

**OFFICIAL PROCEEDINGS OF THE MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF ST. LOUIS, MINNESOTA,  
HELD ON FEBRUARY 20, 2024**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 20<sup>th</sup> day of February 2024, at 10:00 a.m., at the St. Louis County Courthouse, Duluth, Minnesota, with the following members present: Commissioners Annie Harala, Patrick Boyle, Ashley Grimm, Paul McDonald, Mike Jugovich and Chair Keith Nelson - 6. Absent: Commissioner Keith Musolf - 1.

Commissioner Nelson noted that Commissioner Musolf is absent because he is out-of-town on county business.

Chair Nelson asked for a moment of silence to honor those men and women who serve and protect this great nation and for those individuals adversely affected by conflict or violence both here and abroad; followed by the pledge of allegiance.

The Board recognized Ken Buehler, of the North Shore Scenic Railroad and the Lake Superior Railroad Museum as an outstanding resident of St. Louis County and for his service, vision and hard work. Mr. Buehler thanked the Board and said he was accepting the award on behalf of the founders of the St. Louis County Depot, the Lake Superior Railroad Museum, and volunteers who have worked at the Depot and Railroad Museum.

Commissioner McDonald, supported by Commissioner Jugovich, moved to approve the consent agenda. The motion passed; six yeas, zero nays, one absent (Musolf).

Commissioner McDonald, supported by Commissioner Jugovich, moved that the St. Louis County Board approves the Rainy Headwaters - Vermilion Comprehensive Watershed Management Plan and authorizes submission of the Plan to the Minnesota Board of Water and Soil Resources (BWSR) contingent on the recommendation of plan approval by the BWSR North Region Committee and subsequent to BWSR Board approval; that the St. Louis County Board adopts and will begin implementation of the Plan within the Rainy Headwaters – Vermilion Watershed; and further, that the St. Louis County Board approves the Rainy Headwaters - Vermilion Watershed Implementation Memorandum of Agreement (MOA) authorizing the appropriate County officials to execute the MOA and allow the parties to carry out the coordinated planning, development, and implementation of the Plan. The motion passed; six yeas, zero nays, one absent (Musolf). Resolution No. 24-111.

Chair Nelson commented that Ryan Logan has been hired as the new Director of St. Louis County's Planning and Zoning Department. Director Logan said he was very excited for the opportunity and will continue to strive to improve service to citizens.

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

James Foldesi, P.E., Public Works Director/Highway Engineer, correspondence to Commissioner Katrina Kessler, Minnesota Pollution Control Agency, regarding the management of old dumps.—62121

Darren Jablonsky, Planning and Zoning Interim Director, submitting Request for Board Action No. 24-65, Rainy Headwaters – Vermilion Comprehensive Watershed Management Plan and Memorandum of Agreement.—62122

Premise Permit Applications for Lawful Gambling approved during CY 2024.—62123

Liquor Licenses approved during CY 2024.—62124

Plats and Surveys approved during CY 2024.—62125

Julie Marinucci, Land & Minerals Director, and Nancy Nilsen, County Auditor/Treasurer, submitting Request for Board Action No. 24-59, Classification of December 13, 2023 Forfeitures (Conservation).—62126

Julie Marinucci, Land & Minerals Director, and Nancy Nilsen, County Auditor/Treasurer, submitting Request for Board Action No. 24-60, Classification of December 13, 2023 Forfeitures (Non-Conservation).—62127

Brian Fritsinger, Deputy Administrator, submitting Request for Board Action No. 24-67, Consideration of Establishment of a Native American Affairs Committee.—62128

Upon motion by Commissioner McDonald, supported by Commissioner Jugovich, resolutions numbered 24-95 through 24-110, as submitted on the consent agenda, were unanimously adopted as follows:

**BY COMMISSIONER McDONALD:**

RESOLVED, That the official proceedings of the St. Louis County Board of Commissioners for the meeting of February 6, 2024, are hereby approved.

Adopted February 20, 2024. No. 24-95

WHEREAS, When a vacancy occurs in the Public Health and Human Services Department (PHHS), a review is done to determine if that position should be filled as is or if it should be reallocated to a level more aligned with the needs of the Department and the customers it serves; and

WHEREAS, PHHS and the Human Resources Department conducted such a review when the results of Economic Services and Supports restructuring made it clear a vacant Information Specialist I position could be reallocated to meet the significant workload increase needs in Economic Services and Supports as an Information Specialist II; and

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

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the reallocation of a 1.0 FTE Information Specialist I position (Position code 0411-061, Pay Grade B06 Step 1), to a 1.0 FTE Information Specialist II position (Pay Grade B10 Step 1), in the Public Health and Human Services Department, resulting in an annual increase of \$3,958, to be accounted for in Fund 230, Agency 230011, Object 610100.

Adopted February 20, 2024. No. 24-96

WHEREAS, The Woodland Avenue pavement rehabilitation project is programmed to be constructed in 2024 and is further identified as CP 0009-565027, SP 069-609-050; and

WHEREAS, The Public Works Department determined it is necessary to secure an engineering consultant to provide professional services to perform construction administration, inspection, and construction staking on the project; and

WHEREAS, A request for proposals was sent to seven engineering consultants and using a quality-based selection method, LHB, Inc. was selected for the project.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate County Officials to enter into an engineering services agreement, and approve any amendments authorized by the County Attorney, with LHB, Inc. to provide professional services to perform construction administration, inspection, and construction staking on the project.

RESOLVED FURTHER, That the total cost of these professional services shall not exceed \$221,388.00, and will be payable from Fund 220, Agency 220653, Object 626600. This project is further identified as CP 0009-565027, SP 069-609-050.

Adopted February 20, 2024. No. 24-97

WHEREAS, The Minnesota Department of Transportation is planning a project to replace a culvert on MNTH 135 located 1.3 miles south of County State Aid Highway (CSAH) 26 (Wahlsten Road) under state project number SP 6913-40; and

WHEREAS, The construction phasing will require MNTH 135 traffic to be detoured onto CSAH 21 (Hwy. 21) and CSAH 26 (Wahlsten Road); and

WHEREAS, The Minnesota Department of Transportation will provide payment to St. Louis County for road life consumed through a detour agreement.

THEREFORE, BE IT RESOLVED, That St. Louis County enter into MnDOT Agreement No. 1055356 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use of County State Aid Highway No. 21 and County State Aid Highway No. 26 as a detour route during the construction to be performed upon, along, and adjacent to Trunk Highway No. 135 at 1.3 miles south of County State Aid Highway No. 26 under State Project No. 6913-40 (T.H. 135=035).

RESOLVED FURTHER, That the County Board Chair, Public Works Director and the Assistant County Attorney are authorized to execute the Agreement and any amendments to the Agreement.

RESOLVED FURTHER, That State funds will be receipted into Fund 200, Agency 205003, Object 583100.

Adopted February 20, 2024. No. 24-98

WHEREAS, The Public Works Department's 2024 equipment budget includes funding for the replacement of two service truck gear packages; and

WHEREAS, The Public Works Department, in tandem with the Purchasing Division, has solicited proposals for the purchase of two service truck gear packages; and

WHEREAS, Proposals were opened in the Richard H. Hansen Transportation and Public Works Complex, Duluth, MN, on January 12, 2024; and

WHEREAS, Altec, Inc. of Duluth, Minnesota, was the sole responder, whose proposal demonstrated the clear capability and capacity to fulfill the purpose of the Request for Proposals in a cost-effective manner.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the purchase of two (2) service truck gear packages from Altec, of Duluth, Minnesota, for a total cost of \$261,070.00, payable from Fund 407, Agency 407001, Object 666300.

Adopted February 20, 2024. No. 24-99

WHEREAS, Bids have been received electronically by the St. Louis County Public Works Department for CP 0000-477573; CP 0000-836965, SAP 131-030-003 (2024 Crack Sealing); and

WHEREAS, Bids were opened in the Richard H. Hansen Transportation and Public Works Complex, Duluth, MN, on January 18, 2024, and the low responsible bid was determined.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the award on the above project to the low bidder:

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Asphalt Surface Technologies Corporation (aka ASTECH Corp)	PO Box 1025 St. Cloud, MN 56302	\$904,147.95

RESOLVED FURTHER, That the appropriate county officials are authorized to approve the contractor's performance bonds and to execute the bonds and contract for the above listed project payable from:

CP 0000-477573 (2024 Crack Sealing)

Fund 200, Agency 203682, Object 652800 – Local Construction Funds - \$728,415.90

CP 0000-836965, SAP 131-030-003 (2024 Crack Sealing)

Fund 220, Agency 220769, Object 652700 – City of Chisholm, City of Hermantown, City of Hibbing and Town of Morse Funds - \$175,732.05

With additional revenue budgeted for expense:

City of Chisholm – Fund 220, Agency 220769, Object 551530 - \$39,186.65

City of Hermantown – Fund 220, Agency 220769, Object 551503 - \$23,460.00

City of Hibbing – Fund 220, Agency 220769, Object 551504 - \$86,935.95

Town of Morse – Fund 220, Agency 220769, Object 551572 - \$26,149.45

Adopted February 20, 2024. No. 24-100

WHEREAS, Bids have been received electronically by the St. Louis County Public Works Department for CP 0000-810089 (Prime) consisting of 2 projects; and

WHEREAS, Bids were opened in the Richard H. Hansen Transportation and Public Works Complex, Duluth, MN, on January 25, 2024, and the low responsible bid was determined.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the award on the above project to the low bidder:

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
KGM Contractors, Inc.	9211 Hwy. 53 Angora, MN 55703	\$1,366,796.58

RESOLVED FURTHER, That the appropriate county officials are authorized to approve the contractor's performance bonds and to execute the bonds and contract for the above listed project payable from:

CP 0000-810089 (Prime) consisting of 2 projects:

Fund 200, Agency 203683, Object 652800 – Gravel Road Investment Program (GRIP) Funds - \$550,000.00

Fund 204, Agency 204269, Object 652806 – Transportation Sales Tax Funds - \$816,796.58

Adopted February 20, 2024. No. 24-101

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. 62123 for the following organization:

Eveleth Elks Lodge #1161, Eveleth, Minnesota, to operate lawful gambling out of:

M. & T. Wedin Inc. dba Wooden Table Inn, Unorganized Township 60-19, 10295 Highway 65, Britt, MN, new.

Adopted February 20, 2024. No. 24-102

RESOLVED, That pursuant to Ordinance No. 28, Section 11, Subdivision 11.06, authorization is hereby granted to Elephant Lake Lodge, Inc. dba Melgeorge's Elephant Lake Lodge, Camp 5 Township, to sell/serve outside the designated serving area of the County Liquor License for the date of March 9, 2024, as per application on file in the office of the County Auditor, identified as County Board File No. 62124.

Adopted February 20, 2024. No. 24-103

RESOLVED, That pursuant to the provisions of Minn. Stat. § 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for permit authorizing the consumption and display of intoxicating liquor is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 62085:

Melrude Whistle Stop, LLC dba Melrude Whistle Stop, Ellsburg Township, renewal.

Adopted February 20, 2024. No. 24-104

WHEREAS, Minnesota Power desires to plat existing lease lots in Unorganized Township 53-15; and

WHEREAS, All lots conform to lot of record standards of St. Louis County Zoning Ordinance 62 and Subdivision Ordinance 60; and

WHEREAS, The final application and plat have been submitted pursuant to and in accordance with the County Lease Lot of Record Subdivision Plat procedure and conform with the platting and recording requirements set forth by St. Louis County Subdivision Ordinance 60 and Subsurface Sewage Treatment System Ordinance 61.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board grants final approval to the plat of Birch Isle, Sections 26, 34, and 35, Township 53N, Range 15W (Unorganized Township).

Adopted February 20, 2024. No. 24-105

WHEREAS, Commercial, residential and municipal haulers in the Hibbing area deliver mixed solid waste (MSW) and recyclable materials to the Hibbing Transfer Station where the MSW is loaded into 110 yard transfer trailers and hauled to the Regional Landfill for disposal and the recyclable materials are loaded into 50 yard roll-off boxes and delivered to the County Recycling Facility; and

WHEREAS, The contract for the operation of the Hibbing Transfer Station expired on December 31, 2023; and

WHEREAS, Under the purchasing provisions outlined in Minn. Stat. § 400.04, subd. 4, and § 383C.807, the Environmental Services Department negotiated with Quad Cities Recycling, Inc. for the operation and haulage of materials from the Hibbing Transfer Station.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the Environmental Services Department to enter into a two (2) year contract with the option of two (2) additional two (2) year extensions beginning January 1, 2024, with Quad Cities Recycling, Inc. for an estimated \$343,636.09 per year plus a \$180.00 per hour equipment charge for snow plowing, grading, and maintaining special waste areas as directed and fuel adjustment and yearly CPI modification payable from Fund 600, Agency 604001, and Fund 600, Agency 601103.

Adopted February 20, 2024. No. 24-106

WHEREAS, The parcels described in County Board File No. 62126 forfeited to the State of Minnesota on December 13, 2023, for nonpayment of real estate taxes; and

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

WHEREAS, The goals of classification are to encourage the most economical and efficient use of the property, reduce local and state government expenses, conserve and develop the state's natural resources, and encourage economic development; and

WHEREAS, The Land and Minerals Department has recommended that these parcels be classified as conservation after considering many factors including the present use of adjacent land, the productivity of the soil, the character of forest or other growth, the accessibility of lands to established roads, schools, and other public services, the suitability or desirability for particular uses and the suitability of the forest resources on the land for multiple use and sustained yield management; and

WHEREAS, The forfeited parcels may be located inside the boundaries of a municipality or town and Minn. Stat. § 282.01 requires that notice of the classification or reclassification and sale of lands situated within a municipality or town must be transmitted to its governing body.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board classifies the tax-forfeited parcels described in County Board File No. 62126 as conservation, and a notice of the classification shall be transmitted by the Land and Minerals Department to the clerk of the municipality or town in which the parcels are located.

RESOLVED FURTHER, That the classification of the forfeited parcels will be deemed approved if the County Board does not receive notice of a municipality's or town's disapproval within 60 days of the date on which this resolution is delivered to the clerk of the municipality or town in which the parcel is located.

Adopted February 20, 2024. No. 24-107

WHEREAS, The parcels described in County Board File No. 62127 forfeited to the State of Minnesota on December 13, 2023, for nonpayment of real estate taxes; and

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

WHEREAS, The goals of classification are to encourage the most economical and efficient use of the property, reduce local and state government expenses, conserve and develop the state's natural resources, and encourage economic development; and

WHEREAS, The Land and Minerals Department has recommended that these parcels be classified as non-conservation after considering many factors including the present use of adjacent land, the productivity of the soil, the character of forest or other growth, the accessibility of lands to established roads, schools, and other public services, the suitability or desirability for particular uses and the suitability of the forest resources on the land for multiple use and sustained yield management; and

WHEREAS, The forfeited parcels may be located inside the boundaries of a municipality or town and Minn. Stat. § 282.01 requires that notice of the classification or reclassification and sale of lands situated within a municipality or town must be transmitted to its governing body.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board classifies the tax-forfeited parcels described in County Board File No. 62127 as non-conservation, and a notice of the classification shall be transmitted by the Land and Minerals Department to the clerk of the municipality or town in which the parcels are located.

RESOLVED FURTHER, That the classification of the forfeited parcels will be deemed approved if the County Board does not receive notice of a municipality's or town's disapproval within 60 days of the date on which this resolution is delivered to the clerk of the municipality or town in which the parcel is located.

Adopted February 20, 2024. No. 24-108

WHEREAS, An Information Specialist II position vacancy occurred within the Planning and Zoning Department in May 2023; and

WHEREAS, A review of business operational needs was assessed and determined that an Information Specialist III position would better serve the new Planning & Zoning Department; and

WHEREAS, The request to reallocate the Information Specialist II position to an Information Specialist III position was approved by Human Resources; and

WHEREAS, St. Louis County policy requires that any position reallocation resulting in greater than three pay grades must go before the County Board for approval.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the reallocation of a 1.0 FTE Information Specialist II position (#0421-054, Civil Service Basic Unit Pay Plan, \$3,128 at Grade B10 Step 1) to a 1.0 FTE Information Specialist III position (Civil Service Basic Unit Pay Plan, \$3,530 at Grade B14 Step 1) within the Planning and Zoning Department, resulting in an annual budget increase of approximately \$4,817, dependent upon the starting salary of a successful candidate, to be accounted for in Fund 289, Agency 289001, Object 610100, or its designated fund.

Adopted February 20, 2024. No. 24-109

WHEREAS, The St. Louis County Board may create special committees when necessary to address topics of interest; and

WHEREAS, At its January 2, 2024 annual meeting, discussion took place related to the creation of a special Tribal Relations Committee for 2024; and

WHEREAS, The County Board Chairperson requested that consideration of this action be brought back to the County Board at its February 6, 2024 meeting.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board hereby creates a Native American Affairs Committee.

RESOLVED FURTHER, That the following Commissioners be appointed to serve on the Committee: Commissioners Harala, Jugovich and McDonald.

RESOLVED FURTHER, That the Committee be considered a standing committee of the County Board and will continue until otherwise dissolved by the Board.

Adopted February 20, 2024. No. 24-110

**BY COMMISSIONER McDONALD:**

WHEREAS, In the 1990s, Minn. Stat. §§ 103B.301 to 103B.355 authorized counties in Minnesota to develop and implement a local water management plan; and

WHEREAS, St. Louis County currently has a state-approved Comprehensive Local Water Management Plan that covered the period of August 26, 2010, to August 26, 2020, and which has been further extended to December 31, 2028; and

WHEREAS, On March 26, 2019, Resolution No. 19-198 delegated to the North and South Soil and Water Conservation Districts (SWCD) the fiscal responsibility of coordinating, assembling, writing, and implementing the One Watershed One Plan (1W1P) pursuant to Minn. Stat. § 103B; and

WHEREAS, The Minnesota Pollution Control Agency completed preliminary studies of the watershed and the Board of Water and Soil Resources (BWSR) selected the Rainy Headwaters – Vermilion watershed for a planning grant to the SWCD through the 1W1P program; and

WHEREAS, The St. Louis County Board appointed Commissioner Paul McDonald to the Rainy Headwaters – Vermilion Watershed Policy Committee; and

WHEREAS, St. Louis County has been an active participant in the development and adoption of the Rainy Headwaters - Vermilion Comprehensive Watershed Management Plan (Plan); and

WHEREAS, During the 60-day public comment and review period, no major changes were requested by the public, St. Louis County, or state agencies; and

WHEREAS, The Policy Committee and participating Local Government Units (LGUs) must adopt the Rainy Headwaters – Vermilion Watershed Comprehensive Management Plan (Plan) and serve as a substitute for either the SWCD comprehensive plan or county local water management plan as per Minn. Stat. § 103B or 103C respectively for the duration of the state-approved Plan; and

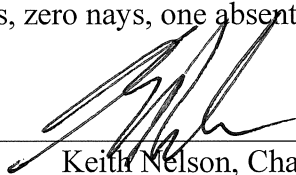
WHEREAS, On January 26, 2024, the Policy Committee approved and recommended approval by the six partners and their governing bodies of the Plan and Implementation Memorandum of Agreement (MOA).

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the Rainy Headwaters - Vermilion Comprehensive Watershed Management Plan and authorizes submission of the Plan to the Minnesota Board of Water and Soil Resources contingent on the recommendation of plan approval by the BWSR North Region Committee and subsequent to BWSR Board approval, the St. Louis County Board adopts and will begin implementation of the Plan within the Rainy Headwaters – Vermilion Watershed.


RESOLVED FURTHER, That the St. Louis County Board approves the Rainy Headwaters - Vermilion Watershed Implementation MOA authorizing the appropriate County officials to execute the MOA and allow the parties to carry out the coordinated planning, development, and implementation of the Plan.

Unanimously adopted February 20, 2024. No. 24-111

At 10:22 a.m., February 20, 2024, Commissioner Harala, supported by Commissioner Grimm, moved to adjourn the meeting. The motion passed; six yeas, zero nays, one absent (Musolf).

  
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Keith Nelson, Chair of the Board  
of County Commissioners

Attest:

  
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Nancy Nilsen, County Auditor / *Phil Chapman*  
and Ex-Officio Clerk of the Board *Deputy Auditor*  
of County Commissioners

(Seal of the County Auditor)