

## AGENDA

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



**Tuesday, November 13, 2012, 9:30 A.M.**

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

**KEITH NELSON, Chair  
Sixth District**

**FRANK JEWELL  
First District**

**STEVE O'NEIL  
Second District**

**CHRIS DAHLBERG  
Third District**

**MIKE FORSMAN  
Fourth District**

**PEG SWEENEY, Vice-Chair  
Fifth District**

**STEVE RAUKAR  
Seventh District**

County Auditor  
Donald Dicklich

County Administrator  
Kevin Gray

County Attorney  
Mark Rubin

Clerk of the Board  
Roberta Museta

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

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

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

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

**AGENDA**  
**St. Louis County Board**  
**November 13, 2012**  
**Page 2**

9:30 A.M. Pledge of Allegiance  
Roll Call  
*Employee Retiree and Longevity Recognition*

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

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

9:40 A.M. Pursuant to Resolution No. 12-358, adopted June 26, 2012, the St. Louis County Board is requested to consider bids received for the sale of surplus county fee owned land and authorize the sale of the land to the party submitting the highest bid (Alango Township). **{12-438}**

9:45 A.M. Pursuant to Resolution No. 12-546, adopted October 9, 2012, the St. Louis County Board is requested to consider bids received for the sale of surplus county fee owned land and authorize the sale of the land to the party submitting the highest bid (Unorganized Township 60-19). **{12-439}**

9:50 A.M. Public hearing, pursuant to Resolution No. 12-563, adopted October 23, 2012, to consider renaming a creek located in Fairbanks and Bassett Townships to "Petrell Creek". **{12-440}**

9:55 A.M. Continuation of the October 23, 2012, public hearing to consider allegations of a liquor law violation by Vermilion Ventures, LLC d/b/a Bayview Lodge, Greenwood Township. **{12-398}**

**CONSENT AGENDA**

Approval of business submitted on the consent agenda.

**REGULAR AGENDA**

**Central Management and Intergovernmental Committee – Commissioner Jewell, Chair**

1. Settlement of litigation. **{12-441}**

**ADJOURNED:**



**Sale of Surplus Fee Land Section 14, T61N, R19W  
(Alango Township)**

BY COMMISSIONER \_\_\_\_\_

WHEREAS, the Property Management Team had identified the following described property as surplus county fee owned land and the property was advertised for sale and bids were received. The property is legally described as follows:

A part of the SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , Section 14, Township 61 North, Range 19 West, described as follows:

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;

and

WHEREAS, Joshua Antus, Duluth, MN, submitted the high bid of \$7,409.00 for the parcel.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the requirements of and procedures of Minn. Stat. § 373.01, the appropriate county officials are authorized to execute a quit claim deed conveying the above listed property to Joshua Antus for the high bid amount of \$7,409.00, payable to Fund 100, Agency 128014, Object 583100. Buyer is responsible for deed tax and recording fees.



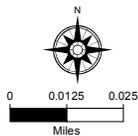
# For Sale



Minimum Bid \$4,600 Bids Due November 2nd, 2012

For information call 218-725-5085 or 218-343-3505

Parcel 200-0010-02305 Pt of SE1/4 of NE 1/4 Section 14, T61N, R19W



Prepared By: St. Louis County  
Property Management

Source: St. Louis County, Minnesota

Map Created: 8/24/2012

**Disclaimer:** This is a compilation of records as they appear in the St. Louis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein contained.

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stlouiscountymn.gov

Parcel is Approximately 6.0 Acres with approximately 624 feet of frontage on Savage Road. Parcel is zoned MUNS-4 and meets zoning requirements.

Property is approximately 3 miles west of Highway # 53.

A portion of the property has been used as a gravel pit and some unsloped banks remain. Gravel pit has grown up with trees.

The remainder of the property is nicely wooded and undisturbed.

Nice recreational property or possible homesite, power is available.



**Sale of Surplus Fee Land Lot 15, Plat of Crescent Beach  
(Section 14, T60N, R19W)**

BY COMMISSIONER\_\_\_\_\_

WHEREAS, the Property Management Team had identified the following described property as surplus county fee owned land and the property was advertised for sale and bids were received. The property is legally described as follows:

Lot 15, CRESCENT BEACH

and;

WHEREAS, Jennifer A. Hudyma, Duluth, MN, submitted the minimum bid of \$63,800 for the parcel.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the requirements of and procedures of Minn. Stat. § 373.01, the appropriate county officials are authorized to execute a quit claim deed conveying the above listed property to Jennifer Ann Hudyma for the bid amount of \$63,800, payable to Fund 100, Agency 128014, Object 583100. The buyer is also responsible for deed tax and recording fees.



# For Sale



Minimum Bid \$63,800 Bids Due November 2nd, 2012

For Information call 218-725-5085 or 218-343-3505

Parcel Code 725-0030-00170 Lot 15, CRESCENT BEACH PLAT

LOVE JAMES M  
ETUX725-0030-00210

NORDLING  
WILLIAM  
C725-0030-00200

GUILLAUME  
GEORGE725-0030-00190

HUDYMA MICHAEL  
D725-0030-00180

Sale Parcel

ST LOUIS  
COUNTY725-0030-00170

HART  
LYNN  
MARIE725-0030-00160

ENGMAN ANNA  
ELIDA725-0010-01890

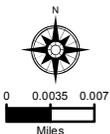
MATCHEFTS-FREEHLING  
ANTONIA725-0030-00150

NOSAN KEVIN  
PAUL725-0030-00130

DICKENSON LN

DEDICATED  
ROW

WATER



Prepared By: St. Louis County  
Property Management

Source: St. Louis County, Minnesota

Map Created: 10/12/2012

Disclaimer: This is a compilation of records as they appear in the St. Louis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein contained.

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stlouiscountymn.gov

This is a 0.73 acre Lakeshore lot with approximately 100 feet of frontage and approximately 320 of lot depth. Parcel is wooded and is high at the road and slopes fairly steeply to the lakeshore. It is a nice building site.

Parcel is zoned SMU-7. This parcel is a legal non-conforming lot of record.

There is no entrance constructed on this parcel.

Electric Power is available at this site.

For information visit [www.stlouiscountymn.gov](http://www.stlouiscountymn.gov) under Property Management Department / Fee Land Sale  
Or Call 218-725-5085 or 218-343-3505

# **BOARD LETTER NO. 12 – 440**

## **CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE**

### **NOVEMBER 13, 2012 BOARD AGENDA 9:50 A.M. PUBLIC HEARING**

**DATE:** November 13, 2012                      **RE:** Public Hearing to Consider  
Renaming a Creek in Fairbanks  
and Bassett Townships as  
“Petrell Creek”

**FROM:** Kevin Z. Gray  
County Administrator

#### **RELATED DEPARTMENT GOAL:**

To ensure that County Board directives are followed and that they are in full compliance with State law and regulations.

#### **ACTION REQUESTED:**

The St. Louis County Board is requested to hold a public hearing to consider the renaming of a creek located in Fairbanks and Bassett Townships, in accordance with Minn. Stat. 83A.05, which governs the naming of state geographic features.

#### **BACKGROUND:**

The St. Louis County Auditor received a petition signed by residents of the Fairbanks and Bassett area in support of renaming Petrel Creek located from Bassett Township, Section 25, Township 57, Range 12 through Fairbanks Township to Section 36, Township 56, Range 13 terminating at Wolf Lake. At least fifteen (15) of the petition signers have been verified as registered voters by the County Auditor, according to statute.

Brimson resident, Michael Unger provided the following information in support of the name change:

“In Fairbanks Township, an important founding family, known as The Petrell family, managed the Petrell Post Office from 1909-1920 and provided land for, what is now, the township hall, called the Petrell Hall. Historically, this family was prominent in the Brimson area. In the early 1900s the local area was known as the ‘Petrell Area.’ A Fairbanks Township road in Section 2, called Petrell Road reinforces this idea along with the first log school in the local area called Petrell School in session from 1908-1920, built alongside Petrel Creek. We believe that Petrel Creek was named after this family but the name was subsequently misspelled. There is no mention of a family name spelled ‘Petrel’ in existing histories such as the Brimson-Toimi Legacy book and others. This change would establish the Petrell name correctly as the historical root for the creek.”

County Administration has contacted Peter Boulay, State Climatology Office, Department of Natural Resources (DNR), Division of Waters, about the proposed name identification. Mr. Boulay researched geographic features named "Petrell" in the state of Minnesota, and could not find another creek identified by that name. He indicated the DNR would be supportive of the naming proposal and encouraged a positive action by the St. Louis County Board. Minnesota Statutes require that the County Board conduct a public hearing on any request for the naming or renaming of state geographic features and waterways.

**RECOMMENDATION:**

It is recommended that the St. Louis County Board receive testimony at a public hearing scheduled for Tuesday, November 13, 2012 at 9:50 a.m. in the County Board Room, St. Louis County Courthouse, Duluth, MN, to consider the renaming of a creek located from Bassett Township, Section 25, Township 57, Range 12 through Fairbanks Township to Section 36, Township 56, Range 13 terminating at Wolf Lake, "Petrell Creek".

**Public Hearing to Consider Renaming a Creek in  
Fairbanks and Bassett Townships as “Petrell Creek”**

BY COMMISSIONER \_\_\_\_\_

WHEREAS, the St. Louis County Auditor received a petition signed by residents of the Fairbanks and Bassett area in support of renaming Petrel Creek located from Bassett Township, Section 25, Township 57, Range 12 through Fairbanks Township to Section 36, Township 56, Range 13 terminating at Wolf Lake, and at least fifteen (15) of the petition signers have been verified as registered voters by the County Auditor; and

WHEREAS, Brimson resident, Michael Unger provided the following information in support of the name change:

“In Fairbanks Township, an important founding family, known as The Petrell family, managed the Petrell Post Office from 1909-1920 and provided land for, what is now, the township hall, called the Petrell Hall. Historically, this family was prominent in the Brimson area. In the early 1900s the local area was known as the ‘Petrell Area.’ A Fairbanks Township road in Section 2, called Petrell Road reinforces this idea along with the first log school in the local area called Petrell School in session from 1908-1920, built alongside Petrel Creek. We believe that Petrel Creek was named after this family but the name was subsequently misspelled. There is no mention of a family name spelled ‘Petrel’ in existing histories such as the Brimson-Toimi Legacy book and others. This change would establish the Petrell name correctly as the historical root for the creek.”; and

WHEREAS, County Administration has contacted Mr. Peter Boulay, State Climatology Office, Minnesota Department of Natural Resources (DNR), Division of Waters, about the proposed name identification, and the DNR has researched state geographic features named “Petrell” in the state of Minnesota, and could find no other creek identified with that name; and

WHEREAS, the DNR is supportive of the naming proposal and has encouraged a positive action by the St. Louis County Board; and

WHEREAS, Minnesota Statutes require that the County Board conduct a public hearing on any request for the naming or renaming of state geographic features and waterways; and

WHEREAS, a public hearing was held on Tuesday, November 13, 2012 at 9:50 a.m. in the County Board Room, St. Louis County Courthouse, Duluth, MN, to consider the petition to rename Petrel Creek to “Petrell Creek”.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the renaming of a creek located from Bassett Township, Section 25, Township 57, Range 12 through Fairbanks Township to Section 36, Township 56, Range 13 terminating at Wolf Lake, “Petrell Creek”.

RESOLVED FURTHER, that the St. Louis County Board recommends that the Commissioner of the Minnesota Department of Natural Resources approve this name change.

Michael Unger  
2651 Highway 44  
Brimson, MN 55602

RECEIVED

SEP 11 2012

SLC ADMIN

September 7, 2012

GARY ECKENBERG  
Deputy County Administrator  
St. Louis County Courthouse  
100 N. 5th Ave. West, Rm 213  
Duluth, MN 55802  
(218) 726-2447  
Email: [eckenbergg@stlouiscountymn.gov](mailto:eckenbergg@stlouiscountymn.gov)

Dear Mr. Eckenberg:

Please find enclosed (4) sheets printed on both sides of a petition to change the name of Petrel Creek #662165 on USGS to Petrell Creek. This petition has been signed by (52) people. All but (1) of these people describe their residence in St. Louis County, MN so I believe that (51) people qualify as registered voters of St. Louis County. The remaining person, Sharla Petrell-Heindel, listed as a resident of Las Vegas, NV is a descendent of the original Petrell family settling in Brimson.

In conclusion, I believe we have met the requirements to initiate the process to rename Petrel Creek. Please process this petition to begin the journey to rename this creek.

Thank you very much,



Michael Unger, Brimson resident

PETITION TO CHANGE THE NAME OF PETREL CREEK #662165 ON USGS

Pursuant to Minnesota Statutes 83A.05 to 83A.07, the undersigned registered voters of St. Louis County, MN do hereby petition the St. Louis County Board of Commissioners for a public hearing to change the name of "Petrel Creek" located from Bassett Township, Section 25, Township 57, Range 12 through Fairbanks Township to Section 36 Township 56, Range 13 terminating at Wolf Lake to "Petrel Creek". (ID Number 662165 - USGS)

In Fairbanks Township, an important founding family, known as the Petrell family, managed the Petrell Post Office from 1909 - 1920 and provided land for, what is now, the township hall, called the Petrell Hall. Historically, this family was prominent in the Brimson Area. In the early 1900's the local area was known as the "Petrell Area." A Fairbanks Township road in Section 2, called Petrell Road reinforces this idea along with the first log school in the local area called Petrell School in session from 1908 - 1920, built alongside Petrel Creek. We believe that Petrel Creek was named after this family but the name was subsequently misspelled. There is no mention of a family name spelled Petrel in existing histories such as the Brimson-Toimi Legacy book and others. This change would establish the Petrell name correctly as the historical root for the creek.

Signature	Print Name	Address	City	Zip Code	Date
<i>Jan Jamieson</i>	Jan Jamieson	3406 Oseland Lane	Hakonin	55763	9/1/2012
<i>Jim Sullivan</i>	Peter Sullivan	3258 N. Little Aidan Lk Rd	Parkville	55803	9/1/2012
<i>Wanda Sullivan</i>	Wanda Sullivan	3258 N. Little Alden	Duluth	55803	9/1/12
<i>Gail Mantay</i>	Gail Mantay	415 W. Orange St	Duluth	55811	9/1/12
<i>Gary Mantay</i>	GARY MANTAY	3264 N. Little Alden	Duluth	55803	9-1-12
<i>Pauline Alexander</i>	Pauline Alexander	2407 Townline Rd	Brimson	55802	9/1/12
<i>Randee Freeman</i>	Randee Freeman	1353 Winny Cove Rd	Duluth	55803	9/1/12
<i>Michelle Unger</i>	MICHAEL UNGER	2651 Hwy 44	Bemson	55602	9/1/12
<i>Deborah L. Pomroy</i>	Deborah L. Pomroy	8143 Sequoyan Lk Rd	Duluth	55803	9/1/2012
<i>Raymond G. Barnes</i>	Raymond G. Barnes	8143 Sequoyan Lk. Rd	Duluth	55803	9/1/2012
<i>Eric De</i>	RICKERSON	1169 Little Creek	BRINSON	55128	9/1/2012
<i>Nancy Rautava</i>	Nancy Rautava	P.O. 702	Brimson	55741	9/1/2012
<i>Shirley Peterson</i>	Shirley Peterson	8012 Wested Vista Ave	Las Vegas	89128	9/1/2012

OVER

PETITION TO CHANGE THE NAME OF PETRELL CREEK #662165 ON USGS

Pursuant to Minnesota Statutes 83A.05 to 83A.07, the undersigned registered voters of St. Louis County, MN do hereby petition the St. Louis County Board of Commissioners for a public hearing to change the name of "Petrel Creek" located from Bassett Township, Section 25, Township 57, Range 12 through Fairbanks Township to Section 36 Township 56, Range 13 terminating at Wolf Lake to "Petrell Creek". (ID Number 662165 - USGS)

In Fairbanks Township, an important founding family, known as the Petrell family, managed the Petrell Post Office from 1909 - 1920 and provided land for, what is now, the township hall, called the Petrell Hall. Historically, this family was prominent in the Brimson Area. In the early 1900's the local area was known as the "Petrell Area." A Fairbanks Township road in Section 2, called Petrell Road reinforces this idea along with the first log school in the local area called Petrell School in session from 1908 - 1920, built alongside Petrel Creek. We believe that Petrel Creek was named after this family but the name was subsequently misspelled. There is no mention of a family name spelled Petrel in existing histories such as the Brimson-Toimi Legacy book and others. This change would establish the Petrell name correctly as the historical root for the creek.

Signature	Print Name	Address	City	Zip Code	Date
	Wayne Ellingsea	3430 Lelande Beach Rd	Brimson	55602	9/1/12
	John K. Gore	318 N 23rd Ave W	Duluth	55806	9-1-12
	David Calderon	1235 Regencyway	"	55803	9/1/12
	Gail Kopschmidt	1866 Jackson Child	Brimson	55603	9-1-12
	JOE BRIMSON	PO 3247 DULUTH	DULUTH	55803	9/1/12
	DOUG NELSON	727-45th So.	VIENNA	55792	9-1-12
	Mary Ann Walke	218-741-1520	Va.	55792	9-1-12
	TERRI ANNE SAAR	218-638-7868	AURORA	55705	9-1-12
	Mike Hakala	PO Box 786 Cloquet MN	Cloquet	55720	9-1-12
	Ronda Bernard	419 N 84th Ave W	Duluth	55807	9/1/12
	Robert J. Wasko	5044 Miller Cr. Dr.	Duluth	55811	9/1/12
	Barbara Wasko				
	JANICE ANDERSON	95 Wildewent Acres	Tofte	56615	9/1/12

OVER





PETITION TO CHANGE THE NAME OF PETREL CREEK #662165 ON USGS

Pursuant to Minnesota Statutes 83A.05 to 83A.07, the undersigned registered voters of St. Louis County, MN do hereby petition the St. Louis County Board of Commissioners for a public hearing to change the name of "Petrel Creek" located from Bassett Township, Section 25, Township 57, Range 12 through Fairbanks Township to Section 36 Township 56, Range 13 terminating at Wolf Lake to "Petrel Creek". (ID Number 662165 - USGS)

In Fairbanks Township, an important founding family, known as the Petrell family, managed the Petrell Post Office from 1909 - 1920 and provided land for, what is now, the township hall, called the Petrell Hall. Historically, this family was prominent in the Brimson Area. In the early 1900's the local area was known as the "Petrell Area." A Fairbanks Township road in Section 2, called Petrell Road reinforces this idea along with the first log school in the local area called Petrell School in session from 1908 - 1920, built alongside Petrel Creek. We believe that Petrel Creek was named after this family but the name was subsequently misspelled. There is no mention of a family name spelled Petrel in existing histories such as the Brimson-Toimi Legacy book and others. This change would establish the Petrell name correctly as the historical root for the creek.

Signature	Print Name	Address	City	Zip Code	Date
	Kaylynne Zwak	4834 Oakley St	Duluth	55804	9/2/12
	Paul Zwak	4834 Oakley St	Duluth	55804	9/2/12
	William Zwak	4901 Vermillion Rd	"	55803	9/2/12
	Elizabeth Zwak	1813 Strawn Dr	"	55803	9/2/12
	Marlene Zwak	105 W. Cleveland St	"	55811	9/2/12
	LORI PEDERSON	1424 W. 8th St	"	55807	9-2-12
	Debbie Carlson	1754 Hwy 2	Two Harbors	55616	9-2-12
	JUDITH TORRENCE	1779 SHILTON RD	Duluth	55804	9-2-12
	MARY ANNE DANIEL	1779 Shilton Rd.	Duluth	55804	9-2-12
	<del>Harry Powell</del>	5650 Lowell Rd	Floodwood	55736	9-12-12
	Susan Ruake	1440 Sable Lake Rd	Brimson	55602	9-12-12
	Taina Hoppens	810 9th Ave	Toronto	55616	9-12-12
	Nina Sharp	5001 E Bodes Rd	Aurora	55705	9/2/12
	Daryle Wabbliff	1977 Moose Lake Rd	Duluth	55803	9/2/12



*Resolution*  
*of the*  
**Board of County Commissioners**  
*St. Louis County, Minnesota*  
*Adopted on: October 23, 2012 Resolution No. 12-563*  
*Offered by Commissioner: Sweeney*

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**Establish a Public Hearing to Consider Renaming a Creek in  
Fairbanks and Bassett Townships – Petrell Creek**

WHEREAS, the St. Louis County Auditor has received a petition signed by residents of the Fairbanks and Bassett area in support of renaming Petrel Creek located from Bassett Township, Section 25, Township 57, Range 12, through Fairbanks Township to Section 36, Township 56, Range 13, terminating at Wolf Lake, and at least fifteen (15) of the petition signers have been verified as registered voters by the County Auditor; and

WHEREAS, Brimson resident, Michael Unger provided the following information in support of the name change:

“In Fairbanks Township, an important founding family, known as The Petrell family, managed the Petrell Post Office from 1909-1920 and provided land for, what is now, the township hall, called the Petrell Hall. Historically, this family was prominent in the Brimson area. In the early 1900s the local area was known as the ‘Petrell Area’. A Fairbanks Township road in Section 2, called Petrell Road reinforces this idea along with the first log school in the local area called Petrell School in session from 1908-1920, built alongside Petrel Creek. We believe that Petrel Creek was named after this family but the name was subsequently misspelled. There is no mention of a family name spelled ‘Petrel’ in existing histories such as the Brimson-Toimi Legacy book and others. This change would establish the Petrell name correctly as the historical root for the creek.” and

WHEREAS, County Administration has contacted Peter Boulay, State Climatology Office, Department of Natural Resources (DNR), Division of Waters, about the proposed name identification, and Mr. Boulay researched state geographic features named “Petrell” in the state of Minnesota, and could not find another creek identified with that name; and

WHEREAS, the DNR is supportive of the naming proposal and has encouraged a positive action by the St. Louis County Board; and

WHEREAS, Minnesota Statutes require that the County Board conduct a public hearing on any request for the naming or renaming of state geographic features and waterways.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board establishes a public hearing for Tuesday, November 13, 2012, at 9:50 a.m. in the County Board Room, St. Louis County Courthouse, Duluth, MN, to consider the renaming of a creek located from Bassett Township, Section 25, Township 57, Range 12, through Fairbanks Township to Section 36, Township 56, Range 13, terminating at Wolf Lake, “Petrell Creek”.

Commissioner Sweeney moved the adoption of the Resolution and it was declared adopted upon the following vote:

Yeas – Commissioners Jewell, O’Neil, Dahlberg, Forsman, Sweeney, and Chair Nelson - 6

Nays – None

Absent – Commissioner Raukar - 1

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STATE OF MINNESOTA  
Office of County Auditor, ss.  
County of St. Louis

I, DONALD DICKLICH, Auditor of the County of St. Louis, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 23<sup>rd</sup> day of October, A.D. 2012, and that this is a true and correct copy.

WITNESS MY HAND AND SEAL OF OFFICE at Duluth, Minnesota, this 23<sup>rd</sup> day of October, A.D., 2012.

DONALD DICKLICH, COUNTY AUDITOR

By

Deputy Auditor

# Minnesota Department of Natural Resources

500 Lafayette Road • St. Paul, MN • 55155-40\_\_



October 31, 2012

RECEIVED

NOV 05 2012

SLC ADMIN

Mr. Gary Eckenberg  
Deputy Administrator  
St. Louis County  
100 N 5th Avenue West Room #214  
Duluth, MN 55802

Dear Mr. Eckenburg:

Thank you for the notice of a public hearing on November 13, 2012 to consider a petition to rename a creek in your county. The following is offered as findings and recommendations pursuant to Minnesota Statutes 83A.07 subd. 2.

The subject creek, commencing from Section 25, Township 57 North, Range 12 West in Bassett Township though Section 36, Township 56 Range 13 ending at Wolf Lake is presently named "Petrei." The petitioners are seeking to rename the creek "Petrell Creek" after the Petrell family because: "In Fairbanks Township there was an important founding family known as the Petrell family, managed the local post office from 1909 to 1920 and provided land for, what is now, the township hall, called the Petrell Hall. Historically this family was prominent in the Brimson area..."

There are no geographic features named "Petrell" in the state of Minnesota according to the U.S. Geological Survey's Geographic Names Information System. Changing "Petrei" to Petrell would appear to correct a spelling error for the name for this creek. This renaming would be acceptable to the DNR.

According to M.S. 83A.06, legal voters in St. Louis County may propose a different name for the creek during the public hearing. If the county board should favor an alternative name, please check the DNR Public Waters Inventory for St. Louis County for potential duplication before adopting the alternative name in the form of a resolution.

For further assistance with your public hearing, please contact Pete Boulay of my staff. Pete can be reached by telephone at 651-296-4214, or by e-mail [peter.boulay@state.mn.us](mailto:peter.boulay@state.mn.us) to discuss this further.

Sincerely,

A handwritten signature in blue ink that reads "Steve Hirsch".

Steve Hirsch, Director  
Division of Ecological and Water Resources

c: Amy Loiselle, Area Hydrologist  
Pat Collins, R2 Regional Manager





# Saint Louis County

Administration • 100 North Fifth Avenue West, Room 202 • Duluth, MN 55802  
Phone: (218) 726-2450 • Fax: (218) 726-2469 • [www.co.st-louis.mn.us](http://www.co.st-louis.mn.us)

October 25, 2012

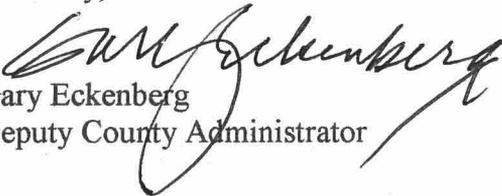
Scott Westman, Chairperson  
Town of Bassett, Supervisor  
1339 Townline Road  
Brimson, MN 55602

Dear Supervisor Westman,

Enclosed with this letter is a copy of the St. Louis County Board Resolution that established a public hearing for Tuesday, November 13, 2012 regarding the renaming of Petrel Creek, which runs through the Townships of Bassett and Fairbanks, to "Petrell Creek." I have also enclosed the original letter received by the St. Louis County Auditor requesting the name change and a copy of the petition and the list of legal voters who signed it.

I encourage you and others who would like to provide information on this matter to the County Board of Commissioners, to attend the hearing on Tuesday November 13 scheduled for 9:50 a.m. in the County Board Room, St. Louis County Courthouse, Duluth, MN. The Fairbanks Township Board of Supervisors has already provided a resolution of support for the name change, which is also attached.

Sincerely,

  
Gary Eckenberg  
Deputy County Administrator

Cc: Donald Dicklich, County Auditor  
Roberta Museta, Deputy County Auditor  
Jill Anderson, Clerk of Bassett Township

October 17, 2012

GARY ECKENBERG  
Deputy County Administrator  
St. Louis County Courthouse  
100 N. 5th Ave. West, Rm 213  
Duluth, MN 55802

Dear Gary:

Enclosed is a Resolution #10102012 from Fairbanks Township titled "Renaming Petrel Creek to Petrell Creek" supporting the name change. I hope it is satisfactory.

I have also contacted Bassett Township and they will bring the matter up at their Township Board meeting this month.

Best Regards,

  
Michael Unger  
Brimson resident

**RESOLUTION 10102012**  
Fairbanks Township  
St. Louis County, Minnesota

**RENAMING PETREL CREEK TO PETRELL CREEK**

**WHEREAS**, at the Petrell Hall Centennial Celebration, Michael A. Unger brought before the attendees a petition that would officially correct the long-standing misspelling of Petrel Creek, assumed to be named for the Petrell family originally living in what was called the Petrell Area; operating the Petrell Post Office for the United States Postal Service; having the Petrell School; and later having their homestead township road named Petrell Road;

**WHEREAS**, this petition was signed by the required number of registered voters and forwarded to the Deputy County Administrator for the St. Louis County Board of Commissioners so that they may vote upon establishing a public hearing as required by Minnesota Statutes to consider renaming this creek in Fairbanks and Bassett townships;

**WHEREAS**, Kevin Z. Gray, St. Louis County Administrator, has contacted the State Climatology Office, Department of Natural Resources (DNR), Division of Waters, about the proposed name change and he has indicated that the DNR would be supportive of the naming proposal and encouraged a positive action by the St. Louis County Board;

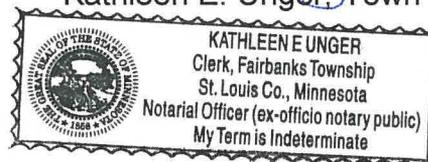
**NOW THEREFORE BE IT RESOLVED** that the Fairbanks Township Board of Supervisors fully supports and recommends that the St. Louis County Board and the Department of Natural Resources officially rename Petrel Creek located from Bassett Township, Section 25, Township 57, Range 12 through Fairbanks Township to Section 36, Township 56, Range 13 terminating at Wolf Lake. The official name of this creek to be called "Petrell Creek."

Adopted this 10<sup>th</sup> day of October, 2012.

BY THE FAIRBANKS TOWNSHIP BOARD

Scott A. Tyo  
Scott Tyo  
Town Chair/Supervisor

Attest: Kathleen E. Unger  
Kathleen E. Unger, Town Clerk



## MINNESOTA STATUTES - CHAPTER 83A

### STATE GEOGRAPHIC FEATURES

#### **83A.04 COUNTY BOARDS NAMING GEOGRAPHIC FEATURES MUST HAVE APPROVAL OF COMMISSIONER OF NATURAL RESOURCES.**

No county board shall order the change of or establish the name of any lake, river, or other body of water without the written approval of the commissioner of natural resources endorsed on any resolution determining or fixing such name, which endorsement must be made on the same prior to recording with the county recorder.

*History: (128-5) 1937 c 63 s 4; 1971 c 25 s 22; 1976 c 181 s 2*

#### **83A.05 CHANGING AND GIVING NAMES TO WATER BODIES.**

**Subdivision 1. Applicability.** A name of a lake, river, stream, or other body of water may be given or changed under sections 83A.05 to 83A.07 except that a name which has existed for 40 years may not be changed under the provisions of sections 83A.05 to 83A.07.

**Subd. 2. Petition for name.** (a) Fifteen or more legal voters residing in a county where all or a part of a body of water is located may petition the county board of the county where the petitioners reside or the body of water is located to change the name of or give a name to a previously unnamed lake, river, stream, or other body of water located within the state.

(b) The petition may include any number of lakes, rivers, streams, or other bodies of water to have names changed, or if unnamed to be given a name by the county board.

(c) The petition must describe:

- (1) the location of the body of water;
- (2) the name, if any, that the body of water has been referred to or known by, or if there is not a name, it must be stated that a known name does not exist;
- (3) the name that the petitioners desire to be given to the body of water; and
- (4) the reason for the change of name or for giving the designated name to a previously unnamed body of water.

(d) The petitioners must sign their names and state their place of residence.

(e) The petition must be filed with the auditor of the county where the petitioners reside or the body of water is located.

*History: 1990 c 391 art 8 s 7*

#### **83A.06 HEARING ON PETITION.**

**Subdivision 1. Time and location.** After receiving the petition to name a body of water, the auditor must present the petition to the county board. The county board must, by order, set the time and location for a hearing on the petition to be held more than 30 days after the order is made. The hearing may be held at any convenient place within the county as determined by the county board.

**Subd. 2. Water body in more than one county.** (a) If the petition describes a body of water located within more than one county, the county boards of the several affected counties must act jointly and as one body and the majority of the joint body must determine the name of the water body under sections 83A.05 to 83A.07 in the same manner as prescribed for the county board.

(b) For a water body located within more than one county, the county auditor with whom the petition is filed must forward by mail a certified copy of the petition to

the auditor of each affected county who shall present the petition to the respective county boards, and the notice of hearing the petition determined by the joint body shall be published in each county as provided in subdivision 4.

(c) The auditor of the county where the petition was filed must make and file certified copies of the adopted resolution in the office of the county recorder of each affected county at the expense of the petitioners.

**Subd. 3. Petitioner's bond.** Before the notice of hearing is given, the petitioners must give a bond to be approved by the county attorney of the county where the petition has been filed that is conditioned on the full payment of the reasonable expenses incurred by the county for the proceeding. The commissioner of natural resources is not required to give bond.

**Subd. 4. Notice.** Notice of the hearing must be:

(1) published for at least three weeks in the newspaper designated by the county board as the official newspaper for the county;

(2) served on the commissioner of natural resources; and

(3) served personally on the chair of the town board of a town, on the president of a statutory city board of trustees, and on the mayor of a city that has a body of water in the petition within or adjoining the boundary of the political subdivision.

**Subd. 5. Statements at hearing.** At the hearing, legal voters of the county and municipalities may appear, by attorney or in person, and file an answer to the petition, stating in plain, concise language why the petition should not be granted in whole or in part, and in the answer may ask the county board to give to the body of water a different name than the name requested in the original petition.

**Subd. 6. Determination.** At the hearing on the petition, the county board shall hear all parties desiring to be heard on the petition and make an order, by resolution, determining the name of the body of water described in the petition. The name determined by the board at the hearing is the legal name of the body of water.

*History: 1990 c 391 art 8 s 8*

#### **83A.07 NAMES NOT TO BE DUPLICATED.**

**Subdivision 1. Duplicate discouraged.** In determining the name of a body of water, the county board may not, if possible, duplicate names of existing bodies of water. The county board shall select and approve a name as it determines is in the permanent, best interests of the affected county.

**Subd. 2. Director to check name duplication.** The auditor of the county where a petition is filed must mail a copy of the petition with a copy of the notice of hearing on the petition to the director of the division of waters of the department of natural resources. The director must compare the names suggested in the petition with the names of other bodies of water within the state and report findings and recommendations back to the auditor before the date of hearing.

*History: 1990 c 391 art 8 s 9*



should be imposed upon the licensee. Ordinance No. 28 permits that a liquor license may be suspended or revoked for up to sixty days, a civil penalty of up to \$2,000 may be imposed for each violation, or a combination of any of these sanctions.

**RECOMMENDATION:**

It is recommended that the County Board receive testimony at the public hearing which was continued to November 13, 2012 and consider suspension, revocation, or other sanctions of the liquor licenses issued to Vermilion Ventures, LLC d/b/a Bayview Lodge, including but not limited to, imposition of civil penalties for the violation.

ST. LOUIS COUNTY LIQUOR LICENSING COMMITTEE MEETING

\*\*\*\*\*

The meeting was called to order at 8:36 a.m. by Commissioner Keith Nelson, Chair, with the following members present: Commissioner Chris Dahlberg, County Auditor Donald Dicklich, Sheriff Ross Litman, James Nephew, Attorney's Office, Lt. Dave Rolland, Sheriff's Office; Commissioner Steve O'Neil arrived a few minutes late

Dicklich/Dahlberg moved to approve the minutes of the September 4, 2012, meeting. (5-0)

There was discussion regarding the liquor law violation at Vermilion Ventures, LLC d/b/a Bayview Lodge, Greenwood Township. Lt. Rolland said on August 10, 2012, a loud music complaint was received by the Sheriff's Office.

Lt. Rolland described two separate incidents/complaints at Vermilion Ventures, LLC, not related to the liquor violation reported on April 12, 2012, at which the Sheriff's office had been called and responded.

Attorney Nephew said the two pieces to consider were 1) the new violation; and, 2) the imposition of the existing un-imposed or un-executed portion of the penalty for the first violation, both requiring a public hearing. Attorney Nephew said there was sufficient evidence to prove the violation of the condition of no same or similar activity occurring.

Commissioner Dahlberg, supported by Auditor Dicklich, made a motion that the stayed suspension of seven (7) days and \$700.00 fine be imposed in regards to the first violation within 12 months of the October 15, 2011, incident which Board action took place on January 10, 2012; and recommended a suspension of twenty (20) days and \$2,000.00 fine shall be imposed, fourteen (14) days and \$1,400.00 fine, shall be stayed if no same or similar through the end of 2013, for the second violation April 12, 2012.

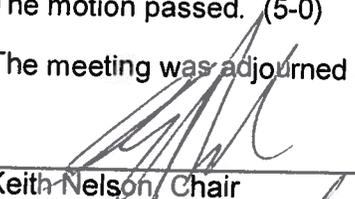
Erik Lietz and his attorney, Shawn Reed, appeared on behalf of Vermilion Ventures, LLC d/b/a Bayview Lodge, Greenwood Township, regarding liquor law violation, sale to minor, which occurred on April 12, 2012. Chair Commissioner Nelson said there have been numerous calls for various incidents that have occurred at the establishment and that the Liquor Licensing Committee was informed that Mr. Zak was not an employee but that on August 10, 2012, Mr. Zak said he was representing the bar, according to the Deputy Sheriff's report. Mr. Lietz said he is aware of the August 10, 2012, incident, and said that he cannot control the actions of bar patrons.

Chair Nelson said he is very concerned over the establishment's pattern of behavior. Mr. Lietz said they had passed the last compliance check conducted by the Sheriff's Office. Attorney Reed said he was unaware of the incident that occurred on August 10, 2012, and the conversation which took place between Mr. Zak and the Deputy Sheriff. He said they don't have enough information at this time, to accept the recommendation without having the report. Chair Nelson said that Vermilion Ventures, LLC, will have an opportunity to address the issue with Attorney Nephew or in an appearance before the Board. Lt. Rolland gave a copy of the incident report to Attorney Reed.

Auditor Dicklich clarified that the committee is taking action on the violation of April 12, 2012, and not the August 10, 2012, incident. Commissioner Dahlberg said it is important to comment that the Board gives great credence to the recommendation of the Liquor Licensing Committee, but it is not always accepted. A Public Hearing will be scheduled for October 23, 2012.

The motion passed. (5-0)

The meeting was adjourned at 9:24 A.M. (Nelson/Dahlberg) (5-0)

  
Keith Nelson, Chair

  
Wendy M. Johnson, IS II

Minutes  
November 16, 2011

ST. LOUIS COUNTY LIQUOR LICENSING COMMITTEE MEETING

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The meeting was called to order at 1:02 p.m. by Commissioner Keith Nelson, Chair, with the following members present: County Auditor Donald Dicklich, County Sheriff Ross Litman, James Nephew, Attorney's Office, Lt. Dave Rolland, Sheriff's Office, and Patricia Stolee, Auditor's Office

The minutes of the September 26, 2011, meeting, were approved.

(Dicklich/Nelson) (3-0)

There was discussion of County Attorney Rubin's penalty recommendations for liquor law violations. Attorney Nephew presented two documents to committee members, a chart outlining a new approach in treating violations/penalties and a memo regarding a conversation that took place with Mr. Tony Bronson of Grandma's Restaurant Corporation, regarding liquor training programs. He gave an overview of the grid outlining the penalty for a first, and then subsequent violations. A second violation would include mandatory training of all employees. He said the idea is to integrate some training into this, and his purpose of speaking with Mr. Bronson was to find out if we have local resources to provide competent experience in training, to encourage compliance in the future. Chair Nelson asked the committee members to take time in reviewing the recommendations. Auditor Dicklich said a 30 day suspension would put an establishment out of business. Chair Nelson talked about training programs and said a program should have an industry standard. Chair Nelson requested a Liquor License Committee meeting in January 2012 and a Board Workshop in March 2012, to discuss penalties.

There was discussion regarding the liquor law violations at Vermilion Ventures, LLC d/b/a Bayview Lodge, Greenwood Township, sale to minor and open after hours on October 15, 2011. Lt. Rolland said a Sheriff's Deputy drove by the establishment and observed two people consuming alcohol in the bar around 3:00 a.m. The bartender admitted to after hour sales and consumption. The Sheriff's Office interviewed the second individual, who admitted to consuming alcohol at Bayview Lodge and said the bartender did not ask for identification. Lt. Rolland advised the Committee of numerous nuisance calls at Bayview Lodge over the past year. Chair Nelson said the violations appear to be more egregious than the recent compliance check violations. Attorney Nephew asked if there are two violations for the committee to consider. Lt. Rolland said the two violations could be rolled up as one incident for the Committee to consider. There was some question as to whether either owner of the establishment had any criminal charges pending from this incident. At 1:51 p.m., Chair Nelson called for a recess, to allow Attorney Nephew time to check on the matter.

The Committee reconvened at 1:59 p.m., with Commissioner Dahlberg present. Attorney Nephew reported that there were no open criminal charges on either owner.

Alissa Sundberg and her attorney Shawn B. Reed appeared before the Committee. Chair Nelson asked Ms. Sundberg to explain what transpired on October 15, 2011. She said her employee finished work and while cleaning, allowed a patron to remain on premises, while both consumed alcohol. Attorney Reed said unfortunately alcohol was part of it and Ms. Sundberg learned later that the patron was underage. He advised the Committee that she wasn't on the premises at the time, but had received a copy of the complaint from the Sheriff. Auditor Dicklich said only employees can be in an establishment after hours. At this point Attorney Reed presented to the Committee a copy of the employee's corrective action notice, Alcohol Awareness Test, identification/carding instructions, the corporation's Standards of Conduct and a document verifying receipt of the Employee Handbook. Further, the employee was suspended for two weeks and will be on 90 days probation when he returns to work.

Chair Nelson asked Ms. Sundberg if she has any violations at the other establishment she owns, The Sawmill Saloon & Restaurant in the City of Mt. Iron. She said in 2009, she was fined for sale to a minor and the second violation was for an after hours violation. Ms. Sundberg said that on the after hours citation, the bar patron was waiting for her to give him a ride and was not being served. Chair Nelson said there is a section in our

ordinance that talks about good moral character and added the bartender made some huge mistakes. Sheriff Litman said the actions by the bartender are egregious and asked how long he had been employed by Bayview Lodge, to which Ms. Sundberg answered 1 ½ years, but otherwise he was a good employee. She said further the bartender took advantage of her not being on premises. She added that she was informed of the violation two days later, but the bartender did notify her partner, Erik Lietz, before that. Sheriff Litman asked who manages the establishment in her absence and she said her partner. Ms. Sundberg acknowledged it is a privilege to have a license to sell alcohol.

Sheriff Litman said that there have been 6-7 calls for service this past year and asked if Ms. Sundberg was aware of the calls. She answered yes. Lt. Rolland was concerned that the bartender stated the establishment had been open after hours several times during the summer. Sheriff Litman said he would be available to meet with her to review the incidents, so she can take action to ensure this won't happen next year. Attorney Reed said they would be more than happy to meet with the Sheriff. Lt. Rolland asked how the bartender knew the person that was allowed to remain on premises after hours. Ms. Sundberg said he was working in the area and was staying at the lodge during the months of May through August 2011. Commissioner Dahlberg said he finds this troubling as there is now an employee serving after hours and Ms. Sundberg did the same thing, yet she is the one who is suppose to be instructing employees. Commissioner Dahlberg reminded Ms. Sundberg about the discussion on good moral character and running a liquor license establishment.

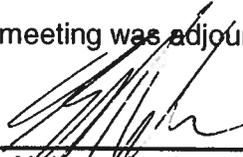
Chair Nelson asked Ms. Sundberg if she has implemented any changes to prevent future violations. Ms. Sundberg said that employees are given the Employee Handbook, which includes a section that goes over checking identification/carding and identifying intoxicated patrons, Sheriff Deputy and Minnesota Licensed Beverage Association (MLBA) training, and a 30 question quiz from the Restaurant Association is given to each employee. In addition, a training session with MLBA will take place on December 21, 2011, at 10:00 a.m. Chair Nelson asked if there are any changes in regard to training and Ms. Sundberg said she will be talking to the staff.

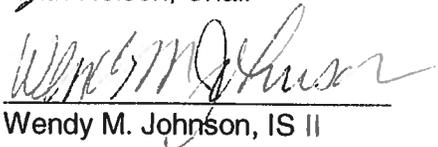
Chair Nelson made a motion, seconded by Commissioner Dahlberg, to recommend to the County Board a ten (10) day suspension and \$1,000.00 fine, seven (7) days and \$700.00 stayed, if no same or similar violations occur within one year, subject to additional penalties that may be imposed by the County Board. A public hearing will be scheduled for January 2012. Motion passed. (4-0)

Auditor Dicklich informed the Committee that there are six establishments that have not paid their second ½ real estate taxes, that two reminder notices have been sent, and a public hearing will be held on December 13, 2011.

Commissioner Dahlberg handed out copies of a letter from the Carlton-Cook-Lake-St. Louis Community Health Board. The letter outlines the Community Health Board's recommendation supporting a comprehensive approach to prevent underage alcohol sales and consumption, including a) annual responsible beverage server training, b) consistent and ongoing alcohol compliance checks, and c) enforcement of consequences per local ordinances for all alcohol related violations.

The meeting was adjourned at 2:51 p.m. (Dicklich/Litman)

  
\_\_\_\_\_  
Keith Nelson, Chair

  
\_\_\_\_\_  
Wendy M. Johnson, IS II

# **BOARD LETTER NO. 12 - 441**

## **CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE**

### **NOVEMBER 13, 2012 BOARD AGENDA NO. 1**

**DATE:** November 13, 2012                      **RE:** Litigation Settlement - Renae Darland

**FROM:** Kevin Z. Gray  
County Administrator

Mark S. Rubin  
County Attorney

**RELATED DEPARTMENTAL GOAL:**

To provide effective and efficient government.

**ACTION REQUESTED:**

The St. Louis County Board is requested to approve settlement of a claim arising under the Americans with Disabilities Act.

**BACKGROUND:**

On November 3, 2012, the County Board met in a closed session of the Committee of the Whole to hear information regarding the pending claim by Renae Darland, under the Americans with Disabilities Act. After discussion, the County Attorney was advised to pursue a settlement agreement on this matter. That agreement has been reached, and it is scheduled to be considered for final approval at the November 13, 2012 County Board meeting.

**RECOMMENDATION:**

It is recommended that the St. Louis County Board approve a settlement claim with Renae Darland and her attorney, Clayton Halunen, in the amount of \$41,272.43. Funding for this settlement is available in Fund 720.

## Litigation Settlement - Renae Darland

BY COMMISSIONER \_\_\_\_\_

WHEREAS, Renae Darland has brought a claim against St. Louis County under the Americans with Disabilities Act; and

WHEREAS, David Cossi, Chief Deputy Anoka County Attorney, was appointed Special Assistant St. Louis County Attorney for the purpose of investigating and providing legal advice on this claim; and

WHEREAS, St. Louis County has received a settlement offer from Ms. Darland, by and through her attorney, Clayton Halunen, in the amount of \$41,272.43.

NOW, THEREFORE, BE IT RESOLVED, that St. Louis County settle the claim of Renae Darland for the amount of \$41,272.43 payable to Renae Darland and her attorney, Clayton Halunen, from Fund 720, upon the receipt of a settlement and release agreement, in such form as approved by the County Attorney