

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

NOVEMBER, 2012

OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON NOVEMBER 6, 2012

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 6th day of November, 2012, at 9:36 a.m., in the County Boardroom, Courthouse, 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 opened the meeting to persons who wanted to address the Board concerning issues not on the agenda and no one chose to do so.

At 9:40 a.m., a public hearing convened, pursuant to Resolution No. 12-584, adopted October 23, 2012, to consider the issuance of an off-sale intoxicating liquor license for the Dawghouse Bar & Grill, LLC d/b/a Dawghouse Bar & Grill, Northland Township. Assistant County Attorney Jim Nephew presented the Board with a packet of information regarding Dawghouse Bar & Grill, LLC. The packet contained the following items: town board resolution; liquor liability insurance valid through July 1, 2013; notice of Liquor Licensing Committee meeting; minutes from October 15, 2012, Liquor License Committee meeting; copy of the liquor license checklist; public hearing Resolution No. 12-584 adopted October 23, 2012; notice of public hearing published October 26, 2012, in the Duluth News Tribune; notice of public hearing sent to Nicholas Miller on October 29, 2012; and proof that real estate taxes are current. Chair Nelson then asked if there were any representatives of the entity that would like to appear and give testimony; no one appeared. After further discussion, Commissioner Sweeney, supported by Commissioner O'Neil, moved to close the hearing at 9:44 a.m.; six yeas, zero nays. Commissioner Sweeney, supported by Commissioner Dahlberg, moved to pass the resolution regarding the issuance of an Off-Sale Intoxicating Liquor license to Dawghouse Bar & Grill, LLC; six yeas, zero nays. Resolution No. 12-595.

Commissioner Dahlberg, supported by Commissioner Sweeney, moved to approve the consent agenda. The consent agenda was then approved; six yeas, zero nays.

Commissioner Jewell, supported by Commissioner O'Neil, moved to adjourn to a closed session for litigation purposes. Chair Nelson asked that the closed session be held at the conclusion of the Committee of the Whole meeting. After further discussion, the motion passed; six yeas, zero nays. Resolution No. 12-596.

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

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County-State Aid Highway (CSAH) Project Contract between the County of St. Louis and KTM Paving, Inc., Hermantown, MN, for culvert replacement and bituminous pavement on CSAH 12 (Storm WO 160284).—12-906

County-State Aid Highway Project Contract between the County of St. Louis and Ulland Brothers, Inc., Cloquet, MN, for bituminous patching on CSAH 29 (Storm WO 160710).—12-907

County-State Aid Highway Project Contract between the County of St. Louis and Watters & Sons Excavating, LLC, Duluth, MN, for plant mixed bituminous surface and aggregate shouldering on CSAH 56 (Storm WO 160743).—12-908

County-State Aid Highway Project Contract between the County of St. Louis and KTM Paving, Inc., Hermantown, MN, for culvert replacement and bituminous pavement on CSAH 34 (Storm WO 162530).—12-909

Payment and Performance Bond for Federal, State, or County Highway Construction and Maintenance Project, Bond No. GRMN34980A, by KTM Paving, Inc., for culvert replacement, aggregate base, bituminous paving, and permanent pavement markings on CSAH 7 (SP 69-607-049, Storm WO 160962).—12-910

Payment and Performance Bond for Federal, State, or County Highway Construction and Maintenance Project, Bond No. GRMN 34979A, by KTM Paving, Inc., for culvert replacement, aggregate base, bituminous paving, and permanent pavement markings on CSAH 31 (Storm WO 160888).—12-911

Payment and Performance Bond for Federal, State, or County Highway Construction and Maintenance Project, Bond No. 929557260, by Hammerlund Construction, Inc., for culvert replacement on CSAH 8 (Storm WO 160703).—12-912

Payment and Performance Bond for Federal, State, or County Highway Construction and Maintenance Project, Bond No. GRMN34961A, by Utility Systems of America, Inc., for slope stabilization and culvert replacement on CR 836 (Storm WO 160607, WO 160682).—12-913

Payment and Performance Bond for Federal, State, or County Highway Construction and Maintenance Project, Bond No. GRMN34960A, by Utility Systems of America, Inc., for slope stabilization on CSAH 29 (Storm WO 160715, WO 163323).—12-914

Agreement for Professional Services between St. Louis County and Perkins+Will, Minneapolis, MN, for Phase II Design Development, Bid Drawing and Specifications, FFE, and Code Review services for the Government Services Center Remodel.—12-915

Agreement for Professional Services between the County of St. Louis and Suit, LLC, Duluth, MN, for Office Space Planning, Layout, Field Verification of Area, Design, and Computer-Aided Design and Drafting (CADD) Drawings for the Remodeling of the Duluth Courthouse Fifth Floor to County Attorney and Property Management Offices project.—12-916

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Agreement for Professional Services between the County of St. Louis and Suit, LLC, Duluth, MN, for Design Services for the Reconfigure County Assessor's Office Space in the Duluth Courthouse project.—[12-917](#)

Agreement for Professional Services between the County of St. Louis and Foster, Jacobs & Johnson, Inc., Duluth, MN, for Mechanical HVAC Design services for the County Auditor's License Center Relocation project.—[12-918](#)

Agreement for Professional Services between the County of St. Louis and Scalzo Architects, Duluth, MN, for Investigation, Planning, Code Review, Viability and Conceptual Design services for the Duluth Courthouse – Fifth Floor Restrooms – Secure Access project.—[12-919](#)

Deal #991 Cash Relocation Agreement for Point-to-Point Fixed Service between St. Louis County and T-Mobile USA, Inc., for replacement of microwave radio system.—[12-920](#)

Addendum to Purchase Agreement, Contract No. 13059L, between the St. Louis County Board of Commissioners and Access to Employment Too, Inc. (CCSA) extending the termination date to June 30, 2013 and cost and delivery of purchased services.—[12-921](#)

Grant Application Approval Form for the Department of Human Services Adoption and Foster Care Relative Recruitment Grant.—[12-922](#)

County-State Aid Highway Project Contract between the County of St. Louis and KTM Paving, Inc., Hermantown, MN, for bituminous patching on CSAH 31 (Storm WO 160393).—[12-923](#)

County-State Aid Highway Project Contract between the County of St. Louis and KTM Paving, Inc., Hermantown, MN, for bituminous patching on CSAH 31 (MP 31-172356).—[12-924](#)

County-State Aid Highway Project Contract between the County of St. Louis and Hammerlund Construction, Inc., Grand Rapids, MN, for culvert replacement on CASH 5 (Storm WO 160624).—[12-925](#)

County-State Aid Highway Project Contract between the County of St. Louis and Watters & Sons Excavating, LLC, Duluth, MN, for pavement removal, grading, aggregate base, bituminous surface and aggregate shoulders on CSAH 3 (SP 69-603-013, Storm WO 160787).—[12-926](#)

County-State Aid Highway Project Contract between the County of St. Louis and KTM Paving, Inc., Hermantown, MN, for bituminous surfacing on CSAH 31 (SAP 69-030-023, Storm WO 161037).—[12-927](#)

County-State Aid Highway Project Contract between the County of St. Louis and Watters & Sons Excavating, LLC, Duluth, MN, for grading, bituminous paving, aggregate shoulders, riprap on CSAH 8 (Storm WO 161016).—[12-928](#)

County-State Aid Highway Project Contract between the County of St. Louis and KGM Contractors, Inc., Angora, MN, for culvert replacement, bituminous pavement, reclamation,

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aggregate base, aggregate base stabilization, plant mix bituminous surface and aggregate shouldering on CR 615, CR 620, and CR 583 (SAP 69-598-037, CP 83767).—12-929

County-State Aid Highway Project Contract between the County of St. Louis and Redstone Construction Co., Inc., Mora, MN, for approach grading, bituminous paving, guardrail and bridge No. 69A06 on CASH 37 (SP 69-637-022, ER MN12(227), CP 161399).—12-930

Agreement for Professional Services between St. Louis County and Sandy Roggenkamp for testing of bituminous, concrete, grading and base acceptance in flood-related projects.—12-931

Agreement for Professional Services between St. Louis County and SEH, Duluth, MN, for wetland delineation and report for CSAH 89 (Highland Street) in Duluth (SAP 69-689-004, CP 8213).—12-932

Agreement for Professional Services between St. Louis County and LHB Corporation, Duluth, MN, for design and construction administrative services of flood damaged bridges (WO 172199).—12-933

State of Minnesota, Minnesota State Colleges and Universities Customized Training Income Contract between MN State Colleges and Universities and St. Louis County for *Heartsaver First Aid, CPR and AED* instruction at the Mesabi Range Community & Technical College – Eveleth Campus.—12-934

Agreement for Professional Services between St. Louis County and Heacox, Hartman, Koshmrl, Cosgriff & Johnson, P.A., for workers' compensation litigation services for the period August 24, 2012, through July 31, 2013.—12-935

Agreement for Professional Services between the County of St. Louis and Short Elliott Hendrickson, Inc., Virginia, MN, for site drainage plan for Cook Office of the Land Dept.—12-936

St. Louis County On-Line Software Subscriber Agreement between the County of St. Louis and Building Outfitters, Inc., Lake Zurich, IL.—12-937

Purchase of Service Agreement No. 14989 between the St. Louis County Board of Commissioners and Goodwill Industries Vocational Enterprises, Inc. (GIVE) for paper sorting.—12-938

Addendum to Purchase Agreement Contract, No. 14989A, between the St. Louis County Board of Commissioners and Goodwill Industries Vocational Enterprises, Inc. (GIVE).—12-939

Upon motion by Commissioner Dahlberg, supported by Commissioner Sweeney, resolutions numbered 12-590 through 12-594, as submitted on the consent agenda, were unanimously adopted as follows:

BY COMMISSIONER DAHLBERG:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of October 23, 2012, are hereby approved.

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Adopted November 6, 2012. No. 12-590

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:

SEPTEMBER 2012		
100	General Fund	\$5,774,357.26
149	Personnel Service Fund	425.50
150	Sheriff's Nemesis Fund Group	7,401.89
168	Sheriff's State Forfeitures	271.69
169	Attorney Trust Accounts-VW	1,041.24
173	Emergency Shelter Grant	1,197.29
179	Enhanced 9-1-1	12,170.41
180	Law Library	6,386.50
183	City/County Communications	2,063.92
184	Extension Service	35,800.44
200	Public Works	4,208,744.40
210	Road Maint – Unorg Townships	25,111.36
220	State Road Aid	4,126,964.95
225	PW – June 2012 Flood	597,130.80
230	Public Health & Human Services	5,362,298.61
240	Forfeited Tax	432,747.08
250	St. Louis County HRA	5,964.93
260	CDBG Grant	238,868.64
270	Home Grant	38,650.96
280	Federal Septic Loan – EPA Fund	7,256.08
290	Forest Resources	26,108.64
400	County Facilities	50,932.41
402	Depreciation Reserve Fund	28,819.62
405	Public Works Building Const	122,976.59
407	Public Works – Equipment	3,217.38
439	2010A Capital Improvement Bond	43.08
600	Environmental Services	508,715.67
616	On-Site Waste Water Division	37,155.76
640	Plat Books	220.02
715	County Garage	285,449.07
720	Property Casualty Liability	6,808.29
730	Workers Compensation	241,948.99
770	Retired Employees Health Ins	2,314.43
826	Taconite Production Tax	4,382,310.00
900	State of Minnesota	1,469,458.74
902	Courts	323,451.73
907	Special Taxes	57,159.14
909	Tax Refunds	32,247.21
925	Arrowhead Regional Corrections	1,518,760.25
955	Community Health Board	121,342.41
985	Collective Local Collaborative	18,771.42
989	Regional Railroad Authority	165,241.45
992	Permits to Carry – Firearms	9,583.57
998	MPL-DUL Train Alliance	20,757.16
		\$30,318,646.98

Adopted November 6, 2012. No. 12-591

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RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, dated October 19, 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 November 6, 2012. No. 12-592

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 59392, are hereby approved and the County Auditor is authorized to issue the licenses as follows:

Vermilion Ventures, LLC, d/b/a Bayview Lodge, Township of Greenwood, Tobacco Products License No. T13264;
The Clip Joint Tavern, Inc., d/b/a The Clip Joint Tavern, Inc., Township of Alborn, Tobacco Products License No. T13253;
Renee L. Padgett d/b/a Dick's Head Shop, City of Aurora, Tobacco Products License No. T13261;
Van Gillen's Dry Dock Bar, Inc., d/b/a Dry Dock Bar & Restaurant, Township of Midway, Tobacco Products License No. T1342;
Family Dollar, Inc., d/b/a Family Dollar #7780, City of Aurora, Tobacco Products License No. T13270;
Hi Banks Resort, Inc., d/b/a Hi Banks Resort, Township of Fredenberg, Tobacco Products License No. T13187;
Holiday Stationstores, Inc., d/b/a Holiday Stationstore #85, City of Proctor, Tobacco Products License No. T1364;
Holiday Stationstores, Inc., d/b/a Holiday Stationstore #409, Township of Canosia, Tobacco Products License No. T13245;
Oveson Kab-Con, Inc., d/b/a Kettle Falls Hotel, Township of Unorganized 70-18, Tobacco Products License No. T1376;
Curran Enterprises, Inc., d/b/a Makinen Market, Inc., Township of Unorganized 56-16, Tobacco Products License No. T1388;
Elephant Lake Lodge, Inc., d/b/a Melgeorge's Elephant Lake Lodge, Township of Camp 5, Tobacco Products License No. T13216;
CMK Management, Inc., d/b/a Powerhouse Bar, City of Proctor, Tobacco Products License No. T13141;
Miner's Incorporated d/b/a Super One Foods, Township of Canosia, Tobacco Products License No. T13269;
Sullivan's Mercantile, Inc., d/b/a Twig General, Township of Grand Lake, Tobacco Products License No. T13129.

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

Adopted November 6, 2012. No. 12-593

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 59392, are hereby approved and the County Auditor is authorized to issue the licenses as follows.

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

Buffalo Valley, Inc., d/b/a Buffalo House, Township of Midway, Tobacco Products License No. T13202, October 30, 2012;
Furry's, Inc., d/b/a Dino's, City of Aurora, Tobacco Products License No. T13201, December 16, 2010;

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Holiday Stationstores, Inc., d/b/a Holiday Stationstore #184, Township of White, Tobacco Products License No. T1365, December 14, 2011;
Leon Polley, d/b/a Polley's Resort, Township of Unorganized 63-17, Tobacco Products License No. T13108, September 13, 1998;
Best Oil Co., Inc., d/b/a Proctor Little Store, City of Proctor, Tobacco Products License No. T13110, September 30, 1998;
Proctor Milk House, Inc., d/b/a Proctor Milk House, Inc., City of Proctor, Tobacco Products License No. T13111, September 30, 1998; December 22, 2000; July 12, 2011;
DeWall Service Center, Inc., d/b/a Troy's Amoco, City of Proctor, Tobacco Products License No. T13235, December 11, 2008.

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

Adopted November 6, 2012. No. 12-594

BY COMMISSIONER SWEENEY:

WHEREAS, Dawghouse Bar & Grill, LLC d/b/a Dawghouse Bar & Grill, Northland Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minn. Stat. § 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 November 6, 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 said license, Dawghouse Bar & Grill 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 Off-Sale Intoxicating Liquor License (License Number CMB13150) shall be issued to Dawghouse Bar & Grill, LLC d/b/a Dawghouse Bar & Grill, Northland Township, located in Area 3, for an annual fee of \$150.00.

RESOLVED FURTHER, that said liquor license shall be effective November 6, 2012, through June 30, 2013.

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 after an investigation may transfer the license to a new owner, but without pro-rated refund of license fee to the license holder.

Unanimously adopted November 6, 2012. No. 12-595

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

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board will convene in a closed meeting of the Committee of the Whole on November 6, 2012, for the purpose of discussing settlement litigation strategy immediately following the Board meeting.

Unanimously adopted November 6, 2012. No. 12-596

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At 9:47 a.m., November 6, 2012, Commissioner Dahlberg, supported by Commissioner Sweeney, moved to adjourn; 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 NOVEMBER 13, 2012**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 13th day of November, 2012, at 9:35 a.m., in the County Boardroom, Courthouse, Duluth, 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 U.S. troops serving throughout the world and their families as well as all persons adversely affected by war.

A Duluth Employee Recognition Event was held honoring retirees and employees with 25, 30, and 35 years of service with a special recognition of Lee Francisco for 40 years of service with St. Louis County.

Chair Nelson then opened the meeting to persons who wanted to address the Board concerning issues not on the agenda. Several St. Louis County employees including: Mike Welch, Mary Bridget Lawson, Paula Stocke, Joaquim Harris, Andrea Gelb, and Mary Ness asked the Board to support the St. Louis County gay and lesbian employees and consider a policy change to allow gay and lesbian employees soft benefits such as sick leave and bereavement leave.

Commissioner Sweeney, supported by Commissioner Forsman, moved to approve the sale of surplus fee owned county land located in Alango Township to Joshua Antus and authorize the appropriate county officials to execute and deliver a quit claim deed for the property for the bid amount of \$7,409. The buyer is responsible for deed tax and recording fees. The motion passed; seven yeas, zero nays. Resolution No. 12-614.

Commissioner Forsman, supported by Commissioner Jewell, moved to approve the sale of surplus fee owned county land located in Unorganized Township 60-19 to Jennifer Hudyma and authorize the appropriate county officials to execute and deliver a quit claim deed for the property for the bid amount of \$63,800. The buyer is responsible for deed tax and recording fees. The motion passed; seven yeas, zero nays. Resolution No. 12-615.

At 10:37 a.m., a public hearing convened, pursuant Minn. Stat. 83A.05, which governs the naming of state geographic features, to consider the renaming of a creek located in Fairbanks and Bassett Townships. Assistant County Administrator, Gary Eckenberg stated that no duplicate name for "Petrell Creek" is listed in Minnesota. Mr. Eckenberg explained that both Fairbank Township and Bassett Township support the name change to "Petrell Creek". Pete Bouley of the Minnesota Department of Natural Resources stated that this is the third case of a missing "L" and spoke in support of the name change. After further discussion, Commissioner Forsman, supported by Commissioner Jewell, moved to close the hearing at 10:48 a.m.; seven yeas, zero nays. Commissioner Forsman, supported by Commissioner Sweeney, moved to pass the resolution regarding the renaming of the Petrell Creek; seven yeas, zero nays. Resolution No. 12-616.

At 11:00 a.m., a public hearing convened, to consider penalties and/or suspension of liquor licenses for alleged violation of the liquor law, sale to minor, on April 12, 2012, by Vermilion Ventures, LLC d/b/a Bayview Lodge, Greenwood Township. Assistant County Attorney Jim Nephew presented the Board with a packet of information regarding Vermilion Ventures, LLC. The packet contained the following items: Board Resolution No. 12-523, adopted

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October 2, 2012; minutes from October 23, 2012, Liquor License Committee meeting; Assignment of Membership Interest document from seller, Erik Lietz to buyer, Alissa Sundberg; Erik Lietz's resignation as an employee, officer and manager of Vermilion Ventures, LLC; notice of public hearing published November 3, 2012, in the Duluth News Tribune; and notice of public hearing sent to Alissa Sundberg and Erik Lietz on November 5, 2012. Chair Nelson then asked if there were any representatives of the entity who would like to appear and give testimony. Alissa Sundberg and her representative, Shawn Reed, gave testimony. After further discussion, Commissioner O'Neil, supported by Commissioner Forsman, moved to close the hearing at 11:10 a.m.; seven yeas, zero nays. Commissioner O'Neil, supported by Commissioner Forsman, moved to pass an amended resolution that the Combination On/Off-Sale Intoxicating Liquor License No. CMB13139 and Sunday On-Sale Intoxicating Liquor License No. SUN13139 issued to Vermilion Ventures, LLC d/b/a Bayview Lodge, Township of Greenwood, are hereby suspended for ten (10) days and a \$1,000.00 civil penalty is due, with seven (7) days of the suspension and \$700.00 of the civil penalty stayed through the end of calendar year 2013, with no same or similar violations during that period. The second part of the motion is that any future liquor license issued by St. Louis County to Erik Lietz shall be suspended for ten (10) days and a \$1,000.00 civil penalty imposed, with one (1) day of the suspension stayed for one year with no same or similar violations during that period. The dates of suspension of the liquor licenses will be November 15, 2012, through November 17, 2012; six yeas, one nay from Commissioner Dahlberg. Resolution No. 12-617.

Commissioner Jewell, supported by Commissioner Sweeney, moved to approve the consent agenda. The motion passed; seven yeas, zero nays.

Commissioner Jewell, supported by Commissioner Sweeney, moved to approve settlement of a claim in the amount of \$41,272.43 payable to Renae Darland and her attorney, Clayton Halunen, arising under the Americans with Disabilities Act. The motion passed; six yeas, zero nays, one abstention by Commissioner Raukar. Resolution No. 12-618.

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

Kevin Gray, County Administrator, submitting Board Letter No. 12-432, Arrowhead Counties Association Lobbying Services Agreement.—[59544](#)

Kevin Gray, County Administrator, submitting Board Letter No. 12-436, Establish Public Hearing to Consider Adoption of 2013 Fee Schedule.—[59545](#)

Kevin Gray, County Administrator, submitting Board Letter No. 12-430, Certificate of Approval of Special Law – Chris Jensen Health & Rehabilitation Center.—[59546](#)

St. Louis County Board and the Employee Recognition Committee present Employee Recognition Awards, November 13, 2012.—[59547](#)

Kevin Gray, County Administrator, and Mark Monacelli, Director of Public Records and Property Valuation, submitting Board Letter No. 12-437, County Assessor Appointment.—[59548](#)

St. Louis County On-Line Software Subscriber Agreement between the County of St. Louis and First American Title Insurance, Baxter, Minnesota.—[12-940](#)

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Payment and Performance Bond for Federal, State, or County Highway Construction and Maintenance Projects (Bond No. 71341440) by A Plus Landscaping, Inc., for debris removal and placement of riprap, County Bridge #856, State Bridge #69505 over CSAH 8 over the St. Louis River (SAP 69-030-023, Storm WO 162265).—12-941

Payment and Performance Bond for Federal, State, or County Highway Construction and Maintenance Projects (Bond No. GRMN35029A) by Utility Systems of America, Inc., for debris removal and placement of riprap, County Bridge #195, State Bridge #69502 on CSAH 133 over the Whiteface River (SP 69-733-026, Storm WO 161375).—12-942

Payment and Performance Bond for Federal, State, or County Highway Construction and Maintenance Projects (Bond No. GRMN35020A) by Utility Systems of America, Inc., for debris removal, County Bridge #442, State Bridge #69623 on CSAH 27 over the St. Louis River (SAP 69-030-023, Storm WO 162256A).—12-943

Payment and Performance Bond for Federal, State, or County Highway Construction and Maintenance Projects (Bond No. 8232-20-36) by Ulland Brothers, Inc., for debris removal, placement of riprap, repair structural crack of end section of culvert, County Bridge #30, State Bridge #97283 on CSAH 37 over Amity Creek (SP 69-637-023, Storm WO 162171).—12-944

Grant Contract between St. Louis County and Minnesota Department of Veterans Affairs for County Veterans Service Office Community Outreach Grant Program.—12-945

Grant Agreement Amendment of Minnesota Department of Public Safety Narcotics and Gang Task Force 2012 Grant increasing the amount to \$192,086 and changing the expiration date to December 31, 2013.—12-946

FY 2013 State of Minnesota Board of Water and Soil Resources Natural Resources Block Grant Agreement between the State of Minnesota and St. Louis County.—12-947

Amendment No. 1 (Original Damion 2012-007255) to agreement between the County of St. Louis and Chandler Johnson for Low Resolutions Inventory 2012-13, 2013-14.—12-948

Amendment No. 2 (Original Damion 2011-006623) to agreement between the County of St. Louis and Northern Lights Medical Transport, Inc., for Courier Service.—12-949

Agreement between St. Louis County and St. Louis County Employees Association Representing St. Louis County Civil Service Supervisory Unit Employees, January 1, 2012 through December 31, 2013.—12-950

Supplemental Software Product Order between St. Louis County and Mitchell Humphrey & Company for Fast Track Gov.—12-951

Upon motion by Commissioner Sweeney, supported by Commissioner O'Neil, resolutions numbered 12-597 through 12-613, as submitted on the consent agenda, were unanimously adopted as follows:

BY COMMISSIONER SWEENEY:

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners

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for the meeting of November 6, 2012, are hereby approved.
Adopted November 13, 2012. No. 12-597

WHEREAS, the 2012 Land and Minerals Department budget includes funding for treating 511.5 acres with mechanical site scarification by disc trench on state tax forfeited lands in the late fall of 2012; and

WHEREAS, the Purchasing Division solicited bids for mechanical site scarification by disc trench with Future Forests, Inc., of Askov, MN, submitting the second lowest bid in the amount of \$51,567.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to execute a contract with Future Forests, Inc., of Askov, MN, for the mechanical site scarification by disc trench on 511.5 acres, in accordance with the specifications of Bid No. 5023, subject to approval of the County Attorney, at its bid price of \$51,567, payable from Fund 290, Agency 290001.

Adopted November 13, 2012. No. 12-598

WHEREAS, the Registrar of Titles is authorized to require Registered Land Survey Number 112 pursuant to Minn. Stat. § 508.47; and

WHEREAS, the County Surveyor and Examiner of Titles have approved Registered Land Survey Number 112; and

WHEREAS, the final prints have been submitted for filing.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board grants final approval to Registered Land Survey Number 112 located in Tracts C and D, Registered Land Survey Number 82 and the SE¼ of NW¼, SW¼ of NE¼, Section 18, Township 62 North, Range 16 West (Greenwood Township).

Adopted November 13, 2012. No. 12-599

WHEREAS, the City of Gilbert has requested to purchase the following described state tax forfeited land for the price of \$500, plus fees, for economic development:

Legal: Lot 10, Block 6, Gilbert
City of Gilbert
Parcel Code: 060-0010-01250
Acres: 0.07
LDKEY: 71045

and;

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

WHEREAS, this lot 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 lot has been classified as non-conservation land pursuant to Minn. Stat. § 282.01.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the sale of state tax forfeited land, as described, to the City of Gilbert for the price of \$500, plus the following fees: 3% assurance fee of \$15, deed fee of \$25, deed tax of \$1.65, recording fee of \$46; for a total of \$587.65, 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 Gilbert does not purchase the land by December 31, 2012.

Adopted November 13, 2012. No. 12-600

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

WHEREAS, the applicant, Cheryl Danielson of Duluth, MN, has applied to repurchase state tax forfeited land legally described as:

City of Duluth
W 300.81 feet of SE1/4
Section 2, Township 49 North, Range 15 West
Parcel Code: 010-2741-00632

and;

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

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 Cheryl Danielson of Duluth, MN, on file in County Board File No. 59398, subject to payments including total taxes and assessments of \$3,266.01, service fee of \$114, deed tax of \$10.78, deed fee of \$25, and recording fee of \$46; for a total of \$3,461.79, to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted November 13, 2012. No. 12-601

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 November 13, 2012. No. 12-602

WHEREAS, the 2010A bond project package includes remodeling, energy upgrades, window replacement, and a new addition for the courthouse in Virginia, MN, approved by County Board Resolution No. 10-480, dated October 5, 2010; and

WHEREAS, this project will complete the Virginia Courthouse long term master space plan and bring the facility up to date for building safety, building code, and current efficiency standards; and

WHEREAS, the Virginia Courthouse remodeling and addition project which began in 2011 is nearing completion and a change order is necessary for unforeseen work needed to comply with state and city code standards and Department of Corrections mandates.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes a project change order/fee adjustment for the Virginia Courthouse remodel and addition in the amount of \$69,783.49 to Max Gray Construction, Hibbing, MN, payable from Fund 400, Agency 400033.

Adopted November 13, 2012. No. 12-603

RESOLVED, that the St. Louis County Board will convene a public hearing at 9:40 a.m. on Tuesday, November 27, 2012, Council Chambers, City Hall, Hibbing, Minnesota, to consider the adoption of the fee schedule for various county services for the year 2013.

Adopted November 13, 2012. No. 12-604

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 59392, are hereby approved and the County Auditor is authorized to issue the licenses as follows:

Edwards Oil, Inc., d/b/a Hoyt Lakes Lucky Seven, City of Hoyt Lakes, Tobacco Products License No. T1369;
Inter City Oil Co., Inc., d/b/a Inter City Oil Co., Inc., Township of Cotton,

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Tobacco Products License No. T1370;
Knutson & Son, Inc., d/b/a Jim's Ash Trail Store, Township of Unorganized
68-21, Tobacco Products License No. T13189;
JDL's Landing, Inc., d/b/a The Landing, Township of Beatty, Tobacco
Products License No. T13254;
Thirsty Moose Bar & Grill, Inc., d/b/a Thirsty Moose Bar & Grill, Township
of Cherry, Tobacco Products License No. T13218.

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

Adopted November 13, 2012. No. 12-605

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products at retail, on file in the office of the County Auditor, identified as County Board File No. 59392, are hereby approved and the County Auditor is authorized to issue the licenses as follows.

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

Edwards Oil, Inc., d/b/a Edwards Lucky 7, Ashawa, City of Cook, Tobacco
Products License No. T1344, September 7, 1998, August 25, 2001; October
18, 2002; November 4, 2011;
Misty, Inc., d/b/a Fredenberg Minnoette, Township of Fredenberg, Tobacco
Products License No. T1353, December 31, 2002; July 12, 2011;
Stutzman Group, Inc., d/b/a Hoyt Lakes IGA, City of Hoyt Lakes, Tobacco
Products License No. T13247, December 16, 2010;
Edwards Oil, Inc., d/b/a Lucky Seven General Store, Aurora, City of Aurora,
Tobacco Products License No. T1387, December 14, 2011;
Curtis Convenience Stores, Inc., d/b/a SuperAmerica, Township of Cotton,
Tobacco Products License No. T1350, December 23, 2004;
M. & T. Wedin, Inc., d/b/a Wooden Table Inn, Township of Unorganized
60-19, Tobacco Products License No. T13185, November 4, 2011.

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

Adopted November 13, 2012. No. 12-606

WHEREAS, St. Louis County requested authority to conduct a private sale of the Chris Jensen facility to the current lessee during the 2012 Legislative Session; and

WHEREAS, this authority was approved by the Legislature and must now be certified by the St. Louis County Board to become effective, according to Minn. Stat. § 645.021, Subd. 2 and 3; and

WHEREAS, as the specified local unit of government, the St. Louis County Board must pass a resolution approving the legislation and have it filed with the Minnesota Secretary of State, along with a completed "Certificate of Approval of Special Law by Governing Body" before the start of the 2013 Legislative Session.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board grants local approval of special legislation found in Laws of Minnesota for 2012, Chapter 236, Section 29, which provides for the private sale of Chris Jensen Health & Rehabilitation Center to Health Dimensions Group, the current lessee.

RESOLVED FURTHER, that the County Auditor is directed to file a copy of the certified County Board resolution and the completed "Certificate of Approval of Special Law by Governing Body," with the Office of the Minnesota Secretary of State before the start of the 2013 Legislative Session.

Adopted November 13, 2012. No. 12-607

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WHEREAS, Minn. Stat. § 471.59 allows two or more governmental units, by agreement entered into through action of their governing bodies, to jointly exercise any power common to the contracting governmental units; and

WHEREAS, counties are empowered to conduct a residential survey within their geographic boundaries for the purpose of gathering objective information regarding residents' perceptions of the quality of life, the quality of government services being provided, their satisfaction with county government, their priorities for community planning and their expectations for allocation of county resources; and

WHEREAS, St. Louis, Dakota, Olmsted and Washington Counties wish to jointly engage in the conduct of a residential survey for the mutual benefit of all parties.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to enter into a Joint Powers Agreement with Dakota, Olmsted and Washington Counties for the purpose of the 2013 Joint Residential Survey, a scientifically valid citizen survey with funding for the expected expense of \$22,000 available from Fund 100, Agency 104001, Object 629900.

Adopted November 13, 2012. No. 12-608

RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to execute the lobbying services agreement with Arrowhead Counties Association, on file in County Board File No. 59544, which would use the services of St. Louis County's Director of Intergovernmental Relations to further the Arrowhead Counties Association's lobbying activities at the State Legislature during the 2013 Legislative Session, not to exceed \$16,000 to be deposited into Fund 100-105001, Intergovernmental Affairs.

Adopted November 13, 2012. No. 12-609

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

WHEREAS, currently there are two citizen vacancies on the County Cooperative Extension Committee with terms beginning January 1, 2013, and expiring on December 31, 2015; and WHEREAS, the St. Louis County Board attempts to appoint citizen members who represent a geographical balance across the county.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the County Auditor to advertise for applications to fill two citizen member vacancies on the St. Louis County Cooperative Extension Committee for three-year terms beginning January 1, 2013, and expiring December 31, 2015.

Adopted November 13, 2012. No. 12-610

WHEREAS, new maintenance responsibilities of the county-wide parcel layer, working interactively with the public using land portal technology, and the need for training and supervision of staff and processes to support this new model require a realignment of staff capabilities in the Auditor's Office, Tax Division; and

WHEREAS, the Auditor's Office has determined that a reallocation of an Information Specialist III position to an Information Specialist Supervisor position will assist in this realignment; and

WHEREAS, County Fiscal Policies specify that any position change greater than three pay grades must go to the County Board for approval; and

WHEREAS, funding for this reallocation is available in the Auditor's budget.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the reallocation of an Information Specialist III (pay grade B16) to an Information Specialist Supervisor (pay grade E21) in the Auditor's Office, Tax Division (Fund 100, Agency 115009).

Adopted November 13, 2012. No. 12-611

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WHEREAS, Minn. Stat. § 273.061 declares that the term of office as county assessor shall begin on January 1 of every fourth year after 1973; and
WHEREAS, January 1, 2013, will begin a new term of office for county assessors statewide.
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board reappoints David L. Sipila, St. Louis County Assessor, to a four-year term beginning January 1, 2013, through December 31, 2016, pursuant to the provisions of Minn. Stat. § 273.061, subject to the approval of the Commissioner of Revenue.
Adopted November 13, 2012. No. 12-612

WHEREAS, Voyageurs National Park, managed by the United States Department of the Interior, National Park Service, has lands within St. Louis County; and
WHEREAS, the National Park Service and St. Louis County Sheriff's Office strive to protect all citizens with a cooperative effort to respond, investigate, and uphold public safety for the benefit of county residents and park visitors.
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes a Memorandum of Understanding for Law Enforcement Assistance with the United States Department of the Interior, National Park Service, regarding cooperative response to public safety incidents within or near Voyageurs National Park.
RESOLVED FURTHER, that the St. Louis County Board authorizes the appropriate county officials to sign any associated contract documents.
Adopted November 13, 2012. No. 12-613

BY COMMISSIONER SWEENEY:

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 SE¼ of NE¼, 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.
Unanimously adopted November 13, 2012. No. 12-614

BY COMMISSIONER FORSMAN:

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.

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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.

Unanimously adopted November 13, 2012. No. 12-615

BY COMMISSIONER FORSMAN:

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.

Unanimously adopted November 13, 2012. No. 12-616

BY COMMISSIONER O’NEIL:

WHEREAS, the St. Louis County Liquor Licensing Committee met on November 6, 2012, to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation, sale to minor, on April 12, 2012, against Vermillion Ventures, LLC d/b/a Bayview Lodge, Township of Greenwood; and

WHEREAS, the Liquor Licensing Committee recommended against Vermillion Ventures, LLC, a ten (10) day suspension and \$1,00.00 civil penalty, with seven (7) days of the

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suspension and \$700.00 of the civil penalty stayed through the end of calendar year 2013, with no same or similar violations during that year; and against Erik Lietz, a ten (10) day suspension and \$1,000.00 civil penalty, with seven (7) days of the suspension and \$700.00 of the civil penalty stayed, with no same or similar violations during the year, to be imposed if Mr. Lietz is granted a liquor license in St. Louis County under the jurisdiction of the St. Louis County Board of Commissioners; and

WHEREAS, after hearing testimony on the matter at a public hearing conducted on November 13, 2012, at 9:55 a.m. in the Duluth Courthouse, Duluth, MN, the St. Louis County Board determined the recommendation of the St. Louis County Liquor Licensing Committee to be an appropriate penalty for the liquor law violation.

NOW, THEREFORE, BE IT RESOLVED, that the Combination On/Off-Sale Intoxicating Liquor License No. CMB13139 and Sunday On-Sale Intoxicating Liquor License No. SUN13139 issued to Vermilion Ventures, LLC d/b/a Bayview Lodge, Township of Greenwood, are hereby suspended for ten (10) days and a \$1,000.00 civil penalty is due, with seven (7) days of the suspension and \$700.00 of the civil penalty stayed through the end of calendar year 2013, with no same or similar violations during that period.

RESOLVED FURTHER, that any future liquor license issued by St. Louis County to Erik Lietz shall be suspended for ten (10) days and a \$1,000.00 civil penalty imposed, with one (1) day of the suspension stayed for one year with no same or similar violations during that period.

RESOLVED FURTHER, that the dates of suspension of the liquor licenses will be November 15, 2012, through November 17, 2012.

RESOLVED FURTHER, that a new violation within the year will result in the imposition of the remainder of the suspension and civil penalty, and may also be cause for additional action against the liquor licenses of the licensee pursuant to St. Louis County Ordinance Number 28, Section 13.

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

Nays – Commissioner Dahlberg – 1

Adopted November 13, 2012. No. 12-617

BY COMMISSIONER JEWELL:

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.

Yeas – Commissioners Jewell, O’Neil, Dahlberg, Forsman, Sweeney, and Chair Nelson – 6
Nays – 0

Abstained – Commissioner Raukar – 1

Adopted November 13, 2012. No. 12-618

At 12:25 p.m., November 13, 2013, Commissioner Jewell, supported by Commissioner Raukar, moved to adjourn; seven yeas, zero nays.

Keith Nelson, Chair of the Board
of County Commissioners

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Attest:

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

(Seal of the County Auditor)

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**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON NOVEMBER 27, 2012**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 27th day of November, 2012, at 9:37 a.m., in the Hibbing City Council Chambers, City Hall, Hibbing, Minnesota, with the following members present: Commissioners Steve O'Neil, Chris Dahlberg, Mike Forsman, Peg Sweeney, Steve Raukar, and Chair Keith Nelson - 6. Absent: Commissioner Steve Jewell - 1.

Chair Nelson asked for a moment of silence to honor those who protect and serve our communities and those who protect our freedoms.

City Councilor Tim Harkonen addressed the Board welcoming them to the City of Hibbing.

The County Board then conducted an Employee Retiree and Longevity Recognition event, thanking employees for their years of dedicated service.

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

At 9:52 a.m., a public hearing convened, pursuant to Resolution No. 12-604, adopted November 13, 2012, to receive public comment and adopt the 2013 Fee Schedule for various county services. Deputy Administrator Linnea Mirsch reviewed the changes on the fee schedule. Commissioner Raukar reminded citizens that the fee schedule are fees for County costs and are not for profit. After further discussion, Commissioner Raukar, supported by Commissioner O'Neil, moved to close the hearing at 9:57 a.m.; six yeas, zero nays. Commissioner Sweeney, supported by Commissioner Dahlberg, moved to adopt the 2013 Fee Schedule for various county services; six yeas, zero nays. Resolution No. 12-634.

Commissioner Sweeney, supported by Commissioner Raukar, moved to approve the consent agenda. The consent agenda was then approved; six yeas, zero nays.

Commissioner Sweeney, supported by Commissioner Raukar, moved to approve an application for license to sell tobacco products at retail by Keith and Lois Nelson d/b/a At Your Convenience, Fayal Township, renewal. The motion passed; five yeas, zero nays; one abstention (Chair Nelson). Resolution No. 12-635.

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

Kevin Gray, County Administrator, submitting Board Letter No. 12-448, Reappointment to Cook-Orr Healthcare District Board of Directors.—59549

Kevin Gray, County Administrator, and Ross Litman, Sheriff, submitting Board Letter No. 12-450, Approval of the St. Louis County Emergency Operations Plan.—59550

St. Louis County Board and the Employee Recognition Committee present Employee Recognition Awards, November 27, 2012.—59551

Home and Community-Based Waiver Services Contract No. 14991 between the St. Louis County Board of Commissioners and AJBB Duluth Properties, Inc., d/b/a Anderson's Pine

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Grove Home. —12-941

Addendum to Home and Community-Based Waiver Services Contract No. 14634C between the St. Louis County Board of Commissioners and Empowerment Services of MN, Inc.—12-942

Addendum to Home and Community-Based Waiver Services Contract No. 14551B between the St. Louis County Board of Commissioners and Heartland PCA, LLC.—12-943

Group Residential Housing Rate Agreement, No. 51383, between the St. Louis County Board of Commissioners and Winter Homes, Inc.—12-944

Group Residential Housing Rate Agreement, No. 51458, between the St. Louis County Board of Commissioners and Heritage Haven IV.—12-945

Group Residential Housing Rate Agreement, No. 51457, between the St. Louis County Board of Commissioners and Heritage Haven III.—12-946

Group Residential Housing Rate Agreement, No. 51450, between the St. Louis County Board of Commissioners and Heritage Haven II.—12-947

Group Residential Housing Rate Agreement, No. 51449, between the St. Louis County Board of Commissioners and Heritage Haven, Inc.—12-948

Group Residential Housing Rate Agreement, No. 51338, between the St. Louis County Board of Commissioners and Guided Transitions – Woodland.—12-949

Group Residential Housing Rate Agreement, No. 51337, between the St. Louis County Board of Commissioners and Guided Transitions – Merritt.—12-950

Group Residential Housing Rate Agreement, No. 51416, between the St. Louis County Board of Commissioners and Guided Transitions – Basswood.—12-951

Group Residential Housing Rate Agreement, No. 51467, between the St. Louis County Board of Commissioners and Spirit Valley Assisted Living I.—12-952

Group Residential Housing Rate Agreement, No. 51466, between the St. Louis County Board of Commissioners and Colonial Homes II.—12-953

Group Residential Housing Rate Agreement, No. 51465, between the St. Louis County Board of Commissioners and Colonial Homes I.—12-954

Group Residential Housing Rate Agreement, No. 51472, between the St. Louis County Board of Commissioners and Anderson's Pine Grove Home. —12-955

Group Residential Housing Rate Agreement, No. 51446, between the St. Louis County Board of Commissioners and Empowerment Services of Minnesota, Inc. (Mountain Iron).—12-956

Group Residential Housing Rate Agreement, No. 51445, between the St. Louis County Board of Commissioners and Empowerment Services of Minnesota, Inc. (Heritage).—12-957

Group Residential Housing Rate Agreement, No. 51444, between the St. Louis County Board of Commissioners and Empowerment Services of Minnesota, Inc. (Embarrass).—12-958

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Group Residential Housing Rate Agreement, No. 51443, between the St. Louis County Board of Commissioners and Empowerment Services of Minnesota, Inc. (Biwabik).—[12-959](#)

Group Residential Housing Rate Agreement, No. 51442, between the St. Louis County Board of Commissioners and Empowerment Services of Minnesota, Inc. (Aurora).—[12-960](#)

Group Residential Housing Rate Agreement, No. 51474, between the St. Louis County Board of Commissioners and Colleen Schnortz and Deb LaRose.—[12-961](#)

Group Residential Housing Rate Agreement, No. 51469, between the St. Louis County Board of Commissioners and Lamb House – Brookston.—[12-962](#)

Group Residential Housing Rate Agreement, No. 51473, between the St. Louis County Board of Commissioners and Theresa Carr and Gerald Carr.—[12-963](#)

Group Residential Housing Rate Agreement, No. 51476, between the St. Louis County Board of Commissioners and RSI – Basswood.—[12-964](#)

Group Residential Housing Rate Agreement, No. 51477, between the St. Louis County Board of Commissioners and RSI – Dodge.—[12-965](#)

Group Residential Housing Rate Agreement, No. 51478, between the St. Louis County Board of Commissioners and RSI – Skyline.—[12-966](#)

Group Residential Housing Rate Agreement, No. 51475, between the St. Louis County Board of Commissioners and RSI – Vermilion.—[12-967](#)

Contract for County-State Aid Highway (CSAH) Project between the County of St. Louis and Stack Brothers Mechanical Contractors, Inc., Superior, WI, for storm sewer system cleaning on CSAH 56 and CSAH 89, Storm WO 161489BR.—[12-968](#)

Project Contract between the County of St. Louis and Future Forests, Inc., Askov, MN, for mechanical site scarification by disc trench (#5023-B).—[12-969](#)

Local Bridge Replacement Program (LBRP) Grant Agreement, Mn/DOT Agreement No. 00762, between the Minnesota Department of Transportation and St. Louis County for State Bridge 69J85 on CSAH 66 (McNiven Rd.) in Great Scott Township (SAP 69-666-006, CP 97040) in the amount of \$140,802.72.—[12-970](#)

Local Bridge Replacement Program (LBRP) Grant Agreement, Mn/DOT Agreement No. 00939, between the Minnesota Department of Transportation and St. Louis County for State Bridge 69J86 on CSAH 61 in Duluth Township (SAP 69-661-016, CP 61896) in the amount of \$62,704.—[12-971](#)

Crossing Closure Agreement between St. Louis County and Wisconsin Central LTD for permanent closure of two railroad crossings, DOT No. 251968W and 251990J, on CSAH 127 (Main Street) in the City of Iron Junction.—[12-972](#)

Project Contract between the County of St. Louis and PRT USA, Inc., of Victoria, BC, Canada, for the delivery of containerized tree seedlings (Bid #5046) in the Spring of 2014 and Spring of 2015.—[12-973](#)

Amendment No. 2 to Original Damion #2009-005482 and Amendment No. 1, #2010-005592,

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between the County of St. Louis and Mahkahta Trucking, LLC, for Transfer Trailer Haulage Brookston, Cook, Hudson & Northwoods Transfer Stations extending the agreement through December 31, 2013.—[12-974](#)

Agreement for Services between St. Louis County and the City of Duluth for 2011 Operation Stone Garden.—[12-975](#)

Agreement for Professional Services between the County of St. Louis and Steve Popowitz, Willow River, MN, for Camp Esquagama Camp Director Contract Extension effective October 12, 2012, through December 31, 2012.—[12-976](#)

Payment and Performance Bond for Federal, State, or County Highway Construction and Maintenance Projects, Bond #929557262, from Hammerlund Construction, Inc., for excavation, geotextile fabric, granular embankment, riprap, and aggregate base to stabilize slopes on County Road 166 (Storm WO 161004).—[12-977](#)

Payment and Performance Bond for Federal, State, or County Highway Construction and Maintenance Projects, Bond #929557263, from Hammerlund Construction, Inc., for excavation, geotextile fabric, granular embankment, riprap, and aggregate base to stabilize slopes on County Road 166 (Storm WO 161006).—[12-978](#)

Payment and Performance Bond for Federal, State, or County Highway Construction and Maintenance Projects, Bond #929557264, from Hammerlund Construction, Inc., for excavation, geotextile fabric, granular embankment, riprap, and aggregate base to stabilize slopes on County Road 166 (Storm WO 161007).—[12-979](#)

Upon motion by Commissioner Sweeney, supported by Commissioner Raukar, resolutions numbered 12-619 through 12-633, as submitted on this Board on the consent agenda, were unanimously adopted as follows:

BY COMMISSIONER SWEENEY:

RESOLVED, that the St. Louis County Board authorizes an agreement, and any amendments authorized by the County Attorney, for the design services of Erickson Engineering, Bloomington, MN, for the reconstruction of County Bridge 707 along Unorganized Township Road 8109 over the Willow River in Unorganized Township 63-21, CP 128464, SAP 069-599-035, in the amount of \$34,700, payable from Fund 210, Agency 210045, Object 626600. Adopted November 27, 2012. [No. 12-619](#)

RESOLVED, that the St. Louis County Board authorizes an agreement, and any amendments authorized by the County Attorney, for the design services of LHB Corp., Duluth, MN, for the reconstruction of County Bridge 488 along County State Aid Highway 110 over the Partridge River in White Township, CP 176330, in the amount of \$51,000, payable from Fund 220, Agency 220284, Object 626600. Adopted November 27, 2012. [No. 12-620](#)

RESOLVED, that the St. Louis County Board authorizes an agreement, and any amendments authorized by the County Attorney, for the design services of LHB Corp., Duluth, MN, for the reconstruction of County Bridge 641 along County State Aid Highway 22 over the Sturgeon River in Sturgeon Township, CP 176286, in the amount of \$65,000, payable from Fund 220, Agency 220283, Object 626600. Adopted November 27, 2012. [No. 12-621](#)

WHEREAS, St. Louis County has applied to the Minnesota Commissioner of Transportation

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for a grant from the Minnesota State Transportation Fund for the construction of project SAP 69-598-037, Agency 220282, on County Road (CR) 615, CR 620, and CR 583 (Salo Road), in Embarrass, MN; and

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

WHEREAS, the amount of the grant has been determined to be \$843,500 by reason of the low responsible bid of \$1,157,662.82, submitted by KGM Contractors, Inc.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board agrees to the terms and conditions of the grant consistent with Minn. Stat. § 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 project but not required. The appropriate county officials are authorized to execute Grant Agreement No. 00361 with the Minnesota Commissioner of Transportation concerning the above-referenced grant.

Fund 29 Bridge Bond Funds	\$ 843,500.00
SLC Local Funds	\$ 314,162.82
Total Project:	\$1,157,662.82

Adopted November 27, 2012. No. 12-622

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 November 27, 2012. No. 12-623

RESOLVED, that pursuant to Minn. Stat. § 349.213, Subd. 2, the St. Louis County Board approves the following Lawful Gambling License Applications on file in the office of the County Auditor, identified as County Board File No. 59511, for the following organization. CC Riders Snowmobile Club, Canyon, MN, to operate out of the following:

Britt Lounge & Cafe, Unorganized Township 60-18, 7301 Britt Bypass Road, Britt, MN, 55710, new (Pull-Tabs);

The Dawghouse, Northland Township, 7283 Highway 53, Canyon, MN, 55717, new (Pull-Tabs).

Adopted November 27, 2012. No. 12-624

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products at retail, on file in the office of the County Auditor, identified as County Board File No. 59392, is hereby approved and the County Auditor is authorized to issue the license as follows:

A. P. Inc. d/b/a Porky's Truck Stop, Township of Gnesen, Tobacco Products License No. T13272, transfer.

RESOLVED FURTHER, that said license is effective November 27, 2012, through December 31, 2012.

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

Adopted November 27, 2012. No. 12-625

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products at retail, on file in the office of the County Auditor, identified as County Board File No. 59392, is hereby approved and the County Auditor is authorized to issue the license as follows.

The following license holder was issued a tobacco violation citation on the dates as stated:

John Zupancich/Matt Zupancich d/b/a Zup's Cook, City of Cook, Tobacco Products License No. T13273, May 7, 2000, and October 18, 2002; transfer.

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

Adopted November 27, 2012. No. 12-626

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products at retail, on file in the office of the County Auditor, identified as County Board File No. 59392, are hereby approved and the County Auditor is authorized to issue the licenses as follows:

C. C. Campground #717, Inc., d/b/a C. C. Campground #717, Inc., n/a, Tobacco Products License No. T1322;

A. P. Inc. d/b/a Porky's Truck Stop, Township of Gnesen, Tobacco Products License No. T13272;

Bayside Corner Store, Inc., d/b/a Wayside Corner Store, Township of New Independence, Tobacco Products License No. T13214;

City of Winton, d/b/a Winton Municipal Liquor Store, City of Winton, Tobacco Products License No. T13265.

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

Adopted November 27, 2012. No. 12-627

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products at retail, on file in the office of the County Auditor, identified as County Board File No. 59392, are hereby approved and the County Auditor is authorized to issue the licenses as follows.

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

Belo Enterprises, Inc., d/b/a Crossroads Convenience/Liquor Store, Township of Clinton, Tobacco Products License No. T1336, December 10, 2002; November 15, 2007; December 16, 2010;

Mar Mar, Inc., d/b/a Novy's Haven, City of Hoyt Lakes, Tobacco Products License No. T13172, December 16, 2010.

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

Adopted November 27, 2012. No. 12-628

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:

OCTOBER 2012

100	General Fund	\$9,246,488.82
149	Personnel Service Fund	673.03
150	Sheriff's Nemesis Fund Group	23,269.23
168	Sheriff's State Forfeitures	721.07
169	Attorney Trust Accounts-VW	1,041.24
179	Enhanced 9-1-1	6,806.75
180	Law Library	32,888.26
183	City/County Communications	328.65
184	Extension Service	91,706.59
200	Public Works	6,136,037.70

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210	Road Maint – Unorg Townships	108,000.89
220	State Road Aid	7,684,509.62
225	PW – June 2012 Flood	2,134,347.56
230	Public Health & Human Services	6,368,538.90
240	Forfeited Tax	499,721.50
260	CDBG Grant	199,987.80
270	Home Grant	49,781.65
280	Federal Septic Loan – EPA Fund	22,356.72
290	Forest Resources	220,691.41
400	County Facilities	97,471.88
402	Depreciation Reserve Fund	110,217.25
405	Public Works Building Const	8,679.50
407	Public Works – Equipment	260,246.39
438	2008B Capital Improvement Bond	88,099.00
439	2010A Capital Improvement Bond	195,979.37
600	Environmental Services	935,905.21
616	On-Site Waste Water Division	36,717.94
715	County Garage	150,225.13
720	Property Casualty Liability	131,274.82
730	Workers Compensation	201,665.91
770	Retired Employees Health Ins	821.98
825	Taconite Relief/Other	1,476,465.50
826	Taconite Production Tax	30,133.00
900	State of Minnesota	5,996,872.35
902	Courts	225,849.99
907	Special Taxes	54,149.75
909	Tax Refunds	362,318.68
910	School Districts Taxes	9,689,344.00
911	Taxes and Penalties	43,079.00
925	Arrowhead Regional Corrections	1,693,959.69
955	Community Health Board	81,528.17
985	Collective Local Collaborative	11,954.28
989	Regional Railroad Authority	398,150.76
994	Sheriff Forfeits/Evidence	3,000.00
998	MPL-DUL Train Alliance	20,498.29
		\$55,132,505.23

Adopted November 27, 2012. No. 12-629

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, dated November 16, 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 November 27, 2012. No. 12-630

WHEREAS, St. Louis County has received a request from the Cook Hospital Administrator asking that Mr. Julian Brzoznowski be reappointed to the Cook-Orr Healthcare District Board of Directors to represent unorganized townships in the Cook Hospital Healthcare District; and WHEREAS, the St. Louis County Board acts as the Township Board for all unorganized townships.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board reappoints Mr. Julian Brzoznowski to the Cook-Orr Healthcare District Board of Directors to represent unorganized townships in the Cook Hospital Healthcare District for a three (3) year term beginning January 1, 2013, and ending December 31, 2015.

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Adopted November 27, 2012. No. 12-631

WHEREAS, the City of Duluth has received the 2013 Toward Zero Deaths grant;
and

WHEREAS, the grant is intended for several governmental units to participate in the grant's activity and funding, including St. Louis County.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes an agreement with the City of Duluth to participate in the 2013 Toward Zero Deaths Grant in the amount of \$46,268, to be accounted for in Fund 100, Agency 129999, Grant 12922, Year 2013.

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

Adopted November 27, 2012. No. 12-632

WHEREAS, the St. Louis County Board and Sheriff desire emergency plans be in place to best protect the life, safety, and property of county residents and infrastructure; and

WHEREAS, an Emergency Operations Plan helps fulfill proactive planning for the good of the county, as well as supporting state and federal mandates.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the 2012 Emergency Operations Plan, which shall be renewed every four years.

RESOLVED FURTHER, that the appropriate county officials are authorized to sign acceptance of the Emergency Operations Plan, which shall be maintained by the County Sheriff in the Sheriff's Office Homeland Security/Emergency Management Division.

Adopted November 27, 2012. No. 12-633

BY COMMISSIONER SWEENEY:

WHEREAS, the St. Louis County Board held a public hearing at 9:40 a.m. on Tuesday, November 27, 2012, at the City Council Chambers, City Hall, Hibbing, Minnesota, to receive comment and consider the adoption of the Fee Schedule for various county services for the year 2013.

NOW, THEREFORE BE IT RESOLVED, that the St. Louis County Board adopts the 2013 Fee Schedule on file in County Board File No. 59545.

Unanimously adopted November 27, 2012. No. 12-634

BY COMMISSIONER SWEENEY:

RESOLVED, that pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products at retail, on file in the office of the County Auditor, identified as County Board File No. 59392, is approved and the County Auditor is authorized to issue the license as follows:

Keith/Lois Nelson d/b/a At Your Convenience, Fayal Township, Tobacco Products License No. T134, *RENEWAL*.

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

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

Nays – None

Abstained – Chair Nelson – 1

Absent – Commissioner Jewell – 1

Adopted November 27, 2012. No. 12-635

At 10:01 a.m., November 27, 2012, Commissioner Sweeney, supported by Commissioner O'Neil, moved to adjourn; six yeas, zero nays.

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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)