

**OFFICIAL PROCEEDINGS OF THE MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF ST. LOUIS, MINNESOTA,  
HELD ON OCTOBER 3, 2023**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 3<sup>rd</sup> day of October 2023, at 9:31 a.m., at the St. Louis County Courthouse, Duluth, Minnesota, with the following members present: Commissioners Annie Harala, Ashley Grimm, Paul McDonald, Keith Musolf, Keith Nelson, Mike Jugovich and Chair Patrick Boyle - 7. Absent: None - 0.

Chair Boyle asked for a moment of silence in remembrance of all victims of violence, foreign and domestic; followed by the pledge of allegiance.

Chair Boyle opened the meeting to persons who wish to address the Board concerning issues not on the agenda. Commissioner Harala temporarily stepped out of the meeting from 9:32 a.m. to 9:33 a.m. Melissa Bell, of Duluth, said the Conditional Use Permit (CUP) issued to 6464 Fredenberg Lake Road should be null and void. Ms. Bell said she has proven to the Board that there has been deception, corruption, and cover-ups throughout the process. Ms. Bell requested that the Board do the right thing and ask the Planning Director to do his job. Clayton Cich, of Fredenberg Township, commented that the Board has taken no action regarding the CUP issued to 6464 Fredenberg Lake Road and said the county is more concerned about the company than the neighborhood; citizens should not have to go to court to get the matter resolved.

At 9:40 a.m., a public hearing was conducted, pursuant to Resolution No. 23-468, adopted September 12, 2023, to determine a cartway alignment for the Michael Clement cartway petition in Unorganized 56-16. Assistant County Attorney Chris Pinkert gave the initial presentation and provided an overview of the cartway process. Attorney Pinkert noted that Mr. Clement has passed away and there is a transfer-on-death deed to his daughter; in order for the transfer to take place a death certificate must be recorded. Eric Fallstrom, of Public Works, provided the Board with an overview of the proposed route. Mr. Fallstrom commented that Public Works evaluated alternative routes; the proposed route was the most direct and shortest route to the Clement property. Chair Boyle asked if the petitioner or their representatives would like to give testimony. Attorney Kelly Klun, representing Jennifer Clement, commented that Ms. Clement would like to move forward with the process. Ms. Klun commented that state statute requires that the county consider the route that is least disruptive and damaging to the whole neighborhood. The Reitmajer route is less direct and crosses wetland areas; whereas, the Steele route is flat, more direct, and would not disturb existing fencing on the Steele property. Jennifer Clement, of Duluth, commented that the family would like access to a cabin on the lake and the proposed route is the most neighborly and least intrusive. Chair Boyle asked if the affected landowners or their representatives would like to give testimony. Nicole Steele, of Makinen, commented that she and her wife have been accumulating property to raise livestock and they are planning on building an arena on the property. Ms. Steele commented that the proposed county route would not be less destructive since there is a thirty-foot hole that would need to be filled in, a bunch of trees would have to be taken down, and pollinators would be disrupted. The less disruptive route would be to utilize the existing road that is on the Reitmajer property. Chair Boyle asked if there were any supporters or opponents, or citizens who wished to speak regarding the proposed cartway route; no one requested the opportunity to speak. At 10:00 a.m., Commissioner Harala, supported by Commissioner McDonald, moved to close the public hearing. The motion passed; seven yeas, zero nays.

Commissioner Harala, supported by Commissioner Grimm, moved that the St. Louis County Board hereby determines the alignment of the requested cartway is as set forth in Exhibit B. Upon completion of a survey by Petitioner's hired surveyor, and review by appropriate County staff, the Board authorizes appropriate County employees and officials to enter into agreements causing appraisal(s) of the relevant parcels to be completed. Upon receipt of the completed survey and appraisals, a public hearing regarding damages and costs associated with establishment of this cartway will be scheduled. Assistant County Attorney Chris Pinkert read the resolution. Commissioner Nelson commented that state statute requires that the Board approve a cartway and questioned how this route could be the least disruptive route, since the Reitmajer's were willing to sell access to an existing private road. After further discussion, the motion passed; seven yeas, zero nays. Resolution No. 23-510.

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

Commissioner Harala, supported by Commissioner Grimm, moved to consider a resolution declaring a "State of Local Disaster" in St. Louis County; the item had not been to committee. The motion passed; seven yeas, zero nays.

Commissioner Musolf, supported by Commissioner Harala, moved that the St. Louis County Board of Commissioners hereby declares a State of Local Emergency in St. Louis County, Minnesota, due to conditions resulting from flooding on September 25, 2023, and request state public disaster assistance in accordance with Minn. Stat. § 12B.30 for any eligible storm recovery activities. The motion passed; seven yeas, zero nays. Resolution No. 23-511.

The following Board files were created from documents received by this Board:

Gordon Ramsay, County Sheriff, submitting Request for Board Action No. 23-392, Memorandum of Understanding with the Duluth Air National Guard Base, 148<sup>th</sup> Fighter Wing.—62028

Gordon Ramsay, County Sheriff, submitting Request for Board Action No. 23-396, Declaration of a State of Local Emergency in St. Louis County.—62029

Upon motion by Commissioner Nelson, supported by Commissioner Musolf, resolutions numbered 23-499 through 23-509, as submitted on the consent agenda, were unanimously adopted as follows:

**BY COMMISSIONER NELSON:**

RESOLVED, That the official proceedings of the St. Louis County Board of Commissioners for the meeting of September 26, 2023, are hereby approved.

Adopted October 3, 2023. No. 23-499

WHEREAS, The Sauer Foundation has awarded St. Louis County Public Health and Human Services (PHHS) an additional amount up to \$50,000; and

WHEREAS, PHHS will utilize these additional funds to amend and extend their contract with Consulting Perks to April 30, 2024, to continue providing services.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes PHHS to accept additional funds from the Sauer Foundation and to increase and extend the contract with

Consulting Perks through April 30, 2024, by up to \$50,000 depending on the final award amount.

**BUDGET REFERENCE:**

230-232008-629900-23287-99999999-2023

230-232008-545169-23287-99999999-2023

Adopted October 3, 2023. No. 23-500

WHEREAS, The Minnesota Legislature has mandates, stipulations, and performance outcomes for which counties are held accountable in order to receive Minnesota Family Investment Program (MFIP) allocations; and

WHEREAS, Public Health and Human Services (PHHS) receives allocated funding for the purpose of providing economic stability for low-income families; and

WHEREAS, PHHS is to submit the 2024-2025 MFIP Biennial Service Agreement and Plan to the Minnesota Department of Human Services (MN DHS) explaining how they will spend allocated monies and enter into related contracts with established community partners to implement the agreement once the plan is approved and the funding is certified by MN DHS.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes PHHS to submit the 2024-2025 MN MFIP Agreement and Plan to the MN DHS.

RESOLVED FURTHER, That the St. Louis County Board authorizes the Director of PHHS to act as designee of the Board for the purposes of review and approval of the 2024-2025 MFIP Biennial Services Agreement and Plan, verifying that the Agreement has been prepared as required under the provisions of Minnesota Statutes § 256J.

RESOLVED FURTHER, That the Director of PHHS be authorized to enter into related contracts with established community partners for the period January 1, 2024, through December 31, 2025.

**BUDGET REFERENCE:**

230-232020-530623-99999-99999999-9999

230-232020-540213-99999-99999999-9999

230-232020-603800-99999-99999999-9999

230-232020-610100-99999-99999999-9999

Adopted October 3, 2023. No. 23-501

WHEREAS, The Purchasing Division solicits annually for the purchase of fuels for use throughout the county; and

WHEREAS, The Contracts may be renewed upon agreement of County and Contractor for four (4) optional one (1) year terms, provided that Contractor has satisfactorily performed the services as determined solely by the County; and

WHEREAS, The Purchasing Division received proposals from five (5) different vendors; and

WHEREAS, Funding for fuel purchases is available in Fund 200, Agency 207001, Objects 656100 (Unleaded) and 656200 (Diesel).

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the purchase of fuels from all five (5) recommended vendors, for each zone requested, as indicated below:

<b>ZONE/COMPANY</b>	<b>UNLEADED</b>	<b>DIESEL</b>
<b>ZONE 1</b>		
Best Oil	\$ 0.26	No Diesel in this Zone
Edwards Oil	\$ 0.3078	
Mansfield Oil	\$ 0.3362	
Petroleum Traders	\$ 0.2911	

Rainy Lake Oil	\$ 0.3474	
<b>ZONE 2</b>		
Best Oil	\$ 0.265	\$ 0.267
Edwards Oil	\$ 0.3388	\$ 0.2908
Mansfield Oil	\$ 0.3850	\$ 0.3243
Petroleum Traders	\$ 0.2929	\$ 0.3058
Rainy Lake Oil	\$ 0.3424	\$ 0.3429
<b>ZONE 3</b>		
Best Oil	\$ 0.57	\$ 0.284
Edwards Oil	\$ 0.5529	\$ 0.2928
Mansfield Oil	\$ 0.6264	\$ 0.3705
Petroleum Traders	No Pricing	No Pricing
Rainy Lake Oil	\$ 0.3527	\$ 0.3531
<b>ZONE 4</b>		
Best Oil	\$ 0.281	\$ 0.273
Edwards Oil	\$ 0.5529	\$ 0.3118
Mansfield Oil	\$ 0.6514	\$ 0.3645
Petroleum Traders	No Pricing	No Pricing
Rainy Lake Oil	\$ 0.3595	\$ 0.3598
<b>ZONE/COMPANY</b>	<b>UNLEADED</b>	<b>DIESEL</b>
<b>ZONE 5</b>		
Best Oil	\$ 0.285	\$ 0.289
Edwards Oil	\$ 0.5627	\$ 0.5432
Mansfield Oil	No Pricing	No Pricing
Petroleum Traders	No Pricing	No Pricing
Rainy Lake Oil	No Pricing	No Pricing
<b>ZONE 6</b>		
Best Oil	\$ 0.29	\$ 0.298
Edwards Oil	\$ 0.3247	\$ 0.3196
Mansfield Oil	\$ 0.3304	\$ 0.3463
Petroleum Traders	\$ 0.3299	\$ 0.3470
Rainy Lake Oil	\$ 0.3599	\$ 0.3655
<b>ZONE 7</b>		
Best Oil	\$ 0.303	\$ 0.319
Edwards Oil	\$ 0.5695	\$ 0.5609
Mansfield Oil	No Pricing	No Pricing
Petroleum Traders	No Pricing	No Pricing
Rainy Lake Oil	\$ 0.3864	\$ 0.3920
<b>ZONE 8</b>		
Best Oil	\$ 0.30	\$ 0.305
Edwards Oil	\$ 0.3366	\$ 0.3289
Mansfield Oil	\$ 0.3442	\$ 0.3660
Petroleum Traders	\$ 0.3425	\$ 0.3607
Rainy Lake Oil	\$ 0.3600	\$ 0.3656
<b>ZONE 9</b>		

Best Oil	No Unleaded in this Zone	No Diesel in this Zone
Edwards Oil		
Mansfield Oil		
Petroleum Traders		
Rainy Lake Oil		
ZONE 10		
Best Oil	\$ 1.50	\$ 0.404 /\$ 1.60 Bulk
Edwards Oil	\$ 0.6764	\$ 0.6593
Mansfield Oil	No Pricing	No Pricing
Petroleum Traders	No Pricing	No Pricing
Rainy Lake Oil	\$ 0.3999	\$ 0.4055

Adopted October 3, 2023. No. 23-502

WHEREAS, The Public Works Department's 2023 equipment budget includes the purchase of cutting edges for the heavy plow truck fleet to address operational needs; and

WHEREAS, Kris Engineering, Inc. of St. Augusta, MN, is the sole retailer for Sno-Shock blades and has responded with the State of Minnesota contract price for cutting edges for \$370,753.00.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the purchase of cutting edges from Kris Engineering, Inc. of St. Augusta, MN, in accordance with the State Contract Release B-312 (5) for \$370,753.00.00, payable from Fund 207, Agency 207001, Object 657000.

Adopted October 3, 2023. No. 23-503

RESOLVED, That pursuant to Minn. Stat. § 349.213, Subd. 2, the St. Louis County Board of Commissioners approves the following Premise Permit Application, on file in the office of the County Auditor identified as County Board File No. 61874, for the following organization:

Gnesen Volunteer Fire Department, Duluth, Minnesota, to operate lawful gambling out of the following:

Gnesen Community Center, 6356 Howard Gnesen Road, Duluth, MN, renewal.

Adopted October 3, 2023. No. 23-504

RESOLVED, That the St. Louis County Board approves the applications for abatement, correction of assessed valuations and taxes plus penalty and interest, and any additional accrual, identified in County Board File No. 61875.

Adopted October 3, 2023. No. 23-505

WHEREAS, St. Louis County has worked with the Duluth Air National Guard Base, 148<sup>th</sup> Fighter Wing to support and assist response capabilities for criminal and/or terrorist-related matters under a Memorandum of Understanding (MOU) since 2005 but which has since expired in December of 2022; and

WHEREAS, The parties wish to continue this mutually beneficial MOU; and

WHEREAS, St. Louis County Sheriff's Office officers will respond to the 148<sup>th</sup> Fighter Wing as requested and provide the necessary assistance from a full spectrum of law enforcement capabilities, as they would for any other organization within their jurisdiction; and

WHEREAS, The 148<sup>th</sup> Fighter Wing will support in any means possible within the authority and scope of their mission responsibilities; and

WHEARAS, This MOU will expire when superseded by a new written and signed modification and may be terminated in writing at will by either party.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to enter into a MOU with the Duluth Air National Guard Base, 148<sup>th</sup> Fighter Wing to provide law enforcement assistance when requested.

Adopted October 3, 2023. No. 23-506

WHEREAS, St. Louis County collects waste tires as part of its special waste program; and  
WHEREAS, St. Louis County requires the services of a competent vendor to provide tire management and recycling services to Environmental Services Department canister sites; and

WHEREAS, In August 2023, the Department received a quote using special Environmental Services rules pursuant to Minn. Stat. § 383C.807 and § 400.04 from First State Tire Recycling to manage tire recycling from its five (5) transfer stations and the Virginia Regional Landfill.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the Environmental Services Department to enter into a contract for the period ending December 31, 2023, with two (2) optional one (1) year extensions, with First State Tire Recycling for the haulage and proper disposal of used tires from its canister sites for an estimated cost of \$70,000 per year payable from Fund 600, Agency 601004 (Recycling).

Adopted October 3, 2023. No. 23-507

RESOLVED, That the appraisal report for sale of timber, numbered C19230139 as submitted by the Land Commissioner, on file in the Office of the County Auditor, identified as County Board File No. 61859, is approved and the County Auditor is authorized to carry out the recommendation as listed in said appraisal report.

Adopted October 3, 2023. No. 23-508

RESOLVED, That the appraisal report for sale of timber, numbered C19230140 as submitted by the Land Commissioner, on file in the Office of the County Auditor, identified as County Board File No. 61859, is approved and the County Auditor is authorized to carry out the recommendation as listed in said appraisal report.

Adopted October 3, 2023. No. 23-509

**BY COMMISSIONER HARALA:**

WHEREAS, A legally sufficient cartway petition was presented to the St. Louis County Board by Michael Clement; and

WHEREAS, By adoption of Resolution No. 23-468 on September 12, 2023, the Board scheduled a public hearing on the Clement Cartway Petition to occur at 9:35 a.m. on Tuesday October 3, 2023, at the St. Louis County Courthouse, Duluth, Minnesota; and

WHEREAS, On October 3, 2023, the Board held a public hearing on the Petition, receiving testimony from St. Louis County Public Works, affected landowners, and other interested parties; and

WHEREAS, The Board agrees with Public Works that the alignment denoted by the brown North/South line on Exhibit B, attached, is the least disruptive and damaging, and in the best interest of the public; and

WHEREAS, A survey for the aforementioned route is needed in order to provide the exact alignment of the cartway for recording and appraisal purposes; and

WHEREAS, Appraisals of the impacted parcel(s) will be required in order to establish damages owed the respective owners; and

WHEREAS, A separate hearing to determine damages and costs will be needed upon completion of the survey and appraisals.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board hereby determines the alignment of the requested cartway is as set forth in Exhibit B, attached.

RESOLVED FURTHER, That upon completion of a survey by Petitioner's hired surveyor, and review by appropriate County staff, the Board authorizes appropriate County employees and officials to enter into agreements causing appraisal(s) of the relevant parcels to be completed.

RESOLVED FURTHER, That upon receipt of the completed survey and appraisals, a public hearing regarding damages and costs associated with establishment of this cartway will be scheduled.

Unanimously adopted October 3, 2023. No. 23-510

**BY COMMISSIONER MUSOLF:**

WHEREAS, Due to over four inches of rainfall within 24-hours a large number of culverts and roadways have been washed out in the southern portion of St. Louis County, primarily within cities and townships along Lake Superior; and

WHEREAS, This event resulted in the loss of a large amount of material and measurable damage to these sites; and

WHEREAS, St. Louis County, townships and cities are conducting a Damage and Impact Assessment Report for submission to Minnesota Homeland Security and Emergency Management (HSEM) to determine eligibility for state public disaster assistance in accordance with Minn. Stat. § 12B.30; and

WHEREAS, On October 3, 2023, the St. Louis County Sheriff's Office Division of Emergency Management requested that the St. Louis County Board of Commissioners declare St. Louis County in a State of Local Emergency due to the September 25, 2023 Flood event.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board of Commissioners hereby declares a State of Local Emergency in St. Louis County, Minnesota, due to conditions resulting from flooding on September 25, 2023, and request state public disaster assistance in accordance with Minn. Stat. § 12B.30 for any eligible storm recovery activities.

Unanimously adopted October 3, 2023. No. 23-511

At 10:12 a.m., October 3, 2023, Commissioner Musolf, supported by Commissioner Grimm, moved to adjourn the meeting. The motion passed; seven yeas, zero nays.



Patrick Boyle, Chair of the Board  
of County Commissioners

Attest:



Nancy Nilsen, County Auditor  
and Ex-Officio Clerk of the Board  
of County Commissioners

(Seal of the County Auditor)