

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

**OFFICIAL PROCEEDINGS OF THE MEETING**  
**OF THE BOARD OF COUNTY COMMISSIONERS**  
**OF THE COUNTY OF ST. LOUIS, MINNESOTA,**  
**HELD ON JUNE 5, 2012**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 5<sup>th</sup> day of June, 2012, at 9:36 a.m., in the St. Louis County Board Room, Duluth, Minnesota, with the following members present: Commissioners Frank Jewell, Steve O'Neil, Chris Dahlberg, Peg Sweeney and Steve Raukar - 5. Absent: Commissioners Mike Forsman and Chair Keith Nelson - 2.

Vice Chair Sweeney asked for a moment of silence to honor those who serve and protect our safety at home and those who protect our freedom, followed by the pledge of allegiance.

Commissioner Dahlberg introduced James Ellingson, an Initial Intervention Unit social worker in Public Health and Human Services, Duluth, MN, as the Customer Service Award recipient. Commissioner Dahlberg said Mr. Ellingson, along with Deb Montgomery, Parent/Community Liaison at Duluth Piedmont Elementary School, developed the "Early Intervention Attendance Project" to help kids stay in school. Ms. Montgomery recognized Mr. Ellingson contributions. James Ellingson thanked the board for the recognition. Director of Public Health and Human Services Ann Busche said James is a shining star and recognized his work. James Ellingson thanked the board and Deb Montgomery for her contributions. An award was presented and photos were taken.

Vice Chair Sweeney opened the meeting to citizens who wished to address the board and no one came forth.

Commissioner O'Neil, supported by Commissioner Jewell, moved to approve the consent agenda. At the request of Commissioner Dahlberg, item 4a under consent was removed for separate consideration. The remainder of the consent passed; five yeas, zero nays.

Administrator Gray said the rules will need to be suspended for the next two items under Public Safety and Corrections, as they have not been heard in committee.

Commissioner Raukar, supported by Commissioner O'Neil, moved to suspend the rules; five yeas, zero nays.

Commissioner Sweeney, supported by Commissioner O'Neil, moved to accept the 2009 Port Authority Grant contract extension. Administrator Gray said accepting the grant extension will allow the county to use the funds for the Allied Radio Matrix for Emergency Response (ARMER) project; five yeas, zero nays. Resolution No. 12-320

Commissioner Jewell, supported by Commissioner O'Neil, moved to suspend the rules; five yeas, zero nays.

Commissioner Sweeney, supported by Commissioner O'Neil, moved to authorize the application and acceptance of the 2011 State Homeland Security Grant in the amount of

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\$387,950. Commissioner Raukar said in recent years state and federal governments have made homeland security a high priority, yet this funding takes away from other important areas. Sheriff Ross Litman said this represents nearly \$388,000 in federal funding, which offsets levy dollars, and there is no match requirement. Sheriff Litman said these funds will be used to help the county prepare for the January 1, 2013, conversion to ARMER, which is federally mandated; five years, zero nays. Resolution No. 12-321

Administrator Gray suggested tabling item 4a from consent, a private land sale of state tax forfeited land to Michael Jershe, to the June 26, 2012 board meeting, to which the board unanimously agreed.

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

Kevin Gray, County Administrator, and Robert Krepps, Land Commissioner, submitting Board Letter No. 12-201, Private Sale of State Tax Forfeited Lands – Jershe, Johnson, Holewa, Weaver.—[59472](#)

Kevin Gray, County Administrator, Donald Dicklich, County Auditor, and Mark Rubin, County Attorney, submitting Board Letter No. 12-210, Establish Public Hearing to Consider Allegations of Liquor Law Violation by Belo Enterprises, Inc., d/b/a Crossroads Convenience and Liquor Store, Clinton Township.—[59473](#)

Kevin Gray, County Administrator, submitting Board Letter No. 12-213, Funding for Duluth Family Visitation Center.—[59474](#)

Kevin Gray, County Administrator, and Ross Litman, Sheriff, submitting Board Letter No. 12-214, Authorization to Accept the 2009 Port Security Grant Contract Extension.—[59475](#)

Kevin Gray, County Administrator, and Ross Litman, Sheriff, submitting Board Letter No. 12-215, Application and Acceptance of the 2011 State Homeland Security Grant.—[59476](#)

Agreement for Professional Services between the County of St. Louis and Scalzo Architects for planning, design, and layout services for the Duluth Courthouse Attic Storage Space Remodel.—[12-291](#)

Contract for County-State Aid Highway (CSAH) Project between the County of St. Louis and Hammerlund Construction, Inc., for Crush, Screen, and Stockpile Aggregate Base, Class 5 (Modified) and Crush, Screen, and Stockpile Aggregate 2” Rock, (MP 97045 - Central Crushing).—[12-292](#)

Contract for County-State Aid Highway Project between the County of St. Louis and Redstone Construction Co., Inc., for Approach Grading, Bituminous Paving, Culverts, Guardrail and Bridge No. 69A03 on CSAH 75 in Unorganized Township 63-21 (SAP 69-675-005, CP 117648).—[12-293](#)

Purchase of Service Agreement, Contract No. 14982, between the St. Louis County Board of Commissioners and Range Mental Health Center for Mental Health – Targeted Case Management (MH – TCM) for Adults and Integrative Services for Adults.—[12-294](#)

Supply Contract No. 5015-C between the County of St. Louis and Northland Constructors of Duluth, LLC for Bituminous Materials.—[12-295](#)

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St. Louis County Land Department Service Contract between St. Louis County and Nordy's Exterior Works for lawn and yard care on tax forfeited property in the Virginia and Hibbing areas for the period May – October, 2012.—[12-296](#)

Home and Community-Based Waiver Services Contract, Contract No. 14894, between the St. Louis County Board of Commissioners and Wanda J. Palo.—[12-297](#)

Home and Community-Based Waiver Services Contract, Contract No. 14931, between the St. Louis County Board of Commissioners and TBG Companies, LLC d/b/a TBG Construction.—[12-298](#)

Home and Community-Based Waiver Services Contract, Contract No. 14932, between the St. Louis County Board of Commissioners and Associated Partnership LTD d/b/a Rollx Vans.—[12-299](#)

Group Residential Housing Rate Agreement, Contract No. 50981, between the St. Louis County Board of Commissioners and Wanda J. Palo.—[12-300](#)

Group Residential Housing Rate Agreement, Contract No. 50995, between the St. Louis County Board of Commissioners and Taylor SLS – Colorado.—[12-301](#)

Addendum to Purchase Agreement, Contract No. 13902E, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc.—[12-302](#)

Project Contract No. 4956-3 between the County of St. Louis and A & B Construction, LTD, for Salt Storage Shed Removal and Replacement.—[12-303](#)

Supply Contract No. 5015-A between the County of St. Louis and Mesabi Bituminous, Inc., for Bituminous Materials per County Bid No. 5015.—[12-304](#)

Professional Service Agreement, Contract No. 30139, between the St. Louis County Public Health and Human Services Department and Human Development Center for Forensic Psychological Services.—[12-305](#)

Contract for County-State Aid Highway Project between the County of St. Louis and Hammerlund Construction, Inc., for crush, screen and stockpile aggregate base, Class 5 (Modified), MP 97048.—[12-306](#)

Contract for County-State Aid Highway Project between the County of St. Louis and Ulland Brothers, Inc., for grading, aggregate base, PM bituminous surface and aggregate shouldering on CR 275 (Island Lake Dam Rd.) SAP 69-600-035, CP 8281 (low); and aggregate base, PM bituminous surface and aggregate shouldering on CR 294 (West Pioneer Road) MP 294-1022.—[12-307](#)

Contract for County-State Aid Highway Project between the County of St. Louis and Landwehr Construction, Inc., for Bridge No. 69J87 and approaches over Spring Ridge Creek on CR 615, SAP 69-598-040, CP 128460.—[12-308](#)

2012 State of Minnesota Annual County Boat and Water Safety Grant Agreement, Contract No. 42617, in the amount of \$87,562.—[12-309](#)

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Home and Community-Based Waiver Services Contract, Contract No. 14961, between the St. Louis County Board of Commissioners and Center for Independent Living of Northeastern Minnesota.—[12-310](#)

Home and Community-Based Waiver Services Contract, Contract No. 14958, between the St. Louis County Board of Commissioners and Center for Independent Living of Northeastern Minnesota.—[12-311](#)

Home and Community-Based Waiver Services Contract, Contract No. 14963, between the St. Louis County Board of Commissioners and JBN, Inc.—[12-312](#)

Group Residential Housing Rate Agreement, Contract No.50996, between the St. Louis County Board of Commissioners and Trillium Services – Lavaque.—[12-313](#)

Grant Agreement, Contract No. 20977, between St. Louis County Board of Commissioners and the Human Development Center for Trauma Assessment and Family Treatment Program.—[12-314](#)

Upon motion by Commissioner O'Neil, supported by Commissioner Jewell, resolutions numbered 12-293 through 12-319, 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 May 22, 2012, are hereby approved.  
Adopted June 5, 2012. [No. 12-293](#)

WHEREAS, Daniel and Heather Line of Hermantown, MN, have agreed that the contract for the purchase of state tax forfeited land should be cancelled; and  
WHEREAS, the purchasers voluntarily agreed to admission of service and waiver of time to cure default to the State of Minnesota for land legally described as:

TOWN OF RICE LAKE  
LOTS: 5, 6, 7 & 8 BLOCK: 002  
COLMANS 4TH ACRE TRACT ADDN TO DULUTH  
Parcel Codes: 520-0090-00320, 00330, 00350  
CONTRACT: C22110068

WHEREAS, Minn. Stat. §§ 282.04, Subd. 2(d), and 504B.271 authorize the County Auditor to dispose of abandoned personal property; and  
WHEREAS, the previous owners 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 purchase of state tax forfeited land by Daniel and Heather Line of Hermantown, MN, listed on file in County Board File No. 59417, 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 Board authorizes the County Auditor to dispose of abandoned personal property from the above described state tax forfeited property.  
Adopted June 5, 2012. [No. 12-294](#)

WHEREAS, the contract with Stephen Matthew Bottila of Virginia, MN, 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 has failed to cure the default for lands legally described as:

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CITY OF VIRGINIA  
LOT: 0004 BLOCK: 027  
VIRGINIA  
Parcel Code: 090-0010-06260  
C22090089

WHEREAS, Minn. Stat. §§ 282.04, Subd. 2(d), and 504B.271 authorize the County Auditor to dispose of abandoned personal property; and  
WHEREAS, the previous owner(s) 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 June 5, 2012. No. 12-295

WHEREAS, the contract with Timothy D. Ronchetti of Hibbing, MN, for the purchase of state tax forfeited land is in default for nonpayment of taxes and installments; and  
WHEREAS, the purchaser was properly served with Notice of Cancellation of Contract by civil process and has failed to cure the default for land legally described as:

CITY OF VIRGINIA  
LOTS 7 AND 8, BLOCK 94  
VIRGINIA 2ND ADDITION  
Parcel Code: 090-0030-05520  
C22090090

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 June 5, 2012. No. 12-296

WHEREAS, the contract with Teresa Anderson of Eveleth, 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 land legally described as:

TOWN OF FAYAL  
ELY 435.6 FT OF NLY 500 FT OF SE1/4 OF SE1/4  
SEC 24 TWP 57 RGE 17  
Parcel Code: 340-0010-04482  
C22110060

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

WHEREAS, the previous owners 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,

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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 June 5, 2012. No. 12-297

WHEREAS, the contract with Carol A. Rossini of Elk River, MN, for the repurchase of state tax forfeited land is in default for nonpayment of taxes; and

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

CITY OF HIBBING  
LOTS 1 AND 2, BLOCK 1  
FAIRVIEW C OF HIBBING  
Parcel Code: 140-0090-00010  
C22100004

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

WHEREAS, the previous owners of the 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 June 5, 2012. No. 12-298

WHEREAS, pursuant to Laws of Minnesota 2011, Chapter 3, Section 31, St. Louis County may sell by private sale the following described state tax forfeited parcel:

The West 33 feet of the North 208 feet of the South 832 feet of the Northwest Quarter of the Northeast Quarter, Section 7, Township 60 North, Range 13 West, Parcel Code 105-0080-00991.

WHEREAS, this parcel of land has been classified as non-conservation land pursuant to Minn. Stat. § 282.01; and

WHEREAS, this parcel of land is not withdrawn from sale pursuant to Minn. Stat. §§ 85.012, 92.461, 282.01, Subd. 8 and other statutes that require the withholding of state tax forfeited lands from sale.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the sale of state tax forfeited parcel 105-0080-00991 to David Johnson for a land value of \$1,000, 3% assurance fee of \$30, deed fee of \$25, deed tax of \$3.30, and recording fee of \$46; for a total of \$1,104.30, to be deposited in Fund 240 (Forfeited Tax Fund).

Adopted June 5, 2012. No. 12-299

WHEREAS, pursuant to Laws of Minnesota 2011, Chapter 3, Section 31, St. Louis County may sell by private sale the following described state tax forfeited parcel:

The West 33 feet of the North 208 feet of the South 624 feet of the Northwest Quarter of the Northeast Quarter, Section 7, Township 60 North, Range 13 West, Parcel Code 105-0080-00992.

WHEREAS, this parcel of land has been classified as non-conservation land pursuant to Minn. Stat. § 282.01; and

WHEREAS, this parcel of land is not withdrawn from sale pursuant to Minn. Stat. §§ 85.012, 92.461, 282.01, Subd. 8, and other statutes that require the withholding of state tax forfeited lands from sale.

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NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the sale of state tax forfeited parcel 105-0080-00992 to Elizabeth Holewa for a land value of \$1,000, 3% assurance fee of \$30, deed fee of \$25, deed tax of \$3.30, and recording fee of \$46; for a total of \$1,104.30, to be deposited in Fund 240 (Forfeited Tax Fund).

Adopted June 5, 2012. No. 12-300

WHEREAS, pursuant to Laws of Minnesota 2011, Chapter 3, Section 31, St. Louis County may sell by private sale the following described state tax forfeited parcel:

The West 33 feet of the South 416 feet of the Northwest Quarter of the Northeast Quarter, Section 7, Township 60 North, Range 13 West, Parcel Code 105-0080-00993.

WHEREAS, this parcel of land has been classified as non-conservation land pursuant to Minn. Stat. § 282.01; and

WHEREAS, this parcel of land is not withdrawn from sale pursuant to Minn. Stat. §§ 85.012, 92.461, 282.01, Subd. 8, and other statutes that require the withholding of state tax forfeited lands from sale.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the sale of state tax forfeited parcel 105-0080-00993 to Ramona Weaver for a land value of \$1,800, 3% assurance fee of \$54, deed fee of \$25, deed tax of \$5.94, and recording fee of \$46; for a total of \$1,930.94, to be deposited in Fund 240 (Forfeited Tax Fund).

Adopted June 5, 2012. No. 12-301

WHEREAS, the St. Louis County Public Works Department plans to make several improvements to County Roads 938 and 540 (Alango and East Olson Roads) and replace County Bridge 657 (State Bridge 88799) over the next few years in Field Township (Townships 62 & 63 North, Range 19 West); and

WHEREAS, these improvements consist of widening and reconstruction of said roadway, and bridge replacement, as determined necessary for the safety and convenience of the public; and WHEREAS, in addition to the existing highway right of way, 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 these projects, payable from Fund 200, Agency 203001, Objects 636500 and 636600.

RESOLVED FURTHER, that, pursuant to Minn. Stat. § 282.04, Subd. 4, the St. Louis County Board authorizes the County Auditor to grant the necessary right of way easements for highway purposes over, under, and across the following tax forfeited parcel:

Northerly 264 feet of Easterly 330 feet of Northeast Quarter of Northeast Quarter (NE<sup>1</sup>/<sub>4</sub> of NE<sup>1</sup>/<sub>4</sub>), Section Eight (8), Township 62 North, Range 19 West.

Parcel Code: 350-0010-01155

Adopted June 5, 2012. No. 12-302

RESOLVED, that the St. Louis County Board authorizes a Joint Powers Agreement, and any amendments approved by the County Attorney, with the Minnesota Department of Natural Resources (DNR) where the DNR will pay the county the amount of \$68,000 upon completion of the features identified in the agreement to improve fish passage design on Tributary 4 to Sargent Creek, a designated trout stream, County Project 8175, SAP 69-603-011, with the funds to be receipted into Fund 220, Agency 220168, Object 583100.

Adopted June 5, 2012. No. 12-303

RESOLVED, that the St. Louis County Board authorizes an agreement, and any amendments authorized by the County Attorney, with LHB Corp. for design services for the reconstruction of County Bridge 491 along County State Aid Highway 97 over the Embarrass River in Biwabik Township, MN, County Project 9589, SAP 69-697-005. The total cost of these services is \$28,900.00, payable from Fund 200, Agency 200008, Object 626600.

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Adopted June 5, 2012. No. 12-304

RESOLVED, that the St. Louis County Board authorizes an agreement, and any amendments authorized by the County Attorney, with Erickson Engineering of Bloomington, MN, for design services for the reconstruction of County Bridge 161 along County Road 834 over the East Savanna River in Halden Township, MN, County Project 158301. The total cost of these services is \$29,200, payable from Fund 200, Agency 200008, Object 626600.

Adopted June 5, 2012. No. 12-305

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

SAP 69-616-048, CP 9296 located on CSAH 16 (Townline Rd.) between TH 73 and CR 444 in Hibbing, MN.

WHEREAS, bids were opened in the St. Louis County Courthouse, Duluth, MN, on May 17, 2012, and Hawkinson Construction Co., Inc., Grand Rapids, MN, provided the low responsible bid.

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>
Hawkinson Construction Co., Inc.	P.O. Box 278 Grand Rapids, MN 55744	\$1,422,601.06

RESOLVED FURTHER, that the Chairman of the County Board, 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 220166, Object 652700.

Adopted June 5, 2012. No. 12-306

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

MP 97047, Maintenance Striping 2012 located on various county highways and streets within the City of Eveleth, City of Virginia, Lake County and St. Louis County.

WHEREAS, bids were opened in the St. Louis County Courthouse, Duluth, MN, on May 17, 2012, and Traffic Marking Service, Inc. (M) provided the low responsible bid.

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>
Traffic Marking Service, Inc. (M)	621 Division St. East Maple Lake, MN 55358	\$544,862.00

RESOLVED FURTHER, that the Chairman of the County Board, 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 200, Agency 207001, Object 651800.

With additional revenue budgeted for expense:

City of Eveleth: Fund 200, Agency 207001, Rev. Object 551519	\$ 958.30
City of Virginia: Fund 200, Agency 207001, Rev. Object 551505	\$ 5,339.10
Lake County: Fund 200, Agency 207001, Rev. Object 551508	\$98,431.10

Adopted June 5, 2012. No. 12-307

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. 59401.

Adopted June 5, 2012. No. 12-308

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

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

WHEREAS, proposed budget adjustments are levy neutral.

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

1. Increase in revenue and expense budget due to a change in the allocation amounts for Long Term Care Consultation (County) and Long Term Care Options Counseling (Area Agency on Aging). The County Long Term Care Consultation units and the Area Agencies on Aging jointly provide LTCC and LTCCO as authorized under MN Statutes, Section 256B.0911, Subdivision 3c, to all citizens requesting this service, regardless of Minnesota Health Care Program eligibility. The 2011 Legislature continued this partnership and amended the service, now called "Consultation for Housing with Services" and included the increase in the county allocation as described under Minnesota Statute, Section 256B.0911, Subdivision 6 (\$125,000).
2. Increase revenue and expense budget due to the new Adult Mental Health Integrated Fund allocation amount. This is an annual allocation and is funded with state funds and Federal Mental Health Block Grant funds (\$347,240).
3. Increase revenue and expense budget due to the rate change for Assertive Community Treatment Services. These are Federal Medical Assistance pass through dollars that will be billed to the state (\$142,759).
4. Increase revenue and expenses in Fund 230, Agency 232020 due to the updated Minnesota Family Investment Program (MFIP) Consolidated Fund Allocation (\$4,420).
5. Reduce amount of grant revenue for Crime Victim Grant. Grant was budgeted for twice in the same year (\$2,000).
6. Change the coding on County Board Resolution No. 12-089, which authorized appropriate county officials to enter into a professional services agreement with Ayres Associates for design, construction and bid documents, and project administration for the roadway improvement project for the Joint Public Safety campus, from Fund 100, Agency 128015 to Fund 400, Agency 400003.
7. Use of Technology Fund Balance for the e-recording contract with Tri-Min and the IT contract (\$120,000).
8. Increase revenue and expenditure budget due to an Adult Mental Health award being increased to fund treatment being delivered in Wisconsin for one of our clients (\$80,100).
9. Use of Housing & Redevelopment Authority fund balance to fund local match for Board of Water and Soil Resources grant (application and acceptance authorized on Resolution No. 11-676, December 20, 2011) (\$56,000).
10. Increase expense and revenue budget by the amount that will be billed to the Arrowhead Counties Association after the legislative session (\$11,000).
11. Use of depreciation reserve funds to pay architect fees for replacement of jail roof (\$25,050).
12. Various position reallocations outside of three steps, all are funded within department budgets: Janitor position to a Service Worker position, savings of \$588 (Public Works); Information Specialist II position to a Business Systems Analyst position \$7,488 (PHHS); three Engineering Technician Senior positions and two Engineering Technician Intermediate positions to Engineering Technician class, savings of \$41,328 (Public Works); Social Service Specialist III position to Division Director position \$3,516 (PHHS); and Social Services Specialist II position to a Social Worker position \$3,576 (PHHS).
13. Use of depreciation reserve funds for the Duluth Courthouse Auditor's Office renovation (\$116,853.50).



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	FUND	AGENCY	OBJECT		Expense Budget	Transfer	Out	Accumulation of Fund Balance	Revenue Budget	Transfers In	Use of Fund Balance
16	100	123001	610000		21,184.90						
	100	999999	311200								(21,184.90)
17	100	129999	629900	12943	2,690.06						
	100	129999	540515	12943					(2,690.06)		
18	169	169001	624500		247.00						
	169	999999	311030								(247.00)
19	200	999999	311132								(250,000.00)
	200	200001	619900		250,000.00						
20	200	999999	311142								(1,305,505.00)
	200	203001	652900		1,305,505.00						

Adopted June 5, 2012. No. 12-309

RESOLVED, that a public hearing will be held at 9:45 a.m. on Tuesday, July 3, 2012, in the St. Louis County Courthouse, Duluth, Minnesota, for the consideration of liquor law violation allegations, and, if proven, the suspension or revocation of the liquor license issued to Belo Enterprises, Inc., d/b/a Crossroads Convenience and Liquor Store, Clinton Township, and/or the imposition of civil penalties for the violation.

Adopted June 5, 2012. No. 12-310

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 intoxicating liquor licenses is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 59385:

Bimbo's, Inc., d/b/a Bimbo's Octagon, French Township, Combination On/Off-Sale Intoxicating Liquor License No. CMB13149 and Sunday On-Sale Intoxicating Liquor License No. SUN13149, change of officers.

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

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

RESOLVED FURTHER, that said license shall be effective July 1, 2012, through June 30, 2013.

Adopted June 5, 2012. No. 12-311

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for a temporary on-sale intoxicating liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 59385:

Bear River Fair Committee, Morcom Township, Temporary On-Sale Intoxicating Liquor License No. TL1214, for August 17, 18, & 19, 2012.

Adopted June 5, 2012. No. 12-312

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

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license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 59385:

Creek Ridge Sports Club, Inc., d/b/a Creek Ridge Sports Club, Morse Township, On-Sale Intoxicating Liquor License No. ON1345 and Sunday On-Sale Intoxicating Liquor License No. SUN1345, incorporating.

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

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

RESOLVED FURTHER, that said license shall be effective July 1, 2012, through June 30, 2013.

Adopted June 5, 2012. No. 12-313

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. 59385:

Donofrio Development, Inc., d/b/a The Retreat Golf Course, Floodwood Township, On-Sale Intoxicating Liquor License No. ON1344 and Sunday On-Sale Intoxicating Liquor License No. ONS1344, change of officers.

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

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

RESOLVED FURTHER, that said license shall be effective July 1, 2012, through June 30, 2013.

Adopted June 5, 2012. No. 12-314

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, dated May 18, 2012, on file in the office of the County Auditor, identified as County Board File No. 59383, is hereby received and ratified as payable from Fund 730, Agency 730001.

Adopted June 5, 2012. No. 12-315

WHEREAS, effective services to victims of crime is an essential component of public safety, as well as fairness and justice; and

WHEREAS, the increased Criminal and Public Health & Human Services Division caseloads in the County Attorney's Office requires an additional 0.2 FTE in the Virginia Office to ensure that adequate services are provided to victims of crime; and

WHEREAS, the County Attorney believes that workload demands require an increase of 0.2 FTE in the Victim-Witness division in the Virginia County Attorney's Office.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes an additional 0.2 FTE in the County Attorney's personnel complement (Fund 100, Agency 113001), with the additional expense to be transferred from Fund 169 fund balance (Object 311030).

Adopted June 5, 2012. No. 12-316

WHEREAS, the Human Resources Department has created a new class for the Safety and Risk Management Division of the Administration Department and determined that it should be allocated to Grade 24 of the Civil Service Basic Unit Pay Plan; and

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WHEREAS, a transfer of the existing Investigator position tasked with these duties from the County Attorney's Office to the Safety and Risk Management Division is being proposed. NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board adopts the Insurance and Claims Specialist class, which is allocated to Grade 24: \$45,903 - \$64,409 (annual steps and longevities through twenty-four years of service) of the Civil Service Basic Unit Pay Plan.

RESOLVED FURTHER, that the County Board authorizes the decrease of 1.0 full time equivalent (FTE) in the County Attorney's Office and an increase of 1.0 FTE position in the Administration Department Safety and Risk Management Division.

RESOLVED FURTHER, that this transferred and updated position will continue to be funded from the Property, Casualty and Liability Insurance Fund (Fund 720, Agency 720001) and the necessary budget adjustments will be made to reflect the new class, effective June 16, 2012. Adopted June 5, 2012. No. 12-317

WHEREAS, the Department of Homeland Security has made funding available to the Port of Duluth/Superior under the FY 2009 Port Security Grant Program; and

WHEREAS, Allied Radio Matrix Emergency Response (ARMER) end user radio equipment included in the grant is available under state contract vendor Motorola, Inc.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes a contract with Motorola, Inc., in the amount of \$200,667 for the purchase of ARMER portable radios, of which \$150,500 will be accounted for in Fund 100, Agency 129999, Grant 12938, Year 2012, and the required local match of \$50,167 will be accounted for in Fund 100, Agency 129003, Object 643200.

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

Adopted June 5, 2012. No. 12-318

WHEREAS, the St. Louis County Board believes it is appropriate and in the best interest of the citizens of the county to provide funding support for the Duluth Family Visitation Center (DFVC), a program of the Domestic Abuse Intervention Program.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board supports a one-time allocation of \$6,000 to the Duluth Family Visitation Center for calendar year 2012, as approved by the County Attorney, with the transfer from fund balance (Forfeiture Fund 167, Agency 999999, Object 311030) to operating account (Fund 167, Agency 167001, Object 637900) to pay for the allocation.

RESOLVED FURTHER, that consideration of reinstating future funding for the agency will be addressed during upcoming budget deliberations in preparation of the county's 2013 Operating and Capital Budget.

Adopted June 5, 2012. No. 12-319

**BY COMMISSIONER SWEENEY:**

WHEREAS, the 2009 Port Security Grant, a currently active grant in the Sheriff's Office, was scheduled to expire on May 31, 2012; and

WHEREAS, the Federal Emergency Management Agency, through the State of Minnesota, is offering to extend the grant contract to November 30, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes acceptance of the 2009 Port Security grant contract extension to November 30, 2012, to be accounted for in Fund 100, Agency 129999, Grant 12938, Year 2012.

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

Unanimously adopted June 5, 2012. No. 12-320

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WHEREAS, the State of Minnesota Department of Public Safety, through the Division of Emergency Communication Networks, has made available \$387,950 in funding from the State Homeland Security grant program for interoperable communications equipment for the Northeast Regional Radio Board; and

WHEREAS, St. Louis County, as the grantee, will serve as the regional grant administrator and fiscal agent for the grant; and

WHEREAS, the St. Louis County Sheriff's Office, on behalf of the Northeast Regional Radio Board, will be able to purchase needed interoperable communications equipment from Motorola, Inc., per state contract, as a result of this funding.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the application and acceptance of the 2011 State Homeland Security grant in the amount of \$387,950, to be accounted for in Fund 100, Agency 136999, Grant 13604, Year 2011, for interoperable communications equipment, and authorize the county to serve as fiscal agent for the grant on behalf of the Northeast Regional Radio Board.

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

Unanimously adopted June 5, 2012. No. 12-321

At 10:07 a.m., June 5, 2012, Commissioner Dahlberg, supported by Commissioner O'Neil, moved to adjourn; five yeas, zero nays.

Keith Nelson, Chair of the Board  
of County Commissioners

Attest:

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

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF ST. LOUIS, MINNESOTA,  
HELD ON JUNE 12, 2012**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 12<sup>th</sup> day of June, 2012, at 9:30 a.m., in the St. Louis County Board Room, Duluth, Minnesota, with the following members present: Commissioners Frank Jewell, Steve O'Neil, Chris Dahlberg, Mike Forsman, Peg Sweeney, and Chair Keith Nelson - 6. Absent: Commissioner Steve Raukar - 1.

Chair Nelson asked for a moment of silence to honor those who protect and serve our communities and those who protect our freedoms. Chair Nelson then made notice of his attendance of a Memorial Day service at which he was emotionally moved by the pride shown by a World War II veteran who was unable to stand during an armed service medley. The veteran instead saluted and placed his hat on his cane and lifted it up in the air.

Chair Nelson opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and Mr. Martin Baldwin chose to do so. Deputy Administrator Gary Eckenberg made a presentation to the Board on behalf of Mr. Baldwin. Deputy Eckenberg read through a consumer report form that Mr. Baldwin submitted to the Attorney General requesting the return of his eligibility for Medicaid. Mr. Baldwin had indicated that he had boycotted the new U-Care health plan as he was unable to see his own doctor or go to his nearest pharmacy. Mark Nelson, Director of Adult Services, Public Health & Human Services Department, made a presentation explaining the background of the changes the State made from special needs basic care to the new managed care U-Care program. Director Nelson indicated that many other individuals facing the same situation as Mr. Baldwin had received notices from the State regarding this change but the information could be confusing. Director Nelson indicated that Mr. Baldwin was still able to opt out of the U-Care program within thirty days and go back to a different program. Director Nelson indicated he would work with Mr. Baldwin in resolving his issue. Chair Nelson asked that Commissioner O'Neil follow up on this situation with Mr. Baldwin and bring a status report to the next board meeting.

At 9:46 a.m. a public hearing convened pursuant to Resolution No. 12-281, adopted May 22, 2012, to consider the issuance of an off-sale intoxicating liquor license for Back Country Bar, Inc., d/b/a Hugo's, Ault Township. Assistant County Attorney Jim Nephew presented the board with a packet of information regarding Back Country Bar, Inc. The packet contained the following items: town board resolution, liquor liability insurance valid through June 30, 2012, notice of liquor licensing committee, minutes from May 1, 2012, liquor licensing committee meeting, copy of the liquor license checklist, public hearing resolution No. 12-281 adopted May 22, 2012, notice of public hearing published May 26, 2012, in the Duluth News Tribune, notice of public hearing sent to Jody Hepola on June 4, 2012, and proof that real estate taxes were current. Chair Nelson then asked if there were any representatives of the entity who would like to appear and give testimony, at which time Gary & Jody Hepola from Back Country Bar, Inc., came before the Board. Commissioner Forsman asked the Hepolas if they had read all of the regulations and rules regarding the liquor license. Commissioner Sweeney stressed the importance that all their employees must know and follow these rules. After further discussion, Commissioner Sweeney, supported by Commissioner Dahlberg, moved to close the hearing at 9:54 am; six yeas, zero nays. Commissioner Dahlberg, supported by Commissioner Forsman, moved to pass the resolution regarding the issuance of an off-sale intoxicating liquor license to Back Country Bar, Inc.; six yeas, zero nays. Resolution No. 12-348.

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At 9:55 a.m. a public hearing convened pursuant to Resolution No. 12-282, adopted May 22, 2012, to consider the issuance of an off-sale intoxicating liquor license for Porkorny's, LLC, d/b/a Gappas Landing Resort & Campground, Kabetogama Township. Assistant County Attorney Jim Nephew presented the board with a packet of information regarding Porkorny's, LLC. The packet contained the following items: town board resolution, notice of liquor licensing committee, minutes from May 1, 2012, liquor licensing committee meeting, copy of the liquor license checklist, public hearing resolution No. 12-282 adopted May 22, 2012, notice of public hearing published May 26, 2012, in the Duluth News Tribune, notice of public hearing sent to Jody Hepola on June 4, 2012. The packet also included a list of contingencies that had not been met. These contingencies include: proof of liquor liability insurance, Minnesota Department of Health approval, obtaining a Federal tax identification number, MDH Food/Beverage Service license application, and payment of the first half of 2012 real estate taxes. Chair Nelson then asked if there were any representatives of the entity who would like to appear and give testimony. No representatives were present. Commissioner Dahlberg, supported by Commissioner Jewell, moved to close the hearing at 9:59 am; six yeas, zero nays. Commissioner Forsman, supported by Commissioner Dahlberg, moved to pass the resolution regarding the issuance of an Off-Sale Intoxicating Liquor license to Porkorny's, LLC, based on the contingencies listed being met; six yeas, zero nays. Resolution No. 12-349.

At 10:00 a.m. a public hearing convened pursuant to Resolution No. 12-283, adopted May 22, 2012, to consider the issuance of an off-sale intoxicating liquor license for The Shack, Inc., d/b/a The Shack, Unorganized Township 59-16. Assistant County Attorney Jim Nephew presented the board with a packet of information regarding The Shack, Inc. The packet contained the following items: notice of liquor licensing committee, minutes from May 1, 2012 liquor licensing committee meeting, copy of the liquor license checklist, public hearing resolution No. 12-283 adopted May 22, 2012, notice of public hearing published May 26, 2012, in the Duluth News Tribune, notice of public hearing sent to James Sandstrom on June 4, 2012. The packet also included a list of contingencies that had not been met. These contingencies include: proof of liquor liability insurance, Minnesota Department of Health approval, obtaining a State and Federal tax identification number, MDH Food/Beverage Service license application, payment of past due first half 2012 property taxes and delinquent real estate taxes. Attorney Nephew made recommendation not to approve license unless taxes were paid. James Sandstrom then discussed with the Board explaining that all of the items on the contingency list were being addressed. Mr. Sandstrom continue to explain that he had obtained a court order stating that he was not liable for the taxes prior to May 1, 2012, and that they were to be collected from his former wife. Commissioner Forsman asked Attorney Nephew if they had a copy of the court order and was told that they did receive one but Attorney Nephew had not reviewed it. Attorney Nephew went on to explain that the current County ordinance requires that all taxes must be paid in order to obtain a license, regardless of the responsible party. Commissioner Sweeney, supported by Commissioner O'Neil moved to close the hearing at 10:15 am; six yeas, zero nays. Commissioner Forsman stated that our ordinance is not fair based on the situation facing The Shack and stated that he took an issue with the conflict between the County ordinance and the court order. Commissioner Jewell seconded Commissioner Forsman's comments about the fairness of the ordinance and stated that it is unfair that the Board would be stopping The Shack from opening a business. Chair Nelson made a friendly amendment that would be contingent on Mr. Sandstrom entering into an acceptable payment plan with the County Auditor's office for payment of the delinquent property taxes and septic assessment. The friendly amendment was accepted by Commissioner Forsman and seconded by Commissioner Jewell. After further discussion, Commissioner Sweeney asked for a break at 10:45 am. The meeting reconvened at 10:54 am, at which time Commissioner O'Neil stated that there were many unanswered questions regarding this issue and that it should be sent back and discussed by the liquor licensing

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committee. Commissioner O'Neil, supported by Commissioner Sweeney moved to table the motion; six yeas, zero nays.

Commissioner Sweeney, supported by Commissioner Jewell, moved to approve the consent agenda without item #17 referencing the application for on-sale and Sunday on-sale intoxicating liquor licenses for The Shack, Inc., d/b/a The Shack, Unorganized Township 59-16. The consent was then approved; six yeas, zero nays.

Commissioner Sweeney, supported by Commissioner O'Neil, moved to table item #17 from the consent agenda to the following board meeting in two weeks; six yeas, zero nays.

Administrator Gray indicated to the Board that there was a time specific closed session requested for litigation purposes for the Central Management & Intergovernmental Committee. Moved by Commissioner Jewell, supported by Commissioner O'Neil; six yeas, zero nays. Resolution No. 12-350.

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

Kevin Gray, County Administrator, and Robert Krepps, Land Commissioner, submitting Board Letter No. 12-221, Reclassification of State Tax Forfeited Lands to Non-Conservation.—59477

Kevin Gray, County Administrator, and Donald Dicklich, County Auditor, submitting Board Letter No. 12-237, Minnesota State Auditor Performance Measurement Program, 2012 Report.—59478

Kevin Gray, County Administrator, and Ted Troolin, Director of Environmental Services, submitting Board Letter No. 12-223, Authorization to Apply for Local SSTS Fix-up Grant Funding.—59479

Kevin Gray, County Administrator, and Barbara Hayden, Director of Planning and Development, submitting Board Letter No. 12-231, Establish a Public Hearing to Consider Tax Abatement and Loan Guarantee – AAR Aircraft Services, Inc.—59480

Kevin Gray, County Administrator, submitting Board Letter No. 12-232, Arrowhead Library System Merger with North Country Library Cooperative – New Contract Agreement & Appoint Members.—59481

Kevin Gray, County Administrator, submitting Board Letter No. 12-236, Opposition to House of Representatives Bill 1505, The National Security and Federal Lands Protection Act.—59482

Kevin Gray, County Administrator, and Barbara Hayden, Director of Planning and Development, submitting Board Letter No. 12-217, Amend Ordinance 27, Comprehensive Land Use Plan, and Zoning Ordinance No. 46, Zoning Maps.—59483

Agreement for Professional Services between the County of St. Louis and Northland Consulting Engineers, LLP, for Engineering Oversight and Project Administration for the Duluth Courthouse Cornice and Sloped Roof Repair.—12-315

Agreement for Professional Services between the County of St. Louis and Northland Consulting Engineers, LLP, for the 2012 Annual Parking Ramp Structural Inspections.—12-

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Contract for County-State Aid Highway (CSAH) Project between the County of St. Louis and Hovland, Inc., for SAP 69-609-037, CP 8579, Bridge No. 88156 Stone Masonry Reconstruction, Masonry Tuck pointing, Concrete Floor Repair, and Drainage Improvements on CSAH 9 (4<sup>th</sup> Street) in Duluth, MN.—[12-317](#)

Agreement between the County of St. Louis and the Township of Canosia for Crack Sealing 2012 (MP 97044).—[12-318](#)

Local Bridge Replacement Program (LBRP) Grant Agreement, Mn/DOT Agreement No. 00527, between the Minnesota Department of Transportation (MnDOT) and St. Louis County for SAP 69-598-040, County Road 615 (Salo Rd.) over Spring Ridge Creek in Waasa Township.—[12-319](#)

Local Bridge Replacement Program (LBRP) Grant Agreement, Mn/DOT Agreement No. 00970, between the Minnesota Department of Transportation (MnDOT) and St. Louis County for SAP 69-607-047, CSAH 7 (Industrial Rd.) in Industrial Township.—[12-320](#)

Local Bridge Replacement Program (LBRP) Grant Agreement, Mn/DOT Agreement No. 00390, between the Minnesota Department of Transportation (MnDOT) and St. Louis County for SAP 69-609-037, CSAH 9 (4<sup>th</sup> Street) in Duluth, MN.—[12-321](#)

Local Bridge Replacement Program (LBRP) Grant Agreement, Mn/DOT Agreement No. 00822, between the Minnesota Department of Transportation (MnDOT) and St. Louis County for SAP 69-675-005, CSAH 75 (Greaney Rd.) in Unorganized Township 63-21.—[12-322](#)

Supply Contract, Contract No. 5015-B, between the County of St. Louis and Monarch Paving Co., for the purchase of bituminous materials.—[12-323](#)

Amendment #3 to MnDOT Grant Agreement #94577, Capital Assistance to States-Intercity Passenger Rail Service Program, extending the contract expiration date to Sept. 30, 2012.—[12-324](#)

Contract for County-State Aid Highway Project between the County of St. Louis and Redstone Construction, Inc., for SAP 69-607-047, CP 98840, approach grading, bituminous paving, culverts, guardrail, and Bridge No. 69A04 located on CSAH 7 (Industrial Rd.) in Industrial Township.—[12-325](#)

County-State Aid Highway Project Contract between the County of St. Louis and Hawkinson Construction Co., Inc., for SAP 69-616-048, CP 9296, culvert replacement, mill bituminous surface, bituminous pavement reclamation, plant mix bituminous surface, aggregate base & aggregate shouldering on CSAH 16 (Townline Rd.) in Hibbing, MN.—[12-326](#)

Professional Services Agreement, Contract No. 30140, between the St. Louis County Public Health and Human Services Department and Arrowhead Psychological Clinic, P.A., for Forensic Psychological Services.—[12-327](#)

Amendment to the Homeland Security and Emergency Management Division 2009 Port Security Grant extending the expiration date to Nov. 30, 2012.—[12-328](#)

Grant Agreement between the Minnesota Department of Public Safety and St. Louis County for the 2011 State Homeland Security Program Grant in the amount of \$387,950.—[12-329](#)

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Upon motion by Commissioner Sweeney, supported by Commissioner Jewell, resolutions numbered 12-322 through 12-347, as submitted on the consent agenda, were unanimously adopted as follows:

**BY COMMISSIONER SWEENEY:**

WHEREAS, the St. Louis County Planning Commission held a public hearing regarding the preliminary plat of Bowers Addition to Rollick Creek on July 14, 2011, 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 Bowers Addition to Rollick Creek, located in Section 15, Township 67 North, Range 17 West (Crane Lake Township).

Adopted June 12, 2012. No. 12-322

WHEREAS, the City of Eveleth initiated a zoning map amendment for the Eveleth Veterans Park and Campground; and

WHEREAS, on May 10, 2012, the St. Louis County Planning Commission held a public hearing to consider amending Ordinance 27, the Comprehensive Land Use Plan, and the zoning map, Town of Fayal, and recommends approval of the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board amends Ordinance 27, Article II, Section 17, as follows:

Concept Area 3. Rezone this area from Shoreland Mixed Use-11 to Residential-11, and eliminate doubling the lot size requirements for non-riparian lots (i.e. second-tier development). Two areas will remain Shoreland Mixed Use, where commercial uses are allowable by conditional use permit.

RESOLVED FURTHER, that the St. Louis County Board amend Ordinance 46, zoning map, T57N, R17W, Town of Fayal, as follows:

Rezone the Eveleth Veteran's Park and Campground from RES-11, Residential, to SMU-11, Shoreland Mixed Use.

RESOLVED FURTHER, that the effective date will be July 3, 2012.

Adopted June 12, 2012. No. 12-323

WHEREAS, the contract with Co-Development, LLC c/o Terry Hauer, of Eagan, MN, for the purchase of state tax forfeited lands, which were sold in conjunction with City of Duluth lands, is in default for nonpayment of required installment; 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 DULUTH  
LOT 21 EX S 17 FT FOR BLVD, also  
LOT 23 EX S 17 FT FOR BLVD  
BLOCK 154  
DULUTH PROPER THIRD DIVISION  
Parcel Codes: 010-1350-12710, 010-1350-12720  
C22060203

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(s) 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 lands and City of Duluth Lands described above, according to the provisions of Minn. Stat. § 282.01, Subd. 5, and Minn. Stat.

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§ 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 June 12, 2012. No. 12-324

WHEREAS, Douglas Hustad Logging, Inc., has been granted a third one-year contract extension on St. Louis County Timber Contract C19060038 (Adios Muchacho Sale) by County Board Resolution No. 146 dated April 5, 2011; and

WHEREAS, Douglas Hustad Logging, Inc., did not complete Timber Contract C19060038 by the end of the third extension period requiring full contract payment; and

WHEREAS, requiring the full contract payment of Timber Contract C19060038 will create a financial hardship for Douglas Hustad Logging, Inc.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the Land and Minerals Department to hold only payments and deposits already collected for Timber Contract C19060038 (Adios Muchacho Sale), and re-offer the sale at a future timber sale auction.

Adopted June 12, 2012. No. 12-325

WHEREAS, Independent School District No. 709 (ISD 709) has requested permanent and temporary easements across state tax forfeited land for the purpose of constructing and maintaining a sidewalk for access to the new Lincoln Park Middle School; and

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

WHEREAS, Minn. Stat. § 282.04, Subd. 4, allows for the granting of easements across state tax forfeited land for such purposes.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Auditor, pursuant to Minn. Stat. § 282.04, Subd. 4, is authorized to grant easements across state tax forfeited lands to ISD 709 described as follows:

A 16.00 foot wide permanent easement over, under and across part of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW 1/4 of NE 1/4 of NW 1/4) of Section Five (5), Township Forty-Nine (49) North, Range Fourteen (14) West of the Fourth (4th) Principal Meridian, City of Duluth, St. Louis County, Minnesota, centered on the line described as follows:

Commencing at the southeast corner of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW 1/4 of NE 1/4 of NW 1/4) of Section 5; thence North 00 degrees 40 minutes 10 seconds West along the east line of said SW 1/4 of NE 1/4 of NW 1/4 a distance of 155.85 feet to the point of beginning of the line to be described; thence South 89 degrees 15 minutes 13 seconds West a distance of 64.84 feet; thence 113.05 feet along a tangential curve concave northeasterly, having a radius of 250.00 feet and a central angle of 25 degrees 54 minutes 32 seconds; thence North 64 degrees 50 minutes 15 seconds West a distance of 60.13 feet; thence 142.92 feet along a tangential curve concave northeasterly, having a radius of 250.00 feet and a central angle of 32 degrees 45 minutes 14 seconds; thence North 32 degrees 05 minutes 01 second West, a distance of 86.15 feet to a point on a line 46.50 feet northerly of and parallel with the southerly line of the N 1/2 of said SW 1/4 of NE 1/4 of NW 1/4 and said line there terminating; and

A temporary easement over, under and across part of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW 1/4 of NE 1/4 of NW 1/4) of Section Five (5), Township Forty-Nine (49) North, Range Fourteen (14) West of the Fourth (4th) Principal Meridian, City of Duluth, St. Louis County, Minnesota; except the easterly 25 feet of the southerly 141 feet thereof and lying between two lines 8.00 feet and 33.00 feet northeasterly of and southwesterly of the following described centerline:

Commencing at the southeast corner of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW 1/4 of NE 1/4 of NW 1/4) of Section 5; thence North 00 degrees 40 minutes 10 seconds West along the east line of said SW 1/4 of NE 1/4 of NW 1/4 a distance

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of 155.85 feet to the point of beginning of the line to be described; thence South 89 degrees 15 minutes 13 seconds West a distance of 64.84 feet; thence 113.05 feet along a tangential curve concave northeasterly, having a radius of 250.00 feet and a central angle of 25 degrees 54 minutes 32 seconds; thence North 64 degrees 50 minutes 15 seconds West a distance of 60.13 feet; thence 142.92 feet along a tangential curve concave northeasterly, having a radius of 250.00 feet and a central angle of 32 degrees 45 minutes 14 seconds; thence North 32 degrees 05 minutes 01 second West a distance of 86.15 feet to a point on a line 46.50 feet northerly of and parallel with the southerly line of the N 1/2 of said SW 1/4 of NE 1/4 of NW 1/4 and said line there terminating.

RESOLVED FURTHER, that the granting of these easements is conditioned upon ISD 709 transferring approximately 0.62 acres of land to the state in trust for the taxing districts.

Adopted June 12, 2012. No. 12-326

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

WHEREAS, the parcels described in the attached County Board File forfeited to the State of Minnesota for nonpayment of real estate taxes and were previously classified as conservation; and

WHEREAS, the Land and Minerals Department has recommended that the parcels be reclassified as non-conservation and approved for sale after considering, among other things, the present use of adjacent land, the productivity of the soil, the character of forest or other growth, the accessibility of lands to established roads, schools, and other public services, and their peculiar suitability or desirability for particular uses; and

WHEREAS, these parcels of land may be located inside the boundaries of a municipality or town and Minn. Stat. § 282.01 provides that classification or reclassification and sale of lands situated within a municipality or town must be approved by the governing body of the municipality or town; and

WHEREAS, the reclassification and sale of the parcels will be deemed approved if the county board does not receive notice of the municipality's or town's disapproval of the reclassification and sale of any parcel within 60 days of the date on which this resolution is delivered to the clerk of the municipality or town in which the parcels are located.

NOW, THEREFORE, BE IT RESOLVED, that the state tax forfeited parcels described in County Board File No. 59477 shall be reclassified as non-conservation and offered for sale, and the request for approval of the reclassification shall be transmitted by the St. Louis County Land and Minerals Department to the clerk of the municipality or town in which the parcels are located.

Adopted June 12, 2012. No. 12-327

WHEREAS, the Duluth Economic and Development Authority (DEDA) has requested to purchase the following described state tax forfeited land for the reduced value of \$1,800, plus fees, for economic development purposes:

Legal: CITY OF DULUTH

THAT PART OF BLK 48 LYING E OF A LINE COMM AT INTERSECTION OF ELY LINE OF DWP RIGHT OF WAY & THE NLY RIGHT OF WAY OF GOGEBIC ST; THENCE N 30 DEG 54 MINUTES 20 SECONDS E ALONG E LINE OF DWP RIGHT OF WAY 910.04 FT TO PT OF BEG; THENCE S 78 DEG 5 MINUTES 20 SECONDS E 110.93 FT; THENCE N 75 DEG 3 MINUTES 13 SECONDS E 210.84 FT; THENCE S 86 DEG 5 MINUTES 41 SECONDS E 237.82 FT; THENCE S 60 DEG 37 MINUTES 11 SECONDS E 279.27 FT TO S LINE OF BLK 48 EX HWY R/W, BLOCK 48, IRONTON 2ND DIVISION DULUTH

Parcel Code: 010-2530-09790

LDKEY: 55160

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS  
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ACRES: 0.26

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

WHEREAS, these parcels of land may be located inside the boundaries of a municipality or town and Minn. Stat. § 282.01 provides that classification or reclassification and sale of lands situated within a municipality or town must be approved by the governing body of the municipality or town; and

WHEREAS, the reclassification and sale of these parcels will be deemed approved if the County Board does not receive notice of the municipality's or town's disapproval of the reclassification and sale within 60 days of the date on which this resolution is delivered to the clerk; and

WHEREAS, the Land Commissioner recommends that these parcels be reclassified as non-conservation and offered for sale having considered, among other things, the present use of adjacent land; the productivity of the soil; the character of forest or other growth; the accessibility of lands to established roads, schools, and other public services; and the peculiar suitability or desirability of lands for particular uses.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the reclassification and sale of state tax forfeited land, as described, to the Duluth Economic and Development Authority for the value of \$1,800 plus the following fees: 3% assurance fee of \$54, deed fee of \$25, deed tax of \$5.94, recording fee of \$46, and administration fee of \$150; for a total of \$2,080.94, to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted June 12, 2012. No. 12-328

WHEREAS, the St. Louis County Board believes it is in the public interest to protect the environment; and

WHEREAS, on May 30, 2012, the Minnesota Pollution Control Agency notified the Environmental Services Department that funding is available to assist in the upgrade of subsurface sewage treatment systems (SSTS) that are imminent threats to public health or fail to protect groundwater; and

WHEREAS, St. Louis County, through its Environmental Services and Planning and Community Development departments and in cooperation with the Arrowhead Economic Opportunity Agency, has established a program to assist in the upgrade of SSTS, and this funding can be used to augment and expand that program.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the Environmental Services Department to apply for \$40,000 in Local Fix-up Grant Funding from the Minnesota Pollution Control Agency Subsurface Treatment Systems Program.

Adopted June 12, 2012. No. 12-329

RESOLVED, that the appraisal report for sale of timber, numbered Tract 1 as submitted by the Land Commissioner, on file in the Office of the County Auditor, identified as County Board File No. 59391, is approved and the County Auditor is authorized to carry out the recommendation as listed in said appraisal report.

Adopted June 12, 2012. No. 12-330

WHEREAS, the State of Minnesota, Department of Transportation, will provide payment under the terms of Agreement No. 00286 for the use of County State Aid Highways Nos. 120, 21, 70 and County Road 623 as a detour route during the construction of State Project No. 3801-18 (T.H. 1 = 166), and;

WHEREAS, the state is willing to pay for road life consumed by the detour and maintenance on the above listed roadways 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. 00286 with the State of Minnesota,

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Department of Transportation, and approve any amendments approved by the County Attorney's Office.

RESOLVED FURTHER, that the compensation shall be estimated in the amount of \$33,716.34, and not to exceed \$45,000 unless the maximum obligation is increased by execution of an amendment to the agreement, with funds to be received into Fund 200, Agency 205003, Object 583100.

Adopted June 12, 2012. No. 12-331

WHEREAS, the St. Louis County Public Works Department has agreed to designate the Stone Lake Bridge Road located in the plats of Allen's Stone Lake Lots and Johnson's Division of Lots B & C of Allen's Stone Lake Lots in Government Lot 1, Section 27, Township 55 North, Range 12 West, as a county road.

NOW, THEREFORE, BE IT RESOLVED, that under authority granted by Minnesota Statutes § 163.11, Subdivision 1, the St. Louis County Board establishes, locates, and designates as County Road 611, that portion of the Stone Lake Bridge Road described as follows:

Commencing at the North Quarter Corner of Section 27, Township 55 North, Range 12 West, thence south and easterly along the centerline of the existing County Road 611 (a.k.a. Hopper Road) to the west shore of Stone Lake as known and described in Resolution Number 205 of the County Board adopted March 6, 1941, and the point of beginning of the county road to be described, thence easterly over and along that road as shown on the Plat of Allen's Stone Lake Lots and dedicated to public use in 1952 for a distance of 0.32 mile more or less to a point on the east boundary line of Government Lot 1, Section 27, Township 55 North, Range 12 West, and there terminating.

Adopted June 12, 2012. No. 12-332

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

SP 69-621-030, CP 9311, MN Proj. No. STPX 6912(158) located on CSAH 21 from TR 6411 (Niemi Rd.) in Waasa Township to CSAH 70 in Babbitt, MN.

WHEREAS, bids were opened in the St. Louis County Courthouse, Duluth, MN, on May 31, 2012, and Ulland Brothers, Inc., Cloquet, MN, provided the low responsible bid.

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>
Ulland Brothers, Inc.	P.O. Box 340 Cloquet, MN 55720	\$3,291,472.58

RESOLVED FURTHER, that the Chairman of the County Board, 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 220278, Object 652700.

Adopted June 12, 2012. No. 12-333

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

SP 88-070-016, CP 92761, MN Proj. No. HSIP 8812(212) located on various County State Aid Highways within St. Louis County and Lake County.

WHEREAS, bids were opened in the St. Louis County Courthouse, Duluth, MN on May 31, 2012, and AAA Striping Service, St. Michael, MN, provided the low responsible bid.

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>
AAA Striping Service	12220 - 43 <sup>rd</sup> Street NE St. Michael, MN 55376	\$935,204.07

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

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execute the bonds and contract for the above listed project payable from Fund 220, Agency 220275, Object 652700.

With additional revenue budgeted for expense:

Fund 220, Agency 220275, Rev. Object 551508                      \$247,500.80

Adopted June 12, 2012. No. 12-334

WHEREAS, the cleaning contract for the Northland Office Center in Virginia has expired; and

WHEREAS, General Cleaning of Duluth, Minnesota, has submitted a proposal for a contract in an amount of \$50,858.53 per year for cleaning the building; and

WHEREAS, the contract includes an initial "deep cleaning" for a cost of \$628.43, resulting in a first year total cost of \$51,486.96.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to execute a one year (with two additional, one-year extension options) agreement with General Cleaning of Duluth, Minnesota, for an annual amount of \$51,486.96 for year one and \$50,858.53 for years two and three. Funds are available from Fund 100, Agency 128006.

Adopted June 12, 2012. No. 12-335

WHEREAS, Minn. Stat. §§ 116J.993 - 116J.995, Business Subsidy Law, requires that a public hearing be conducted prior to granting any business subsidy in an amount greater than \$150,000 in value; and

WHEREAS, AAR Aircraft Services, Inc., has requested St. Louis County to consider up to \$320,000 tax abatement financing payable over seven years and a \$50,000 one year Minnesota Investment Fund loan guarantee for the expansion of their Duluth facility.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board will hold a public hearing on Tuesday, June 26, 2012, at 9:40 a.m., at Semer's Park Pavilion, Ely, Minnesota, to solicit public input prior to considering the proposed business subsidy request.

Adopted June 12, 2012. No. 12-336

WHEREAS, St. Louis County Purchasing Rules & Regulations require that construction project change orders exceeding \$50,000 must be approved by the County Board (Resolution No. 91-867, dated November 5, 1991); and

WHEREAS, the architectural and engineering (A&E) design and implementation fees originally determined for the Virginia Courthouse remodeling and addition project were not an accurate representation of the actual services required; and

WHEREAS, the larger size of the new addition and remodeled areas, and the additional services required by state and local code officials resulted in an additional A&E fee of \$63,070, to be added to the original contract for services with Architectural Resources, Inc., of Hibbing, Minnesota, in the amount of \$285,419.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the change order amendment to the professional services contract with Architectural Resources, Inc., of Hibbing, Minnesota, for an additional \$63,070, for a total professional services fee of \$348,489 for remodeling and expansion of the existing Virginia Courthouse. Funding is available from Fund 400, Agency 400033.

Adopted June 12, 2012. No. 12-337

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. 59385:

Porkorny's, LLC, d/b/a Gappa's Landing Resort & Campground, Kabetogama

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Township, new.

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

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

RESOLVED FURTHER, that said license is approved contingent upon approval from Minnesota Department of Health (MDH), proof of liquor liability insurance, Federal tax identification number and MDH Food/Beverage Service License application.

RESOLVED FURTHER, that the On-Sale and Sunday On-Sale Intoxicating Liquor Licenses shall be effective upon compliance with all contingencies through June 30 of license term.

Adopted June 12, 2012. No. 12-338

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, dated June 1, 2012, on file in the office of the County Auditor, identified as County Board File No. 59383, is hereby received and ratified as payable from Fund 730, Agency 730001.

Adopted June 12, 2012. No. 12-339

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. 59440, are hereby approved and the County Auditor shall issue checks in the following amounts:

<b>MAY 2012</b>		
100	General Fund	\$5,340,227.13
149	Personnel Service Fund	731.82
150	Sheriff's Nemesis Fund Group	14,192.54
160	MN Trail Assistance	55,590.33
167	Attorney's Forfeitures	5,000.00
168	Sheriff's State Forfeitures	884.71
173	Emergency Shelter Grant	27,005.49
179	Enhanced 9-1-1	699.78
180	Law Library	19,047.38
183	City/County Communications	429.77
184	Extension Service	39,294.99
200	Public Works	3,212,579.25
210	Road Maint – Unorg Townships	113.86
220	State Road Aid	2,796,694.49
230	Public Health & Human Services	6,091,716.99
240	Forfeited Tax	450,124.19
260	CDBG Grant	167,173.89
270	Home Grant	31,495.42
290	Forest Resources	71,712.86
400	County Facilities	85,631.50
402	Depreciation Reserve Fund	194,250.96
405	Public Works Building Const	84,278.38
439	2010A Capital Improvement Bond	4,791.41
600	Environmental Services	800,207.29
616	On-Site Waste Water Division	37,243.15
715	County Garage	102,688.95
720	Property Casualty Liability	5,987.31
730	Workers Compensation	238,771.95
770	Retired Employees Health Ins	2,303.95

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825	Taconite Relief/Other	1,470,935.50
900	State of Minnesota	13,796,063.93
902	Courts	280,252.18
907	Special Taxes	12,297.13
908	Cities and Towns Taxes	146.00
909	Tax Refunds	11,150.67
910	School Districts Taxes	11,777,530.00
911	Taxes and Penalties	20,714,195.76
925	Arrowhead Regional Corrections	1,587,258.39
955	Community Health Board	225,455.36
985	Collective Local Collaborative	51,525.21
989	Regional Railroad Authority	44,194.39
990	Northern Cities Land Use	689.46
992	Permits to Carry-Firearms	4,086.00
994	Sheriff Forfeits/Evidence	8,496.04
998	MPL-DUL Train Alliance	<u>62,111.19</u>
		\$69,927,256.95

Adopted June 12, 2012. No. 12-340

WHEREAS, the counties of Carlton, Cook, Itasca, Koochiching, Lake, Lake of the Woods, and St. Louis are members of the Arrowhead Library System (ALS), a regional public library system organized under Minn. Stat. § 134.20; and

WHEREAS, the board of ALS and the board of the North Country Library Cooperative have approved resolutions for the merger of the two entities, subject to the Minnesota Commissioner of Education's approval of the dissolution of the North Country Library Cooperative and approval of the inclusion of the North Country Library Cooperative's duties and responsibilities under Minn. Stat. § 134.351 into ALS's current duties and responsibilities as a regional public library system, under Minn. Stat. § 134.20; and

WHEREAS, funds received from member counties will continue to be used exclusively for ALS' duties and responsibilities as a regional public library system, under Minn. Stat. § 134.20; and

WHEREAS, the St. Louis County Board has received the form of the ALS contract agreement (the "Contract Agreement").

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the Contract Agreement in substantially the form presented at this meeting and authorizes the appropriate county officials to sign the agreement and any amendments by the County Attorney. The Contract Agreement shall take effect at the earliest time provided by law.

Adopted June 12, 2012. No. 12-341

WHEREAS, House of Representatives Bill 1505 (H.R. 1505), the National Security and Federal Lands Protection Act, appears to have the positive intent of helping secure our nation's borders, however, upon closer examination it has become abundantly clear to us that the bill has numerous unintended consequences and fatal flaws; and

WHEREAS, H.R. 1505 particularly grants the federal Department of Homeland Security (DHS) extraordinary authority especially over states with abundant public land ownership, regardless of whether such lands are owned by the federal, state or local government; and

WHEREAS, H.R. 1505 grants unprecedented authority in one federal agency (DHS) at a level that is clearly unnecessary which will result in an unimpeded usurpation of states' rights; and

WHEREAS, H.R. 1505 provides state and local governments few, if any, opportunities to comment or weigh in on proposed actions; and

WHEREAS, H.R. 1505 would also waive certain laws to all sections of the international and maritime borders within 100 miles of our nation's northern and southern border including a provision that certainly calls into question the public's persistent concerns about the erroneous

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS  
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ways of utilizing a “one size fits all” misguided approach to governance.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board encourages the entire Minnesota Congressional Delegation to vote “no” should this legislation reach the floor of either respective body. Furthermore, we encourage the author(s) of this legislation to either withdraw this bill from Congressional consideration or at the very least to substantially rework its language so that our northern border states are exempt from the vast majority of its overly onerous, impractical and Constitutionally violating provisions.

Adopted June 12, 2012. No. 12-342

WHEREAS, the Minnesota State Auditor has developed a Performance Measurement Program that is voluntary for counties and cities and St. Louis County participated in 2010/2011; and

WHEREAS, St. Louis County has been actively tracking similar performance data for a number of years as part of its performance measurement system; and

WHEREAS, there are direct financial impacts for participation in this program; and

WHEREAS, early participation in this program will position the county to be better prepared for enhanced or expanded performance measurement initiatives from the state; and

WHEREAS, transitioning to an outcomes-based system of program evaluation is in the best interest of every Minnesota citizen and local government that desires to maximize public resources and enhance the quality of life in their communities to the fullest extent possible.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board adopts the Minnesota State Auditor’s Performance Measurement Program “Model Performance Measures for Counties” and other program requirements as specified:

- St. Louis County has implemented and will continue to review its performance measurement system to ensure it meets the system requirements developed by the Council on Local Results and Innovation;
- St. Louis County has and will continue to report the results of its performance measures to residents; and
- St. Louis County will continue to survey its residents to obtain relevant data for these measures.

RESOLVED FURTHER, that the St. Louis County Board approves submission of the 2011 St. Louis County Performance Measures Report found in County Board File No. 59478.

Adopted June 12, 2012. No. 12-343

WHEREAS, the Federal Communications Commission has mandated that communications systems must meet new standards for narrowband compliance by 2013; and

WHEREAS, the St. Louis County Board has authorized the Sheriff’s Office to transition county radio systems to the state-wide Allied Radio Matrix for Emergency Response (ARMER).

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the purchase of end user radios, and other ARMER related equipment necessary for the transition, from Motorola, Inc., through the State of Minnesota contract pricing.

RESOLVED FURTHER, that the St. Louis County Board authorizes the transfer of funds in the amount of \$3,111,000 currently in Fund 100, Agency 999999, Object 311047, to Fund 100, Agency 136001, Object 665900.

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

Adopted June 12, 2012. No. 12-344

WHEREAS, the State of Minnesota, Department of Public Safety, through the Division of Emergency Communication Networks has made available \$98,000 in funding from the State Homeland Security grant program for end user radios to be distributed by the Northeast Regional Radio Board; and

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WHEREAS, St. Louis County has offered to serve as the grant administrator and fiscal agent for this funding; and

WHEREAS, the St. Louis County Sheriff's Office, on behalf of the Northeast Regional Radio Board, will be able to purchase needed end user radios from Motorola, Inc. as a result of this funding.

NOW THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the expenditure of \$98,000 for end user radios from Motorola, Inc., to be accounted for in Fund 100, Agency 129999, Grant 12940, Year 2011.

RESOLVED FURTHER, that the St. Louis County Board authorizes the appropriate county officials to sign any associated contract documents and to expend these funds in compliance with the terms of the grant contract.

Adopted June 12, 2012. No. 12-345

WHEREAS, the State of Minnesota, Department of Public Safety, through the Division of Emergency Communication Networks, has made available \$387,950 in funding from the State Homeland Security grant program for end user radios to be distributed by the Northeast Regional Radio Board; and

WHEREAS, St. Louis County has offered to serve as the grant administrator and fiscal agent for this funding; and

WHEREAS, the St. Louis County Sheriff's Office, on behalf of the Northeast Regional Radio Board, will be able to purchase needed end user radios from Motorola, Inc., as a result of this funding.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the expenditure of \$387,950 for end user radios from Motorola, Inc., to be accounted for in Fund 100, Agency 136999, Grant 13604, Year 2011.

RESOLVED FURTHER, that the St. Louis County Board authorizes the appropriate county officials to sign any associated contract documents and to expend these funds in compliance with the terms of the grant contract.

Adopted June 12, 2012. No. 12-346

WHEREAS, on May 1, 2012, the St. Louis County Board adopted Resolution No. 12-250 authorizing the purchase of its 2012 fleet vehicles; and

WHEREAS, the St. Louis County Sheriff's Office is requesting the purchase of end user radios from Motorola, Inc., to equip its vehicles which were authorized by this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the expenditure of \$74,812.50 for end user radios from Motorola, Inc., to be accounted for in Fund 100, Agency 129003, Object 643200.

RESOLVED FURTHER, that the St. Louis County Board authorizes the appropriate county officials to sign any associated contract documents and to expend these funds in compliance with the terms of the grant contract.

Adopted June 12, 2012. No. 12-347

**BY COMMISSIONER DAHLBERG:**

WHEREAS, Back Country Bar, Inc., d/b/a Hugo's, Ault Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

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

WHEREAS, a public hearing was held on June 12, 2012, at 9:40 A.M. in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering the granting of the off-sale intoxicating liquor license; and

WHEREAS, with regard to the application for the license, Hugo's has complied in all respects with the requirements of Minnesota Law and St. Louis County Ordinance No. 28; and

WHEREAS, the Liquor Licensing Committee of the St. Louis County Board of

**PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS  
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Commissioners has considered the nature of the business to be conducted and the propriety of the location and has recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, that Off-Sale Intoxicating Liquor License (License Number OFSL1326) shall be issued to Back Country Bar, Inc., d/b/a Hugo's, Ault Township, located in Area 3, for an annual fee of \$500.00.

RESOLVED FURTHER, that said liquor license shall be effective July 1, 2012, through June 30, 2013.

RESOLVED FURTHER, that said liquor license is approved contingent on proof of liquor liability insurance.

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

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

Unanimously adopted June 12, 2012. No. 12-348

**BY COMMISSIONER FORSMAN:**

WHEREAS, Porkorny's, LLC d/b/a Gappa's Landing Resort & Campground, Kabetogama Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

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

WHEREAS, a public hearing was held on June 12, 2012, at 9:45 A.M. in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering the off-sale intoxicating liquor license; and

WHEREAS, with regard to the application for the license, Gappa's Landing Resort & Campground has complied in all respects with the requirements of Minnesota Law and St. Louis County Ordinance No. 28; and

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

NOW, THEREFORE, BE IT RESOLVED, that an Off-Sale Intoxicating Liquor License shall be issued to Porkorny's, LLC d/b/a Gappa's Landing Resort & Campground, Kabetogama Township, located in Area 3, for an annual fee of \$150.00.

RESOLVED FURTHER, that said liquor license shall be effective upon compliance with all contingencies through June 30 of license term.

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

RESOLVED FURTHER, that said license is approved contingent upon approval from Minnesota Department of Health (MDH), proof of liquor liability insurance, Federal tax identification number and MDH Food/Beverage Service License application.

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

Unanimously adopted June 12, 2012. No. 12-349

**BY COMMISSIONER JEWELL:**

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; and

WHEREAS, St. Louis County has received a settlement demand in a claim arising from an automobile accident; and

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.

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NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board will convene in a closed meeting of the Committee of the Whole on June 12, 2012, for the purpose of discussing settlement litigation strategy immediately following the Board meeting.  
Unanimously adopted June 12, 2012. No. 12-350

At 11:02 a.m., June 12, 2012, Commissioner Jewell, supported by Commissioner O'Neil moved to adjourn to closed session; six yeas, zero nays.

Keith Nelson, Chair of the Board  
of County Commissioners

Attest:

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

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF ST. LOUIS, MINNESOTA,  
HELD ON JUNE 26, 2012**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 26<sup>th</sup> day of June, 2012, at 9:30 a.m., at Semer's Park Pavilion, Ely, Minnesota, with the following members present: Commissioners Frank Jewell, Steve O'Neil, Chris Dahlberg, Mike Forsman, Peg Sweeney, Steve Raukar, and Chair Keith Nelson - 7. Absent: None.

Chair Nelson asked for a moment of silence to honor those who serve and protect our safety at home and those who protect our freedom, followed by the pledge of allegiance.

Commissioner Nelson said the rules would need to be suspended on the next five resolutions relating to the declaration of state of emergency due to the recent flood damage in St. Louis County.

Commissioner Raukar, supported by Commissioner Sweeney, moved to suspend the rules for the next five resolutions relating to the emergency state due to the 2012 flood; seven yeas, zero nays.

Commissioner Sweeney, supported by Commissioner Dahlberg, moved to approve a resolution declaring a state of emergency in St. Louis County due to conditions resulting from flooding in June 2012. Commissioner Nelson recognized the outstanding work of county staff and the cooperation with other jurisdictions. Commissioner Nelson said discussion relating to the flood will take place during this first resolution and department heads will be giving reports to the board during this time. Public Works Director Jim Foldesi gave a presentation on the status of bridges and roads in the county and said as of 9:00 p.m., June 25, 2012, there were still 45 roads closed. Sheriff Ross Litman said it was remarkable that there were only two minor injuries and no deaths. Sheriff Litman recognized the outstanding work of his staff and the efforts of other departments, and gave a status report on public safety efforts throughout the county. Under Sheriff Dave Phillips showed a video of the destruction taken from the view of a helicopter, including the devastation on Highway 210 and surrounding roads, bridges and flooded rivers. Environmental Services Director Ted Troolin said they are primarily dealing with calls on the refuse and debris. Director Troolin said they are getting the word out on services and resources for those affected, including free disposal of flood refuse at WLSSD in Duluth. They are utilizing the website as well as word of mouth in more rural areas. Deputy Administrator Linnea Mirsch reviewed the June 2012 Flood Update and distributed a handout. Land and Minerals Commissioner Bob Krepps said most of the areas they are receiving calls on are not accessible due to road closures. After lengthy commissioner discussion, the board took a brief recess from 11:20-11:22 a.m. to change the PACT-TV tapes. Commissioner Raukar thanked Chair Nelson for his round the clock work and efforts during the flood. After further discussion, the motion passed; seven yeas, zero nays. Resolution No. 12-368.

Commissioner Jewell, supported by Commissioner Forsman, moved to approve an emergency road and bridge repair resolution; seven yeas, zero nays. Resolution No. 12-369.

Chair Nelson call for a brief recess, which was from 11:28-11:32 a.m.

Commissioner O'Neil, supported by Commissioner Raukar, moved to approve a Temporary June 2012 Flood Relief Program, which waves tipping fees for flood related waste at the Brookston, Aurora, and Hibbing transfer sites, and Cotton, Meadowlands, Makinen, and Lavell canister sites through June 29, 2012; seven yeas, zero nays. Resolution No. 12-393.

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Commissioner Forsman, supported by Commissioner Raukar, moved a resolution for emergency borrow pit operations because of the extensive and immediate need due to the flood; seven yeas, zero nays. Resolution No. 12-394.

Commissioner Sweeney, supported by Commissioner Dahlberg, moved to approve a resolution requesting the President of the United States to declare St. Louis County to be a major disaster area, through the proper channels; seven yeas, zero nays. Resolution No. 12-395.

Mark Pozzi, a citizen from Ely, spoke to the board about his neighbor who has forty dogs. Mr. Pozzi said the dogs bark day and night, which is having negative effects on him. Mr. Pozzi asked the board for help and referred to a website [www.barkingdogs.net](http://www.barkingdogs.net). Mike Forsman, addressing the board as a citizen, said he lives ¼ of a mile south of Mr. Pozzi and he also hears the dogs if he is outside or has his windows open. Chair Nelson said Deputy Administrator Gary Eckenberg will look into the matter and report back to the board and Mr. Pozzi.

At 11:43 a.m., a public hearing began pursuant to Resolution 12-336 to consider tax abatement and loan guaranty for AAR Aircraft Services, Inc. Planning and Community Development Director Barb Hayden said the board is being asked to consider the abatement of property tax and to change the county tax abatement policy. In addition, an amendment to Northeast Minnesota Regional Job Opportunity Building Zone (JOBZ) is on today's consent agenda. Commissioner Sweeney said the policy shouldn't be changed just for this transaction; however, she was fine with waiving the provisions of the tax abatement policy. Commissioner Nelson suggested revisiting the tax abatement policy in the future, and the board could consider waiving provisions for this request. APEX President Brian Hanson thanked the board for their support and said the AAR project is very important as this work could be done anywhere in the country and they chose St. Louis County. AAR Director of Technology Services Danny Martinez said over 600 people expressed interest in coming to work at the Duluth location and found great support in the area along with good work ethic. In response to a question from Commissioner Raukar, Director Martinez said their corporate citizenship includes long term partnerships in the cities they are located and in addition they provide \$5,000 educational grants for students along with work experience. In response to a question from Commissioner O'Neil, Director Martinez said the wages are in the mid \$20's per hour with a competitive benefits package. At 12:24 p.m., Commissioner Dahlberg, supported by Commissioner Forsman, moved to close the public hearing. Commissioner Dahlberg, supported by Commissioner Jewell, moved to approve the resolution. Commissioner Raukar offered a friendly amendment to remove the policy change from the amendment and waive parts of the tax abatement policy to allow this project to move forward. Commissioner Jewell did not accept the friendly. Commissioner Nelson requested another supporter for the resolution and Commissioner Sweeney seconded the motion with the friendly amendment.

The board recessed from 12:45-12:48 p.m.

Administrator Gray read the friendly amendment under Resolved further, that provisions of the St. Louis County Tax Abatement Policy are waived to allow an increase in the project cap to \$320,000, delete the personal property tax limitation and waive the applicant fees for this project. The motion with the friendly amendment passed; seven yeas, zero nays. Resolution No. 12-370.

Commissioner Forsman, supported by Commissioner Dahlberg, moved the consent agenda. Commissioner Nelson requested item ten from consent be removed for separate consideration

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as it relates to the AAR Aircraft Services, Inc., project. The remainder of the consent agenda passed; seven yeas, zero nays.

Commissioner Raukar, supported by Commissioner Jewell, moved to approve the resolution amending the Northeast Minnesota Regional Job Opportunity Building Zone (JOBZ) subzone boundaries in Duluth to assist AAR Aircraft Services, Inc., expand their aircraft maintenance and repair operations; seven yeas, zero nays. Resolution No. 12-361.

Commissioner Forsman, supported by Commissioner Raukar, moved to approve an off-sale intoxicating liquor license to The Shack, Inc., d/b/a/ The Shack, Unorganized Township 59-16. Commissioner Nelson said the Liquor Committee met with owner James Sandstrom and as a result replacement resolutions are being recommended for both the off-sale and on-sale intoxicating liquor licenses for The Shack; seven yeas, zero nays. Resolution No. 12-372.

Commissioner Raukar, supported by Commissioner Forsman, moved to approve the replacement resolution for an on-sale liquor license for The Shack, Inc., d/b/a The Shack. In response to a question from Commissioner O'Neil, County Auditor Donald Dicklich said the septic loan defaulted and was then attached to the property tax record. Auditor Dicklich said the septic loan will be reissued to Mr. Sandstrom and removed from the property tax record, noting that any existing taxes owed will still need to be paid as a contingency of issuing the license; seven yeas, zero nays. Resolution No. 12-373.

Commissioner Dahlberg, supported by Commissioner Sweeney, moved the private sale of tax forfeited land to Mike Jershe, tabled from June 5, 2012. Mike Jershe said the price he paid was too high and the county should change their procedures so this doesn't happen to anyone else. Land and Minerals Director Bob Krepps said Mr. Jershe did not want to go through a bidding process and sought legislation for a private land sale. Commissioner Nelson offered a friendly amendment to reduce the price by \$500, which Commissioner Dahlberg did not accept. The motion passed; seven yeas, zero nays. Resolution No. 12-371.

Commissioner Sweeney, supported by Commissioner Dahlberg, moved to approve a resolution for the Arrowhead Regional Corrections (ARC) Capital Improvement Bond Proposal. Commissioner Dahlberg questioned the match requirement and offered a friendly amendment to clarify the language. Administrator Gray said the match is not required by statute and suggested clarification in the wording. Commissioner Nelson said the board will break for lunch and asked administration to bring clarified wording for the board after lunch.

At 1:45 p.m. the board recessed.

At 3:39 p.m. the board reconvened.

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

Commissioner Sweeney said the board needs to address the wording for the ARC bonding resolution. Administrator Gray read the suggested amendment under NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves that St. Louis County shall host a bond for the costs of an Arrowhead Regional Corrections capital improvement project at Northeast Regional Corrections Center (NERCC). And RESOLVED FURTHER, that the County Board will consider the state match of \$750,000 and additional items for the bond sale from a subsequent list of proposed capital improvement projects at both NERCC and the Arrowhead Juvenile Center of \$1,088,000, totaling up to \$1,838,000. The motion passed with the friendly amendment as presented by Administrator Gray; seven yeas, zero nays.

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Resolution No. 12-374.

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

Kevin Gray, County Administrator, and Tony Mancuso, Director of Property Management, submitting Board Letter No. 12-267, Dedication of Permanent Easement over County Fee Owned Property.—[59484](#)

Kevin Gray, County Administrator, and Donald Dicklich, County Auditor, submitting Board Letter No. 12-249, Establish Public Hearing to Consider Off-Sale Intoxicating Liquor License (Gnesen Township) for A. P. Inc., d/b/a A. P. Liquor.—[59485](#)

Kevin Gray, County Administrator, and Barbara Hayden, Director of Planning and Community Development, submitting Board Letter No. 12-251, Amend JOBZ Subzone Boundaries – City of Duluth.—[59486](#)

Kevin Gray, County Administrator, submitting Board Letter No. 12-258, Arrowhead Regional Corrections Capital Improvement Bond Proposals.—[59487](#)

Kevin Gray, County Administrator, and Robert Krepps, Land Commissioner, submitting Board Letter No. 12-270, Retention of State Tax Forfeited Land for Minerals Management.—[59488](#)

State of Minnesota Emergency Executive Order 12-09 Declaring a State of Emergency in the State of Minnesota and Providing for Emergency Relief from Regulations to Motor Carriers and Drivers Operating in Minnesota.—[59489](#)

St. Louis County Flood Update information and flood-related emergency resolutions.—[59490](#)

Mark Pozzi, Ely, Minnesota, submitting articles from [www.barkingdogs.net](http://www.barkingdogs.net) and [www.newanimalcontrol.org](http://www.newanimalcontrol.org). — [59491](#)

Agreement for Professional Services between the County of St. Louis and SEH, of Duluth, MN, for Wetland Delineation and Report for the Rice Lake Road Trail on County State Aid Highway 4 (Rice Lake Road) and Arrowhead Road in Duluth, MN.—[12-330](#)

Amendment No. 1 to Garbage and Recycling Pick-up and Disposal Services (original Damion 2012-006314) between the County of St. Louis and Hartel's/DBJ Disposal Companies, LLC, assuming all obligations from Paul's Sanitary.—[12-331](#)

Addendum to Contract No. 14970 between the St. Louis County Board and Kidspace Mesabi Academy, Inc., adding High Impact, Short-Term Secure and Chemical Dependency Programs.—[12-332](#)

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 14576C, between the St. Louis County Board of Commissioners and Kiminki Homes, Inc.—[12-333](#)

Addendum to Contract No. 20955 between the St. Louis County Board and the Northeast Minnesota Office of Job Training (NEMOJT) for Supported Work, extending the end date from June 30, 2012, to September 30, 2012.—[12-334](#)

Home and Community-Based Waiver Services Contract, Contract No. 14933, between the St.

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Louis County Board of Commissioners and Associated Partnership, Ltd., d/b/a Rollx Vans.—12-335

On-line Software Subscriber Agreement between the County of St. Louis and Robert McLelland, Conoco Phillips Company.—12-336

County-State Aid Highway Project Contract between the County of St. Louis and Traffic Marking Service, Inc., for Maintenance of Pavement Markings, MP 97047.—12-337

Agreement between the County of St. Louis and the City of Eveleth for 2012 Maintenance Striping, MP 97047.—12-338

Agreement between the County of St. Louis and Minneapolis-Duluth/Superior Passenger Rail Alliance to provide accounting services from the County to the Rail Authority for the period January 1, 2012, through December 31, 2012.—12-339

Agreement between the County of St. Louis and the St. Louis & Lake Counties Regional Railroad Authority to provide accounting services from the County to the Rail Authority for the period January 1, 2012, through December 31, 2012.—12-340

Upon motion by Commissioner Forsman, supported by Commissioner Dahlberg, resolutions numbered 12-351 through 12-360 and 12-362 through 12-367, 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 June 5, 2012, are hereby approved.

Adopted June 26, 2012. No. 12-351

WHEREAS, the City of Virginia has requested to purchase the following described state tax forfeited land on behalf of Habitat for Humanity for the purpose of redevelopment:

Legal: Lot 5 and N 21 feet of Lot 6, Block 11, Virginia

City: Virginia

Parcel Code: 090-0010-01470

Acres: 0.12

LDKEY: 71012

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 land, as described, to the City of Virginia for the price of \$1,400 plus the following fees: 3% assurance fee of \$42, deed fee of \$25, deed tax of \$4.62, recording fee of \$46, asbestos investigation charge of \$900; for a total of \$2,417.62, to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, that the St. Louis County Auditor shall offer for sale at public auction the state tax forfeited land described here if the City of Virginia does not purchase the land by July 31, 2012.

Adopted June 26, 2012. No. 12-352

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WHEREAS, the St. Louis County Public Works Department plans to reconstruct 1.03 miles of County State Aid Highways 146 and 147 (Jones Street) from Douglas Avenue easterly to Hat Trick Avenue within the city of Eveleth, County Projects 8297 and 8298, State Aid Projects 069-746-001 and 069-747-001; and

WHEREAS, these improvements consist of aggregate bases, replacement of drainage structures, curb, gutter, sidewalk, and bituminous surfacing as determined necessary to provide for the safety and convenience of the public; and

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

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the Public Works Director to proceed with the acquisition of the necessary lands and temporary easements for this project, payable from Fund 200, Agency 203001.

Adopted June 26, 2012. No. 12-353

WHEREAS the St. Louis County Public Works Department has need for one-ton vehicles; and WHEREAS, the Purchasing Division issued a Request for Quotes (RFQ) for three (3) one-ton pickup trucks, which closed on May 25, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the purchase, in accordance with the specifications of Request for Quotes No. 4988-1, and State of Minnesota Contract Releases, three (3) 2012 one-ton pickups as follows:

1.0 One (1) 10,000 GVWR, full size, crew cab, 2-wheel drive pickup with long box, from Midway Ford, Roseville, MN, at the quoted price of \$23,232.82, delivered to Duluth for a total of \$23,232.82, plus 6.5% state sales tax of \$1,510.14, for a total purchase price of \$24,742.95, payable from Fund 407, Agency 407001, Object Code 666200 (pickups/vans).

2.0 Two (2) 10,000 GVWR, full size, crew cab, 2-wheel drive pickups with long box, from Midway Ford, Roseville, MN, at their quoted price of \$23,232.82 each, delivered to Virginia for a total of \$46,465.64, plus 6.5% state sales tax of \$1,510.14 per unit, for a total purchase price of \$49,485.92 payable from Fund 407, Agency 407001, Object Code 666200 (pickups/vans).

Adopted June 26, 2012. No. 12-354

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

SAP 69-661-016, CP 61896 located on CSAH 61 (Scenic Hwy. 61) between CSAH 33 and Greenwood Rd. in Duluth Township.

WHEREAS, bids were opened in the St. Louis County Courthouse, Duluth, MN, on June 7, 2012, and Watters & Sons Excavating, LLC, Duluth, MN, provided the low responsible bid.

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>
Watters & Sons Excavating, LLC	6199 Rice Lake Rd. Duluth, MN 55803	\$208,369.40

RESOLVED FURTHER, that the Chairman of the County Board, 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 220279, Object 652700 (Fund 29 Bridge Bond Funds): \$ 62,704.00

Fund 220, Agency 220279, Object 652700 (SLC State Aid Funds): \$145,665.40

With additional revenue budgeted for expense:

Fund 220, Agency 220279, Rev. Object 530401 (Fund 29 Bridge Bond): \$ 62,704.00

Adopted June 26, 2012. No. 12-355

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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. 59401.

Adopted June 26, 2012. No. 12-356

WHEREAS, the U.S. Department of Housing and Urban Development has notified St. Louis County of the additional allocation of \$60,203 in FY 2011 ESG funding; and

WHEREAS, the FY 2012 Action Plan of the St. Louis County 2010-2014 Consolidated Plan was submitted on March 14, 2012, to the U.S. Department of Housing and Urban Development for the FY 2012 Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) programs; and

WHEREAS, the FY 2011 and 2012 Action Plan amendments were submitted on May 8, 2012, to the U.S. Department of Housing and Urban Development for the ESG programs; and

WHEREAS, the U.S. Department of Housing and Urban Development has approved the FY 2011 and 2012 Action Plans of the St. Louis County 2010-2014 Consolidated Plan and provided program allocations to St. Louis County of \$1,713,363 for the CDBG program, \$440,324 for the HOME program, \$60,203 for the 2011 ESG program, and \$190,582 for the 2012 ESG program; and

WHEREAS, the St. Louis County Board of Commissioners approved the CDBG Citizen Advisory Committee recommendation for FY 2012 Community Development Block Grant (CDBG) program awards by Board Resolution No. 12-131 on March 13, 2012; and

WHEREAS, the advisory committee for the Northeast Minnesota HOME Consortium recommends the award of \$490,324 in HOME funding for housing activities identified in the Consolidated Plan in the five-county region; and

WHEREAS, the Planning and Community Development and Public Health and Human Services Departments will conduct a request for proposals to allocate the 2011 and 2012 ESG funding. The applications will be reviewed by staff and the Heading Home Leadership Council through the St. Louis County Homeless Continuum of Care process. A funding recommendation with specific agency projects and awards will be presented for County Board action at a future date. ESG funding supports essential services, homeless prevention activities, and emergency shelter and transitional housing operations.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board accepts the FY 2011 additional allocation and FY 2012 HUD grants and authorizes the St. Louis County Planning and Community Development Director to execute the grant agreements on behalf of St. Louis County, along with all the necessary forms, attachments, addendums, certifications, and subsequent forms to implement the program and complete the agreements between St. Louis County and the U.S. Department of Housing and Urban Development.

RESOLVED FURTHER, that grant funds will be allocated as follows:

\$ 1,713,363	CDBG Grant 2012 to Fund 260
\$ 440,324	HOME Grant 2012 to Fund 270
\$ 190,582	ESG Grant 2012 to Fund 173
\$ 60,203	ESG Grant 2011 to Fund 173

RESOLVED FURTHER, that the St. Louis County Board allocates FY 2012 projects from grants, program income and reprogrammed funds and authorizes the Planning and Community Development Director and a representative of the County Attorney to execute agreements for approved projects and that disbursements related to the CDBG subrecipient agreements be made from CDBG Fund 260, HOME agreements from HOME Fund 270 as follows and ESG funding recommendations to be brought before the County Board at a future date:

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**Agency – CDBG, Fund 260**

<b>2012 CDBG Program St. Louis County</b>		
	<b>Project</b>	<b>Amount</b>
	<b>Housing</b>	
201201	AEOA Single Family Rehabilitation Program	300,000
201202	Meadowlands Manor Rental Rehab	25,000
201203	One Roof Community Housing Acquisition Rehabilitation	45,000
201204	North St. Louis County Habitat for Humanity Acquisition Rehabilitation	30,000
	<b>Subtotal</b>	<b>400,000</b>
	<b>Economic Development</b>	
201205	Northeast Entrepreneur Fund – Small Business Development Program	20,000
	<b>Subtotal</b>	<b>20,000</b>
	<b>Physical Improvement</b>	
201206	Babbitt – Infrastructure	115,000
201207	Breitung Township - Soudan Infrastructure	75,000
201208	Buhl – Infrastructure	35,000
201209	Chisholm – Infrastructure	100,000
201210	Cook – Infrastructure	60,523
201211	Ely – Infrastructure	120,000
201212	Eveleth – Infrastructure	200,000
201213	Hibbing PUC – Infrastructure	110,000
	<b>Subtotal</b>	<b>815,523</b>
	<b>Public Service</b>	
201214	AEOA - Homeless Shelter Operations	40,000
201215	AEOA - Homeless Youth Services	24,000
201216	Legal Aid of NE MN	32,000
201217	Range Transitional Housing	43,000
201218	Range Women's Advocates Children's Program	24,500
201219	Salvation Army - Melting Pot Meals Program	16,500
201220	Salvation Army - Virginia Supper Club	16,500
201221	Sexual Assault Program Youth Outreach	23,500
201222	SOAR Employment Services	25,000
	<b>Subtotal</b>	<b>245,000</b>
201223	St. Louis County Administration/Planning	334,840
	<b>Subtotal</b>	<b>334,840</b>
	<b>Total FY 2012 CDBG Program</b>	
	Housing	400,000
	Economic Development	20,000
	Physical Improvements	815,523
	Public Service	245,000
	Administration	334,840
	<b>Subtotal – CDBG</b>	<b>1,815,363</b>

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**Agency – HOME Fund 270**

<b>2012 HOME Program - Northeast Minnesota HOME Consortium</b>	
<b>Project</b>	<b>Amount</b>
AEOA Home Ownership Assistance Program	200,186
AEOA CHDO Operating	7,338
Kootasca Home Ownership Assistance	25,186
Kootasca CHDO Operating	7,338
Kootasca CHDO Set-Aside	60,280
One Roof Community Housing CHDO Set-Aside	78,440
One Roof Community Housing CHDO Operating	7,338
Cook County/Grand Marais EDA Home Ownership Assistance Program	60,186
St. Louis County Administration	44,032
<b>Total – HOME</b>	<b>490,324</b>

**Agency-ESG Fund 173**

<b>2011 ESG Second Allocation and 2012 ESG Program - St. Louis County</b>	
<b>Project</b>	<b>Amount</b>
To be determined	
<b>Total - ESG</b>	<b>\$250,785</b>

Adopted June 26, 2012. No. 12-357

WHEREAS, the Property Management Team has approved the public sale of the following property, legally described as:

A part of the SE ¼ of NE ¼, Section 14, Township 61 North, Range 19 West, described as a six acre tract lying in the Southeast corner of the above described tract described as follows: Beginning 33 feet West of the quarter corner common to Sections 13 and 14, Township 61 North, Range 19 West, running thence Westerly along the South boundary of said tract for 416 feet; thence run Northerly at right angles to the last described course for 624 feet; thence run Easterly at right angles to the last described course for 416 feet to the West right of way line of County Road No. 487; thence run Southerly concurrent with the West right of way line of said County Road to the point of beginning.

WHEREAS, a review of assessed value and sales has determined a minimum bid amount for this property to be \$4,600.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes Property Management to advertise for written bids for the above described property, a parcel of land approximately six (6) acres in size, pursuant to the requirements and procedures of Minn. Stat. § 373.01.

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RESOLVED FURTHER, the Board establishes the time for bid consideration to be at 9:40 A.M. on Tuesday, November 13, 2012, at the St. Louis County Courthouse, Duluth, Minnesota.

Adopted June 26, 2012. No. 12-358

RESOLVED, that a public hearing will be held at 9:40 A.M. on July 10, 2012, in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering an Off-Sale Intoxicating Liquor License for A. P. Inc. d/b/a A. P. Liquor, Gnesen Township.

Adopted June 26, 2012. No. 12-359

RESOLVED, that pursuant to Ordinance No. 28, Section 11, Subdivision 11.06, authorization is hereby approved for the following applications to sell/serve outside the designated serving area of the County Liquor License, as per applications on file in the office of the County Auditor, identified as County Board File No. 59385:

Kristina Carl d/b/a Saginaw Grand Lake Station, Solway Township, August 11, 2012;

Kristina Carl d/b/a Saginaw Grand Lake Station, Solway Township, August 18, 2012.

Adopted June 26, 2012. No. 12-360

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, dated June 15, 2012, on file in the office of the County Auditor, identified as County Board File No. 59383, is hereby received and ratified as payable from Fund 730, Agency 730001.

Adopted June 26, 2012. No. 12-362

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

WHEREAS, the resignation of Ms. Julie Waltenburg has created a vacancy on this commission; and

WHEREAS, the Human Resources Department desires to fill this position.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the County Auditor to advertise and accept applications until July 20, 2012, for a vacancy on the Civil Service Commission.

Adopted June 26, 2012. No. 12-363

RESOLVED, that the following unorganized townships are designated by the St. Louis County Board as election precincts and the below listed eligible voters are appointed as clerks and/or election judges for the 2012 Primary and General Elections:

UNORGANIZED TOWNSHIP 57-16 (Unorganized Precinct 14)

Clerk/Head Judge – Jan Dzwonkowski, 6317 Heritage Trail, Gilbert, MN, 55741

Judge – Charlene Johnson, 6473 Heritage Trail, Gilbert, MN, 55741

Judge – Elaine Elmquist, 4273 McKinley Road, Gilbert, MN, 55741

Judge – Wanda Lerol, 4493 Lilac Road, Gilbert, MN, 55741

Judge – Jeanette Eklund, 4477 Lost Lake Road, Gilbert, MN 55741

Polling Place - Lakeland Fire Hall, 4667 Vermilion Trail, Gilbert, MN, 55741

UNORGANIZED TOWNSHIP 60-18 (Unorganized Precinct 15)

Clerk/Head Judge – Barbara Harkonen, 9318 Goodell Road, Angora, MN, 55703

Judge – Carolyn Nordlinder, 9069 Whitetail Drive, Britt, MN, 55710

Judge – Susan Kolstad, 9204 Petola Road, Britt, MN, 55710

Judge – Mary Elaine Arola, 7354 Donnywood Road, Britt, MN, 55710

Judge – Mary Jean Eilertson, 7364 Highway 53, Britt, MN, 55710

Polling Place – Sand Lake Chapel, 9038 Biss Road, Britt, MN, 55710

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UNORGANIZED TOWNSHIP 60-19 (Unorganized Precinct 16)

Clerk/Head Judge – Victoria Emmons, 9659 Folsom Road, Britt, MN, 55710  
Judge – Diane Falstrom, 9705 Folsom Road, Britt, MN, 55710  
Judge – Margaret Morgan, 9783 Dickinson Lane, Britt, MN, 55710  
Judge – Darlene Hodge, 8181 Carpenter Road, Angora, MN, 55703  
Judge – Cindy Morgan, 9790 Dickinson Lane, Britt, MN, 55710  
Polling Place – Evergreen Volunteer Fire Department, 10233 Hwy 65, Britt, MN, 55710

UNORGANIZED TOWNSHIP 56-16 (Unorganized Precinct 17)

Clerk/Head Judge – Evelyn Hermanson, 6468 Long Lake Road, Makinen, MN, 55763  
Asst. Clerk/Head Judge – Lorraine Niskala, 6118 Long Lake Road, Makinen, MN, 55763  
Judge – Sharon Wefel, 3722 Lost Lake Road, Gilbert, MN, 55741  
Judge – Linda Verbonich, 6377 Long Lake Road, Makinen, MN, 55763  
Judge – Diane Langlee, 6022 Long Lake Road, Makinen, MN, 55763  
Polling Place – Makinen Community Center, Makinen, MN, 55763

RESOLVED FURTHER, that the following eligible voters are appointed as election judges to process and tabulate votes in the Duluth Courthouse for unorganized townships voting by mail and/or to serve on the County Absentee Ballot Board, Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA) Ballot Board and Mail Ballot Board:

Judge – Arlene Niskala, 5052 Alpine Drive, Hermantown, MN, 55811  
Judge – Sharon Stenberg, 4042 Munger Shaw Road, Duluth, MN 55810  
Judge – Harla Lemmerman, 6316 Nashua Street, Duluth, MN, 55810  
Judge – Linda Deraas, 3554 Prindle Road, Duluth, MN 55803  
Judge – Sheila Ballavance, 1215 East 8<sup>th</sup> Street, Duluth, MN, 55805  
Judge – Lisa Hinnenkamp, 1404 104th Avenue West, Duluth, MN 55808  
Judge – Corrina Maly, 6939 Highway 5, Floodwood, MN 55736  
Judge – Catherine (Tina) Voce, 822 5<sup>th</sup> Avenue, Two Harbors, MN 55616  
Judge – Daryl Wierbiniski, 1972 Holm Road, Two Harbors, MN 55616  
Judge – William Wise, 3618 Allendale Avenue, Duluth, MN 55803  
Judge/Staff – Lisa Sweet, 100 N. 5<sup>th</sup> Ave. W. #214, Duluth, MN 55802  
Judge/Staff – Amy Gundersen, 100 N. 5<sup>th</sup> Ave. W. #214, Duluth, MN 55802  
Judge/Staff – Christy Joice, 100 N. 5<sup>th</sup> Ave. W. #214, Duluth, MN 55802  
Judge/Staff – Tucker Kiehn, 100 N. 5<sup>th</sup> Ave. W. #214, Duluth, MN 55802

RESOLVED FURTHER, the following eligible voters are appointed as election judges to serve on the County Absentee, UOCAVA and Mail Ballot Boards in the Virginia Auditor's Office, Northland Office Center, 307 1<sup>st</sup> Street South, Virginia, MN:

Judge/Staff – JoAnn Newman, 307 1<sup>st</sup> Street South, Virginia, MN, 55792  
Judge/Staff – Nancy Shusterich, 307 1<sup>st</sup> Street South, Virginia, MN, 55792  
Judge/Staff – Jason Raida, 307 1<sup>st</sup> Street South, Virginia, MN, 55792  
Judge/Staff – Jill Berg, 307 1<sup>st</sup> Street South, Virginia, MN, 55792

RESOLVED FURTHER, that the County Auditor and/or Clerk/Head Election Judge may make election judge appointments to fill vacancies should they occur.

RESOLVED FURTHER, that compensation for 2012 election judge services - not including county staff - is established at \$8.00 per hour, and the current mileage reimbursement rate of \$.555 per mile. Funding will be from Auditor/Elections Fund 100, Agency 127001, Objects 635300 and 635500.

Adopted June 26, 2012. No. 12-364

WHEREAS, the recent merger of the Arrowhead Library System (ALS) and the North Country Library Cooperative has resulted in a new contract agreement with participating

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counties; and

WHEREAS, under the new operating agreement, as a participating member county, St. Louis County is required to appoint three (3) members to the ALS Board of Directors.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board appoints the following individuals to the specific terms of service on the Arrowhead Libraries System Board of Directors:

Term of Service

July 1, 2012 to December 31, 2012	Teresa Dawson	(Duluth, MN)
July 1, 2012 to December 31, 2013	Patrick Layman	(Aurora, MN)
July 1, 2012 to December 31, 2014	Marjorie McPeak	(Tower, MN)

Adopted June 26, 2012. No. 12-365

WHEREAS, the State of Minnesota has tower space available at its Mirror Lake Communications Facility; and

WHEREAS, St. Louis County is in need of communications space on the tower for its Fire/Emergency Medical Service and Sheriff radio systems.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes a ten-year agreement with the State of Minnesota for St. Louis County to use available tower space at the Mirror Lake Communications Facility, at no cost to the county.

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

Adopted June 26, 2012. No. 12-366

WHEREAS, the St. Louis County Board supports the sharing of criminal justice information and systems throughout the region and in sharing the costs of providing those systems among the subscribing agencies in the region; and

WHEREAS, the Northeast Minnesota Enforcement and Safety Information System (NEMESIS) continues to be developed and implemented in support of these efforts; and

WHEREAS, Ms. Angie VanDeHey, Advance! Training and Consulting, is able to provide the training and development services needed as the NEMESIS system evolves.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes a contract with Angie VanDeHey, Advance! Training and Consulting, for the period July 1, 2012, through June 30, 2013, at the hourly rate of \$60, not to exceed \$70,000, payable from NEMESIS Subscriber fees – Fund 150, Agency 150001, Object 629900.

Adopted June 26, 2012. No. 12-367

**BY COMMISSIONER RAUKAR:**

WHEREAS, the St. Louis County Board approved the submittal of the Northeast Minnesota Regional Job Opportunity Building Zone (JOBZ) application for subzones throughout St. Louis County on October 7, 2003, Resolution No. 03-610; and

WHEREAS, the Minnesota Department of Employment and Economic Development approved the Northeast Minnesota Regional JOBZ application for 4,031 acres, including 351.12 acres in Duluth; and

WHEREAS, the City of Duluth wishes to amend the boundaries of its approved subzones by reallocating acreage to create a new subzone; and

WHEREAS, the JOBZ Program created in Minnesota Session Laws 2003 allows for the formation of tax free zones and for subzone boundaries to be amended with the approval of all taxing authorities.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board agrees to the proposed amendment to subzones within the city of Duluth as follows:

- Remove from the Canadian National Railroad JOBZ subzone #100.0, 25.6 acres (Parcels # 010-2746-01440 and -01330) and from the Atlas JOBZ subzone #101.0, 1.5 acres (Parcel # 010-2746-01260) and

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- Create the Maintenance Facility JOBZ subzone #100.2, 27.10 acres (Parcels # 010-2747-00050, -00080, and -00020)

RESOLVED FURTHER, that St. Louis County agrees to provide all of the local tax exemptions and credits required and provided for under the Job Opportunity Building Zones (JOBZ) Legislation and agrees to forego the tax benefits resulting from the local and state tax exemptions and credits provided under the Job Opportunity Building Zones (JOBZ) Legislation.

Unanimously adopted June 26, 2012. No. 12-361

**BY COMMISSIONER SWEENEY:**

WHEREAS the June, 2012 flooding event has severely impacted the population of St. Louis County and its cities and townships; and

WHEREAS the June flooding event has caused a significant amount of public and private property damage; and

WHEREAS the St. Louis County Sheriff's Office Division of Emergency Management requests the St. Louis County Board of Commissioners to declare St. Louis County in a STATE OF EMERGENCY due to the June flooding event of 2012.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners declares St. Louis County in a STATE OF EMERGENCY due to conditions resulting from the flooding event of June, 2012.

Unanimously adopted June 26, 2012. No. 12-368

**BY COMMISSIONER JEWELL:**

WHEREAS, the County of St. Louis, Minnesota has sustained severe losses of major proportion, brought on by flood conditions on the date of June 20, 2012; and

WHEREAS, St. Louis County is a public entity within the State of Minnesota; and

WHEREAS, the St. Louis County Board of Commissioners has declared St. Louis County to be in a state of emergency in its June 26, 2012 Disaster Proclamation Resolution; and

WHEREAS, St. Louis County suffered significant damages to St. Louis County roads and bridges, rendering many county roads and bridges impassable and/or unsafe to travel; and

WHEREAS, immediate repair of damaged county roads and bridges is necessary to facilitate recovery and emergency aid efforts, to facilitate effective and timely delivery of emergency services, and to facilitate safe travel for public, government, and business purposes; and

WHEREAS, immediate contracting of emergency bridge and road repairs, without the requirement of bids and advertising, is necessary to protect public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners, acting on behalf of and for the people of St. Louis County, hereby declare that, pursuant to Minnesota Statutes 375.21 and 375.22, the St. Louis County Highway Department is hereby authorized to immediately enter into necessary contracts for emergency repair of damaged and negatively impacted county roads and bridges without the requirement for solicitation of bids and advertising; said authorization to remain in place until modified or rescinded by this board.

Unanimously adopted June 26, 2012. No. 12-369

**BY COMMISSIONER DAHLBERG:**

WHEREAS, AAR Aircraft Services, Inc., (AAR) has requested St. Louis County to consider up to \$320,000 tax abatement financing payable over seven years and a \$50,000 Minnesota Investment Fund loan guaranty for the expansion of their Duluth facility; and

WHEREAS, Minnesota Statute §§ 116J.993-116J.995, Business Subsidy Law, requires that a public hearing be conducted prior to granting any business subsidy in an amount greater than \$150,000 in value; and

WHEREAS, the St. Louis County Board held a public hearing on Tuesday, June 26, 2012, at 9:35 a.m., at Semer's Park Pavilion, Ely, Minnesota, to solicit public input prior to considering

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the proposed business subsidy request; and

WHEREAS, the St. Louis County Board has determined that the public benefits of increasing the county tax base and provision of permanent employment opportunities within the county exceed the costs of tax abatement.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes up to \$320,000 tax abatement financing to AAR payable over seven years, in 2017 through 2023, payable from Fund 100, Agency 100001, Object 500900.

RESOLVED FURTHER, that provisions of the St. Louis County Tax Abatement Policy are waived to allow an increase in the project cap to \$320,000, delete the personal property tax limitation and waive the applicant fees for this project.

RESOLVED FURTHER, that St. Louis County will participate as a guarantor for up to \$50,000 for a Minnesota Investment Fund loan. The total amount of guaranty is \$250,000. Funds will be obligated under the Economic Development Fund, Fund 178, Fund Balance 311200.

RESOLVED FURTHER, that provided all required documentation is submitted by AAR, the appropriate county officials are authorized to execute a business subsidy agreement with AAR and a loan guaranty for the Minnesota Investment Fund and any other related documents after review and approval by a representative of the County Attorney's Office.

Unanimously adopted June 26, 2012. No. 12-370

**BY COMMISSIONER DAHLBERG:**

WHEREAS, pursuant to Laws of Minnesota 2011, Chapter 3, Section 31, St. Louis County may sell by private sale the following described state tax forfeited parcels:

The West 33 feet of the North 208 feet of the South 1,040 feet of the Northwest Quarter of the Northeast Quarter, Section 7, Township 60 North, Range 13 West, Parcel Code 105-0080-00988; and

The North 45.27 feet of the South 1,085.27 feet of the West 449 feet of the Northwest Quarter of the Northeast Quarter, Section 7, Township 60 North, Range 13 West, Parcel Code 105-0080-00989; and

WHEREAS, these parcels of land have been classified as non-conservation land pursuant to Minn. Stat. § 282.01; and

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

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the sale of state tax forfeited parcels 105-0080-00988 and 105-0080-00989 to Michael Jershe for a land value of \$2,800, 3% assurance fee of \$84, deed fee of \$25, deed tax of \$9.24, and recording fee of \$46; for a total of \$2,964.24, to be deposited in Fund 240 (Forfeited Tax Fund).

Unanimously adopted June 26, 2012. No. 12-371

**BY COMMISSIONER FORSMAN:**

WHEREAS, The Shack, Inc., d/b/a The Shack, Unorganized Township 59-16, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

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

WHEREAS, a public hearing was held on June 12, 2012, at 9:50 A.M. in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering the granting of the off-sale intoxicating liquor license; and

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

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

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the location and has recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, that an Off-Sale Intoxicating Liquor License shall be issued to The Shack, Inc., d/b/a The Shack, Unorganized Township 59-16, located in Area 2, for an annual fee of \$250.00.

RESOLVED FURTHER, that said liquor license shall be effective upon compliance with all contingencies.

RESOLVED FURTHER, that said license is approved contingent upon payment of real estate or personal property taxes when due, past due and delinquent real estate taxes.

RESOLVED FURTHER, that said license is approved contingent on St. Louis County Environmental Services decertifying the septic loan assessment, including associated penalties and interest, and re-writing the septic loan.

RESOLVED FURTHER, that said license is approved contingent upon approval from Minnesota Department of Health and proof of liquor liability insurance.

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

Unanimously adopted June 26, 2012. No. 12-372

**BY COMMISSIONER RAUKAR:**

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. 59385:

The Shack, Inc., d/b/a The Shack, Unorganized Township 59-16, new.

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

RESOLVED FURTHER, that said license is approved contingent on St. Louis County Environmental Services decertifying the septic loan assessment, including associated penalties and interest, and re-writing the septic loan.

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

RESOLVED FURTHER, that said license is approved contingent upon approval from Minnesota Department of Health and proof of liquor liability insurance.

RESOLVED FURTHER, that the On-Sale and Sunday On-Sale Intoxicating Liquor Licenses shall be effective upon compliance with all contingencies.

Unanimously adopted June 26, 2012. No. 12-373

**BY COMMISSIONER SWEENEY:**

WHEREAS, the State of Minnesota has awarded the Arrowhead Regional Corrections Joint Powers Board a grant in the amount of \$737,000 for asset preservation, improvements at the Northeast Regional Corrections Center (NERCC) facility; and

WHEREAS, the grant application included a requirement that the entity applying match the state's funding; and

WHEREAS, the projects in the proposal include replacing the wood fired boilers, new domestic hot water systems, exterior repairs, window replacements, ventilation improvements and improved energy efficiencies totaling \$1,458,000; and

WHEREAS, Arrowhead Regional Corrections has asked that St. Louis County host a bond for the costs of the project.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves that St. Louis County shall host a bond for the costs of an Arrowhead Regional Corrections capital improvement project at Northeast Regional Corrections Center (NERCC), for the total cost of

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the required state match of \$750,000.

RESOLVED FURTHER, that the County Board will consider specific additional items for the bond sale from a subsequent list of proposed capital improvement projects at both NERCC and the Arrowhead Juvenile Center of \$1,088,000 totaling up to \$1,838,000.

Unanimously adopted June 26, 2012. No. 12-374

Upon motion by Commissioner Sweeney, supported by Commissioner Raukar, resolutions numbered 12-375 through 12-392, as submitted to this board on a second consent agenda, were unanimously adopted as follows:

**BY COMMISSIONER SWEENEY:**

WHEREAS, St. Louis County has maintained contracts with the Arrowhead Center in Virginia and Duluth Bethel Society in Duluth for more than ten years to provide urinalysis collection and drug testing services for the Public Health and Human Services Department (PHHS) Division of Children and Family Services; and

WHEREAS, the PHHS Income Maintenance Division is now required to conduct random drug tests for certain felons who are applicants or participants in the Minnesota Family Investment Program (MFIP) or Supplemental Nutrition Assistance Program (SNAP-formerly known as Food Support).

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to execute amendments to purchase of service agreements with the Arrowhead Center in Virginia and Duluth Bethel Society to add \$1,000 to each contract for mandated random drug testing services ordered by the PHHS Income Maintenance Division for the period July 1, 2012, through December 31, 2012 (Fund 230, Agency 231014, Object 629900).

Adopted June 26, 2012. No. 12-375

WHEREAS, Minnesota Session Laws 2012, Chapter 236, authorizes the public sale of state tax forfeited land bordering public water subject to the establishment of a permanent conservation easement to provide riparian protection and angler access; and

WHEREAS, Minn. Stat. § 282.37 authorizes the Commissioner of Revenue, upon recommendation from a county board, to grant permanent easements on state tax forfeited lands bordering lakes and streams to be held in the name of the State Department of Natural Resources.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the Commissioner of Revenue to grant the following permanent easement to the State Department of Natural Resources to provide riparian protection and angler access:

The West Half of the Northeast Quarter of the Northeast Quarter, Section 27, Township 52 North, Range 12 West (Town of Duluth) (parcel code: 315-0020-04395). The easement must be 150 feet in width, lying 75 feet on each side of the centerline of the river.

Adopted June 26, 2012. No. 12-376

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

WHEREAS, Wayzata Hospitality Group of Wayzata, MN, has applied to repurchase state tax forfeited land legally described as:

CITY OF BIWABIK  
TRACTS C, D, J, O  
REGISTERED LAND SURVEY NO. 71  
PARCELS: 015-0059-00030, 40, 100, 150

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

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

NOW, THEREFORE, BE IT RESOLVED, that the St Louis County Board approves the repurchase application by Wayzata Hospitality Group of Wayzata, MN, on file in County Board File No. 59398, subject to payments including total taxes and assessments of \$82,618.57, service fee of \$114, deed tax of \$272.64, deed fee of \$25, and recording fee of \$46; for a total of \$83,076.21, to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted June 26, 2012. No. 12-377

WHEREAS, the Duluth Housing and Redevelopment Authority (HRA) has requested to purchase the following described state tax forfeited land for the price of \$65,000, plus fees and expenses, for the purpose of redevelopment:

Legal: LOTS 11 THRU 17, AND LOTS 20 & 21, WEST DULUTH 7TH DIVISION

City: Duluth

Section 7, Township 49 North, Range 14 West

Parcel Code: 010-4530-00350

0.65 Acres

LDKEY: 70138

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 land, as described, to the Duluth HRA for the appraised value of \$65,000 plus the following fees: 3% assurance fee of \$1,950, deed fee of \$25, deed tax of \$214.50, recording fee of \$46, and administration fee of \$150; for a total of \$67,385.50, to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, that the County Auditor shall offer for sale at public auction the state tax forfeited land described here if the Duluth HRA does not purchase the land by September 1, 2012.

Adopted June 26, 2012. No. 12-378

WHEREAS, the Eveleth-Virginia Airport Authority has requested to purchase the following described state tax forfeited land for the appraised value of \$2,500, plus fees, for the purpose of complying with Federal Airport Authority buffer zone requirements:

Legal: ELY 165 FT OF WLY 825 FT OF NE 1/4 OF SE 1/4

Section 16, Township 57 North, Range 17 West

Town of Fayal

Parcel Code: 340-0010-03023

Acres: 5.0

LDKEY: 52141

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

WHEREAS, this parcel of land is not withdrawn from sale pursuant to Minn. Stat. §§ 85.012, 92.461, 282.01, Subd. 8, and other statutes that require the withholding of state tax forfeited

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lands from sale.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the sale of the state tax forfeited land, as described, to the Eveleth-Virginia Airport Authority for the price of \$2,500 plus the following fees: 3% assurance fee of \$75, deed fee of \$25, deed tax of \$8.25, recording fee of \$46, and appraisal fee of \$475; for a total of \$3,129.25, to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, that the County Auditor shall offer for sale at public auction the state tax forfeited land described here if the Eveleth-Virginia Airport Authority does not purchase the land by September 1, 2012.

Adopted June 26, 2012. No. 12-379

WHEREAS, Louise A. Trygg has requested a non-exclusive road and utility easement across state tax forfeited land to access private land; and

WHEREAS, there are no reasonable alternatives to obtain access to the property; and

WHEREAS, exercising the easement will not cause significant adverse environmental or natural resource management impacts and will not conflict with public use of the land; and

WHEREAS, Minn. Stat. § 282.04, Subds. 4 and 4(a), allow for the granting of easements across state tax forfeited land for such purposes.

NOW, THEREFORE, BE IT RESOLVED, that the County Auditor, pursuant to Minn. Stat. § 282.04, Subds. 4 and 4(a), is authorized to grant a non-exclusive easement across state tax forfeited land to Louise A. Trygg described as follows:

A 40.00-foot wide easement for ingress and egress and utilities over, under and across a portion of Government Lot 4 of Section 03, Township 61 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota, the centerline of which is described as follows:

Assuming the North line of said Government Lot 4 to bear South 89° 37' 54" West and from the Northeast Corner of Government Lot 4, being also the West Sixteenth Corner on the North line of said Section 03, run South 89° 37' 54" West along said North line, a distance of 24.57 feet to the POINT OF BEGINNING of the Centerline to be described; thence South 06° 11' 45" West, a distance of 8.01 feet; thence South 07° 40' 41" West, a distance of 120.31 feet; thence South 26° 07' 24" West, a distance of 37.67 feet; thence South 31° 18' 39" West, a distance of 171.75 feet; thence South 42° 56' 04" West, a distance of 220.33 feet; thence South 41° 02' 47" West, a distance of 132.06 feet; thence South 46° 28' 52" West, a distance of 117.70 feet; thence South 41° 49' 58" West, a distance of 124.10 feet; thence South 30° 52' 51" West, a distance of 87.65 feet; thence South 20° 33' 41" West, a distance of 46.56 feet; thence South 03° 40' 04" West, a distance of 44.96 feet; thence South 09° 18' 14" East, a distance of 41.30 feet; thence South 14° 57' 56" East, a distance of 124.18 feet; thence South 00° 57' 45" East, a distance of 64.73 feet; thence South 20° 38' 53" West, a distance of 57.57 feet; thence South 35° 32' 12" West, a distance of 127.29 feet; thence South 38° 53' 46" West, a distance of 41.29 feet; thence South 24° 10' 46" West, a distance of 49.24 feet; thence South 05° 28' 03" West, a distance of 9.4 feet, more or less to the South line of said Government Lot 4 and there terminate.

RESOLVED FURTHER, that the granting of this easement is conditioned upon payment of \$1,370 land use fee, \$100 administration fee and \$46 recording fee; for a total of \$1,516, to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted June 26, 2012. No. 12-380

WHEREAS, St. Louis County has applied to the Minnesota Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for the construction of project SAP 69-661-016, State Bridge 69J86 on County State Aid Highway 61 (Scenic Hwy. 61) in Duluth Township; and

WHEREAS, the Minnesota Commissioner of Transportation has given notice that funding for this bridge is available; and

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WHEREAS, the amount of the grant has been determined to be \$62,704.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board agrees to the terms and conditions of the grant consistent with Minn. Stat., Section 174.50, Subd. 5(3), and will pay any additional amount by which the cost exceeds the estimate using state aid funds, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required. The appropriate county officials are authorized to execute a grant agreement with the Minnesota Commissioner of Transportation concerning the above-referenced grant.

Fund 29 Bridge Bond Funds	\$ 62,704.00
SLC State Aid Funds	\$145,665.40
Total Project:	\$208,369.40

Adopted June 26, 2012. No. 12-381

WHEREAS, the Property Management Team has approved the sale of the following property, legally described as:

Southeast Quarter of the Southeast Quarter (SE ¼ of SE ¼), Section 25, Township 57 North, Range 16 West, according to the government survey thereof; and

WHEREAS, a review of assessed value and comparable sales has determined a minimum bid amount for this property to be \$33,700.

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, a parcel of land approximately 40 acres in size, pursuant to the requirements and procedures of Minn. Stat. § 373.01.

RESOLVED FURTHER, that the Board establishes the time for bid consideration to be at 9:40 A.M. on Tuesday, December 11, 2012, at the St. Louis County Courthouse, Duluth, Minnesota.

Adopted June 26, 2012. No. 12-382

WHEREAS, St. Louis County owns property which is being considered for sale; and

WHEREAS, it is the intent of the St. Louis County Board to preserve additional highway right of way necessary to construct and maintain certain 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 more particularly described on the attached Exhibits, identified in County Board File No. 59484.

EXHIBIT A & B	Parcel 1	County State Aid Highway 21
EXHIBIT A & B	Parcel 2	County Road 973 (Bug Creek Road)
EXHIBIT A & B	Parcel 3	Cotton Township Road 5785 (Kaupi Lake Road)
EXHIBIT A & B	Parcel 4	County State Aid Highway 27 (Zim Road)
EXHIBIT A & B	Parcel 5	County State Aid Highway 27 (Zim Road)

Adopted June 26, 2012. No. 12-383

WHEREAS, the State of Minnesota, Department of Public Safety, through the Homeland Security and Emergency Management Division, has made available \$85,731.36 in funding from the Buffer Zone Protection program grant for end user radios; and

WHEREAS, the St. Louis County Sheriff's Office will be able to purchase sixteen (16) Motorola XTS2500 portable radios and ten (10) Motorola XTL2500 mobile radios from Motorola, Inc. as a result of this funding.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the expenditure of \$85,731.36 for end user radios from Motorola Solutions, Inc., to be accounted for in Fund 100, Agency 129999, Grant 12950, Year 2011.

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

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officials to sign any associated contract documents and to expend these funds in compliance with the terms of the grant contract.  
Adopted June 26, 2012. No. 12-384

RESOLVED, that a public hearing will be held at 9:40 a.m. on Tuesday, July 24, 2012, in the Floodwood City Hall, Floodwood, 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 June 26, 2012. No. 12-385

WHEREAS, the following described land forfeited to the State of Minnesota on November 30, 2011, for nonpayment of taxes:

PART OF NW 1/4 OF SW 1/4 LYING ELY OF DM&IR RR RT OF WAY & PART OF NE 1/4 OF SW 1/4 LYING WLY OF CO RD 102 RT OF WAY & N OF N LINE OF EXISTING RAILROAD WACOOTAH SPUR RT OF WAY & PART OF SW 1/4 OF SW 1/4 LYING ELY OF DM&IR RR RT OF WAY & NLY OF N LINE OF EXISTING RAIL ROAD WACOOTAH SPUR RT OF WAY EX HWY RT OF WAY EX THAT PART OF NW 1/4 OF SW 1/4 & SW 1/4 OF SW 1/4 COMM AT NE COR OF NW 1/4 OF SW 1/4 THENCE S 00° 51' 26" W ASSIGNED BEARING ALONG E LINE 853.51 FT TO PT OF BEG THENCE CONT S 00° 51' 26" W ALONG E LINE 97.65 FT THENCE S 65° 07' 39" W 251.23 FT THENCE S 53° 47' 55" W 221.29 FT THENCE S 28° 46' 58" W 146.92 FT TO N LINE OF SW 1/4 OF SW 1/4 THENCE CONT S 28° 46' 58" W 47.45 FT THENCE S 18° 57' 17" W 88.91 FT THENCE S 33° 08' 30" W 121.43 FT THENCE S 43° 34' 04" W 62.81 FT THENCE N 85° 26' 13" W 86.86 FT THENCE N 59° 24' 12" W 85.11 FT THENCE N 34° 18' 34" W 74.90 FT THENCE N 04° 15' 24" W 174.64 FT TO N LINE OF SW 1/4 OF SW 1/4 THENCE CONT N 04° 15' 24" W 203.12 FT THENCE N 20° 40' 31" W 77.58 FT THENCE N 42° 54' 35" W 165.96 FT THENCE N 37° 39' 35" W 226.53 FT THENCE S 90° 00' 00" E 1054.39 FT THENCE S 36° 45' 35" E 158.07 FT TO PT OF BEG & EX ALL THAT PART OF NW 1/4 OF SW 1/4 & SW 1/4 OF SW 1/4 COMM AT NE COR THENCE S 00° 51' 26" W ASSIGNED BEARING ALONG E LINE OF NW 1/4 OF SW 1/4 726.86 FT THENCE W 1150.88 FT TO PT OF BEG THENCE CONT W 29.60 FT THENCE S 14° 30' 16" E 342.64 FT THENCE SELY ALONG A TANGENTIAL CURVE 697.23 FT RADIUS OF 2120.96 FT AND A CENTRAL ANGLE OF 18° 50' 06" THENCE S 33° 20' 22" E TANGENT TO SAID CURVE 160.16 FT THENCE N 00° 47' 37" W 244.63 FT THENCE N 59° 24' 12" W 85.11 FT THENCE N 34° 18' 34" W 74.90 FT THENCE N 04° 15' 24" W 174.64 FT TO N LINE OF SW 1/4 OF SW 1/4 THENCE CONT N 04° 15' 24" W 203.12 FT THENCE N 20° 40' 31" W 77.58 FT THENCE N 42° 54' 35" W 165.96 FT THENCE N 37° 39' 35" W 226.53 FT TO PT OF BEG, SECTION 10, TOWNSHIP 58 NORTH, RANGE 18 WEST.

WHEREAS, the City of Mountain Iron has certified to the County Board that prior to forfeiture it was entitled to the property under a written development agreement, and that it desires to reacquire the property pursuant to Minn. Stat. § 282.01, Subd. 1a(f); and

WHEREAS, the Minnesota Department of Natural Resources, Division of Lands and Minerals recommends against the conveyance or repurchase of the property.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board has determined that it is in the public's best interest to retain the tax forfeited parcel described above for minerals management, and that any future application for repurchase shall be denied.

Adopted June 26, 2012. No. 12-386

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

MP 158129 (Crack Sealing North) located at various locations in Northern St. Louis County; and

WHEREAS, bids were opened in the St. Louis County Courthouse, Duluth, MN on June 14,

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2012, and Fahrner Asphalt Sealers, LLC, Eau Claire, WI, provided the low responsible bid. 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>
Fahrner Asphalt Sealers, LLC	P.O. Box 659 Eau Claire, WI 54702-0659	\$391,773.20

RESOLVED FURTHER, that the Chairman of the County Board, 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 200, Agency 201074, Object 653300:	\$261,950.00
Fund 210, Agency 210043, Object 653300:	\$129,823.20
With additional revenue budgeted for expense:	
City of Babbitt: Fund 200, Agency 201074, Rev. Object 551518	\$24,570.00
City of Chisholm: Fund 200, Agency 201074, Rev. Object 551530	\$67,532.40
French Township: Fund 200, Agency 201074, Rev. Object 551582	\$ 5,460.00

Adopted June 26, 2012. No. 12-387

WHEREAS, bids have been received by the County Auditor for the following project:  
SAP 69-666-006, CP 97040 located on CSAH 66 (McNiven Rd.) between UT 7823 and CSAH 25 in Great Scott Township; and

WHEREAS, bids were opened in the St. Louis County Courthouse, Duluth, MN, on June 14, 2012, and KGM Contractors, Inc., Angora, MN, provided the low responsible bid.

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>
KGM Contractors, Inc.	9211 Hwy. 53 Angora, MN 55703	\$713,675.50

RESOLVED FURTHER, that the Chairman of the County Board, 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 220271, Object 652700 (Fund 29 Bridge Bond Funds):	\$140,802.72
Fund 220, Agency 220271, Object 652700 (SLC State Aid Funds):	\$572,872.78
With additional revenue budgeted for expense:	
Fund 220, Agency 220271, Rev. Object 530401 (Fund 29 Bridge Bond):	\$140,802.72

Adopted June 26, 2012. No. 12-388

WHEREAS, St. Louis County has applied to the Minnesota Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for the construction of project SAP 69-666-006, State Bridge 69J85 on County State Aid Highway 66 (McNiven Rd.) in Great Scott Township; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this bridge is available; and

WHEREAS, the amount of the grant has been determined to be \$140,802.72.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board agrees to the terms and conditions of the grant consistent with Minn. Stat., Section 174.50, Subd. 5(3), and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required.

The appropriate county officials are authorized to execute a grant agreement with the Minnesota Commissioner of Transportation concerning the above-referenced grant.

Fund 29 Bridge Bond Funds	\$140,802.72
SLC State Aid Funds	\$572,872.78
Total Project:	\$713,675.50

Adopted June 26, 2012. No. 12-389

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

MP 97044R (Crack Sealing South located at various locations in Southern St. Louis County); and

WHEREAS, bids were opened in the St. Louis County Courthouse, Duluth, MN, on June 21, 2012, and Asphalt Surface Technologies Corp., St. Cloud, MN, provided the low responsible bid.

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>
Asphalt Surface Technologies Corp. a/k/a ASTECH Corp.	P.O. Box 1025 St. Cloud, MN	\$308,356.40

RESOLVED FURTHER, that the Chairman of the County Board, 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 as follows:

Fund 200, Agency 201073, Object 653300:	\$256,723.28
Fund 210, Agency 210041, Object 653300:	\$ 51,633.12
With additional revenue budgeted for expense:	
Canosia Township: Fund 200, Agency 201073, Rev. Object 551511	\$ 9,091.94
Grand Lake Township: Fund 200, Agency 201073, Rev. Object 551555	\$ 1,573.00
Lake County: Fund 200, Agency 201073, Rev. Object 551508	\$46,577.74
Rice Lake Township: Fund 200, Agency 201073, Rev. Object 551521	\$ 2,420.00

Adopted June 26, 2012. No. 12-390

WHEREAS, St. Louis County has in excess of \$260,926,300 in property to insure; and  
WHEREAS, St. Louis County has been purchasing property insurance on a loss limit basis which is less expensive with lower deductibles than a scheduled buildings type of insurance; and

WHEREAS, the current policy expires on July 24, 2012, and St. Louis County received only one viable proposal from its Request For Proposals process, and that was from the current insurer, the Chubb Group of Insurance Companies through Otis-Magie Insurance Agency of Duluth, MN, to provide coverage at the same terms but with a 5.5% increase for the coming year; and

WHEREAS, this will be the first rate increase since 2005, raising the annual premium by \$8,063 (from \$180,806 to \$188,869), providing very broad coverage of the county's property, subject to the same deductibles and coverage as in the past several years, at a rate of \$.0724 per \$100 of value.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the purchase of property and related insurance coverage on major structures and equipment, amended contents, and boiler and machinery from Chubb Group of Insurance Companies through Otis-Magie Insurance Agency of Duluth, MN, for the period July 24, 2012, to July 24, 2013, at the annual premium of \$188,869 payable from: Fund 720 (Property, Casualty, Liability), Agency 720001 (Property, Casualty, Liability), Object 635100 (Insurance).

RESOLVED FURTHER, that the Purchasing Division is authorized to add or delete county properties to the policy, or increase the base amount on future determination of valuation of county structures during the policy period.

Adopted June 26, 2012. No. 12-391

WHEREAS, St. Louis County Purchasing Rules & Regulations require that construction project change orders exceeding \$50,000 must be approved by the County Board (Resolution No. 91-867, dated November 5, 1991); and

WHEREAS, three unforeseen items were discovered during the Duluth Courthouse window replacement project, and include filling wall cavities and voids with insulation, replacement of

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wood trim stops, and painting all of the exterior terra cotta surfaces (in lieu of stripping and sealing).

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the change order amendment to the professional services contract with Johnson Wilson Constructors of Duluth, Minnesota, for an additional \$117,779, for a total construction fee of \$1,945,064 for window replacement in the Duluth Courthouse. Funding for this change order is available as follows:

\$93,743.79 payable from Fund 438, Agency 438010 (Bond Interest)

\$24,035.21 payable from Fund 400, Agency 400004

Adopted June 26, 2012. No. 12-392

**BY COMMISSIONER O'NEIL:**

WHEREAS, significant rains on June 19–23, 2012, have created emergency conditions involving flooding and related damages to private and public infrastructure; and

WHEREAS, St. Louis County through its Environmental Services Department operates a network of waste collection sites including sites in the flood affected area; and

WHEREAS, St. Louis County can assist residents currently challenged with responding to flood impacts.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the Environmental Services Department to waive tipping fees for flood-related waste at its Brookston, Aurora, and Hibbing Transfer Stations and Cotton, Meadowlands, Makinen, and Lavell Canister Sites through Friday, June 29, 2012, with the option for two one-week extensions at the discretion of the Environmental Services Director.

RESOLVED FURTHER, that the St. Louis County Environmental Services Department is directed to take other steps as needed to ensure that residents are provided an opportunity to properly manage other flood-related wastes.

Unanimously adopted June 26, 2012. No. 12-393

**BY COMMISSIONER FORSMAN:**

WHEREAS, due to the extensive and immediate need for fill material to be used in public works projects to repair the county infrastructure, borrow pits on property owned by the county shall be public/semi-public uses when used exclusively for public works purposes and

when operated as a result of, or in response to, a county declared state of emergency; and

WHEREAS, the provisions of St. Louis County Ordinance 46, Article VI, Section 24.02, allow the use of such borrow pits to rebuild damaged property and to reduce the costs of reconstruction to the public.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board directs the Planning and Community Development Director to issue 45-Calendar Day, Single Season Pit permits for county-owned borrow pits as necessary, adhering to county borrow pit standards, and limiting the use of the pit for county and township projects related to this declared state of emergency.

RESOLVED FURTHER, that a 45-Calendar Day, Single Season Pit permit issued for any county-owned borrow pit may be converted to an alternate form of Borrow Pit Permit under St. Louis County Ordinance 46, Article VI, Section 24.02, if it is determined that operation of the pit will be necessary beyond the term of the initial permit. (Ordinance 46 standards shall be used to determine the appropriate Borrow Pit Permit).

RESOLVED FURTHER, that pre-existing borrow pits on property owned by the county shall be exempt from the provisions of St. Louis County Ordinance 46, Article VI, Sections 24.02 A.1 and 24.02 A.3, when the borrow pits are to be used exclusively for public works purposes and when operated as a result of, or in response to, a county declared state of emergency.

RESOLVED FURTHER, that the Planning and Community Development Director allow for extended hours of operation on individual permitted borrow pits to address emergency repairs

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related to this declared state of emergency.  
Unanimously adopted June 26, 2012. No. 12-394

**BY COMMISSIONER SWEENEY:**

WHEREAS, St. Louis County has sustained severe losses of major proportion, caused by June flooding on June 19-20, 2012; and

WHEREAS, St. Louis County is a public entity within the State of Minnesota; and

WHEREAS, substantial damage has been sustained to public and private property; and

WHEREAS, the cost of recovery from this disaster is beyond the resources available within the county, and state and federal resources are necessary.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board, for and on behalf of the citizens of St. Louis County, request the Governor of the State of Minnesota to petition the President of the United States to declare the County of St. Louis, Minnesota, to be a major disaster area, through appropriate channels.

RESOLVED FURTHER, that this request is for:

1. The Public Assistance (Infrastructure Support) and Human Service Programs as offered through P.L. 93-288 and 106.390.
2. The Hazard Mitigation Program, as offered through P.L. 93-288 and 106.390.

RESOLVED FURTHER, that the St. Louis County Emergency Management Director is authorized to coordinate the damage survey teams with local government and assist in the administration of the disaster recovery process, as needed.

Unanimously adopted June 26, 2012. No. 12-395

At 3.43 p.m., June 26, 2012, Commissioner Sweeney, supported by Commissioner Dalhberg, moved to adjourn to closed session; seven yeas, zero nays.

Keith Nelson, 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)