



AGENDA

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

Tuesday, September 28, 2021, 9:30 A.M.

**Alborn Community Center
6388 Highway 7
Alborn, Minnesota**

**FRANK JEWELL
First District**

**PATRICK BOYLE
Second District**

**ASHLEY GRIMM
Third District**

**PAUL McDONALD
VICE-CHAIR
Fourth District**

**KEITH MUSOLF
Fifth District**

**KEITH NELSON
Sixth District**

**MIKE JUGOVICH
CHAIR
Seventh District**

County Auditor
Nancy Nilsen

County Administrator
Kevin Gray

County Attorney
Mark Rubin

Clerk of the Board
Phil Chapman

The St. Louis County Board of Commissioners welcomes you to this meeting. This agenda contains a brief description of each item to be considered. The Board encourages your participation. Citizens can either appear at the meeting in person or submit comments for the public comment portion or for specific Board agenda items prior to the meeting by e-mailing them to publiccomment@stlouiscountymn.gov. Except as otherwise provided by the Standing Rules of the County Board, no action shall be taken on any item not appearing in the agenda.

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

****In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the Administration Department 72 hours prior to the meeting at (218)726-2450.****

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

AGENDA
St. Louis County Board
September 28, 2021
Page 2

9:30 A.M. Moment of Silence
 Pledge of Allegiance
 Roll Call

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

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

9:35 A.M. PUBLIC HEARING, pursuant to Resolution No. 21-524, adopted September 14, 2021, to receive and consider public input in connection with an interim zoning ordinance placing a moratorium on new captive cervid farms in St. Louis County. {21-416}

CONSENT AGENDA

Approval of business submitted on the consent agenda.

REGULAR AGENDA

Central Management & Intergovernmental Committee – Commissioner Jewell, Chair

1. Coleton Grasto settlement agreement. {21-417}

ADJOURNED:

BOARD LETTER NO. 21 – 416

ENVIRONMENT & NATURAL RESOURCES COMMITTEE

SEPTEMBER 28, 2021 BOARD AGENDA 9:35 A.M.
PUBLIC HEARING

DATE: September 28, 2021

RE: St. Louis County Cervid Farm
Moratorium

FROM: Kevin Z. Gray
County Administrator

Matthew E. Johnson, Director
Planning and Community Development

RELATED DEPARTMENT GOAL:

To exercise responsible stewardship of county resources; to preserve opportunities for outdoor recreation in St. Louis County; and to strive for local decision-making that balances social, economic, and environmental concerns.

ACTION REQUESTED:

It is recommended the St. Louis County Board enact Ordinance 66, thereby establishing a Cervid Farm Moratorium for up to one year and direct the Planning Commission to make a report recommendation with respect to ordinance amendments that the St. Louis County Board should consider adopting regarding cervid farms.

BACKGROUND:

Chronic Wasting Disease (CWD) is a contagious fatal neurodegenerative disease afflicting cervids, including whitetail deer. The disease is caused by misfolded proteins called prions, which attack the brain of infected animals, resulting in death. CWD has spread to 26 states, three Canadian provinces, several counties in Southeast Minnesota, and now one county in Northern Minnesota (Beltrami). Minnesota wild deer are an important source of food, recreation, and tradition for firearm and archery hunters who in turn, generate over a half billion dollars in economic activity in rural counties. St. Louis County benefits from the abundant availability of hunting grounds and cervids and desires to preserve these resources.

Current Minnesota Statutes and Rules, as well as St. Louis County Ordinance No. 62, do not adequately address the use, construction, siting, and operation of cervid farms. Time is needed to study the threats and impacts of CWD in the region and determine what modifications, if any, are needed to Ordinance No. 62.

To protect the public health, safety, and general welfare, and to prevent the spread of CWD throughout Northern Minnesota, a moratorium on the creation or expansion of new or existing cervid farms will allow for a discussion on the pertinent issues relating to their use, construction, siting, and operation. Moratoriums are authorized by Minnesota Statutes § 394.34 "Interim Zoning."

In accordance with the justifications outlined above and pursuant to the authority of Minnesota Statutes § 394.34 (Interim Zoning) and the jurisdictional authority of the St. Louis County Zoning Ordinance (Ordinance No. 62), Ordinance 66 has been drafted for Board consideration. If passed, Ordinance 66 shall place a one-year moratorium prohibiting the construction, creation, or permitting of new captive cervid farms or the expansion of existing cervid farms. Ordinance 66 does not discontinue the existing operation of the five cervid farms in St. Louis County currently on record with the Minnesota Board of Animal Health.

A planning study shall commence upon initiation of the moratorium and input shall be received from subject-matter experts, county residents and other interested parties. The Planning Commission shall, prior to the expiration of the moratorium, make a report and recommendation with respect to ordinance amendments, if any, that the St. Louis County Board should consider adopting regarding cervid farms.

On September 14, 2021, the County Board established a public hearing, via Resolution No. 21-524, to occur on Tuesday, September 28, 2021, at 9:35 a.m. at the Alborn Community Center, 6388 Hwy. 7, Alborn, Minnesota, 55702, to consider and receive public input in connection with an interim zoning ordinance placing a moratorium on any new captive cervid farms in St. Louis County until such time that the County Board is able to study and consider enacting a permanent ordinance.

RECOMMENDATION:

It is recommended the St. Louis County Board consider passing Ordinance 66, thereby establishing a Cervid Farm Moratorium for up to one year and directing the Planning Commission to make a report recommendation with respect to ordinance amendments, if any, that the St. Louis County Board should consider adopting regarding cervid farms.

St. Louis County Cervid Farm Moratorium

BY COMMISSIONER _____

WHEREAS, Chronic Wasting Disease (CWD) is a contagious fatal neurodegenerative disease afflicting cervids, including whitetail deer; and

WHEREAS, CWD has spread to 26 states, three Canadian provinces, several counties in Southeast Minnesota, and now one county in Northern Minnesota (Beltrami); and

WHEREAS, Nearly all CWD-infected cervids (deer) originate in captive commercial farms, of which 259 are located in Minnesota, including five in St. Louis County; and

WHEREAS, Minnesota wild deer are an important source of food, recreation, and tradition for 500,000 firearm and archery hunters who in turn, generate over a half billion dollars in economic activity in rural counties; and

WHEREAS, CWD spread reached a crisis level in Minnesota in 2021 after several CWD infected deer were found on a Beltrami County deer farm.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board adopts Ordinance 66 thereby establishing a one-year moratorium prohibiting the construction, creation, or permitting of new captive cervid farms or the expansion of existing cervid farms.

RESOLVED FURTHER, That the St. Louis County Board directs the Planning Commission to make a report recommendation with respect to ordinance amendments that the St. Louis County Board should consider adopting regarding cervid farms.

DRAFT ORDINANCE NUMBER 66

ST. LOUIS COUNTY CERVID FARM MORATORIUM

DRAFT

Board Agenda: September 28, 2021

Article I. General Provisions and Definitions

Section 1.1 Purpose

This Ordinance places a one-year moratorium on the creation or expansion of any new or existing captive cervid farms in St. Louis County to prevent the spread of Chronic Wasting Disease (CWD). The County finds this moratorium and associated planning process is needed in order to protect the health, safety, and general welfare of citizens.

Section 1.2 Background

Chronic Wasting Disease is a contagious fatal neurodegenerative disease afflicting cervids, including whitetail deer. The disease is caused by misfolded proteins called prions, which attack the brain of infected animals, resulting in death. CWD has spread to 26 states, three Canadian provinces, several counties in Southeast Minnesota, and now one county in Northern Minnesota (Beltrami).

Minnesota wild deer are an important source of food, recreation, and tradition for firearm and archery hunters who in turn, generate over a half billion dollars in economic activity in rural counties. St. Louis County benefits from the abundant availability of hunting grounds and cervids and desires to preserve these resources.

Current Minnesota Statutes and Rules, as well as St. Louis County Ordinance No. 62, do not adequately address the use, construction, siting and operation of cervid farms. Time is needed to study the threats and impacts of CWD in the region and determine what modifications, if any, are needed to Ordinance No. 62.

Section 1.3 Authority

To protect the public health, safety, and general welfare, and to prevent the spread of CWD throughout Northern Minnesota, a moratorium on the creation or expansion of new or existing cervid farms will allow for a discussion on the pertinent issues relating to their use, construction, siting and operation. This moratorium is authorized by Minnesota Statutes § 394.34 "Interim Zoning."

Section 1.4 Relationship with County Zoning Ordinance

The St. Louis County Zoning Ordinance (County Ordinance No. 62) shall be used for all administrative procedures, standards and definitions not stated in this ordinance.

Article II Moratorium Established

Section 2.1 Moratorium

In accordance with the purpose set forth above and pursuant to the authority of Minnesota Statutes § 394.34 (Interim Zoning) and the jurisdictional authority of the St. Louis County Zoning Ordinance (Ordinance No. 62), a moratorium is imposed on the construction, creation, or permitting of new captive cervid farms or the expansion of existing cervid farms.

Section 2.2 Effective Date

This Ordinance shall take effect on the date of its passage and shall be in effect for a period of one year from the date thereof, unless earlier terminated by the St. Louis County Board of Commissioners.

Section 2.3 Prohibition

No person, firm, entity, or corporation shall create, construct, allow, own, or operate, unless lawfully in existence on the Effective Date, a cervid farm within St. Louis County until the expiration or repeal of this Ordinance. Further, any cervid farm licensed by the Minnesota Board of Animal Health on the Effective Date shall not be expanded.

Article III Administration and Enforcement

Section 3.1 Enforcement

St. Louis County may enforce any provision of this Ordinance by any means authorized by local, state or federal law.

Section 3.2 Severability

Every section, provision, or part of this Interim Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

Section 3.3 Study Authorized

A planning study shall commence upon initiation of the moratorium and input shall be received from subject-matter experts, county residents and other interested parties.

Section 3.4 Study Review

The Planning Commission shall receive and review a progress report on the planning study in April, 2022. The Commission, if it determines suitable progress is not being made, shall make such a report to the County Board.

Section 3.5 Study Outcome

The Planning Commission shall, prior to the expiration of the moratorium, make a report and recommendation with respect to ordinance amendments that the St. Louis County Board should consider adopting regarding cervid farms.

Section 3.6 Early Moratorium Termination

The moratorium ordinance may, by resolution of the board, be terminated prior to its natural expiration for any of the following reasons:

- A. Progress is not being made in studying the issues for which the moratorium was adopted.
- B. The study is completed, and action has been initiated to correct the problems originally requiring the moratorium.
- C. The situation for which the moratorium was established no longer exists, or the results of the study conclude that no direct County action can correct the problem.

Article IV Repealer

This Ordinance is repealed upon the termination of the moratorium.

BOARD LETTER NO. 21 – 417

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE

SEPTEMBER 28, 2021 BOARD AGENDA NO. 1

DATE: September 28, 2021 **RE:** Coleton Grasto Settlement Agreement

FROM: Kevin Z. Gray
County Administrator

Mark S. Rubin
County Attorney

RELATED DEPARTMENT GOAL:

To resolve claims against St. Louis County and its employees.

ACTION REQUESTED:

The St. Louis County Board is requested to approve a proposed settlement of *Grasto v. Spicer*, Case No. 69DU-CV-20-2102, a state-court action brought by Coleton Grasto against St. Louis County and one of its employees.

BACKGROUND:

In February 2018, an accident involving Mr. Grasto and a vehicle owned by St. Louis County and operated by an employee of St. Louis County occurred near the intersection of Martin Road and Eagle Lake Road in Duluth. In September 2020, Mr. Grasto commenced an action against St. Louis County and the employee arising from the accident. The parties to the action have agreed to a proposed settlement that is subject to the approval of the St. Louis County Board. Under the proposed settlement, Mr. Grasto will release his claims against St. Louis County and its officers, employees, and agents; St. Louis County will make a settlement payment in the amount of \$350,000.00; and St. Louis County will preserve its rights to assert a claim against another potentially at-fault person. The settlement amount is reasonable given the facts and circumstances giving rise to the action, and the proposed settlement will allow St. Louis County to avoid the risk and expense associated with further litigation.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the proposed settlement and authorize the appropriate county officials to negotiate and execute appropriate settlement documents and to make the settlement payment contemplated by the proposed settlement in the amount of \$350,000.00.

Coleton Grasto Settlement Agreement

BY COMMISSIONER _____

WHEREAS, In September 2020, Coleton Grasto commenced *Grasto v. Spicer*, Case No. 69DU-CV-20-2102, a state-court action against St. Louis County and one of its employees arising from a motor-vehicle accident that occurred in February 2018 near the intersection of Martin Road and Eagle Lake Road in Duluth; and

WHEREAS, The parties to the action have agreed to a proposed settlement that is subject to the approval of the St. Louis County Board; and

WHEREAS, Under the proposed settlement, Mr. Grasto will release his claims against St. Louis County and its officers, employees, and agents; St. Louis County will make a settlement payment in the amount of \$350,000.00; and St. Louis County will preserve its rights to assert a claim against another potentially at-fault person; and

WHEREAS, The St. Louis County Board wishes to approve the proposed settlement to avoid the expense and risk associated with litigation.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the proposed settlement and authorizes the appropriate county officials to negotiate and execute appropriate settlement documents and to make the settlement payment contemplated by the proposed settlement in the amount of \$350,000.00, payable from Fund 720, Agency 720001, Expense Code 636200, and the budgetary funding for this will come from Tort Fund Balance, Fund 720, Object 311500.