

**RESULTS**

**AGENDA**

**REGULAR MEETING  
OF THE BOARD OF COMMISSIONERS OF  
ST. LOUIS COUNTY, MINNESOTA**



**Tuesday, April 12, 2011, 9:30 A.M.**

**County Board Room, Second Floor  
St. Louis County Courthouse  
100 N. 5th Avenue West  
Duluth, Minnesota**

**STEVE O'NEIL, Chair  
Second District**

**FRANK JEWELL  
First District**

**CHRIS DAHLBERG  
Third District**

**MIKE FORSMAN  
Fourth District**

**PEG SWEENEY  
Fifth District**

**KEITH NELSON, Vice-Chair  
Sixth District**

**STEVE RAUKAR  
Seventh District**

County Auditor  
Don Dicklich

County Administrator  
Kevin Gray

County Attorney  
Mark Rubin

Clerk of the Board  
Patricia Stolee

The St. Louis County Board of Commissioners welcomes you to this meeting. This agenda contains a brief description of each item to be considered. The Board encourages your participation. If you wish to speak on an item contained in the agenda, you will be allowed to address the Board when a motion is on the floor. If you wish to speak on a matter which does not appear on the agenda, you may do so during the public comment period at the beginning of the meeting. Except as otherwise provided by the Standing Rules of the County Board, no action shall be taken on any item not appearing in the agenda.

When addressing the Board, please sign in at the podium and state your name and address for the record. Please address the Board as a whole through the Chair. Comments to individual Commissioners or staff are not permitted. The St. Louis County Board promotes adherence to civility in conducting the business of the County. Civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issue before the Board. Tools of civility include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility [County Board Resolution No. 560, adopted on September 9, 2003]. Speakers will be limited to five (5) minutes.

**\*\*In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify Property Management 72 hours prior to the meeting at (218)725-5085.\*\***

All supporting documentation is available for public review in the County Auditor's Office, 100 North 5th Avenue West - Room No. 214, St. Louis County Courthouse, Duluth, MN, during regular business hours 8:00 A.M. - 4:30 P.M., Monday through Friday. Agenda is also available on our website at <http://www.stlouiscountymn.gov/GOVERNMENT/BoardofCommissioners.aspx>

**AGENDA**  
**St. Louis County Board**  
**April 12, 2011**  
**Page 2**

9:30 A.M. Pledge of Allegiance  
Roll Call – **All members present.**

*Recognition of Excellence in the Arts & Sciences – Commissioner Chris Dahlberg, Third District*

*Presentation: Certificate of Achievement for Excellence in Financial Reporting – Chair Steve O’Neil*

*Proclamation: “Community Wellness Day – April 16, 2011”*

*Presentation: 911 Lifesaver Awards – Sheriff Ross Litman*

AT THIS TIME CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD ON ITEMS NOT ON THE AGENDA. [Speakers will be limited to 5 minutes each.]

FOR ITEMS ON THE AGENDA, CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD AT THE TIME A MOTION IS ON THE FLOOR.

CONSENT AGENDA: Approval of business submitted on the Consent Agenda. **Moved by Dahlberg/Forsman 5-0 (Jewell & Sweeney temporarily absent).**

**REPORTS OF BOARDS AND COMMITTEES**

**Public Works & Transportation Committee – Commissioner Forsman, Chair**

1. Highway project bid awarded to **Hoover Construction Co.**, Virginia, MN, on their low bid of **\$5,599,994.89** for SP 69-604-060, CP 9282, Grading, Aggregate Base, Curb & Gutter, and Bituminous Surfacing on County State Aid Highway 4 near Markham, MN. **[Without recommendation.] {11-124R} Tabled to April 26, 2011. Moved by Forsman/Nelson 5-0 (Jewell & Sweeney temporarily absent).**

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

2. Establish a public hearing to consider alleged liquor law violations by 5717, Inc., d/b/a Crossroads Store, Brevator Township, for April 26, 2011, at 9:55 a.m. at the Northland Town Hall, Cotton, MN. **[Rules must be suspended. Has not been to committee.] {11-131} Moved by Nelson/Sweeney. Passed 7-0. Resolution #196**
3. Establish a public hearing to consider alleged liquor law violations by Curran Enterprises, Inc., d/b/a Makinen Liquor Store, Unorganized Township 56-16, for May 3, 2011, at 9:40 a.m. in the St. Louis County Courthouse, Duluth, MN. **[Rules must be suspended. Has not been to committee.] {11-132} Moved by Nelson/Dahlberg. Passed 7-0. Resolution #197**

4. Establish a public hearing to consider alleged liquor law violations by James Saugestad d/b/a Melrude Pub, Ellsburg Township, for May 3, 2011, at 9:45 a.m. in the St. Louis County Courthouse, Duluth, MN. **[Rules must be suspended. Has not been to committee.] {11-133} Moved by Nelson/Raukar. Passed 7-0. Resolution #198**

**Item moved from the Consent Agenda**

21. Establish a public hearing to consider alleged liquor law violations at Vermilion Club, Inc., d/b/a Vermilion Club, Inc., Greenwood Township, for April 26, 2011 at 9:55 a.m. at the Northland Town Hall, Cotton, MN. **Motion to rescind the resolution moved by Nelson/Forsman. Passed 7-0.**

## **RESULTS**

## **CONSENT AGENDA**

### **FOR THE MEETING OF ST. LOUIS COUNTY BOARD OF COMMISSIONERS**

**April 12, 2011**

**County Board Room, Room No. 200, St. Louis County Courthouse, Duluth, Minnesota**

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

**RESOLUTIONS FOR APPROVAL: Moved by Dahlberg/Forsman. 5-0 (Jewell and Sweeney temporarily absent.)**

#### **Environment & Natural Resources Committee – Commissioner Jewell, Chair**

1. Application for repurchase of state tax forfeited land by Associated Bank, National Association (mortgagee), Milwaukee, WI, for a total payment of \$125,316.66, with funds to be deposited into Fund 240 (Forfeited Tax Fund). **Resolution #169**
2. Applications for repurchase of state tax forfeited land by Marc Pocrnich (heir) for the Estate of Nick Pocrnich, Duluth, MN, for a total payment of \$411.48 ; Wings Financial Credit Union (mortgagee), Apple Valley, MN, for a total payment of \$14,832.10; and Roger Moller (previous owner), Eveleth, MN, for a total payment of \$715.06. All funds to be deposited into Fund 240 (Forfeited Tax Fund). Three separate resolutions numbered 2a, 2b, & 2c are attached. **Resolutions #170, 171, 172, respectively.**
3. Authorize purchase of one (1) Caterpillar 315DL excavator from Zeigler, Inc., Duluth, MN, at the State of MN contract price of \$147,525.00, plus \$10,142.34 state sales tax, for a total of \$157,667.34, payable from Forfeited Tax Fund 240, Agency 241005, Object 666400 (Heavy Equipment). **Resolution #173**
4. Approve the classification of certain state tax forfeited parcels as ‘conservation’. **Resolution #174**
5. Approve the classification of certain state tax forfeited parcels as ‘non-conservation’. **Resolution #175**
6. Authorize the creation of a Subsurface Sewage Treatment Systems (SSTS) Advisory Committee and appoint members for three-year terms, expiring on April 13, 2014. **Resolution #176**

#### **Public Works & Transportation Committee – Commissioner Forsman, Chair**

7. Vacate a portion of the “Old Pequawyan Lake Road” (Pequawyan Township) and access connector segment, reserving all in place utilities, contingent upon granting of private access agreements; and further, rescind St. Louis County Board Resolution No. 10-473, dated October 5, 2010. **Resolution #177**

## ST. LOUIS COUNTY BOARD

### Consent Agenda

April 12, 2011

Page 2

8. Authorize an agreement with the Minnesota Department of Transportation for federal funding acceptance through an advance constructed agreement for County State Aid Highway (CSAH) 13, Midway Road, SP 69-613-032, County Project 61938 - mill and overlay. **Resolution #178**
9. Authorize Public Works Department to prepare a Right of Way plat for the reconstruction of CSAH 91, Haines Road in Duluth and Hermantown (County Project 8269, SP 069-691-02) to be named "St. Louis County Highway Plat No. 32" to be filed with the County Recorder. **Resolution #179**
10. Approve a quote from Hancock Concrete Products, LLC, of Hancock, MN, in the amount of \$53,290.69 for concrete culverts for bridge project (MP 840-86089, County Project 860898) on County Road 840 in Floodwood Township. **Resolution #180**
11. Bids awarded for Public Works projects:
  - a. MP 43-21430, CP 21430, Centerline Culverts, Bituminous Pavement Reclamation, Bituminous Surfacing, and Aggregate Shouldering on CSAH 43 (Emerson Rd.) in Gnesen Township awarded to **Ulland Brothers, Inc.**, Cloquet, MN, on their low bid of **\$473,945.00. Resolution #181**
  - b. MP 48-1019, CP 1019, Culverts, Bituminous Pavement Reclamation, Bituminous Surfacing, and Aggregate Shouldering on CSAH 48 (Taft Rd.) in Fredenberg Township awarded to **KGM Contractors, Inc.**, Angora, MN, on their low bid of **\$1,297,240.57. Resolution #182**

### Finance & Budget Committee – Commissioner Nelson, Chair

12. Authorize an agreement with Bob Hecimovich Mechanical Contracting, Inc., of Hibbing, MN, for the low quote of \$56,957 to replace the main heating ventilation air conditioning equipment at the Hibbing Courthouse. **Resolution #183**
13. Abatement list for Board approval. **Resolution #184**
14. Dedication of permanent highway easements over certain county fee land. **Resolution #185**
15. Authorize the sale of unimproved non-conforming fee land in Eagles Nest Township to J. Michael Bowers and Mary Kay Bowers for the bid amount of \$3,685. **Resolution #186**
16. Lawful Gambling License Application (Pull-tabs with dispensing device and Tipboards) approved for Gnesen Volunteer Fire to operate out of Boondocks Saloon & Grill, Gnesen Township, 7047 Rice Lake Road, Duluth, Minnesota 55803, new. **Resolution #187**

## ST. LOUIS COUNTY BOARD

### Consent Agenda

April 12, 2011

Page 3

17. Establish a public hearing at **9:35 (clerical error)** a.m. on April 26, 2011, in the Northland Town Hall, Canyon, Minnesota, to consider the granting of an Off-Sale Intoxicating Liquor License to Crane Lake Bar & Grill, LLC d/b/a Crane Lake Bar & Grill, Crane Lake Township. **Resolution #188**
18. Approve 2010 Fourth Quarter budget changes. **Resolution #189**
19. Authorize an agreement with Johnson-Wilson Constructors, Inc., of Duluth, MN, for the bid amount of \$322,000 (Bid No. 4851) for the Duluth Courthouse first floor remodeling project – final phase construction, payable from Capital Improvement Bond Proceeds 2008, Fund 438-438008. **Resolution #190**
20. Establish a public hearing to consider alleged liquor law violations at Knudson & Son, Inc., d/b/a Jim's Ash Trail Store, Unorganized Township 68-21, for April 26, 2011 at 9:50 a.m. at the Northland Town Hall, Cotton, MN. **Resolution #191**
21. Establish a public hearing to consider alleged liquor law violations at Vermilion Club, Inc., d/b/a Vermilion Club, Inc., Greenwood Township, for April 26, 2011 at 9:55 a.m. at the Northland Town Hall, Cotton, MN. **Removed for separate consideration under Finance & Budget Committee.**

### Public Safety & Corrections Committee – Commissioner Sweeney, Chair

22. Authorize a new cell tower lease agreement with Northern PCS Services, LLC, Overland, Kansas, for maintaining and operating a communications facility at the St. Louis County Jail site in Duluth, MN, for the term May 1, 2010 through April 30, 2015, with up to three (3) additional five-year extension periods, for a rent amount of \$6,000 for the first year, with each successive annual rent payment increased by 3% thereafter, to be accounted for in Fund 100, Agency 128099. **Resolution #192**
23. Authorize application for the 2010 Allied Radio Matrix for Emergency Response (ARMER) Integration grant for Interoperable Communications equipment in the amount of \$732,760, and authorize St. Louis County to serve as fiscal agent for the grant on behalf of the Northeast Regional Radio Board. **Resolution #193**

### Central Management & Intergovernmental Committee – Commissioner Raukar, Chair

24. Authorize the County Auditor to advertise and accept applications for a vacancy on the Civil Service Commission. **Resolution #194**