Commissioner Dahlberg said Commissioner O'Neil's spouse works for an agency that receives funds from these agreements and will abstain from voting on this matter; six yeas, zero nays, one abstention (Commissioner O'Neil). Resolution No. 576.

Commissioner Forsman, supported by Commissioner Nelson, moved to approve the purchase of Automated Vehicle Location (AVL) and Global Positioning System (GPS) equipment for the Public Works Department. Administrator Kevin Gray said the action is to purchase AVL and GPS equipment from Precise Mobile Resource Management, Burnsville, MN, in the amount of \$127,730 plus Minnesota sales tax of \$8,781.44, for a total of \$136,511.44. Administrator Gray said this purchase will improve efficiencies and safety. Public Works Director Jim Foldesi presented the board with a 2011 Environment Leadership Award from the Freshwater Society. This award recognizes the county's efforts to help protect the environment and today's action contributes to reduced salt and sand use on county roads. Director Foldesi recognized the county board, Public Works staff and all those who helped make this possible. Commissioner Nelson was also given an award for his contributions. After further discussion, Commissioner Forsman suggested the award be posted at the Public Works Office, Pike Lake location, to recognize the good work of the Public Works employees. The motion passed; seven yeas, zero nays. Resolution No. 577.

The board recessed from 10:31 a.m. to 10:39 a.m.

Commissioner Jewell, supported by Commissioner Raukar, moved to table the state tax forfeited land lease agreement with Mining Resources, LLC for the physical scam mining plant location; six yeas, one nay (Commissioner Nelson).

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 11-395, State Tax Forfeited Land Lease Agreement – City of Hibbing.—59342

Kevin Gray, County Administrator, and Robert Krepps, Land Commissioner, submitting Board Letter 11-396, Direction to Pursue the Sale of Tax Forfeited Shoreland Lease Lots.—59343

Kevin Gray, County Administrator, and Tony Mancuso, Property Management Director, submitting Board Letter 11-404, Sale of Markham Public Works Garage (Colvin Township).—59344

Kevin Gray, County Administrator, and Ross Litman, Sheriff, submitting Board Letter No. 11-405, Acceptance of the 2008 Port Security Grant Program Contract Extension.—59345

Kevin Gray, County Administrator, and Ann M. Busche, Public Health and Human Services Director, submitting Board Letter No. 11-407, 2012-13 VCA/MFIP Biennial Service Agreements.—59346

Kevin Gray, County Administrator, and James Foldesi, Public Works Director/Highway Engineer, submitting Board Letter No. 11-398, Purchase of Automated Vehicle

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Location/Global Position System Equipment.—[59347](#)

Freshwater Society 10th Annual Road Salt Symposium Environmental Leadership Award Winners.—[59348](#)

Home and Community-Based Waiver Services Contract, Contract No. 14882, between the St. Louis County Board of Commissioners and Healthstar Home Health.—[11-870](#)

Home and Community-Based Waiver Services Contract, Contract No. 14796, between the St. Louis County Board of Commissioners and Theresa Glapa d/b/a Grand Lake Manor.—[11-871](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14796A, between the St. Louis County Board of Commissioners and Theresa Glapa d/b/a Grand Lake Manor.—[11-872](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14576B, between the St. Louis County Board of Commissioners and Kiminki Homes, Inc.—[11-873](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14608D, between the St. Louis County Board of Commissioners and Autio Homes.—[11-874](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14677C, between the St. Louis County Board of Commissioners and McCarthy Manor, Inc.—[11-875](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14747B, between the St. Louis County Board of Commissioners and Cindy K. Turnquist, RN.—[11-876](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14574C, between the St. Louis County Board of Commissioners and L & M Opportunities, Inc.—[11-877](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14794A, between the St. Louis County Board of Commissioners and Bridges to Success, Inc.—[11-878](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14619E, between the St. Louis County Board of Commissioners and At Home Living Facilities, Inc.—[11-879](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14673C, between the St. Louis County Board of Commissioners and Hillside Homes of Duluth, Inc.—[11-880](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14705B, between the St. Louis County Board of Commissioners and Carrie Sipper d/b/a Crossroads.—[11-881](#)

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Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14778A, between the St. Louis County Board of Commissioners and Mountain Home Medical, Inc., d/b/a Northstar Home Medical, Inc.—11-882

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14539C, between the St. Louis County Board of Commissioners and Family Counseling and Extended Services, Inc., d/b/a FACES North.—11-883

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14583B, between the St. Louis County Board of Commissioners and Alternatives in Motion.—11-884

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14598B, between the St. Louis County Board of Commissioners and Vallie Adult Foster Care Home. —11-885

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14540D, between the St. Louis County Board of Commissioners and Range Mental Health Center.—11-886

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14564C, between the St. Louis County Board of Commissioners and Focus on Living, Inc.—11-887

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14672C, between the St. Louis County Board of Commissioners and Transitions Plus, Inc.—11-888

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14669C, between the St. Louis County Board of Commissioners and Range Development Company of Chisholm, Inc.—11-889

Group Residential Housing Rate Agreement, Contract No. 50970, between the St. Louis County Board of Commissioners and Wellstone Center for Recovery.—11-890

Addendum to Contract No. 20944A, between the St. Louis Public Health and Human Services Department and the Arrowhead Economic Opportunity Agency for Statewide Minnesota Family Investment (MFIP) Employment Services and Diversionary Work Program Services (DWP).—11-891

Amendment to Contract Damion #2011-006434, Service Agreement between the County of St. Louis and Triangle Recycling for Recycling of Used Clothing adding seven transfer stations and canister sites.—11-892

Agreement for Professional Services between the County of St. Louis and N. G. Engineering for Phase II – Duluth Flat Surface Parking Lots Renovations (Green and Highland Lots).—11-893

Fire Protection Services Agreement between the County of St. Louis and the City of Cook for services in Unorganized Townships 62-17 & 63-17 during 2012.—11-894

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Lease Agreement between the County of St. Louis and Northern Community Credit Union for the ATM room on the first floor of the Government Services Center in Duluth, MN, retroactive from June 10, 2010 through May 31, 2015.—11-895

Upon motion by Commissioner Sweeney, supported by Commissioner Dahlberg, resolutions numbered 558 through 574, as submitted on the consent agenda, were unanimously adopted as follows:

BY COMMISSIONER SWEENEY:

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

WHEREAS, the City of Hibbing wishes to develop a community based recreation park for mountain biking, hiking, Nordic skiing and snowshoeing on eighty acres of land in Section 6, Township 57 North, Range 20 West; and

WHEREAS, the City of Hibbing is requesting to lease state tax forfeited land for the purpose of constructing, operating and maintaining the recreation park on property described as:

1. 15 ACRE STOCK PILE IN SE ¼ OF SW ¼ AND SW ¼ OF SE ¼ EX R.R.
RIGHT OF WAY 3.40 ACRES OF SURFACE BOEING MINE, SECTION 6,
TOWNSHIP 57 NORTH, RANGE 20 WEST
2. 10 ACRES STOCK PILE ON SE ¼ OF SW ¼ AND SW ¼ OF SE ¼ EX R.R.
RIGHT OF WAY 3.40 ACRES OF SURFACE BOEING MINE, SECTION 6,
TOWNSHIP 57 NORTH, RANGE 20 WEST

WHEREAS, the St. Louis County Land Department has reviewed the request and recommends a lease fee not to exceed \$250 per year for the ten year term to pay for anticipated administration and inspection costs; and

WHEREAS, the City of Hibbing shall agree to the terms and conditions set forth in a lease agreement which will include removal of recreation facilities at lessee's expense upon termination for mining purposes or expiration of the lease.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the County Auditor to lease state tax forfeited land described above to the City of Hibbing for a recreation park under the terms and conditions described within and more specifically set forth in the lease agreement at a lease fee not to exceed \$250 per year to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted November 1, 2011. No. 558

WHEREAS, St. Louis County began a shoreland lease program in the early 1950s, and expanded the program in the 1970s, as a way to "provide the public with the opportunity to lease tax forfeited shoreland in a manner reflective of its value to the user and the people of St. Louis County," (County Board Resolution No. 88-815, dated October 25, 1988); and

WHEREAS, the county Land Department currently administers 278 such leases located on twenty-seven lakes, with annual lease fees based on a comprehensive market value appraisal of the properties conducted over 23 years ago; and

WHEREAS, no additional leases are being added to this number, effectively restricting the general public from participating in the program, with most of these leases held by the same lease holder, or passed on through family generations, since they were first offered; and

WHEREAS, the St. Louis County Board has determined that the tax forfeited shoreland lease program no longer meets the criteria for which it was established, in that it does not reflect the true market values of the properties, nor does it provide the opportunity for all county

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citizens to equally participate in the program.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes and directs the County Land Commissioner to begin the process of obtaining a market value appraisal of all current shoreland lease properties, with the intention of offering these tax forfeited parcels for sale into private ownership, and to pursue special legislation for approval to sell these riparian lands as part of the county's 2012 Minnesota Legislative Agenda.

Adopted November 1, 2011. No. 559

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, Beneficial Loan & Thrift Co. of Pomona, CA, was the mortgagee at the time of forfeiture and is eligible to repurchase the property; and

WHEREAS, the applicant has applied to repurchase state tax forfeited land legally described as:

CITY OF ELY
ELY ½ OF LOT 3 AND ALL OF LOT 4, BLOCK 6
AUDITORS PLAT NO. 38 ELY
Parcel Code: 030-0021-00680

NOW, THEREFORE, BE IT RESOLVED, that the St Louis County Board approves the repurchase application by Beneficial Loan and Thrift Co. of Pomona, CA, on file in County Board File No. 59199, subject to payments including total taxes and assessments of \$13,395.60, service fee of \$114, deed tax of \$44.21, deed fee of \$25, recording fee of \$46, and additional costs of \$760.09; for a total of \$14,384.90, to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted November 1, 2011. No. 560

RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to enter into Agreement No. 93287, SP 69-00189, CP 8576, and any amendments approved by the County Attorney with the Duluth, Missabe and Iron Range Railway Co., and the Commissioner of Transportation for improvements at crossing number USDOT 251923P (F-2011) on CR 874 in Grand Lake Township, and appointing the Commissioner of Transportation agent for the county to supervise the project and administer available federal funds in accordance with Minn. Stat. Section 161.36.

RESOLVED FURTHER, that the county's share of the cost shall be 10% of the total estimated project cost of \$159,192, or \$15,919.20, payable from Fund 200, Agency 203244, Object 652800.

Adopted November 1, 2011. No. 561

RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to enter into Agreement No. 93288, SP 69-00190, CP 9319, and any amendments approved by the County Attorney with the Duluth, Missabe and Iron Range Railway Co., and the Commissioner of Transportation for improvements at crossing number USDOT 252014D (F-2013) on CR 452, 2.0 miles west of Iron Junction, Minnesota, and appointing the Commissioner of Transportation agent for the county to supervise the project and administer available federal funds in accordance with Minn. Stat. Section 161.36.

RESOLVED FURTHER, that the county's share of the cost shall be 10% of the total estimated project cost of \$151,920, or \$15,192 payable from Fund 200, Agency 203235, Object 652800.

Adopted November 1, 2011. No. 562

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15 West; thence westerly along the boundary line common to Section 32, Township 57 North, Range 15 West and Section 5, Township 56 North, Range 15 West, 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 right of way line of State Aid Road No. 4; thence in a northwesterly direction along the said westerly Right of Way line of State Aid Road No. 4 to the southerly right of way line of County Highway No. 16; thence westerly along the said southerly right of way line of County Highway No. 16 a 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 North, Range 15 West.

WHEREAS, a minimum bid amount for this property has been set at \$16,350.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the Property Management Director to advertise for written bids for the above described property, pursuant to the requirements and procedure of Minn. Stat. § 373.01.

RESOLVED FURTHER, the County Board establishes the time for bid consideration to be at 9:40 A.M. on Tuesday, December 20, 2011, at the Morse Town Hall.

Adopted November 1, 2011. No. 567

WHEREAS, the County Board annually reviews health insurance trends and its self-insured health and dental fund to establish funding levels for the employee and retiree medical and dental plans; and

WHEREAS, the County Board previously awarded continuation of the county's group health plan administrative services to Blue Cross Blue Shield of Minnesota (BCBSM) and approved the 2012 BCBSM administrative service and stop loss fees by Resolution No. 445 adopted on August 9, 2011; and

WHEREAS, the County Board believes a 0% percent rate increase for the self-funded Comprehensive Major Medical Plan in 2012 is reasonable based on projections prepared by its claims administrator and the County Auditor and as recommended by its Health Insurance Committee.

NOW, THEREFORE, BE IT RESOLVED, that the 2012 monthly premium rates for health insurance are approved as follows:

For groups in 2011 paying \$675.18 for Single Coverage and \$1,568.13 for Family

Coverage:

2012 Rate

SINGLE COVERAGE: \$ 675.18

FAMILY COVERAGE: \$1,568.13

For groups in 2011 paying \$657.40 for Single Coverage and \$1,550.35 for Family

Coverage:

2012 Rate

SINGLE COVERAGE: \$ 657.40

FAMILY COVERAGE: \$1,550.35

For retirees:

2012 Rate

SINGLE COVERAGE: \$ 657.40

FAMILY COVERAGE: \$1,550.35

RESOLVED FURTHER, that in 2012, Medicare-eligible retirees and their spouses will continue to be offered the alternative fully-insured BCBSM Group Senior Gold program with MedicareBlue Rx copay options of either \$10/\$25/\$40/25% with a \$303.00 monthly

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premium, or \$5/\$15/\$35/\$60 with a \$336.00 monthly premium.

RESOLVED FURTHER, that the 2012 monthly premium rate for the self-insured dental plan is approved, with a 0% increase, in the amount of \$37.01.

RESOLVED FURTHER, that the 2012 per contract per month administrative service fee of \$2.18 payable to Delta Dental Plan of Minnesota is approved.

RESOLVED FURTHER, that the Board authorizes the appropriate county officials to execute a contract for administrative services of the dental plan for the time period covering January 1 – December 31, 2012, as set forth above.

Adopted November 1, 2011. No. 568

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products at retail, on file in the office of the County Auditor, identified as County Board File No. 59239, are hereby approved and the County Auditor is authorized to issue the licenses as follows:

C. C. Campground #717, Inc., d/b/a C. C. Campground #717, Inc., French Township, Tobacco Products License No. T1222;

Renee L. Padget d/b/a Dick's Head Shop, City of Aurora, Tobacco Products License No. T12261;

Inter City Oil Co., Inc., d/b/a Inter City Oil Co., Inc., Cotton Township, Tobacco Products License No. T1270;

Knutson & Son, Inc., d/b/a Jim's Ash Trail Store, Unorganized Township 68-21, Tobacco Products License No. T12189;

Zupancich Bros., Inc., d/b/a Zupancich Bros., Inc., City of Aurora, Tobacco Products License No. T12140.

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

Adopted November 1, 2011. No. 569

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for licenses to sell tobacco products at retail, on file in the office of the County Auditor, identified as County Board File No. 59239, are hereby approved and the County Auditor is authorized to issue the licenses as follows. The following license holders were issued a tobacco violation citation on the dates as stated:

C & B Warehouse Distributing, Inc., d/b/a Britt Short Stop, Unorganized Township 60-18, Tobacco Products License No. T1218, December 16, 2010;

Susan Chalstrom/John Chalstrom, d/b/a Chalstrom's Bait, Rice Lake Township, Tobacco Products License No. T1224, December 31, 2002; December 22, 2004; November 22, 2008;

C & B Warehouse Distributing, Inc., d/b/a Ely Lake Short Stop, Fayal Township, Tobacco Products License No. T1246, December 10, 2002;

Paulson's Super Valu, Inc., d/b/a Paulson's Super Valu, Inc., Canosia Township, Tobacco Products License No. T12103, December 28, 2002;

Proctor Milk House, Inc., d/b/a Proctor Milk House, Inc., City of Proctor, Tobacco Products License No. T12111, September 30, 1998; December 22, 2000, July 12, 2011;

Bernard Zupancich/Matt Zupancich, d/b/a Zup's Cook, City of Cook, Tobacco Products License No. T12257, May 7, 2000; October 18, 2002.

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

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Adopted November 1, 2011. No. 570

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:

Vermilion Ventures, LLC, d/b/a Bayview Lodge, Greenwood Township, Tobacco Products License No. T12264, renewal, change of officers.

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 November 1, 2011. No. 571

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, dated October 21, 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 November 1, 2011. No. 572

WHEREAS, the 2008 Port Security Grant, a currently active grant in the Sheriff's Office, was scheduled to expire as of July 31, 2011; and

WHEREAS, the Federal Emergency Management Agency, through the State of Minnesota, is offering to extend the grant contract to July 31, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes acceptance of the extension to the 2008 Port Security Grant Program, to be accounted for in Fund 100, Agency 129999, Grant 12938, Year 2008.

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

Adopted November 1, 2011. No. 573

WHEREAS, local law enforcement agencies within the State of Minnesota have access to the state's Criminal Justice Data Communications Network (CJDN), allowing access to state and federal records pertaining to investigations through computer terminals and state messaging systems; and

WHEREAS, St. Louis County desires to enter into a Joint Powers Agreement with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension for continued use of the state's CJDN.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes a Joint Powers Agreement with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension for use of the Criminal Justice Data Communications Network in the amount of \$7,320 annually, for a term of five years, to be accounted for in Fund 100, Agency 129003, Object 622900.

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

Adopted November 1, 2011. No. 574

BY COMMISSIONER NELSON:

WHEREAS, the county's Property Acquisition Team identified the following property as surplus county fee owned land legally described as follows:

All that part of the Southeast Quarter of the Northwest Quarter (SE ¼ of NW ¼), Section 26, Township 58 North of Range 16 West of the Fourth Principal Meridian lying

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westerly of the center line of County Highway No. 4 and southerly of the following described line: Commencing at the southeast corner of said SE ¼ of NW ¼; thence northerly along the east line thereof 165 feet to the point of beginning of the line to be described; thence westerly parallel with the south line of said SE ¼ of NW ¼ to intersect with the west line of said SE ¼ of NW ¼ and there ending.

And

Lots 17 and 18, TRANAAS ACRES.

WHEREAS, the property was advertised for sale and bids were received, with Duane M. Salo and Lilly A. Salo submitting the high bid of \$7,300 for said parcel.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the requirements of and procedures of Minn. Stat. § 373.01, the appropriate county officials are authorized to execute a quit claim deed, conveying the above listed property to Duane M. Salo and Lilly A. Salo of Eveleth, MN, for the bid amount of \$7,300, payable to Fund 100, Agency 128014, Object 583100. Buyers are also responsible for deed tax and recording fees.

Unanimously adopted November 1, 2011. No. 575

BY COMMISSIONER DAHLBERG:

WHEREAS, St. Louis County is required to submit a 2012-2013 Vulnerable Children & Adults Act (VCA) Biennial Service Agreement and a Minnesota Family Investment Program (MFIP) Biennial Service Agreement to the State of Minnesota explaining how it intends to spend VCA and MFIP Consolidated Funds; and

WHEREAS, the required 30-day public comment period on the 2012-2013 VCA/MFIP Biennial Service Agreements started September 22, 2011, with public input received during this 30-day period incorporated into the agreement; and

WHEREAS, County Board approval is required before submitting the 2012-2013 VCA/MFIP Biennial Service Agreements to the Minnesota Department of Human Services.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the content of the 2012-2013 Vulnerable Children & Adults Act (VCA) and Minnesota Family Investment Program (MFIP) Biennial Service Agreements.

Yeas – Commissioners Jewell, Dahlberg, Forsman, Sweeney, Nelson, and Raukar – 6

Nays – 0

Abstained – Chair O’Neil – 1

Adopted November 1, 2011. No. 576

BY COMMISSIONER FORSMAN:

WHEREAS, the Public Works Department equipment budget includes the purchase of Automated Vehicle Location/Global Position System (AVL/GPS) equipment, which has proven to be a cost savings through the reduction in salt/sand usage; and

WHEREAS, Precise Mobile Resource Management is the only company that is affiliated with Force America, the provider of all calibrated controls currently in use by the county, and purchasing from Precise Mobile Resource Management will ensure a seamless efficient package that has already been proven; and

WHEREAS, the purchase price from Precise Mobile Resource Management of \$127,730, plus \$8,781.44 State of Minnesota sales tax, for a total of \$136,511.44 is within the amount budgeted for this purchase.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the purchase of AVL/GPS equipment from Precise Mobile Resource Management of Burnsville, Minnesota, in the amount of \$136,511.44, payable from Fund 437, Agency 437001, Object 665100.

Unanimously adopted November 1, 2011. No. 577

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At 10:41 a.m., November 1, 2011, Commissioner Forsman, supported by Commissioner Jewell, moved to adjourn; seven yeas, zero nays.

Steve O'Neil, Chair of the County Board
of Commissioners

Attest:

Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON NOVEMBER 8, 2011**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 8th day of November, 2011, at 9:32 a.m., in the County Board Room, Duluth Courthouse, Duluth, Minnesota, with the following members present: Commissioners Frank Jewell, Chris Dahlberg, Mike Forsman, Peg Sweeney, Keith Nelson, and Steve Raukar - 6. Absent: Commissioner Steve O'Neil - 1.

Commissioner Nelson 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, followed by the pledge of allegiance.

Commissioner Jewell recognized The Echoes of Peace Choir for excellence in the arts and sciences. Commissioner Jewell described The Echoes of Peace Choir as a community choir. Choir Director Sara Thomsen thanked the board for the recognition and announced the choir would sing two songs for the board, *Cherokee Morning Song* and *Ship Gonna Sail*.

Commissioner Nelson opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and the following chose to do so.

Mark Anderson, Normanna Township, asked the board to help fund a feasibility study to improve internet access in the area.

At 9:59 a.m. a public hearing was held to consider the adoption of the 2012 fee schedule for various county services. Deputy Administrator Linnea Mirsch presented the fee schedule and noted some additions. At 10:03 a.m., Commissioner Jewell, supported by Commissioner Dahlberg, moved to close the public hearing. Commissioner Jewell, supported by Commissioner Forsman, moved to approve the 2012 fee schedule; six yeas, zero nays. Resolution No. 589.

Commissioner Forsman, supported by Commissioner Raukar, moved the consent agenda. At the request of Commissioner Raukar, authorization of lease for state tax forfeited land to Mining Resources, LLC was pulled for separate consideration. The remainder of the consent agenda was approved, six yeas, zero nays.

Commissioner Jewell, supported by Commissioner Raukar, moved to authorize a lease for state tax-forfeited land in Balkan Township to Mining Resources, LLC. Administrator Kevin Gray reviewed the letter from Mining Resources, LLC, which overviews their plan to relocate a section of the Mesabi Trail. Administrator Gray said this lease is for the wider area of approximately 550 acres, in an amount not to exceed \$12,000 annually. Land Commissioner Bob Krepps said pursuant to state statutes, lease agreements for state tax-forfeited land cannot exceed \$12,000, regardless of the number of acres. Commissioner Raukar said he is satisfied with the outcome for the Mesabi Trail and that public interest is protected. In response to a question from Commissioner Raukar, Larry Lehtinen, Magnetation CEO, said in the past scam mining was defined as smaller scale mining activities that took place behind larger mining operations, noting they have a green and sustainable business plan for this proposed scam mining project. After further discussion, the motion passed; six yeas, zero nays. Resolution No. 590.

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Commissioner Raukar, supported by Commissioner Jewell, moved to authorize a lease for state tax-forfeited land in Balkan Township to Mining Resources, LLC for the scam processing plant location. Commissioner Raukar said if the state legislature increases the amount of the lease, he would like to have the ability to increase the lease. In response to a question from Commissioner Sweeney, Land Commissioner Krepps said when Oliver Mining went out of business, they stopped paying taxes and the land went state tax-forfeit. After further discussion, the motion passed; six yeas, zero nays. Resolution No. 581.

The following board and contract files were created as a result of documents received at this board meeting:

Kevin Gray, County Administrator, Ross Litman, Sheriff, and James Gottschald, Employee Relations Director, submitting Board Letter No. 11-416, Consolidation of Communications Center "Effects Bargaining" Agreement.—[59349](#)

Kevin Gray, County Administrator, and Barbara Hayden, Director of Planning and Community Development, submitting Board Letter No. 11-418, Appointments to the Community Development Block Grant Citizen Advisory Committee.—[59350](#)

Kevin Gray, County Administrator, and Barbara Hayden, Director of Planning and Community Development, submitting Board Letter No. 11-419, Citizen Appointments to the St. Louis County Planning Commission.—[59351](#)

Kevin Gray, County Administrator, and Ross Litman, Sheriff, submitting Board Letter No. 11-417, Application and Acceptance of the 2012 Boundary Waters Drug Task Force Grant.—[59352](#)

Kevin Gray, County Administrator, submitting Board Letter No. 11-420, Public Hearing to Consider Adoption of 2012 Fee Schedule.—[59353](#)

Kevin Gray, County Administrator, and Robert Krepps, Land Commissioner, submitting Board Letter No. 11-394, State Tax Forfeited Lease Agreement with Mining Resources, LLC for a Processing Plant (Balkan Township) and Board Letter No. 11-414, State Tax Forfeited Surface Lease Agreement with Mining Resources, LLC (Balkan Township).—[59354](#)

Commissioner Frank Jewell submitting information about The Echoes of Peace Choir, his choice for excellence in the arts and sciences.—[59355](#)

Duluth News Tribune article "Our view: Transparency, not conspiracy, in county's letter to taxpayers" dated Nov. 8, 2011, and electronic communication between Administrator Gray and Duluth Mayor Don Ness.—[59356](#)

Agreement for Professional Services between the County of St. Louis and Northland Consulting Engineers, LLP for Annual Parking Ramp Structural Inspection.—[11-870](#)

Professional Services Agreement between St. Louis County Public Works and Bolton & Menk, Inc., for 89 separate traffic count locations.—[11-871](#)

First Amendment to Agreement for Professional Services between St. Louis County and North Point Geographic Solutions for the provision of Land Atlas and Plat Book

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development services.—11-872

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14820A, between the St. Louis County Board of Commissioners and Great Lakes Excavating, Inc.—11-873

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14575B, between the St. Louis County Board of Commissioners and Lee Foster Care Homes (LFC).—11-874

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14666D, between the St. Louis County Board of Commissioners and Expanding Horizons, Inc.—11-875

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14569B, between the St. Louis County Board of Commissioners and Virginia Regional Medical Center.—11-876

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14557B, between the St. Louis County Board of Commissioners and Proactive-Caring-Accommodating Services, LLC.—11-877

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14782B, between the St. Louis County Board of Commissioners and Terry K. Chartier and Allen J. Chartier d/b/a Silver Maple Estates.—11-878

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14623A, between the St. Louis County Board of Commissioners and Critical Signal Technologies, Inc.—11-879

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14555D, between the St. Louis County Board of Commissioners and Spectrum Community Health, Inc.—11-880

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14558A, between the St. Louis County Board of Commissioners and St. Luke's Home Health Services.—11-881

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14533D, between the St. Louis County Board of Commissioners and Senior Friend Associates, Inc.—11-882

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14689C, between the St. Louis County Board of Commissioners and S.A.F.E. Harbor Homes, Inc.—11-883

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14783B, between the St. Louis County Board of Commissioners and Ann E. Teske and Mary Wentland d/b/a Our Brothers Love.—11-884

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

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14684A, between the St. Louis County Board of Commissioners and Center for Independent Living of Northeastern Minnesota.—11-885

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14674C, between the St. Louis County Board of Commissioners and St. Francis Health Services of Morris, Inc.—11-886

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14777A, between the St. Louis County Board of Commissioners and New Millenium Health Care.—11-887

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14680B, between the St. Louis County Board of Commissioners and Fairview Range Regional Health Services d/b/a University Medical Center-Mesabi.—11-888

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14680C, between the St. Louis County Board of Commissioners and Fairview Range Regional Health Services d/b/a University Medical Center-Mesabi.—11-889

Home and Community-Based Waiver Services Contract, Contract No. 14886, between the St. Louis County Board of Commissioners and Steiger Enterprises of Virginia, Inc., d/b/a Floor to Ceiling.—11-890

Addendum to Contract No. 20939A, between the St. Louis County Public Health and Human Services Department and Occupational Development Center, Inc. (DOC) for Statewide Minnesota Family Investment (MFIP) Employment Services and Diversiory Work Program Services (DWP).—11-891

Upon motion by Commissioner Forsman, supported by Commissioner Raukar, resolutions numbered 578 through 580 and 582 through 588, as submitted to this board on the consent agenda, were unanimously adopted as follows:

BY COMMISSIONER FORSMAN:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of October 25, 2011, are hereby approved.
Adopted November 8, 2011. No. 578

WHEREAS, pursuant to Minn. Stat. § 282.01a, Subd. 1, upon recommendation of the County Board, the Commissioner of Revenue may convey state tax forfeited land to another governmental subdivision for an authorized public use; and

WHEREAS, the City of Duluth has requested a free conveyance of state tax forfeited land for park, trail, and utility purposes, legally described as:

OUTLOT 4
RIVERSIDE DULUTH
Parcel Code: 010-3970-02090
0.5 Acres
LDKEY: 71475

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board recommends that the Commissioner of Revenue convey the above described state tax forfeited land to the City of Duluth for the authorized public use, upon payment of \$250 administrative fee, \$250 Department of Revenue fee, \$25 deed fee, \$1.65 deed tax, and \$46 recording fee; for a total

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of \$572.65, to be deposited into Fund 240 (Forfeited Tax Fund).
Adopted November 8, 2011. No. 579

WHEREAS, the contract with Timothy Ronchetti of Hibbing, MN, for the purchase of state tax forfeited land is in default for failure to provide proof of insurance; and
WHEREAS, the purchaser was properly served with Notice of Cancellation of Contract by civil process and has failed to cure the default for lands legally described as:

CITY OF HIBBING
LOTS 1 AND 2, BLOCK 1
PLAT OF BROOKLYN
Parcel Code: 140-0050-00010
C22100080

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

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

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

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

Adopted November 8, 2011. No. 580

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

Cook Timberwolves Snowmobile Club to operate out of The Oasis, Unorganized Township 60-18, 7539 Peel Road, Britt, MN, 55710, new.

Adopted November 8, 2011. No. 582

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 59239, are hereby approved and the County Auditor is authorized to issue the licenses as follows:

The Clip Joint Tavern, Inc., d/b/a The Clip Joint Tavern, Inc., Alborn Township, Tobacco Products License No. T12253;
Oveson Kab-Con, Inc., d/b/a Kettle Falls Hotel, Unorganized Township 70-18, Tobacco Products License No. T1276;
CMK Management, Inc., d/b/a Powerhouse Bar, City of Proctor, Tobacco Products License No. T12141;
Wayside Corner Store, Inc., d/b/a Wayside Corner Store, New Independence Township, Tobacco Products License No. T12214;
M. & T. Wedin, Inc., d/b/a Wooden Table Inn, Unorganized Township 60-19, Tobacco Products License No. T12185.

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 November 8, 2011. No. 583

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RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 59239, are hereby approved and the County Auditor is authorized to issue the licenses as follows:

The following license holders were issued a tobacco violation citation on the dates as stated.

Best Oil Co., Inc., d/b/a Proctor Little Store, City of Proctor, Tobacco Products

License No. T12110, September 30, 1998;

DeWall Service Center, Inc., d/b/a Troy's Amoco, City of Proctor, Tobacco Products

License No. T12235, December 11, 2008.

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

Adopted November 8, 2011. No. 584

RESOLVED, that the "effects bargaining" agreement with the St. Louis County Association, representing the Civil Service Supervisory Bargaining Unit, is approved and the appropriate county officials are authorized to execute the agreement, a copy of which is on file in County Board File No. 59349.

Adopted November 8, 2011. No. 585

RESOLVED, the St. Louis County Board appoints the following two individuals to the Community Development Block Grant Citizen Advisory Committee with a term ending April 30, 2014:

Laurence A. Cuffe City of Virginia

Rudy F. Semeja At-Large Representative

Adopted November 8, 2011. No. 586

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

WHEREAS, the St. Louis County Planning Commission currently has two individuals whose terms expire December 31, 2011, and are eligible for reappointment.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board reappoints the following citizens to the St. Louis County Planning Commission with a term expiring December 31, 2014:

Sonya Pineo

William Thomas Coombe

Adopted November 8, 2011. No. 587

WHEREAS, the St. Louis County Sheriff's Office is a member of the Boundary Waters Drug Task Force, and the county serves as its fiscal agent; and

WHEREAS, the Minnesota Department of Public Safety, Office of Justice Programs, is offering a 2012 Boundary Waters Drug Task Force grant in the amount of \$92,500.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes application and acceptance of the 2012 Boundary Waters Drug Task Force Grant in the amount of \$92,500, to be accounted for in Fund 100, Agency 129999, Grant 12901, Year 2012.

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

Adopted November 8, 2011. No. 588

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BY COMMISSIONER JEWELL:

WHEREAS, the St. Louis County Board held a public hearing at 9:40 a.m. on Tuesday, November 8, 2011 at the St. Louis County Courthouse, Duluth, Minnesota, to receive comment and consider the adoption of the Fee Schedule for various County services for the year 2012.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners adopts the 2012 Fee Schedule on file in County Board File No. 59353.

Unanimously adopted November 8, 2011. No. 589

BY COMMISSIONER JEWELL:

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

WHEREAS, Mining Resources, LLC wishes to develop a scam mining project in Sections 26, 34, and 35, Township 58 North, Range 20 West; and

WHEREAS, Mining Resources, LLC is requesting to lease state tax forfeited land for the purpose of constructing and operating an iron ore scam mine processing plant and related facilities on property described as:

1. NW ¼ OF NW ¼ EX 12.61 AC E OF RY RT OF WAY & EX RY RT OF W 0.50 AC, SURFACE ONLY, SECTION 35, TOWNSHIP 58 NORTH, RANGE 20 WEST (PARCEL CODE: 141-0030-00460)
2. SE ¼ OF SW ¼ , SECTION 26, TOWNSHIP 58 NORTH, RANGE 20 WEST (PARCEL CODE: 235-0010-03885)

WHEREAS, the St. Louis County Land Department has reviewed the request and recommends an annual lease fee not to exceed \$12,000 plus timber damages for the processing plant and related facilities for a ten year term or until termination of operations; and

WHEREAS, Mining Resources, LLC shall agree to the terms and conditions set forth in a lease agreement which will include complete removal of all mining facilities at lessee's expense upon termination or expiration of the lease.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the County Auditor to lease state tax forfeited land described above to Mining Resources, LLC for a scam mining processing plant under the terms and conditions described within and more specifically set forth in the lease agreement at an annual fee not to exceed \$12,000 to be deposited into Fund 240 (Forfeited Tax Fund).

Unanimously adopted November 8, 2011. No. 590

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

WHEREAS, Mining Resources, LLC wishes to develop a scam mining project in Sections 26, 34, and 35, Township 58 North, Range 20 West; and

WHEREAS, Mining Resources, LLC is requesting to lease state tax forfeited land for the purpose of constructing and operating an iron ore scam mine that will include a processing plant, access roads, electrical transmission lines, and related facilities on property described as:

1. UND 1/16 OF NW 1/4 OF SW 1/4 EX RY R/W 7.60 AC AND EX HWY R/W, SEC 26 (PARCEL 235-0010-03873)

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2. NW 1/4 OF NW 1/4 EX 12.61 AC E OF RY RT OF WAY & EX RY RT OF W 0.50 AC, SURFACE ONLY, SEC 35 (PARCEL 141-0030-00460)
3. PART OF NW 1/4 OF NW 1/4 BEG 75 FT S OF NE CORNER THENCE S ALONG E LINE TO A POINT 50 FT N OF SE CORNER THENCE W TO E LINE OF RY RT OF WAY THENCE N ALONG SAID E LINE OF RY RT OF WAY TO A POINT 75 FT S OF NW COR THENCE E TO POINT OF BEG SURFACE ONLY, SEC 35 (PARCEL 141-0030-00465)
4. NE 1/4 OF NE 1/4 NEVILLE MINE, SEC 34 (PARCEL 141-0030-00210)
5. THAT PART OF SW 1/4 OF NW 1/4 EAST OF RY SURFACE ONLY, SEC 35 (PARCEL 141-0030-00475)
7. THAT PART OF NW 1/4 OF SW 1/4 LYING SW OF THE D M AND N RY AND ALSO NORTHWEST OF THE G N RY, SEC 35 (PARCEL 141-0030-00530)
8. NW 1/4 OF SW 1/4 LYING NWLY OF D M AND N RY RT OF WAY EX PART LYING BETWEEN THE N LINE OF FORTY THE G N RY RT OF WAY THE D M AND I R RY RT OF WAY AND THE WILPEN ROAD AND EX RY RT OF WAY AND PART FOR ROAD, SEC 35 (PARCEL 141-0030-00500)
9. NE 1/4 OF SW 1/4, SEC 35 (PARCEL 141-0030-00490)
10. SE 1/4 OF NW 1/4, SEC 35 (PARCEL 141-0030-00480)
11. NE 1/4 OF NW 1/4 EX 7 60/100 AC ON NORTH SIDE AND EX 5 71/100 AC ON WEST SIDE SURFACE ONLY, SEC 35 (PARCEL 141-0030-00450)
12. PART OF NE 1/4 OF NW 1/4 BEG 75 FT S OF NW CORNER THENCE SELY 1045 FT THENCE SWLY TO A POINT ON THE WEST LINE OF SAID FORTY 50 FT N OF SW CORNER THENCE N ALONG W LINE TO POINT OF BEGINNING SURFACE ONLY, SEC 35 (PARCEL 141-0030-00453)
13. PART OF NE 1/4 OF NW 1/4 BEG 1100 30/100 FT W OF NE CORNER THENCE 1025 30/100 FT ELY THENCE SLY 250 FT THENCE WLY 785 03/100 FT THENCE NWLY 109 91/100 FT THENCE NWLY 167 74/100 FT THENCE NLY TO POINT OF BEGINNING SURFACE ONLY, SEC 35 (PARCEL 141-0030-00451)
14. PART OF NE 1/4 OF NW 1/4 BEG 75 FT W AND 250 FT S OF NE CORNER THENCE S 150 FT THENCE ELY 700 FT THENCE NWLY 163 52/100 FT THENCE ELY 785 03/100 FT TO POINT OF BEGINNING SURFACE ONLY, SEC 35 (PARCEL 141-0030-00452)
15. SE 1/4 OF SW 1/4, SEC 26 (PARCEL 235-0010-03885)
16. SW 1/4 OF NE 1/4, SEC 35 (PARCEL 141-0030-00430)
17. NW 1/4 OF SE 1/4, SEC 35 (PARCEL 141-0030-00630)
18. NE 1/4 OF SE 1/4, SEC 35 (PARCEL 141-0030-00620)
19. SE 1/4 OF NE 1/4, SEC 35 (PARCEL 141-0030-00440)
20. NE 1/4 OF NE 1/4 SURFACE ONLY, SEC 35 (PARCEL 141-0030-00410)

WHEREAS, the St. Louis County Land Department has reviewed the request and recommends an annual lease fee not to exceed \$12,000 plus timber damages for the scam mining project area for a ten year term or until termination of operations; and

WHEREAS, Mining Resources, LLC shall agree to the terms and conditions set forth in a lease agreement which will include complete removal of all mining facilities and equipment at lessee's expense upon termination or expiration of the lease.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the County Auditor to lease state tax forfeited land described above to Mining Resources, LLC for a scam mining project under the terms and conditions described within and more specifically set forth in the lease agreement at an annual fee not to exceed \$12,000 to be deposited into Fund 240 (Forfeited Tax Fund).

Unanimously adopted November 8, 2011. No. 581

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At 10:43 a.m., November 8, 2011, Commissioner Raukar, supported by Commissioner Jewell, moved to adjourn; six yeas, zero nays.

Keith Nelson, Vice Chair of the
County Board of Commissioners

Attest:

Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON NOVEMBER 22, 2011**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 22nd day of November, 2011, at 9:33 a.m., in the Hibbing City Council Chambers, Hibbing, 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.

Commissioner 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, followed by the pledge of allegiance.

Commissioner Raukar recognized Jack Lynch for excellence in the arts and sciences. Commissioner Raukar noted the many contributions Jack Lynch made to the Hibbing area as a writer/editor for the Hibbing Tribune, historian, and curmudgeon. Commissioner Raukar read the many accomplishments of Mr. Lynch as well as comments made by his former colleagues. Doreen Lindahl, former colleague of Jack Lynch, shared the many stories of her experiences and enjoyment working with Mr. Lynch. Jack Lynch thanked everyone for coming and for the honor.

Commissioner 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.

John Thompson, on behalf of Roy Marlow from Floodwood, Minnesota, asked the board to write a letter of support to place a Great Lakes Energy power line on tax-forfeited land, rather than Mr. Marlow's land. Commissioner Raukar said this would be discussed at the committee of the whole. Auditor Donald Dicklich said public notice was not given. County Attorney Mark Rubin also had concerns that public notice was not give, but supported discussion at committee of the whole.

Jim Medure, McKinney, Minnesota, spoke to the board regarding concerns of an improperly placed fence.

Linda Riddle, Duluth Family Visitation Center, asked the county board to reinstate their funding and described the benefits they provide.

Commissioner Forsman, supported by Commissioner Raukar, moved to approve the consent agenda. At the request of Commissioner Nelson item seven, Data Communications Network Services agreement, was pulled for separate consideration; seven yeas, zero nays.

Commissioner Dahlberg, supported by Commissioner Forsman, moved to approve the renewal of tobacco license for At Your Convenience, Fayal Township; six yeas, zero nays, one abstention (Commissioner Nelson). Resolution No. 609.

Commissioner Nelson, supported by Commissioner Sweeney, moved to approve the Data Communications Network Services agreement. Administrator Kevin Gray said this is for the Middle Mile Project and it was pulled from consent to correct the cost from \$170,400 to \$177,600; seven yeas, zero nays. Resolution No. 599.

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Commissioner Raukar, supported by Commissioner Nelson, moved to approve the legislative agenda and priorities. Director of Intergovernmental Relations John Ongaro recapped the legislative priorities. Commissioner Raukar requested civil service reform be added to the legislative agenda. After further discussion, the motion passed; seven yeas, zero nays. Resolution No. 610.

At 11:00 a.m., Chair O'Neil recessed the meeting.

The meeting reconvened at 3:07 p.m.

Commissioner Nelson, supported by Commissioner Sweeney, moved to approve the second consent agenda consisting of all items that passed unanimously at the committee of the whole; seven yeas, zero nays.

Commissioner Raukar, supported by Commissioner Jewell, moved to go to closed session immediately following the board meeting in committee of the whole pursuant to MN Statutes 13.D.05, Subd. 3(b); seven yeas, zero nays. Resolution No. 611.

The following Board and Contract Files were created as a result of documents presented to the Board meeting:

Kevin Gray, County Administrator, submitting Board Letter No. 11-432, 2012 Proposed Legislative Agenda.—[59357](#)

Kevin Gray, County Administrator, submitting Board Letter No. 11-434, 2012 Memorandum of Agreement with University of Minnesota Extension.—[59358](#)

Kevin Gray, County Administrator, and Tony Mancuso, Property Management Director, submitting Board Letter 11-437, Dedication of Permanent Highway Easements over County Fee Owned Property.—[59359](#)

Kevin Gray, County Administrator, submitting Board Letter No. 11-439, Arrowhead Counties Association Lobbying Services Agreement.—[59360](#)

Kevin Gray, County Administrator, submitting Board Letter No. 11-447, Letter of Support for a Minnesota Department of Human Services Grant to Fairview Range Hospital.—[59361](#)

Kevin Gray, County Administrator, submitting Board Letter No. 11-448, Support for Cloquet Valley Internet Initiative Broadband Network Feasibility Study.—[59362](#)

Commissioner Steve Raukar submitting information regarding the recognition of Jack Lynch for Excellence in the Arts & Sciences.—[59363](#)

Kevin Gray, County Administrator, and Robert Krepps, Land Commissioner, submitting Board Letter No. 11-421, St. Louis County – State of Minnesota Land Exchange Proposal.—[59364](#)

Agreement for Professional Services between St. Louis County and LHB Corporation for Bridge Load Ratings.—[11-918](#)

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Memorandums of Understanding between the County of Crow Wing and St. Louis County and between Aitkin County and St. Louis County for the 2010 ARMER Integration Grant for interoperable communications equipment.—[11-919](#)

Effects Bargaining Final Agreement Package (Proposed) between St. Louis County and AFSCME Council 5 for Consolidation of Communications Center.—[11-920](#)

Amendment No. 1 to Mn/DOT Agreement No. 84042, Railroad crossing signals and surface in Cook, MN, State Project 69-00172.—[11-921](#)

Agreement for Professional Services between St. Louis County and KGM Contractors, Inc., for crushing of Class 5 aggregate for the Land Department.—[11-922](#)

Grant Contract between the State of Minnesota through its Department of Human Services, Community Partnerships Division and the County of St. Louis as fiscal agent for the Northeast Minnesota Project to End Long-Term Homelessness.—[11-923](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14573B, between the St. Louis County Board of Commissioners and Covenant Enabling Residences of Minnesota, Inc.—[11-924](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14659D, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc.—[11-925](#)

Addendum to Purchase Agreement, Contract No. 13076L, between the St. Louis County Board of Commissioners and UDAC, Inc. (CCSA).—[11-926](#)

Addendum to Purchase Agreement, Contract No. 13083K, between the St. Louis County Board of Commissioners and HOMES, Inc. (SILS) - Hibbing.—[11-927](#)

Addendum to Purchase Agreement, Contract No. 13084K, between the St. Louis County Board of Commissioners and HOMES, Inc. (SILS) – Virginia.—[1-928](#)

Addendum to Purchase Agreement, Contract No. 12552K, between the St. Louis County Board of Commissioners and Trillium Services, Inc. (SILS).—[11-929](#)

Addendum to Purchase Agreement, Contract No. 13483J, between the St. Louis County Board of Commissioners and Innovative Living, Inc. (SILS).—[11-930](#)

Fire Protection Services Agreement between the County of St. Louis and City of Floodwood for fire protection in Unorganized Township 52-21 during 2012.—[11-931](#)

Fire Protection Services Agreement between the County of St. Louis and Pike-Sandy-Britt Volunteer Fire Department, Inc., for fire protection in Unorganized Townships 59-16 & 60-18 during 2012.—[11-932](#)

Minnesota Department of Public Safety Grant Agreement No. 2012-EF-00053 with the St. Louis County Attorney's Office for the Crime Victim Emergency Fund 2012.—[11-933](#)

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

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14790A, between the St. Louis County Board of Commissioners and Jonathan H. Koop and Gayle L. Koop.—11-934

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14522A, between the St. Louis County Board of Commissioners and Arrowhead Economic Opportunity Agency (AEOA) d/b/a AEOA Meals on Wheels.—11-935

Amendment to Agreement No. 2010-005865, between St. Louis County and the City of Proctor for Kirkus Street Construction (SP 69-597-005, CP 3700).—11-936

St. Louis County and St. Louis County Employees Association Effects Bargaining Final Agreement Package Consolidation of Communication Centers, October 11, 2011.—11-937

State of Minnesota Joint Powers Agreement Criminal Justice Agency between its Department of Public Safety, Bureau of Criminal Apprehension and the County of St. Louis on behalf of its Sheriff's Office for the use of the Criminal Justice Data Communications Network.—11-938

Homeland Security and Emergency Management Division 2008 Port Security Grant Program Contract Extension, extending the expiration date from July 31, 2011 to July 31, 2012.—11-939

Amendment No. 2 for Mn/DOT Agreement No. 94577 between the State of Minnesota and the Federal Railroad Administration extending the term of the contract from December 31, 2011 to June 30, 2012.—11-940

Fire Protection Services Agreement between the County of St. Louis and Makinen Volunteer Fire Department, Inc., for fire protection in Unorganized Township 56-16 during 2012.—11-941

Agreement for Professional Services between the County of St. Louis and MacNeil Environmental, Inc., to perform the Hazardous Materials Project Design, Specification Drafting, on-site Air Monitoring and Project Management for the Virginia Courthouse Remodeling and Addition Project.—11-942

Upon motion by Commissioner Forsman, supported by Commissioner Raukar, resolutions numbered 591 through 598 and 600 through 608, 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 November 1, 2011, are hereby approved.
Adopted November 22, 2011. No. 591

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of November 8, 2011, are hereby approved.
Adopted November 22, 2011. No. 592

WHEREAS, pursuant to Minn. Stat. §§ 94.341 to 94.3495, inclusive, a land exchange proposal has been submitted to the St. Louis County Board for certain lands owned by the State of Minnesota; and

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WHEREAS, this proposed exchange has been reviewed by the St. Louis County Land Department to determine the suitability of lands for exchange; and

WHEREAS, the joint proposal is to exchange the following described lands being and lying in St. Louis County, Minnesota, to wit:

OFFERED LAND (State of Minnesota Class "A")

NW ¼ of the NE ¼, Section 8, Township 57 North, Range 21 West

NE ¼ of the NE ¼, Section 36, Township 58 North, Range 18 West

STATE TAX FORFEITED LAND (CLASS "B")

SE ¼ of the NW ¼, Section 1, Township 58 North, Range 19 West

SW ¼ of the NE ¼, Section 1, Township 58 North, Range 19 West

WHEREAS, the state tax forfeited parcels proposed for exchange have been classified as non-conservation land pursuant to Minnesota Statutes Section 282.01; and

WHEREAS, the land acquired by St. Louis County will enable mine development of tax forfeited minerals leases at Hibbing Taconite and United Taconite for the benefit of local communities, school districts and St. Louis County; and

WHEREAS, the land acquired by the State of Minnesota will enable additional stockpiling of mining material removed from School Trust lands at United States Steel operations at Minntac.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the proposed exchange of state tax forfeited (Class "B") land described as SE ¼ of the NW ¼ and SW ¼ of the NE ¼, Section 1, Township 58 North, Range 19 West; and State of Minnesota (Class "A") land described as NW ¼ of the NE ¼, Section 8, Township 57 North, Range 21 West, and NE ¼ of the NE ¼, Section 36, Township 58 North, Range 18 West. RESOLVED FURTHER, that the St. Louis County Board authorizes the State Department of Natural Resources to proceed with an appraisal of all lands involved in the proposed land exchange.

Adopted November 22, 2011. No. 593

WHEREAS, the State of Minnesota has requested to purchase the following described state tax forfeited parcel for the improvement of Trunk Highway 169:

That part of the Southwest Quarter of the Northwest Quarter of Section 28, Township 61 North, Range 16 West, shown as Parcel 41 on Minnesota Department of Transportation Right of Way Plat Numbered 69-131 as the same on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota; containing 1.29 acres, more or less, of which 0.14 acre is encumbered by an existing highway easement.

Parcel: 560-0011-04581

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, this parcel of land has 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; and

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

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the sale of the state tax forfeited parcel described above to the State of Minnesota for the appraised value of \$2,000 plus the following fees: administration fee of \$100, 3% assurance fee of \$60, deed fee of \$25, deed tax of \$6.60, recording fee of \$46; for a total of \$2,237.60, to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted November 22, 2011. No. 594

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WHEREAS, the contract with Tracy Olson of Gilbert, MN, for the repurchase of state tax forfeited land is in default for failure to provide proof of insurance; and

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

CITY OF GILBERT
LOTS 1 AND 2, BLOCK 17
GILBERT
Parcel Code: 060-0010-03850
C22100092

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

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

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

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

Adopted November 22, 2011. No. 595

WHEREAS, the St. Louis County Public Works Department plans to replace County Bridge 518 and to reconstruct part of the adjacent County Road 615 (Salo Road) located approximately 6.5 miles east of County State Aid Highway 21 in Waasa Township (T60N-R14W); and

WHEREAS, these improvements consist of bridge replacement and realignment, widening and reconstruction of the roadway as determined necessary for the safety and convenience of the public; and

WHEREAS, additional land is required for this construction (together with temporary construction easements).

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the acquisition of the necessary land and temporary easements for this project, payable from Fund 200, Agency 203001, Objects 636500 and 637500.

RESOLVED FURTHER, that an exchange of a small parcel of county fee land for the highway right of way needed for this project of same or similar value is hereby authorized in accordance with Minn. Stat. Chapter 373.01(d). Said parcel is described as that part of the SE ¼ of the NE ¼, Section 24, Township 60 North, Range 14 West, beginning at a point 20 feet East from the southwest corner of said Section 24; thence 208 feet North; thence at right angles 208 feet West; thence at right angles South to the point of beginning.

Adopted November 22, 2011. No. 596

WHEREAS, the 2011 Public Works Department equipment budget includes replacement of two radial stacking conveyors for filling salt-sand domes; and

WHEREAS, the Public Works Department presented specifications and requested pricing for the Power Screen Model 7436 stacking conveyor, due to its quality and specific design; and

WHEREAS, Theco, Inc., St. Michael, Minnesota, responded with the lowest acceptable quote for this purchase.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the purchase of two stacking conveyors from Theco, Inc., St. Michael, Minnesota, at its quoted price of \$182,832, plus 6.875% State of Minnesota sales tax of \$12,569.70, for a total cost of

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\$195,401.70, payable from Fund 407, Agency 407001, and Object 665000.
Adopted November 22, 2011. No. 597

WHEREAS, the Cook Timberwolves Snowmobile Club has requested permission to construct and operate a snowmobile trail across the following St. Louis County fee owned land:

The Southwest Quarter of the Southeast Quarter, Section 34, Township 63 North, Range 18 West (Beatty Township); and

WHEREAS, the Public Works Department which operates the Beatty Gravel Pit at this location, has no objections to the proposed trail route.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the Property Management Department to issue a Trail Authorization Letter to the Cook Timberwolves Snowmobile Club to operate and maintain a trail on the above described property.

Adopted November 22, 2011. No. 598

RESOLVED, that a public hearing will be held at 9:40 a.m. on Tuesday, December 13, 2011, in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering the suspension/revocation of liquor licenses for failure to pay real estate or personal property taxes when due, pursuant to St. Louis County Ordinance No. 28.

Adopted November 22, 2011. No. 600

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:

OCTOBER 2011

100	General Fund	\$5,671,575.26
149	Personnel Service Fund	206.11
150	Sheriff's Nemesis Fund Group	19,005.65
168	Sheriff's State Forfeitures	1,429.48
170	Boundary Waters-Forfeiture	8,023.27
171	Controlled Substances	17,122.91
173	Emergency Shelter Grant	27,601.45
179	Enhanced 9-1-1	14,421.77
180	Law Library	17,018.80
183	City/County Communications	384.74
184	Extension Service	118,638.37
200	Public Works	3,950,814.64
210	Road Maint – Unorg Townships	52,197.34
220	State Road Aid	4,015,390.85
230	Public Health & Human Services	5,896,246.77
240	Forfeited Tax	392,448.84
250	St. Louis County HRA	1,010.26
260	CDBG Grant	468,374.09
261	CDBG Program Income	1,795.96
270	Home Grant	66,085.89
280	Federal Septic Loan – EPA Fund	1,832.04
290	Forest Resources	123,830.77
400	County Facility	54,648.60
405	Public Works Building Const	21,918.48

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407	Public Works – Equipment	24,806.38
437	2008A Capital Equipment Note	941,428.74
438	2008B Capital Improvement Bond	469,176.98
439	2010A Capital Improvement Bond	751,435.01
600	Environmental Services	564,704.88
616	On-Site Waste Water Division	34,505.76
640	Plat Books	14,100.00
715	County Garage	132,881.72
720	Property Casualty Liability	29,419.99
730	Workers Compensation	215,082.74
770	Retired Employees Health Ins	2,474.48
825	Taconite Relief/Other	1,461,157.50
826	Taconite Production Tax	34,228.00
900	State of Minnesota	942,620.69
902	Courts	250,285.68
909	Tax Refunds	8,115.13
910	School Districts Taxes	7,311,204.00
911	Taxes and Penalties	3,497,503.00
919	Canceled Checks	22,080.22
925	Arrowhead Regional Corrections	1,537,689.57
955	Community Health Board	136,190.77
985	Collective Local Collaborative	21,008.87
989	Regional Railroad Authority	118,937.90
990	Northern Cities Land Use	621.62
992	Permits to Carry-Firearms	2,655.00
994	Sheriff Forfeits/Evidence	185.09
998	MPL-DUL Train Alliance	<u>110,609.12</u>
		\$39,577,131.18

Adopted November 22, 2011. No. 601

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products at retail, on file in the office of the County Auditor, identified as County Board File No. 59239, are hereby approved and the County Auditor is authorized to issue the licenses as follows:

- Boondocks Saloon & Grill, Inc., d/b/a Boondocks Saloon & Grill, Township of Gnesen, Tobacco Products License No. T12225;
- JDL's Landing, Inc., d/b/a The Landing, Township of Beatty, Tobacco Products License No. T12254;
- Elephant Lake Lodge, Inc., d/b/a Melgeorge's Elephant Lake Lodge, Township of Camp 5, Tobacco Products License No. T12216;
- Thirsty Moose Bar & Grill, Inc., d/b/a Thirsty Moose Bar & Grill, Township of Cherry, Tobacco Products License No. T12218;
- Trailside Lounge & Grill, Inc., d/b/a Trailside Lounge & Grill, City of Meadowlands, Tobacco Products License No. T12234;
- Bois Forte Reservation Tribal Council, d/b/a Y Store, Township of Vermilion Lake, Tobacco Products License No. T12256.

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 November 22, 2011. No. 602

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RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products at retail, on file in the office of the County Auditor, identified as County Board File No. 59239, are hereby approved and the County Auditor is authorized to issue the licenses as follows:

The following license holders were issued a tobacco violation citation on the dates as stated.

Belo Enterprises, Inc., d/b/a Crossroads Convenience/Liquor Store, Township of Clinton, Tobacco Products License No. T1236, December 10, 2002; November 15, 2007; December 16, 2010;

5717, Inc., d/b/a Crossroads Store, Township of Brevator, Tobacco Products License No. T1237, October 1, 1998; December 23, 2004;

Furry's, Inc., d/b/a Dino's, City of Aurora, Tobacco Products License No. T12201, December 16, 2010;

Mar Mar, Inc., d/b/a Novy's Haven, City of Hoyt Lakes, Tobacco Products License No. T12172, December 16, 2010.

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 November 22, 2011. No. 603

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:

Ely-Winton Rod & Gun Club, Inc., d/b/a Samz Place, Township of Morse, Tobacco Products License No. T12266, change of officers, renewal.

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 November 22, 2011. No. 604

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:

City of Winton, d/b/a Winton Municipal Liquor Store, City of Winton, Tobacco Products License No. T12265, change of council members, renewal.

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 November 22, 2011. No. 605

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

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

WHEREAS, the contractor desires and is capable of providing federal legislative consultant services to St. Louis County during 2012.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes an agreement with Lockridge, Grindal & Nauen in 2012, upon approval of the County Attorney, for an amount not to exceed \$55,125, payable from Fund 100, Agency 105001, Object 629900.

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Adopted November 22, 2011. No. 606

WHEREAS, St. Louis County requires the services of a consultant to assist with state legislative and administrative matters; and
WHEREAS, DeLaForest Consulting, LLC, has professional expertise and knowledge of state legislation and administrative activities; and
WHEREAS, the contractor desires and is capable of providing state legislative consultant services to St. Louis County during the 2012 Minnesota Legislative session.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes an agreement with DeLaForest Consulting, LLC, upon approval of the County Attorney, for an amount not to exceed \$20,000, for state legislative lobbying services in 2012, payable from Fund 100, Agency 105001, Object 629900.

Adopted November 22, 2011. No. 607

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, dated November 4, 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 November 22, 2011. No. 608

BY COMMISSIONER NELSON:

WHEREAS, the St. Louis County Board supports the goal of providing efficient and effective government and of supporting the Northeast Service Cooperative Middle Mile Fiber Project.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to enter into a Network Services Agreement with the Northeast Service Cooperative for a period of ten years at a cost not to exceed \$177,600 per year for the first five years and a cost not to exceed \$177,600 plus an incremental increase based on the Urban Consumer Price Index or a maximum of 3% annually, whichever is lower, for the subsequent five years, payable from Fund 100, Agency 116002, Object 622900.

Unanimously adopted November 22, 2011. No. 599

BY COMMISSIONER DAHLBERG:

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 approved and the County Auditor is authorized to issue the license as follows:

Keith/Lois Nelson d/b/a At Your Convenience, Fayal Township, Tobacco Products License No. T124, renewal.

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.

Yeas – Commissioners Jewell, O'Neil, Dahlberg, Forsman, Sweeney, and Raukar - 6

Nays – None

Abstained – Commissioner Nelson - 1

Adopted November 22, 2011. No. 609

BY COMMISSIONER RAUKAR:

WHEREAS, the County Board was presented with a draft of legislative priorities for the 2012 Legislative Session at its Committee of the Whole meeting on November 8, 2011; and
WHEREAS, Intergovernmental Relations Director John Ongaro discussed each item with

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commissioners and received input in finalizing the list of priorities.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the "2012 St. Louis County Legislative Priorities" as found in County Board File No. 59357, and directs its Intergovernmental Relations Director to work to achieve these outcomes during the 2012 Legislative Session.

Unanimously adopted November 22, 2011. No. 610

BY COMMISSIONER RAUKAR:

WHEREAS, pursuant to Minn. Stat. § 13D.05, Subd. 3(b), the St. Louis County Board may close a meeting as permitted by the attorney/client privilege.

WHEREAS, the County Attorney requires discussion on potential settlement and litigation strategy with the County Board in a closed session of the Committee of the Whole.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board will convene in a closed meeting of the Committee of the Whole for the purpose of discussing settlement and litigation strategy immediately following the Board meeting.

Unanimously adopted November 22, 2011. No. 611

Upon motion by Commissioner Nelson, supported by Commissioner Sweeney, resolutions numbered 612 through 627, as submitted to this Board on a second consent agenda, were unanimously adopted as follows:

BY COMMISSIONER NELSON:

WHEREAS, the St. Louis County Public Works Department 2011 equipment budget includes the addition of an 80,000 pound crawler mounted hydraulic excavator; and

WHEREAS, pricing was researched from two vendors with available state contract pricing for new and near new machines; and

WHEREAS, Ziegler, Inc., offered the least expensive, near new unit of the acceptable excavators at the State of Minnesota contract price of \$264,570, plus state sales tax of \$18,189.19 for a total cost of \$282,759.19.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the purchase of a Caterpillar near new 336EL crawler excavator from Ziegler, Inc., of Duluth, Minnesota, at the State of Minnesota contract price of \$282,759.19 (including state sales tax), payable from Fund 407, Agency 407001, Object 666400.

Adopted November 22, 2011. No. 612

WHEREAS, it is recommended that the St. Louis County Board approve a Memorandum of Agreement (MOA) between the county and University of Minnesota to provide specific Extension programs within St. Louis County and for Extension staff to perform these services; and

WHEREAS, the proposed MOA is for one year beginning January 1, 2012, through December 31, 2012, including three positions identified as 4-H Program Coordinator (2.75 FTEs) for a total contract price of \$178,475.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to sign the 2012 Memorandum of Agreement with the University of Minnesota to provide Extension programs totaling \$178,475, payable from Fund 184, Agency 184001, Object 629900 - \$129,800; and Fund 184, Agency 186002, Object 629900 - \$48,675.

Adopted November 22, 2011. No. 613

WHEREAS, the St. Louis County parcel layer was recently completed; and

WHEREAS, the Auditor's Office desires to realign staff and funding of its human resources

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to leverage this powerful technology to provide enhanced services to residents, business partners and other customers.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board revises the Auditor's Office personnel budget to allow the deletion of an Information Specialist Supervisor position and the addition of a GIS Specialist Position.

Budget references:

Information Specialist Supervisor deletion: Fund 100 Agency 115009

GIS Specialist addition: Fund 100 Agency 115009

Adopted November 22, 2011. No. 614

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 November 22, 2011. No. 615

WHEREAS, St. Louis County owns property which is being considered for sale; and WHEREAS, it is the intent of the County Board to preserve additional highway right of way necessary to construct and maintain these 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 exhibits, found in County Board File No. 59359.

EXHIBIT A & B	Parcel 1	County State Aid Highway 15
EXHIBIT A & B	Parcel 2	County State Aid Highway 7
EXHIBIT A & B	Parcel 3	Unorganized Township (UT) 9229
EXHIBIT A & B	Parcel 4	County Road Number 615

Adopted November 22, 2011. No. 616

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to execute the lobbying services agreement with Arrowhead Counties Association, on file in County Board File No. 59360, which would use the services of St. Louis County's Director of Intergovernmental Relations to further the Arrowhead Counties Association's lobbying activities at the State Legislature during the 2012 Legislative Session, not to exceed \$11,000, to be deposited into Fund 100, Agency 105001, Object 629900 – Intergovernmental Affairs.

Adopted November 22, 2011. No. 617

WHEREAS, on January 25, 2011, the St. Louis County Board adopted Resolution No. 11-44, authorizing a Joint Powers Agreement with the Lake Superior Forensic Technology and Internet Crimes Against Children Task Force (LSFT & ICACTF), which is located at the City of Superior, Wisconsin, Police Department; and

WHEREAS, the City of Superior was recently awarded a COPS Child Sexual Predator Program Grant to support the work of the LSFT and ICACTF; and

WHEREAS, this grant encourages full-time law enforcement personnel participation in the Task Force by offering \$50,000 the first year and \$53,000 the second year toward entry level law enforcement positions.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes a Memorandum of Understanding with the City of Superior, Wisconsin, to participate in the City of Superior's COPS Child Sexual Predator Program Grant, which will pay up to \$103,000 in personnel costs over the two-year grant term of August 1, 2011, through July 31, 2013.

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RESOLVED FURTHER, that participation in the grant will increase the Sheriff's Office complement of full time deputy sheriffs by one (1) position, which will be eliminated at the end of the grant period, and will be accounted for in Fund 100, Agency 129999, Grant 12949, Year 2011.

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

Adopted November 22, 2011. No. 618

WHEREAS, the St. Louis County Sheriff's Office has received a 2010 Port Security Grant, which includes a budget of \$233,614 for end user equipment such as mobile squad radios needed to meet the Federal Communications Commission's (FCC) narrow band radio system mandate of January 1, 2013; and

WHEREAS, Motorola, Inc., a State of Minnesota contract vendor, can supply Motorola XTL2500 Allied Radio Matrix for Emergency Response (ARMER) radios which will meet the FCC mobile radio requirements.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes a contract with Motorola, Inc., to purchase sixty-two (62) XTL2500 ARMER radios in the amount of \$217,000, plus Minnesota state sales tax of \$14,918.75, for a total cost of \$231,918.75, to be funded through the 2010 Port Security Grant, Fund 100, Agency 129999, Object 665900, Grant 12938, Year 2010.

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

Adopted November 22, 2011. No. 619

WHEREAS, on October 11, 2011, the St. Louis County Board adopted Resolution No. 11-543 appointing nine (9) individuals to the Heading Home St. Louis County Leadership Team; and

WHEREAS, among those appointments was Janelle Burton, whose name was submitted by the Bois Forte Band; and

WHEREAS, the Public Health and Human Services Department received a letter from Bois Forte Human Services that Janelle Burton was no longer able to serve as its representative; and

WHEREAS, the Bois Forte Reservation Tribal Council has appointed Virgil Sohm to serve as representative on the Heading Home St. Louis County Leadership Team.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board appoints Virgil Sohm to the Heading Home St. Louis County Leadership Team as the representative for the Bois Forte Reservation Tribal Council.

Adopted November 22, 2011. No. 620

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

SAP 69-670-006, CP 91417 located on CSAH 70 from 1.5 mi. SE of the Mattila Road and Forest Road 112, SE of Babbitt, MN.

WHEREAS, bids were opened in the St. Louis County Courthouse, Duluth, MN, at 10:00 a.m., November 17, 2011, and the low responsible bidder determined.

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

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
KGM Contractors, Inc.	9211 Highway 53 Angora, MN 55703	\$1,172,073.62

RESOLVED FURTHER, that the County Board Chair, the County Auditor, and the County Attorney are authorized to approve the Contractor's Performance Bonds and to execute the

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bonds and contract for the above listed project payable from Fund 220, Agency 220265, Object 652700.

With additional revenue budgeted for expense:

Fund 220, Agency 220001, Rev. Object 521603 \$1,172,073.62

Adopted November 22, 2011. No. 621

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

SAP 69-603-011, CP 8175 located on CSAH 3 (Becks Road) between 1.25 mi. west of State Hwy. 23 and 0.75 miles south of Interstate 35 in Midway Township.

WHEREAS, bids were opened in the St. Louis County Courthouse, Duluth, MN, at 10:00 a.m., November 17, 2011, and the low responsible bidder determined.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the award on the above project to the lowest bidder.

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Ulland Brothers, Inc.	P.O. Box 340 Cloquet, MN 55720	\$3,238,000.00

RESOLVED FURTHER, that the County Board Chair, the County Auditor, and the County Attorney are authorized to approve the Contractor's Performance Bonds and to execute the bonds and contract for the above listed project payable from Fund 220, Agency 220168, Object 652700.

With additional revenue budgeted for expense:

Fund 220, Agency 220001, Rev. Object 521603 \$3,238,000.00

Adopted November 22, 2011. No. 622

WHEREAS, on June 1, 2005, St. Louis County entered into an agreement with Historic Union Depot, Incorporated (HUD) for the St. Louis County Heritage & Arts Center (the Depot) facility operations, marketing, and management services and two agreement extensions have transpired, with the current agreement expiring on December 31, 2011; and WHEREAS, the county has contributed additional funds to facility operations and has forgiven funding reimbursement shortfalls for the duration of the existing operational model and agreement structure, requiring a new business/operations model or significant adjustments to the existing model; and

WHEREAS, the HUD agreement will expire on December 31, 2011, and needs to be extended for an additional six months while the county explores options to create the most efficient, cost effective model; and

WHEREAS, there will be no change in the scope of services provided by Historic Union Depot, Incorporated and no change in the payment structure for the term of this six month extension.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to execute a six month agreement with Historic Union Depot, Incorporated, 506 West Michigan Street, Duluth, Minnesota, 55802, for operation, marketing, and management of the St. Louis County Heritage & Arts Center (the Depot), beginning January 1, 2012, and continuing through June 30, 2012. Funds are available from and payable to Fund 100, Agency 128001.

Adopted November 22, 2011. No. 623

WHEREAS, the Oneida Realty Company agreement relating to building operations at the St. Louis County Heritage & Arts Center (the Depot) will expire on December 31, 2011, and a six month extension is necessary; and

WHEREAS, there will be no changes in the scope of services provided by Oneida Realty Company, and no change to the payment structure for the term of this six month extension;

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and

WHEREAS, the present agreement for cleaning, maintenance, and building operations services is \$11,105 per month, or \$66,630 for six months.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to execute a six month agreement with Oneida Realty Company, 1605 Alworth Building, Duluth, Minnesota, 55802, for operation, cleaning, and maintenance of the St. Louis County Heritage & Arts Center (the Depot) facility in an amount of \$11,105 per month, or \$66,630 for six months, beginning January 1, 2012, and continuing through June 30, 2012. Funds are available from and payable to Fund 100, Agency 128001.

Adopted November 22, 2011. No. 624

WHEREAS, the Duluth Courthouse HVAC Phase 3 and Duluth Courthouse Sally Port Addition construction projects both came in lower than the architect's estimates, creating available funding for the remodeling of the Duluth courthouse first floor to enhance the sally port operations and security; and

WHEREAS, these enhancements included the location exchange of the Sheriff and Recorder operations; and

WHEREAS, during project construction it was determined that the Recorder's Vital Records Division should not be separated from the Land Records Division, which prompted a "change of project scope", resulting in a construction change order of \$38,504 and additional architectural and engineering fees of \$6,250, for a total of \$44,754.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes a "change of project scope" expenditure in the amount of \$44,754 to provide design, bid specifications, project management services, and construction services for the Duluth Courthouse first floor remodeling project.

RESOLVED FURTHER, that the County Board authorizes the transfer of the remaining fund balance from the completed Duluth Courthouse HVAC project (Fund 438, Agency 438005) to the Sally Port Project (Fund 438, Agency 438008). Funding is available in Fund 438, Agency 438010 (Bond Interest).

Adopted November 22, 2011. No. 625

WHEREAS, the Minnesota Department of Human Services (DHS) has announced the award of a Community Strategic Prevention Framework State Incentive Grant to Fairview Range Hospital, on behalf of the Hibbing Chemical Health Advisory Committee, in the amount of \$174,779; and

WHEREAS, the grant is to implement a Strategic Prevention Framework through the work of local community based coalitions to address Minnesota's three substance abuse prevention priorities: past 30-day alcohol use among 6th to 12th graders; recent binge drinking among 9th to 12th graders; and recent binge drinking among 18 to 25 year olds, for the period of January 1, 2012, through June 30, 2013; and

WHEREAS, as part of the final grant approval process, DHS requires a letter of support from the St. Louis County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves sending a letter of support to the Minnesota Department of Human Services for a Community Strategic Prevention Framework State Incentive Grant in the amount of \$174,779 to Fairview Range Hospital on behalf of the Hibbing Chemical Health Advisory Committee.

Adopted November 22, 2011. No. 626

WHEREAS, the St. Louis County Board has been approached by the "Cloquet Valley Internet Initiative," representing residents of several rural townships regarding a strategy to improve broadband internet availability in their area; and

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WHEREAS, the "Cloquet Valley Internet Initiative" has conducted a survey of resident owners and seasonal owners, with results showing great dissatisfaction with current access and overwhelming interest in paying to improve access to the internet; and

WHEREAS, the group is seeking help in funding, a necessary first step in the process of finding a provider to help take advantage of fiber optic developments in the area; and

WHEREAS, there is some urgency in finding a way to take advantage of a significant matching grant program by the Blandin Foundation to support a feasibility study, through its "Robust Broadband Networks Feasibility Fund," which provides matching grants to communities for feasibility of geographically based Robust Broadband Networks; and

WHEREAS, St. Louis County is anticipating repayment of a \$20,000 loan from Lake County which was used to assist in that county's fiber optic broadband internet service initiative.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board agrees to allow Lake County to use up to \$20,000 owed to St. Louis County for the purpose of providing a local match, in addition to any local township funding support, for the "Cloquet Valley Internet Initiative" for a broadband network feasibility study to be funded through the Blandin Foundation Robust Broadband Networks Feasibility Fund, and directs the County Attorney's Office to begin discussions with Lake County and the "Cloquet Valley Internet Initiative" to develop any legal documents necessary to accomplish the intent of this resolution.

RESOLVED FURTHER, that should additional funding become available through federal, state, or other entities to undertake the development of a broadband network in the region represented by the "Cloquet Valley Internet Initiative", the \$20,000 match will be repaid to St. Louis County with the legal documents reflecting this expectation.

Adopted November 22, 2011. No. 627

At 3:09 p.m., November 22, 2011, Commissioner Nelson, supported by Commissioner Sweeney, moved to adjourn; seven yeas, zero nays.

Steve O'Neil, Chair of the
County Board of Commissioners

Attest:

Donald Dicklich, County Auditor
and Ex-Officio Clerk of the Board
of County Commissioners

(Seal of the County Auditor)