

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

FEBRUARY, 2010

OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON FEBRUARY 2, 2010

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 2nd day of February, 2010, at 9:35 a.m., in the County Board Room, Duluth, Minnesota, with the following members present: Commissioners Dennis Fink, Steve O'Neil, Chris Dahlberg, Mike Forsman, Peg Sweeney, Keith Nelson, and Steve Raukar – 7. Absent: None

Chair Raukar asked for a moment of silence to honor U.S. troops serving throughout the world and their families at home as well as all persons whose lives are adversely affected by war.

Commissioner Nelson presented his Words of Wisdom by quoting the following from Eleanor Roosevelt: “Every time you meet a situation you think at the time it is impossibility and you go through the tortures of the damned, once you have met it and lived through it, you find that forever after you are freer than you were before.”

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

Dan Hartman, Duluth, said as a new City Councilor and Chair of the Intergovernmental Relations Committee, he looks forward to opportunities for cooperative ventures between Duluth and the County in order to save taxpayers money. Mr. Hartman also took the opportunity to invite everyone to Hill Fest in September which will celebrate the Central Hillside area of Duluth.

Gary Eckenberg, in response to a question from Commissioner Fink concerning Item #6 of the Consent Agenda (amend County Board Resolution No. 13, adopted January 5, 2010), said the amendment was to correct the term length from one year to three years for appointments to the Community Health Services Board.

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

Mark A. Monacelli, County Recorder, submitting 2009 Business Report.—[59032](#)

Kevin Gray, County Administrator, and Robert Krepps, Land Commissioner, submitting Board Letter No. 10-21, Utility Easement across State Tax Forfeited Land to Great River Energy and Lake Country Power.—[59033](#)

Kevin Gray, County Administrator, and Martha J. Watson, Employee Relations Director, submitting Board Letter No. 10-27, Abolishment of Obsolete County Job Classes.—[59034](#)

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

Kevin Gray, County Administrator, and Barbara Hayden, Planning and Development Director, submitting Board Letter No. 10-24 – Amend Ordinance 46, County Zoning Maps (Wuori Township) and Ordinance 27, Comprehensive Land Use Plan.—59035

Agreement for Professional Services between St. Louis County and Fredrikson & Byron, P.A., to assist with Government Relation Services during the 2010 Legislative Session.—10-80

Professional Services Contract, Contract No. 2010-5540, between St. Louis County and Ann Harrington Training & Consulting for *Compassionate Communications*.—10-81

Professional Services Contract, Contract No. 2010-5541, between St. Louis County and Clark Bennett for *Defensive Driving*.—10-82

Amendment No. 2, Garbage and Recycling Pick-Up and Disposal Service Contract between the County of St. Louis and North Shore Sanitary.—10-83

Addendum to Grant Agreement, Contract No. 20790B, between the St. Louis County Board of Commissioners and Mental Health Consumer/Survivor Network of Minnesota.—10-84

Addendum to Grant Agreement, Contract No. 20707C, between the St. Louis County Board of Commissioners and Occupational Development Center, Inc.—10-85

Addendum to Grant Agreement, Contract No. 20709C, between the St. Louis County Board of Commissioners and Human Development Center.—10-86

Addendum to Grant Agreement, Contract No. 20711C, between the St. Louis County Board of Commissioners and Range Mental Health Center.—10-87

Group Residential Housing Rate Agreement, Contract No. 50793, between the St. Louis County Board of Commissioners and Andrea's Home Care.—10-88

Home and Community-Based Waiver Services Contract, Contract No. 14760, between the St. Louis County Board of Commissioners and Accra Care, Inc.—10-89

Home and Community-Based Waiver Services Contract, Contract No. 14746, between the St. Louis County Board of Commissioners and SMDC Health System, d/b/a Midwest Medical Equipment and Supply, Inc.—10-90

Home and Community-Based Waiver Services Contract, Contract No. 14745, between the St. Louis County Board of Commissioners and Kevin G. Miles, d/b/a Victorian House.—10-91

Home and Community-Based Waiver Services Contract, Contract No. 14678, between the St. Louis County Board of Commissioners and Peace of Mind of Duluth, Inc.—10-92

Home and Community-Based Waiver Services Contract, Contract No. 14759, between the St. Louis County Board of Commissioners and Mark D. Nelson and Mona K. Nelson d/b/a Bayside Adult Foster Home.—10-93

State of Minnesota Income Contract between the Minnesota Department of Natural

PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS 37
ST. LOUIS COUNTY, MINNESOTA

Resources and St. Louis County Land Department for bare-root seedlings (Spring 2010).—10-94

Service Contract Amendment, DAMION #2009-5442, between the County of St. Louis and Holmes Recycling Services, Inc., for Appliance, Ballast, and Scrap Metal Processing and Recycling services, extending the contract for an additional one (1) year effective January 1, 2010 through December 31, 2010.—10-95

Master License Agreement No. 09-FAV-0012, between St. Louis County and Computer Sciences Corporation for RISKMASTER Workers' Compensation Claims & Risk Management Information System.—10-96

Upon motion of Commissioner O'Neil, supported by Commissioner Sweeney, Resolutions No. 55 through 64, as submitted to this Board on the Consent Agenda, were unanimously adopted as follows:

BY COMMISSIONER O'NEIL:

WHEREAS, Johnson and Hopkins Partnership, Mark and Janel Roettger, Michael and Stephanie Gregerson, and Gary Lamppa have requested a non-exclusive roadway easement across State tax forfeited land; and

WHEREAS, there are no reasonable alternatives to obtain access to their properties; and
WHEREAS, exercising the easement will not cause significant adverse environmental or natural resource management impacts; and

WHEREAS, Minn. Stat. § 282.04, subd. 4 (a), allows for the granting of private easements across State tax forfeited land for such purposes; and

WHEREAS, the appraised value of the easement was accounted for in Easement No. E13050010 which did not include all benefited parcels.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the County Auditor to grant the following non-exclusive roadway easement to Johnson and Hopkins Partnership, Mark and Janel Roettger, Michael and Stephanie Gregerson, and Gary Lamppa:

A 66 foot wide easement for ingress, egress, and utility purposes over and across the southwest quarter of the northwest quarter of Section 21 and the southeast quarter of the northeast quarter, the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter, and the southwest quarter of the northwest quarter of section 20, Township 61 North, Range 13 West of the Fourth Principal Meridian, Saint Louis County, Minnesota, being 33.00 feet on each side of the following described centerline:

Commencing at the east quarter corner of said Section 20; thence on an assigned azimuth of 73 degrees 38 minutes 04 seconds, 1154.2 feet to the centerline of the existing road and the actual point of beginning; thence continue along said centerline on an azimuth of 306 degrees 34 minutes 43 seconds, 141.0 feet; thence continue along said centerline on an azimuth of 293 degrees 32 minutes 36 seconds, 244.8 feet; thence continue along said centerline on an azimuth of 266 degrees 34 minutes 35 seconds, 171.5 feet; thence continue along said centerline on an azimuth of 255 degrees 23 minutes 35 seconds, 49.7 feet; thence continue along said centerline on an azimuth of 272 degrees 10 minutes 43 seconds, 661.7 feet; thence continue along said centerline on an azimuth of 290 degrees 04 minutes 17 seconds, 265.3 feet; thence continue along said centerline on an azimuth of 279 degrees 13 minutes 59 seconds, 246.4 feet; thence continue along said centerline on an azimuth of 280 degrees 05 minutes 51 seconds, 177.7 feet; thence continue along said centerline on an azimuth of 257 degrees 23 minutes 45 seconds, 197.6 feet; thence continue along said centerline on an azimuth of 264 degrees 45 minutes 45 seconds, 144.4 feet; thence continue

along said centerline on an azimuth of 313 degrees 08 minutes 25 seconds, 261.0 feet; thence continue along said centerline on an azimuth of 266 degrees 06 minutes 35 seconds, 300.2 feet; thence continue along said centerline on an azimuth of 286 degrees 21 minutes 39 seconds, 136.1 feet; thence continue along said centerline on an azimuth of 338 degrees 07 minutes 03 seconds, 157.5 feet; thence continue along said centerline on an azimuth of 307 degrees 30 minutes 14 seconds, 129.9 feet; thence continue along said centerline on an azimuth of 271 degrees 44 minutes 08 seconds, 118.7 feet; thence continue along said centerline on an azimuth of 244 degrees 04 minutes 09 seconds, 145.2 feet; thence continue along said centerline on an azimuth of 273 degrees 12 minutes 56 seconds, 355.2 feet; thence continue along said centerline on an azimuth of 271 degrees 17 minutes 03 seconds, 267.2 feet; thence continue along said centerline on an azimuth of 237 degrees 08 minutes 39 seconds, 246.2 feet; thence continue along said centerline on an azimuth of 270 degrees 37 minutes 15 seconds, 443.7 feet; thence continue along said centerline on an azimuth of 299 degrees 47 minutes 22 seconds, 190.5 feet; thence continue along said centerline on an azimuth of 274 degrees 23 minutes 55 seconds, 125.0 feet; thence continue along said centerline on an azimuth of 249 degrees 44 minutes 57 seconds, 307.5 feet; thence continue along said centerline on an azimuth of 218 degrees 12 minutes 07 seconds, 515.3 feet; thence continue along said centerline on an azimuth of 264 degrees 14 minutes 14 seconds, 393.7 feet; thence continue along said centerline on an azimuth of 300 degrees 13 minutes 42 seconds, 352.2 feet; thence continue along said centerline on an azimuth of 286 degrees 24 minutes 30 seconds, 147 feet more or less to the west line of said southwest quarter of the northwest quarter of section 20 and there terminating; with the sidelines of said easement being lengthened or shortened to terminate on the respective landlines. Said easement is 6881 feet in length.

RESOLVED FURTHER, the granting of this easement is conditioned upon payment of a \$150 administration fee and \$46 recording fee, for a total of \$196 to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted February 2, 2010. No. 55

WHEREAS, Great River Energy, a Minnesota cooperative corporation, will be constructing a 69 kilo-volt transmission line between Tower and Orr to upgrade the electrical delivery system in this area of St. Louis County and Lake Country Power will under build on this line; and

WHEREAS, Great River Energy and Lake Country Power have requested that the St. Louis County Board grant a transmission line utility easement across State tax forfeited land; and

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

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

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board authorizes the County Auditor to grant a transmission line utility easement to Great River Energy and Lake Country Power as described in Exhibits A and B on file in the Land Commissioner's Office and in County Board File No. 59033.

RESOLVED FURTHER, the granting of this easement is conditioned upon payment of \$36,820 land use fee, \$830 timber damages, and \$92 recording fee; for a total of \$37,742 to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted February 2, 2010. No. 56

WHEREAS, the Land Department has initiated the request for Two Harbors Cooperative Light and Power to establish a utility easement across State tax forfeited land; and

WHEREAS, exercising the easement will not conflict with public use of the land.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board authorizes the

PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS 39
ST. LOUIS COUNTY, MINNESOTA

County Auditor to grant a utility easement to Two Harbors Cooperative Light and Power for:

UTILITY LINE A

A 40.00 foot wide utility easement through part of Government Lot 2, Section 19, Township 54 North, Range 12 West of the 4th Principal Meridian, the center line of which is described as follows:

Commencing at the Northeast corner of said Government Lot; thence South 3 degrees 37 minutes West, assumed bearing, along the east line of said Government Lot, 1344 feet to the Southeast Corner of said Government Lot; thence South 88 degrees 34 minutes West, along the south line of said Government Lot, 1501 feet to the center line of an existing utility line, which is the POINT OF BEGINNING, and all succeeding courses are intended to follow said existing utility center line; thence North 43 degrees 3 minutes West, 128 feet; thence North 29 degrees 58 minutes East, 350 feet, more or less, to the southerly line of the plat of CUMMINGS BEACH, a record plat, and there terminating.

UTILITY LINE B

A 40.00 foot wide utility easement through part of Government Lot 2, Section 19, Township 54 North, Range 12 West of the 4th Principal Meridian, the center line of which is described as follows:

Commencing at the Northeast corner of said Government Lot; thence South 3 degrees 37 minutes West, assumed bearing, along the east line of said Government Lot, 1344 feet to the Southeast Corner of said Government Lot; thence South 88 degrees 34 minutes West, along the south line of said Government Lot, 2069 feet to the center line of an existing utility line, which is the POINT OF BEGINNING, and all succeeding courses are intended to follow said existing utility center line; thence North 15 degrees 56 minutes West, 285 feet, more or less, to the southerly line of CUMMINGS BEACH, a record plat, and there terminating.

UTILITY LINE C

A 40.00 foot wide utility easement through part of Government Lot 2, Section 19, Township 54 North, Range 12 West of the 4th Principal Meridian, the center line of which is described as follows:

Commencing at the Northeast corner of said Government Lot; thence South 3 degrees 37 minutes West, assumed bearing, along the east line of said Government Lot, 1344 feet to the Southeast Corner of said Government Lot; thence South 88 degrees 34 minutes West, along the south line of said Government Lot, 2661 feet to the southerly extension of the center line of an existing utility line, which is the POINT OF BEGINNING, and all succeeding courses are intended to follow said existing utility center line; thence North 5 degrees 19 minutes West, 110 feet, more or less, to the southerly line of CUMMINGS BEACH, a record plat, and there terminating.

UTILITY LINE D

A 40.00 foot wide utility easement through part of Government Lot 2, Section 19, Township 54 North, Range 12 West of the 4th Principal Meridian, the center line of which is described as follows:

Commencing at the Northeast corner of said Government Lot; thence South 3 degrees 37 minutes West, assumed bearing, along the east line of said Government Lot, 1344 feet to the Southeast Corner of said Government Lot; thence South 88 degrees 34 minutes West, along the south line of said Government Lot, 2069 feet to the center line of an existing utility line, which is the POINT OF BEGINNING, and all succeeding courses are intended to follow said existing utility center line; thence South 89 degrees 23 minutes West, 749 feet; thence North 70 degrees 07 minutes West, 72 feet, more or less, to the southerly line of CUMMINGS BEACH, a record plat, and there terminating.

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

RESOLVED FURTHER, the granting of this easement is conditioned upon payment of \$4,416 land use fee, \$170 administrative fee, and \$46 recording fee, for a total of \$4,632 to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted February 2, 2010. No. 57

RESOLVED, County Board Resolution No. 09-556, dated December 15, 2009, authorizing a non-exclusive roadway easement across State tax forfeited land to Mike Swinda is amended to correct the legal description to the following:

A 33 foot wide easement for access road purposes across the East 33 feet of the Northwest Quarter of the Southeast Quarter of Section 11, Township 58 North, Range 20 West of the Fourth Principle Meridian, in St. Louis County, State of Minnesota.

Adopted February 2, 2010. No. 58

WHEREAS, on December 10, 2009, the St. Louis County Planning Commission held a public hearing regarding a request to rezone portions of the SW ¼ of the NE ¼, Section 21, Township 59 North, Range 17 West, and an amendment to the St. Louis County Comprehensive Land Use Plan, Section 7 West Range; and

WHEREAS, the St. Louis County Planning Commission recommends approval of the rezoning.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves rezoning for the SW ¼ of the NE ¼, Section 21, Township 59 North, Range 17 West (Wuori), from IND-4 to MUNS-4, and amends the comprehensive plan concept area from Concept 11, Mining, to Concept 5, Rural Estate, effective March 5, 2010.

Adopted February 2, 2010. No. 59

RESOLVED, that County Board Resolution No.10-13, dated January 5, 2010, is amended to read as follows:

“RESOLVED, that the St. Louis County Board hereby appoints the following as its representatives to the Community Health Services Board for a three year term expiring on December 31, 2012: Commissioner Mike Forsman, Commissioner Dennis Fink (alternate)”

Adopted February 2, 2010. No. 60

WHEREAS, the St. Louis County Board appoints citizens to serve on the St. Louis County Cooperative Extension Committee; and

WHEREAS, the Cooperative Extension Committee currently has two individuals, Diana Werschay and Dr. George Host, whose terms expired December 31, 2009, and are eligible for reappointment and interested in continuing to serve.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appointment of Diana Werschay and Dr. George Host for three year terms to the St. Louis County Cooperative Extension Committee, expiring December 31, 2012.

Adopted February 2, 2010. No. 61

RESOLVED, that the following St. Louis County job classes are abolished effective immediately: Activities Director, Certified Occupational Therapy Assistant, Clinical Administrator, Clinical Dietician, Computer Operator I, Director of Nursing Services, Driver, Equipment Operator I, Food Service Supervisor, Graduate Nurse, Graduate Practical Nurse, Health Information System Coordinator, Health Unit Coordinator, Laundry Manager, Laundry Worker I, Licensed Practical Nurse, Licensed Practical Nurse-Health, Mender Sewing Machine Operator, Nursing Assistant Registered, Nursing Assistant Trainee, Nursing Home Director, Physical Therapy Aide, Registered Nurse Manager, Registered Nurse-General Duty, Resident Attendant, Schedule Coordinator, Senior Manager for

PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS 41
ST. LOUIS COUNTY, MINNESOTA

Administration Support Services, Therapeutic Recreation Assistant, and Volunteer Services Coordinator.
Adopted February 2, 2010. No. 62

WHEREAS, St. Louis County, on behalf of the North East Minnesota Enforcement and Safety Information System (NEMESIS) partners, has secured a 2009 COPS Technology grant in the amount of \$300,000 to provide enhancements to the regional interoperable wireless data communications system; and
WHEREAS, the St. Louis County Sheriff's Office desires to enter into a contract with Tiburon, Inc, to provide these enhancements.
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the Sheriff and appropriate county officials to enter into a contract with Tiburon, Inc., not to exceed \$300,000, the amount of the grant, to provide enhancements to the regional interoperable wireless data communications system.
Adopted February 2, 2010. No. 63

WHEREAS, pursuant to Minn. Stat. §§ 94.341 to 94.349, inclusive, a land exchange proposal has been submitted to the St. Louis County Board for certain lands owned by Dale and Verra Johnson; and
WHEREAS, this proposed exchange has been reviewed by the Land Department to determine the suitability of lands for exchange, and the Land Department has completed appraisals of the lands to be exchanged and the offered lands; and
WHEREAS, the County Attorney's office has examined and issued a title opinion dated December 3, 2009, verifying that Dale and Verra Johnson own title to the lands offered by them in this land exchange, subject to matters identified in the title opinion; and
WHEREAS, the lands acquired through this exchange would consolidate tax-forfeited ownership in the area and increase the timber management potential on approximately 66 acres of county managed land for the benefit of the tax payers of St. Louis County; and
WHEREAS, the Land Department has appraised the value of the properties with Dale and Verra Johnson agreeing to pay the difference as follows:

Dale and Verra Johnson land:	\$49,500
Tax Forfeited class "B" land:	\$56,000

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the appraisals of those class "B" lands offered for exchange with Dale and Verra Johnson and the proposal to exchange the following described lands:

OFFERED LANDS (Dale and Verra Johnson) - 66 ACRES
NE 1/4 of SW 1/4 EX A STRIP OF LAND 2 ACRES WIDE ON S. SIDE OF WATER HEN RIVER GOING S 7 ACRES ON E BOUNDARY LINE OF E 1/2 of SW 1/4 and SE 1/4 of SW 1/4 EX THAT PART OF A STRIP OF LAND 2 ACRES WIDE ON S SIDE OF WATER HEN RIVER GOING S 7 ACRES ON E BOUNDARY LINE OF E 1/2 of SW 1/4, SECTION 17, TOWNSHIP 56 NORTH, RANGE 15 WEST

TAX FORFEITED LAND (CLASS "B") - 40 ACRES
SW 1/4 of SE 1/4, SECTION 27, TOWNSHIP 56 NORTH, RANGE 15 WEST

RESOLVED FURTHER, that pursuant to Minn. Stat. § 94.344, Subdivision 7, a public hearing shall be scheduled on Tuesday, March 2, 2010, at 9:35 a.m. at the St. Louis County Courthouse, Duluth, MN.
RESOLVED FURTHER, that the County Auditor shall post notice of hearing in his office

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

containing a description of the lands affected and publish a notice of public hearing in the official newspaper at least two weeks before the date of hearing.

Adopted February 2, 2010. No. 64

At 9:45 a.m., February 2, 2010, Commissioner Sweeney, supported by Commissioner Fink, moved to adjourn the County Board meeting; seven yeas, zero nays.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:

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

(Seal of the County Auditor)

PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS 43
ST. LOUIS COUNTY, MINNESOTA

**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON FEBRUARY 9, 2010**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 9th day of February, 2010, at 9:35 a.m., in the County Board Room, Duluth, Minnesota, with the following members present: Commissioners Dennis Fink, Steve O'Neil, Chris Dahlberg, Mike Forsman, Peg Sweeney, Keith Nelson, and Steve Raukar – 7. Absent: None

Chair Raukar asked for a moment of silence to honor U.S. troops serving throughout the world and their families at home as well as all persons whose lives are adversely affected by war.

Commissioner Dahlberg, in the spirit of individualism and self-determination, took a turn presenting Words of Wisdom by offering the following: "Happy are those who dream dreams and are willing to pay the price when they can come true."

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

Chair Raukar noted that Item #13 of the Consent Agenda authorizes the County to be fiscal agent for the Chisholm-Hibbing Pathblazers Snowmobile Club. At the request of Commissioner Forsman, Item #15 was removed from the Consent Agenda for separate consideration under Central Management and Intergovernmental Committee to clarify if appointments to the Board of Adjustment complied with statutory and ordinance requirements. Commissioner Sweeney, supported by Commissioner O'Neil moved to approve the remainder of the Consent Agenda; seven yeas, zero nays.

Commissioner Dahlberg, supported by Commissioner Sweeney, moved to accept the Minnesota Department of Human Services grant for Family Group Decision Making for the period of January 2010 through December 2011. Kevin Gray, County Administrator, said the resolution has been revised to accurately reflect budgetary and staffing considerations. Commissioner Fink said he still had concerns about the effect budget unallotments may have on the program. Commissioner Sweeney noted the program saves money in out-of-home placements; seven yeas, zero nays. Resolution No. 79.

Commissioner Fink, supported by Commissioner Nelson, moved to suspend the rules to consider amending Board Resolution No. 600, adopted December 22, 2009, to correct the legal description of a tax forfeited property to be offered for sale; seven yeas, zero nays. Commissioner Fink, supported by Commissioner Forsman, moved to approve the correction. Commissioner Fink said the correction was minor but needed to be made prior to the upcoming land sale; seven yeas, zero nays. Resolution No. 80.

Commissioner Nelson, supported by Commissioner Sweeney, moved to suspend the rules to establish a public hearing for March 2, 2010, at 9:40 a.m., in the Duluth Courthouse, to receive public input on the 2010-2014 Consolidated Plan and Fiscal Year (FY) 2010 Action Plan for Community Development Block Grant (CDBG), Home Investment Partnership (HOME), and Emergency Shelter Grant (ESG). Commissioner Fink cautioned that suspending the rules to establish a public hearing may limit transparency for the public. Administrator Gray said following normal time lines was not possible in this case and would jeopardize funding for this vital program; seven yeas, zero nays. Commissioner Nelson,

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

supported by Commissioner Sweeney, moved to establish the hearing; seven yeas, zero nays. Resolution No. 81.

Commissioner O'Neil, supported by Commissioner Sweeney, moved to authorize the Planning Development Director to submit a letter of support to include all of St. Louis County in the Duluth Seaway Port Authority Foreign Trade Zone (FTZ). Administrator Gray said this is a good tool to have available for businesses and he emphasized FTZ exemptions only apply to duties and not property taxes; seven yeas, zero nays. Resolution No. 82.

Commissioner O'Neil, supported by Commissioner Fink moved to approve appointments of Kelly M. Klun, Ely, and Steven L. Filipovich, Duluth, to the St. Louis County Board of Adjustment (Consent Agenda Item #15). Commissioner Forsman said he was concerned the bylaws allow only two representatives from towns that do their own zoning. Administrator Gray said because the statutory limitation applies only to townships and does not mean cities, the County is in compliance. Barbara Hayden, Planning Director, said membership on the Board of Adjustment, including the two new members, does meet ordinance requirements. After further discussion, the appointments were approved; seven yeas, zero nays. Resolution No. 83.

Commissioner Raukar, noting that a number of persons entered the Boardroom since the beginning of the meeting, asked if anyone wanted to address the Board on issues not on the agenda. Abram Olson, Duluth, asked if the sale of tax forfeited lands to the Fond du Lac Band of Lake Superior Chippewa was going to be discussed. Chair Raukar said the issue(s) is on the Committee of the Whole agenda and citizens will be allowed to address the issue at that time.

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

Finance and Budget Committee submitting recommendations for reduction and correction of assessed valuations and taxes for the year 2010.—[59036](#)

Planning Director submitting various plats for approval during 2010.—[59037](#)

County Auditor submitting lists of tax forfeited property declared in default during the year 2010.—[59038](#)

Land Commissioner and Property Management Director submitting various County Fee Land sales during the year 2010.—[59039](#)

Public Works Director submitting Awards for Bids for Projects in the 2010 Construction Program.—[59040](#)

St. Louis and Lake Counties Regional Railroad Authority submitting agendas and minutes for their meetings held in the year 2010.—[59041](#)

Land Commissioner submitting Special Sale of State Tax Forfeited Lands during the year 2010.—[59042](#)

Kevin Gray, County Administrator, and Barbara Hayden, Planning and Development Director, submitting Board Letter No. 10-39, Support of Expansion of the Duluth Seaway Port Authority Foreign Trade Zone.—[59043](#)

PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS 45
ST. LOUIS COUNTY, MINNESOTA

Kevin Gray, County Administrator, and Barbara Hayden, Planning and Development Director, submitting Board Letter No. 10-42, Committee Vacancy Appointments – Board of Adjustment.—59044

Safety & Risk Management Training Contract between St. Louis County and American Red Cross for *Adult CPR, AED Training, Infant and Child CPR, and First Aid training.*—10-97

Employee Development Training Contract between St. Louis County and Dr. Heather Rose-Carlson for *Emotional Intelligence.*—10-98

Minnesota State Colleges and Universities contract between Fond du Lac Tribal and Community College and St. Louis County for *Leading with Strengths.*—10-99

County-State Aid Highway Project Contract between the County of St. Louis and the State of Minnesota for SAP 69-668-004, CP 9588 (Approach Grading, Bituminous Surfacing and Bridge No. 69684).—10-100

Addendum #7 to Parking Space Lease, identified as 1998-958:2, between the County of St. Louis and Kegler’s Inc., d/b/a The Incline Station Bowling Center, increasing the rent from \$32.50 to \$38.00 for each of 12 spots for a total of \$456 per month, payable in advance.—10-101

Grant Application Approval Form submitted by the Sheriff’s Department from the MN Homeland Security for the 2009 Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation (PDM) Programs Grant.—10-102

Grant Approval Form submitted by the St. Louis County Public Health & Human Services Department from the MN Department of Human Services for Family Group Decision Making.—10-103

Grant Agreement between the St. Louis County Board of Commissioners and Range Women’s Advocates.—10-104

Grant Agreement, No. 2009-5491, between St. Louis County and South St. Louis County Fair Association.—10-105

Grant Agreement, No. 2009-5492, between St. Louis County and St. Louis County Agricultural Fair Association.—10-106

Agreement for Purchase of Services, Contract No. 2009-5493, between the County of St. Louis and St. Louis County Promotional Bureau.—10-107

Professional Services Contract between St. Louis County and Nordy’s Exterior Works for lawn and yard care on tax forfeited property.—10-108

Amended and Restated Managed Pharmacy Benefit Services Agreement between National Association of Counties (NACo) and CaremarkPCS Health, L.P., for Consumer Card Program (Prescription Discount Card Program).—10-109

Upon motion of Commissioner Sweeney, supported by Commissioner O’Neil, Resolutions No. 65 through 78, as submitted to this Board on the Consent Agenda, were unanimously adopted as follows:

BY COMMISSIONER SWEENEY:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of January 26, 2010, are hereby approved.

Adopted February 9, 2010. No. 65

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, dated January 29, 2010, on file in the office of the County Auditor, identified as County Board File No. 59016, is hereby received and ratified as payable from Fund 730, Agency 730001.

Adopted February 9, 2010. No. 66

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for an intoxicating liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 59021;

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

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

FURTHER RESOLVED, that said liquor license is contingent upon applicant Burow complying in all respects with the controlling building, construction, zoning, liquor, health, environmental and sanitary laws, rules and regulations for the liquor license and in the construction of the licensed premises.

FURTHER RESOLVED, that said license shall be effective through June 30, 2010:

Vaughn, Inc., d/b/a Junction Bar & Grill, Unorganized Township 61-13,
On-Sale Intoxicating Liquor License No. CMB10131 and Sunday On-Sale
Intoxicating Liquor License No. SUN10131, new.

Adopted February 9, 2010. No. 67

WHEREAS, the St. Louis County Planning Commission held a public hearing regarding the preliminary plat of Strand Lake Properties on June 12, 2008, and granted preliminary approval for the plat; and

WHEREAS, the final prints have been submitted and conform with the requirements set forth by the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board grants final approval to the plat of Strand Lake Properties, located in Section 30, Township 54 North, Range 16 West (Cotton).

Adopted February 9, 2010. No. 68

WHEREAS, St. Louis County requires the services of a competent contractor to provide tire management and recycling service to its Environmental Services and Public Works facilities; and

WHEREAS, Liberty Tire, LLC, is willing and able to provide the service.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes a contract for the term of two (2) years with the possibility of a one (1) year extension with Liberty Tire, LLC., for collection, haulage and proper disposal of waste tires at \$110 per ton for tires up to 24 ½ inches, and \$180 per ton for tires over 24 ½ inches, payable from Fund

PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS 47
ST. LOUIS COUNTY, MINNESOTA

600, Agency 601004 (Recycling).
Adopted February 9, 2010. No. 69

RESOLVED, St. Louis County Board Resolution No. 09-600, dated December 22, 2009, which authorized the sale of State tax forfeited parcels, is amended to change two legal descriptions to the following:

Tract 23 – Block 8, Lots 1 thru 16 inc, Plat of Eagles Nest.
Tract 24 – Block 9, Lots 1 thru 8 inc AND that part of Lots 13 thru 16
lying west of centerline of Co. Rd. #128, Plat of Eagles Nest.

Adopted February 9, 2010. No. 70

WHEREAS, the contract with Range Rental Resources, LLC, c/o Brian McCune, for the purchase of State tax forfeited land is in default for nonpayment of taxes and/or installments; and

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

CITY OF VIRGINIA, LOT: 0030 BLOCK:012 ROONEYS ADDITION
TO VIRGINIA
Property address: 827 13th Street North, Virginia, MN

WHEREAS, the Land Department requests authorization to dispose of abandoned personal property on the State tax forfeited parcel described above according to Minn. Stat. §§ 282.04, subd. 2(d), and 504B.271; and

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

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the cancellation of contract C22050061 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, the St. Louis County Board authorizes the County Auditor to dispose of abandoned personal property from the above described State tax forfeited property.

Adopted February 9, 2010. No. 71

WHEREAS, Iron Range Resources has requested to purchase State tax forfeited land for the purpose of economic development consistent with the Giants Ridge Master Development Plan; and

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, the lands have been classified as non-conservation land pursuant to Minn. Stat. § 282.01; and

WHEREAS, the lands have not been withdrawn from sale pursuant to Minn. Stat. §§ 85.012, 92.461, 282.01, subd. 8, and 282.018, and other statutes that require the withholding of State tax forfeited lands from sale.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board approves the sale of the following described State tax forfeited parcels to Iron Range Resources for the amount of \$469,000 plus the following fees: 3% assurance fee of \$14,070, deed fee of \$25, deed tax of

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

\$1,547.70, and recording fee of \$46; for a total of \$484,688.70 to be deposited into Fund 240 (Forfeited Tax Fund):

1. LOT 3, SECTION 31, TOWNSHIP 59 NORTH, RANGE 15 WEST
 BIWABIK LANDS IN THE CITY 59-15
 PARCEL 015-0110-04850; 46.15 ACRES
2. UND 7/8 LOT 2, SECTION 31, TOWNSHIP 59 NORTH, RANGE 15 WEST
 BIWABIK LANDS IN THE CITY 59-15
 PARCEL 015-0110-04841; 46.05 ACRES
3. THAT PART OF NE1/4 OF NW1/4 LYING W OF CENTERLINE OF CO HWY
 NO 138, SECTION 31, TOWNSHIP 59 NORTH, RANGE 15 WEST
 BIWABIK LANDS IN THE CITY 59-15
 PARCEL 015-0110-04830; 24.55 ACRES
4. THAT PART OF SE1/4 OF NW1/4 LYING W OF CENTERLINE OF CO HWY
 NO 138, SECTION 31, TOWNSHIP 59 NORTH, RANGE 15 WEST
 BIWABIK LANDS IN THE CITY 59-15
 PARCEL 015-0110-04860; 36.3 ACRES
5. NE1/4 OF NW1/4 EX PART W OF CENTERLINE OF CO HWY NO 138,
 SECTION 31, TOWNSHIP 59 NORTH, RANGE 15 WEST
 PARCEL 570-0035-00680; 15.45 ACRES
6. SE1/4 OF NW1/4 EX PART W OF CENTERLINE OF CO HWY NO 138,
 SECTION 31, TOWNSHIP 59 NORTH, RANGE 15 WEST
 PARCEL 570-0035-00710; 3.7 ACRES

RESOLVED FURTHER, the St. Louis County Board approves the sale of the following described State tax forfeited parcels to Iron Range Resources, contingent upon purchase within sixteen months from the date of this resolution, for the amount of \$108,000 plus the following fees: 3% assurance fee of \$3,240, deed fee of \$25, deed tax of \$356.40, and recording fee of \$46; for a total of \$111,667.40 to be deposited into Fund 240 (Forfeited Tax Fund):

1. LOT 4, SECTION 31, TOWNSHIP 59 NORTH, RANGE 15 WEST
 BIWABIK LANDS IN THE CITY 59-15
 PARCEL 015-0110-04880; 46.25 ACRES
2. NE ¼ OF SW ¼, SECTION 31, TOWNSHIP 59 NORTH, RANGE 15 WEST
 BIWABIK LANDS IN THE CITY 59-15
 PARCEL 015-0110-04870; 40 ACRES

RESOLVED FURTHER, St. Louis County Board Resolution No. 08-669, dated December 23, 2008, is rescinded.
Adopted February 9, 2010. No. 72

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. 59036.
Adopted February 9, 2010. No. 73

PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS 49
ST. LOUIS COUNTY, MINNESOTA

WHEREAS, in 1993 St. Louis County acquired the NW ¼ of the SE ¼ of Section 4, Township 61 North, Range 16 West (Vermilion Lake Township), from the State of Minnesota and this property has been requested for sale and was approved by the Property Acquisition Team.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board authorizes the Property Management Director to advertise for request for proposals for the sale, pursuant to Minn. Stat. § 373.01, of approximately 40 acres located in Vermilion Lake Township and legally described as the NW ¼ of the SE ¼ of Section 4, Township 61 North, Range 16 West.

RESOLVED FURTHER, the County Board establishes the time for proposal consideration to be at 9:35 a.m. on Tuesday, March 16, 2010, at the St. Louis County Board meeting, Courthouse, Duluth, MN.

Adopted February 9, 2010. No. 74

WHEREAS, the St. Louis County Board has approved the development and completion of a county-wide digital GIS parcel layer through the support of the Land Records Management; and

WHEREAS, Pro-West and Associates, Inc., was selected as the vendor to create the county's GIS digital parcel layer, and has received favorable performance evaluations in developing the county's GIS geodatabase parcel layer in the pilot project areas of Canosia and Rice Lake townships; and

WHEREAS, as part of the 2010 budget process, the County Board approved \$250,000 from the Recorder's Technology Fund to the Planning and Development Department for GIS activities.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board authorizes the appropriate county officials to negotiate a contract extension with Pro-West and Associates, Inc., and to execute agreements and related documents to continue the development of the digital GIS parcel layer and GIS activities with a renewable option as additional funding becomes available.

RESOLVED FURTHER, that payment to the vendor will be disbursed from the balance of Fund 100, Agency 109003, and additional grant and available funds to be disbursed from Planning & Development, Fund 109003, or its designated fund.

Adopted February 9, 2010. No. 75

WHEREAS, the St. Louis County Board supports the goal of providing a strong county infrastructure; and

WHEREAS, the Management Information Systems Storage Area Network systems occasionally need to be upgraded to adequately support the technology needs of the county.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the purchase of additional hardware and software under the Minnesota state contract with Compar, Inc., at the combined quoted price of \$149,749.51 including Minnesota state sales tax, payable as follows:

- Fund 750, Agency 751001, Object 665300 in the amount of \$68,289.92 (funding transferred from MIS Fund Balance, Fund 750, Object 311500)
- Fund 100, Agency 121002, Object 665300 (Recorder's Technology Fund) in the amount of \$81,459.59

Adopted February 9, 2010. No. 76

WHEREAS, St. Louis County supports the grant application of \$75,000 made by the Chisholm-Hibbing Pathblazers Snowmobile Club to the Minnesota Department of Natural Resources for the Federal Recreational Trail Grant Program; and

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

WHEREAS, the grant application is to be used toward the purchase of one 2010 Prinoth Husky Trail Groomer (expected to cost in excess of \$150,000), to be used by the club for regular maintenance and trail grooming; and

WHEREAS, St. Louis County recognizes that there is percent match requirement for the Federal Recreational Trail grant program which will be secured by the Chisholm-Hibbing Pathblazers Snowmobile Club.

NOW, THEREFORE, BE IT RESOLVED, that if St. Louis County is awarded a grant by the Minnesota Department of Natural Resources, the county agrees to accept the grant award and may enter into an agreement with the State of Minnesota for the above referenced project, and will comply with all applicable laws, environmental requirements, and regulations as stated in the grant agreement.

RESOLVED FURTHER, that the St. Louis County Board authorizes the County Auditor to act as the fiscal agent for the project and authorizes the appropriate county officials to sign all necessary documents.

Adopted February 9, 2010. No. 77

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

SAP 69-677-008, CP 9276 located on CSAH No. 77 (Angus Road) between 0.5 mi. N. of CSAH 115 to end at CR 929 in Greenwood Twp., MN; and

WHEREAS, bids were opened in the County Board Room at 10:00 a.m., February 1, 2010, and the St. Louis County Board has, with the County Highway Engineer, determined the lowest responsible bidder.

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. Cloquet, MN 55720	P.O. Box 340	\$4,187,000

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 220146, Object 652700.

Adopted February 9, 2010. No. 78

BY COMMISSIONER DAHLBERG:

WHEREAS, the Minnesota Department of Human Services awarded \$108,964 each calendar year for the Family Group Decision Making project for the period January 1, 2010 through December 31, 2011; and

WHEREAS, the St. Louis County Public Health and Human Services Department has contracted with Carlton County Public Health and Human Services and Fond du Lac Human Services since October 1, 2004, to provide Family Group Decision Making services on behalf of the County; and

WHEREAS, the St. Louis County Public Health and Human Services Department wishes to renew these Agreements.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board accepts the Minnesota Department of Human Services grant for Family Group Decision Making in the amount of \$108,964 each calendar year for the period January 1, 2010 through December 31, 2011, such funds to be deposited into Fund 230, Agency 232999, Revenue Object 540271, Grant 23201, Grant Year 2010 and Grant Year 2011.

RESOLVED FURTHER, that the St. Louis County Board authorizes the appropriate County

PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS 51
ST. LOUIS COUNTY, MINNESOTA

officials to enter into contracts with Carlton County Public Health and Human Services and Fond du Lac Human Services to render specific Family Group Decision Making services to be paid from Fund 230, Agency 232999, Object 603200 (Family Group Decision Making). RESOLVED FURTHER, that the Director of Public Health and Human Services and the County Administrator coordinate as necessary to maintain the authorized staffing complement of the St. Louis County Public Health and Human Services Department with 1.0 FTE Social Worker from January 1, 2010 through December 31, 2011, and amend the 2010 budget as adopted by the St. Louis County Board to reflect the decreased grant revenues and associated expenditures for this program.

RESOLVED FURTHER, when the grant income ceases, the St. Louis County position financed by this grant will be eliminated.

Unanimously adopted February 9, 2010. No. 79

BY COMMISSIONER FINK:

NOW, THEREFORE, BE IT RESOLVED, St. Louis County Board Resolution No. 09-600, dated December 22, 2009, which authorized the sale of State tax forfeited parcels, is amended to change the legal description for Tract # 11 to the following:

Tract #11 Lot 5 and 6, Block 86, West Duluth 6th Division

Unanimously adopted February 9, 2010. No. 80

BY COMMISSIONER NELSON:

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires a consolidated application process for entitlement funds under the following Community Planning and Development programs: Community Development Block Grant, HOME, and Emergency Shelter Grant; and

WHEREAS, St. Louis County has prepared a draft five-year strategic plan called the 2010-2014 Consolidated Plan and the One-Year Action Plan required by HUD; and

WHEREAS, HUD requires that a public hearing be conducted to allow citizen input prior to submittal of these plans.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board will hold a public hearing on Tuesday, March 2, 2010, at 9:40 a.m., at the St. Louis County Courthouse in Duluth, Minnesota, for the purpose of receiving citizen comments on the established priorities and funding recommendations included in the 2010-2014 Consolidated Plan and FY 2010 Action Plan.

Unanimously adopted February 9, 2010. No. 81

BY COMMISSIONER O'NEIL:

WHEREAS, the Duluth Seaway Port Authority is in the process of reorganizing its Foreign Trade Zone under a new process approved by the U.S. Department of Commerce called Alternative Site Framework (ASF); and

WHEREAS, under the ASF process, the Duluth Seaway Port Authority will expand its service area to include all of St. Louis County rather than a specific area at the Port.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the Planning and Development Director to submit a letter of support to include all of St. Louis County in the service area of the Duluth Seaway Port Authority Foreign Trade Zone.

Unanimously adopted February 9, 2010. No. 82

BY COMMISSIONER O'NEIL:

RESOLVED, the St. Louis County Board appoints the following individuals to the St. Louis County Board of Adjustment for a three-year term expiring December 31, 2012:

Steven L. Filipovich

Kelly M. Klun

Unanimously adopted February 9, 2010. No. 83

At 10:11 a.m., February 9, 2010, Commissioner Nelson, supported by Commissioner O'Neil,

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

moved to adjourn the County Board meeting; seven yeas, zero nays.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:

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

(Seal of the County Auditor)

**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON FEBRUARY 23, 2010**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 23rd day of February, 2010, at 9:36 a.m., in the Hibbing City Council Chambers, City Hall, Hibbing, Minnesota, with the following members present: Commissioners Dennis Fink, Steve O'Neil, Chris Dahlberg, Mike Forsman, Peg Sweeney, Keith Nelson, and Steve Raukar – 7. Absent: None

Melanie Ford, County Attorney, took her turn presenting Words of Wisdom by quoting the following lyrics from a song entitled "Lift Every Voice and Sing," composed by James Weldon Johnson, an African American composer, publisher, lawyer and educator:
"Lift every voice and sing till earth and heaven ring, ring with the harmonies of Liberty; let our rejoicing rise, high as the listening skies, let it resound loud as the rolling sea. Sing a song full of the faith that the dark past has taught us, sing a song full of the hope that the present has brought us, facing the rising sun, of our new day begun let us march on till victory is won. Stony the road we trod, bitter the chastening rod, felt in the days when hope unborn had died; yet with a steady beat, have not our weary feet come to the place for which our fathers sighed? We have come over a way that with tears have been watered, we have come, treading our path through the blood of the slaughtered, out of our gloomy past, till now we stand at last where the white gleam of our bright star is cast."

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

Commissioner O'Neil, supported by Commissioner Nelson, moved to suspend the rules to consider settlement of a claim made by Debra Morris against St. Louis County for injuries received; seven yeas, zero nays. County Attorney Ford said the matter came before the Board in closed session awhile ago and involves a dog bite incurred by the plaintiff during a law enforcement training session. Commissioner Fink, supported by Commissioner Nelson, moved to go to closed session to allow Attorney Ford to refresh Commissioners about the circumstances of the claim; seven yeas, zero nays.

At 9:50 a.m., Chair Raukar recessed the Board until 10:00 a.m. to go to closed session.

At 10:15 a.m., the County Board reconvened in the Hibbing City Council Chambers, City Hall, Hibbing, MN, with all members present.

Commissioner O'Neil, supported by Commissioner Sweeney, moved to approve the settlement. Commissioner O'Neil read the terms of settlement into the record. Commissioner Sweeney said it would be cost prohibitive at this point to continue the court case and she supported the proposed settlement. Commissioner Nelson said the County is often the target for litigation and he would not be supporting the settlement. Commissioner Fink said the plaintiff was aware of the risks when attending the training session and he would not support the settlement. After further discussion, the settlement was approved; five yeas, two nays, Commissioners Fink and Nelson. Resolution No. 99.

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

Kevin Gray, County Administrator, and Ted Troolin, Environmental Services Director,

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

submitting Board Letter No. 10-56, Contract for Haulage, Processing, and Marketing of Recyclable Materials with Northern Minnesota Recycling, Inc. (NMR).—[59045](#)

St. Louis County Liquor Licensing Committee Meeting minutes submitted during 2010.—[59046](#)

County Attorney Melanie Ford's "Words of Wisdom" presentation of lyrics by James Weldon Johnson entitled *Lift Every Voice and Sing*.—[59047](#)

State of Minnesota Joint Powers Agreement between the State of Minnesota, Commissioner of Corrections Minnesota Correctional Facility-Oak Park Heights and St. Louis County Jail for inmate specific boarding as needed during the period January 1, 2010 through December 31, 2012.—[10-110](#)

Safety & Risk Management Training Contract between St. Louis County and Pumps Tire for *Truck Tire Care and Maintenance as related to 29 CFR 1910.177*.—[10-111](#)

Purchase of Services Agreement, Contract No. 20866, between St. Louis County and St. Louis County Council on Aging.—[10-112](#)

Purchase of Services Agreement, Contract No. 20865, between St. Louis County and Ely Community Resource.—[10-113](#)

Purchase of Services Agreement, Contract No. 20868, between St. Louis County and AEOA – Senior Services.—[10-114](#)

Purchase of Services Agreement, Contract No. 20876, between St. Louis County and Lake Superior Community Health Center.—[10-115](#)

Purchase of Services Agreement, Contract No. 20871, between St. Louis County and AEOA – Lives in Transition.—[10-116](#)

Purchase of Services Agreement, Contract No. 14764, between St. Louis County and Woodland Hills for Children's Residential Treatment Services.—[10-117](#)

2009-2010 Recycling and Waste Reduction Grant Agreement between the County of St. Louis and the City of Eveleth.—[10-118](#)

2010 Contract for Professional Services between the County of St. Louis and Lockridge Grindal Nauen, PLLP, for federal legislative consulting services.—[10-119](#)

Agreement for Professional Services between the County of St. Louis and N.G. Engineering for Downtown Duluth Parking Lot Renovation.—[10-120](#)

Grant Agreement, Contract No. 20887, between St. Louis County Board of Commissioners and Lutheran Social Services (Bethany Crisis Nursery).—[10-121](#)

Easement between the State of Minnesota, by and through the St. Louis County Auditor, and the State of Minnesota, Department of Natural Resources, on the West 33 feet of the NW ¼ of the NW ¼, Section 32, Township 59 North, Range 21 West.—[10-122](#)

Agreement Addendum #100105 between St. Louis County and High Line Corporation adding Oracle Application Specific licenses to the Personality project.—[10-123](#)

PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS 55
ST. LOUIS COUNTY, MINNESOTA

Employee Development Training Contract between St. Louis County and Karen Alseth for *Mindfulness-Based Stress Reduction Program*.—[10-124](#)

Service Agreement between St. Louis County and Lake County for recyclable materials collection & processing.—[10-125](#)

Mark Sykes, Internal Sales Representative, Tiburon, Inc., submitting Enhancement Proposal (EP)-287002D MobileCOM Migration, Mobile Mapping and AVL for the System Implementation Agreement (SIA) between Tiburon, Inc., and St. Louis County, dated October 24, 2006.—[10-126](#)

Amendment to Professional Services Agreement, County Attorney Contract No. 2008-004498, between the County of St. Louis and Architectural Resources, Inc., for the Hibbing Courthouse Security Renovation project.—[10-127](#)

Addendum to Contract No. 20676H between the St. Louis County Board and the Arrowhead Economic Opportunity Agency (AEOA) for Food Support Employment and Training Services (FSET) Employment Services and Support Services.—[10-128](#)

Purchase of Services Agreement, Contract No. 20880, between St. Louis County and Elder Services Network.—[10-129](#)

Purchase of Services Agreement, Contract No. 20879, between St. Louis County and First Witness.—[10-130](#)

Purchase of Services Agreement, Contract No. 20878, between St. Louis County and Lutheran Social Service Bethany Crisis Nursery.—[10-131](#)

Purchase of Services Agreement, Contract No. 20869, between St. Louis County and Safe Haven Shelter for Battered Women.—[10-132](#)

Purchase of Services Agreement, Contract No. 20867, between St. Louis County and AEOA – Retired Senior Volunteer Program.—[10-133](#)

Purchase of Services Agreement, Contract No. 20861, between St. Louis County and Valley Youth Center.—[10-134](#)

Purchase of Services Agreement, Contract No. 20875, between St. Louis County and Program for Aid to Victims of Sexual Assault (PAVSA).—[10-135](#)

Purchase of Services Agreement, Contract No. 20874, between St. Louis County and Sexual Assault Program of Northern St. Louis County.—[10-136](#)

Purchase of Services Agreement, Contract No. 20870, between St. Louis County and Range Women's Advocates.—[10-137](#)

Purchase of Services Agreement, Contract No. 20862, between St. Louis County and Life House.—[10-138](#)

Purchase of Services Agreement, Contract No. 14762, between St. Louis County Board of Commissioners and Lutheran Social Service of Minnesota (Family Resource Center – Range Youth Shelter) for Group Home Residential/Shelter Service.—[10-139](#)

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

Purchase of Services Agreement, Contract No. 14761, between the St. Louis County Board of Commissioners and Lutheran Social Service of Minnesota (Bethany Crisis Shelter) for Group Home Residential Service and Diagnostic 25-day Evaluation.—10-140

Addendum to Purchase Agreement, Contract No. 14339B, between the St. Louis County Board of Commissioners and Occupational Development Center, Inc. (ODC) extending the termination date from December 31, 2009, to December 31, 2010.—10-141

Home and Community-Based Waiver Services Contract, Contract No. 14748, between St. Louis County Board of Commissioners and Cheryl Nordeen.—10-142

Home and Community-Based Waiver Services Contract, Contract No. 14531, between St. Louis County Board of Commissioners and Andrea's Home Care, LLC.—10-143

Home and Community-Based Waiver Services Contract, Contract No. 14530, between St. Louis County Board of Commissioners and Andersons Pine Grove Home, Inc.—10-144

Upon motion of Commissioner O'Neil, supported by Commissioner Sweeney, Resolutions No. 84 through 98, as submitted to this Board on the Consent Agenda were unanimously adopted as follows:

BY COMMISSIONER O'NEIL:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of February 2, 2010, are hereby approved.
Adopted February 23, 2010. No. 84

WHEREAS, Minnesota Teen Challenge has been operating its Northland Campus in Duluth since 2006 to support people with chemical dependency issues; and

WHEREAS, Minnesota Teen Challenge Northland Campus now holds a Rule 31 license to provide chemical dependency treatment; and

WHEREAS, the Department of Public Health and Human Services has an interest in expanding the available chemical dependency services for St. Louis County residents to include non-residential services provided by Minnesota Teen Challenge Northland Campus which would be funded by the Consolidated Chemical Dependency Treatment Fund.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to enter into and execute a contract with Minnesota Teen Challenge, doing business as Minnesota Teen Challenge Northland Campus, for the provision of non-residential chemical dependency services funded through the Consolidated Chemical Dependency Treatment Fund (CCDTF) at the rate of \$35.61 per hour, effective February 1, 2010 through December 31, 2010.

RESOLVED FURTHER, that Minnesota Teen Challenge will bill the Department of Human Services directly for the services provided; the county has a 15% Maintenance of Effort on all services paid for through the CCDTF.

Adopted February 23, 2010. No. 85

WHEREAS, the contract with Gladys Jean Eral, for the Estate of Ina McKerrihan, for the purchase of State tax forfeited land is in default for nonpayment of taxes and/or installments; and for lands legally described as:

CITY OF DULUTH
LOT 0002 BLOCK 023
STOWELLS ADDITION TO WEST DULUTH
Parcel Code: 10-4220-3440

PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS 57
ST. LOUIS COUNTY, MINNESOTA

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, the St Louis County Board of Commissioners approves the cancellation of contract C22060001 for the repurchase of State tax forfeited land 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, the County Auditor is authorized to dispose of abandoned personal property from the above described State tax forfeited property.

Adopted February 23, 2010. No. 86

WHEREAS, St. Louis County is committed to maintaining and expanding its recycling and waste reduction programs; and

WHEREAS, the county supports efforts by schools to provide recycling and waste reduction opportunities and to encourage its staff and students to recycle and practice other waste reduction measures; and

WHEREAS, the Environmental Services Department has funding available to assist schools within the North Solid Waste Service Area with recycling and waste reduction programs; and

WHEREAS, the Department will fund local grants up to \$3.00 per student based on the 2008 Minnesota Department of Education enrollment data plus \$20 per classroom and \$300 per campus; and

WHEREAS, the Department will partner with Iron Range Youth in Action to assist schools within the North Solid Waste Service Area with recycling and waste reduction programs.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes establishment of the St. Louis County 2010 Recycling and Waste Reduction Grant for schools within the County's North Solid Waste Service Area.

RESOLVED FURTHER, that the amount of grant funds available for the 2010 funding cycle will not exceed \$53,000 and will be payable from Fund 600, Agency 600001, Administration.

Adopted February 23, 2010. No. 87

RESOLVED, that the St. Louis County Board authorizes an agreement, and any amendments approved by the County Attorney, with the City of Eveleth for the reconstruction of County State Aid Highway No. 142 (Grant Ave.) from County State Aid Highway No. 101 (Fayal Rd.) to Trunk Highway 53 in Eveleth; whereby the City of Eveleth will pay the "City of Eveleth Non-Participating" local share items listed in the Estimated Quantities in the Plan.

RESOLVED FURTHER, that the funds from the City of Eveleth for project SAP 69-742-002, CP 67044, be receipted into Fund 220, Agency 220207, Object 551519, with the amount budgeted for expense and determined at the time of opening of bids.

Adopted February 23, 2010. No. 88

RESOLVED, that the St. Louis County Board authorizes an agreement, and any amendments approved by the County Attorney, with the City of Ely for the reconstruction of County State Aid Highway No. 21 from the south city limits of Ely to Trunk Highway 169 in Ely; whereby the City of Ely will pay the "City of Ely Non-Participating" local share items listed in the Estimated Quantities in the Plan.

RESOLVED FURTHER, that the funds from the City of Ely for project SAP 69-621-032, CP 9327, be receipted into Fund 220, Agency 220238, Object 551538, with the amount budgeted for expense and determined at the time of opening of bids.

Adopted February 23, 2010. No. 89

RESOLVED, that the Public Works Department is authorized to enter into an agreement with

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

the City of Tower and authorize the appropriate county officials to sign the agreement and any amendments approved by the County Attorney's office for SP 69-596-005, County Project 3723, whereby the city will pay the local dollar match of the actual project costs, and other costs including any expenses billed to the county by an outside entity, federal and local funds from the city will be receipted into Fund 220, Agency 220215, Object 551535.
Adopted February 23, 2010. No. 90

WHEREAS, the State of Minnesota, Department of Transportation MnDOT, will provide payment under the terms of Agreement No. 96113 for the use of County State Aid Highway No. 14 as a detour route during the construction of State Project No. 6939-18 (T.H. 2 = 203), and;

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

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to enter into Agreement No. 96113 with the State of Minnesota, Department of Transportation and approve any amendments approved by the County Attorney's Office.

RESOLVED FURTHER, that the compensation, estimated in the amount of \$5,831.10, shall be receipted into Fund 200, Agency 205003, Object 583100.

Adopted February 23, 2010. No. 91

WHEREAS, a request to purchase county fee land was submitted by Mr. Edward Wojtysiak in April of 2009 and the County Property Acquisition Team deems the property to be non-conforming surplus property described as follows:

Beginning at the north quarter corner of Section Nine (9), in Township Fifty-one (51), North, of Range Seventeen (17), West, thence west on the north line of said Section 9, a distance of seven hundred fifty (750) feet; thence south at right angles to said section line a distance of thirty-three (33) feet to a point as a point of beginning; thence south on the last named line produced, a distance of seventy-one (71) feet; thence west at right angles to the last named line a distance of two hundred eight (208) feet; thence north at right angles to the last named line a distance of seventy one (71) feet; thence east on the south line of the right of way of the Culver Road, also known as State Rural Highway Number Four, a distance of two hundred eight (208) feet to the point of beginning, and containing approximately thirty-four one-hundredths (.34) of an acre more or less, all in said Section Nine (9), Township Fifty-one (51) North, Seventeen (17) West, according to the government survey thereof.

WHEREAS, an appraisal was performed by the Property Management Department's licensed staff appraiser, with a resulting property value of \$400; and

WHEREAS, Mr. Wojtysiak submitted a bid amount of \$400, which covers 100% of the appraised value and Mr. Wojtysiak is responsible for all property transaction recording fees and associated filing fees.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the requirements and procedures of Minn. Stat. § 373.01, Subdivision (h), the Chair of the County Board and County Auditor are authorized to execute and deliver a quit claim deed, conveying the above listed property to Edward L. Wojtysiak for the appraised value of \$400.

Adopted February 23, 2010. No. 92

RESOLVED, that a public hearing will be held at 9:40 a.m. on Tuesday, March 16, 2010, 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 February 23, 2010. No. 93

PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS 59
ST. LOUIS COUNTY, MINNESOTA

RESOLVED, that a public hearing will be held at 9:35 a.m. on March 23, 2010, in the Ely Recreation Center, Ely, Minnesota, for the purpose of considering the granting of an Off-Sale Intoxicating Liquor License to Vaughn, Inc., d/b/a Junction Bar & Grill, Unorganized Township 61-13.

Adopted February 23, 2010. No. 94

WHEREAS, the county operates a roll-off program to provide an opportunity for county residents to recycle; and

WHEREAS, the county supports city recycling programs by processing and marketing recyclables collected in those programs; and

WHEREAS, the county operates a county-owned recyclable materials processing facility in Virginia to facilitate the processing and marketing of recyclable materials generated in the St. Louis County Solid Waste Management Area; and

WHEREAS, the Environmental Services Department has negotiated an agreement with Northern Minnesota Recycling, Inc., to secure roll-off haulage and recyclables processing and marketing services for the period April 1, 2010 through September 30, 2011, with the possibility of four 2-year extensions; and

WHEREAS, the Solid Waste Subcommittee discussed and approved the negotiation of an agreement with Northern Minnesota Recycling, Inc., at its December 28, 2009, meeting.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes an eighteen-month agreement, with the possibility of four 2-year extensions, with Northern Minnesota Recycling, Inc., for the transportation, processing, and marketing of recyclable materials at the rates contained in Board File No. 59045, payable from Fund 600, Agency 601004.

Adopted February 23, 2010. No. 95

WHEREAS, St. Louis County Ordinance 55 allows the county to subdivide and develop property with the use of performance systems and operating permits; and

WHEREAS, St. Louis County has demonstrated that it has the ability to monitor the maintenance and operation of performance-based systems; and

WHEREAS, St. Louis County wishes to continue to offer performance systems as an option for the safe development of property.

NOW, THEREFORE, BE IT BE RESOLVED, that the St. Louis County Board authorizes the Environmental Services Department to submit a variance request from Minnesota Rule 7082.0100 3 F to the Commissioner of the Minnesota Pollution Control Agency to permit the development of new lots with system and replacement areas based upon the use of alternative performance-based systems.

Adopted February 23, 2010. No. 96

WHEREAS, the St. Louis County Board appoints citizens to serve on the Arrowhead Library System Governing Board; and

WHEREAS, the Arrowhead Library System Governing Board currently has two individuals whose terms expire June 30, 2010, and who wish to be reappointed; and

WHEREAS, the Arrowhead Library System Governing Board currently has one individual whose third term expires June 30, 2010, and is not eligible for reappointment at this time.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board reappoints the following citizens to the Arrowhead Library System Governing Board for a three (3) year term expiring June 30, 2013:

Teresa Dawson

Bette Mattson

RESOLVED FURTHER, that the County Auditor is authorized to advertise and accept applications until March 12, 2010, for the vacant position on the Arrowhead Library System

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

Governing Board.

Adopted February 23, 2010. No. 97

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, dated February 12, 2010, on file in the office of the County Auditor, identified as County Board File No. 59016, is hereby received and ratified as payable from Fund 730, Agency 730001.

Adopted February 23, 2010. No. 98

BY COMMISSIONER O'NEIL:

WHEREAS, there is presently pending a claim for personal injury against St. Louis County made by Debra J. Morris; and

WHEREAS, Debra J. Morris suffered injuries as the result of a dog bite while attending a LETS (Law Enforcement Training Specialists) International, Inc., Canine Tracking/Trailing Seminar held September 17-21, 2007, in Duluth, Minnesota, which was sponsored by the St. Louis County Rescue Squad; and

WHEREAS, after investigation of the facts relevant to this matter the St. Louis County Attorney has recommended that the matter be settled as to any and all claims against St. Louis County on the terms set forth hereunder hereinafter; and

WHEREAS, St. Louis County makes no admission of liability.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the matter be settled upon the following terms:

1. That the sum of Twenty Thousand Dollars (\$20,000.00) is authorized in full and final settlement of any and all claims arising out of, in consequence of, or on account of the injuries and incidents alleged by plaintiff to have been caused by or related to actions of St. Louis County.
2. That total payment of the aforementioned Twenty Thousand Dollars (\$20,000.00), payable from Fund 720, be made pursuant to a Settlement Agreement and Release once executed by the parties and approved by the St. Louis County Attorney.
3. That St. Louis County makes no admissions of liability.
4. That each party shall be responsible for her/its own costs and attorney fees.

Yeas – Commissioners O'Neil, Dahlberg, Forsman, Sweeney, and Chair Raukar – 5

Nays – Commissioners Fink and Nelson - 2

Adopted February 23, 2010. No. 99

At 10:30 a.m., February 23, 2010, Commissioner Sweeney, supported by Commissioner O'Neil, moved to adjourn the County Board meeting; seven yeas, zero nays.

Steve Raukar, Chair of the Board
of County Commissioners

Attest:

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

(Seal of the County Auditor)