



AGENDA

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

Tuesday, February 9, 2021, 9:30 A.M.

**St. Louis County Public Works Facility – Virginia
Training Center (Use Lower Lot Straight Ahead From Entrance)
7823 Highway 135
Virginia, Minnesota**

NOTE: Due to the COVID-19 pandemic, this meeting is being conducted in accordance with Minnesota Statutes § 13D.021, which provides that members of the St. Louis County Board may attend the meeting by telephone or other electronic means. This statute also provides that, if telephone or other electronic means are used to conduct a meeting, to the extent practical, the county shall allow a person to monitor the meeting electronically from a remote location. For information on how to view or participate in the County Board meeting, please visit the county website at www.stlouiscountymn.gov, scroll to the County Board Meeting section, and click on the meeting date.

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
February 9, 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.

9:40 A.M. PUBLIC HEARING, pursuant to Resolution No. 21-58, adopted January 26, 2021, to consider the issuance of an Off-Sale Intoxicating Liquor License to Bell Resorts, Inc., dba Voyageaire Lodge & Houseboats, Crane Lake Township. **{21-65}**

CONSENT AGENDA

Approval of business submitted on the consent agenda.

REGULAR AGENDA

Environment & Natural Resources Committee – Commissioner Musolf, Chair

1. Approve the 2021 Aquatic Invasive Species Prevention Aid. **{21-64}** **[Without recommendation.]**

Central Management & Intergovernmental Committee – Commissioner Jewell, Chair

*The County Attorney has requested a closed session of the Committee of the Whole for litigation purposes. It is requested that the County Board convene a closed session immediately after the Board recesses.

- *2. Paul King et al. settlement agreement. **{21-66}**

ADJOURNED:

BOARD LETTER NO. 21 - 65

FINANCE & BUDGET COMMITTEE

FEBRUARY 9, 2021 BOARD AGENDA 9:40 A.M.
PUBLIC HEARING

DATE: February 9, 2021 **RE:** Public Hearing to Consider Off-Sale Intoxicating Liquor License (Crane Lake Township)

FROM: Kevin Z. Gray
County Administrator

Nancy J. Nilsen
County Auditor/Treasurer

RELATED DEPARTMENT GOAL:

To provide mandated and discretionary licensing services in a timely manner.

ACTION REQUESTED:

The St. Louis County Board is requested to consider an Off-Sale Intoxicating Liquor License for Bell Resorts, Inc. dba Voyagaire Lodge & Houseboats, Crane Lake Township.

BACKGROUND:

Bell Resorts, Inc., has made application for an Off-Sale Intoxicating Liquor License for the establishment known as Voyagaire Lodge & Houseboats, Crane Lake Township. Minn. Stat. § 340A.405, Subdivision 2(d), relating to the issuance of off-sale intoxicating liquor licenses provides that "No license may be issued under this subdivision unless a public hearing is held on the issuance of the license. Notice must be given to all interested parties and to any city located within three miles of the premises to be licensed. At the hearing the county board shall consider testimony and exhibits presented by interested parties and may base its decision to issue or deny a license upon the nature of the business to be conducted and its impact upon any municipality, and the character and reputation of the applicant, and the propriety of the location."

The County Liquor Licensing Committee considered and approved the application and recommends Board approval. According to the St. Louis County Fee Schedule, this establishment is applying for an Off-Sale Intoxicating Liquor License located in Area 3 and the annual license fee is \$150.00.

RECOMMENDATION:

It is recommended that the St. Louis County Board consider the testimony at the public hearing and barring any valid objection, approve the issuance of the off-sale license.

**Public Hearing to Consider Off-Sale Intoxicating Liquor License
(Crane Lake Township)**

BY COMMISSIONER _____

WHEREAS, Bell Resorts, Inc., dba Voyagaire Lodge & Houseboats, Crane Lake 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 February 9, 2021, at 9:40 a.m., in the St. Louis County Public Works, Virginia, 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, Bell Resorts, Inc., 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 of Commissioners has considered the nature of the business to be conducted and the propriety of the location and has recommended approval of the application.

THEREFORE, BE IT RESOLVED, That an Off-Sale Intoxicating Liquor License shall be issued to Bell Resorts, Inc. dba Voyagaire Lodge & Houseboats, Crane Lake Township, located in Area 3, and in accordance with the St. Louis County Fee Schedule the annual fee is \$150.00.

RESOLVED FURTHER, That said liquor license shall be effective through June 30, 2021.

RESOLVED FURTHER, That said license is approved contingent upon payment of real estate taxes when due.

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

BOARD LETTER NO. 21 – 64

ENVIRONMENTAL AND NATURAL RESOURCES COMMITTEE NO. 1

FEBRUARY 9, 2021 BOARD AGENDA NO. 1

DATE: February 2, 2021 **RE:** Aquatic Invasive Species
Prevention Aid – 2021 Funding
Recommendations

FROM: Kevin Z. Gray
County Administrator

Matthew E. Johnson, Director
Planning and Community Development

RELATED DEPARTMENT GOAL:

To secure and administer federal, state and other funding which implement county policies and maximize local resources.

ACTION REQUESTED:

The St. Louis County Board is requested to award 2021 Aquatic Invasive Species (AIS) Prevention Aid and authorize the Planning and Community Development Director and a representative of the County Attorney to negotiate contracts and authorize the appropriate county officials to execute contracts for all approved projects.

BACKGROUND INFORMATION:

In the 2014 legislative session, the Aquatic Invasive Species Prevention Aid program was established. The funds under this program are allocated to counties based 50 percent on each county's share of watercraft trailer launches and 50 percent on county's share of watercraft trailer parking spaces. The state appropriation for 2021 is \$10 million. St. Louis County's allocation for 2021 is \$709,530. One half of the allocation is paid to the county in July 2021 and the second half is paid in December 2021. There is also an additional \$20,000 available in reprogrammed funds, which are un-utilized 2019 grant funds.

The program funds are to be used to prevent the introduction or limit the spread of aquatic invasive species at access sites throughout the county. In May 2015, Resolution No. 15-284, the County Board approved the Aquatic Invasive Species Prevention Plan and authorized the Planning and Community Development Director to solicit proposals for the use of Aquatic Invasive Species Prevention Aid. To date, St. Louis County has funded 53 projects totaling \$3,774,396.

On September 24, 2020, notification was provided to all cities, towns and over 400 parties informing them that the county was soliciting proposals for the use of the 2021 Aquatic Invasive Species Prevention Aid. The application, instructions and other information were posted on the St. Louis County AIS webpage and distributed using a GovDelivery newsletter. Proposals were due by November 20, 2020.

The County has received 9 applications totaling \$853,445 for a variety of proposals. Based on the technical review and other considerations, county staff has made specific funding recommendations in the amount of \$654,530 for eight projects.

RECOMMENDATION:

It is recommended that the St. Louis County Board allocate the 2021 Aquatic Invasive Species Prevention Aid as outlined in County Board File No. _____; authorize the Planning and Community Development Director and a representative of the County Attorney to negotiate and execute contracts; and authorize the appropriate county officials to execute contracts for all approved projects. Funds for these projects are available from Fund 100, Agency 10999, Grant 10910, for Year 2021.

Aquatic Invasive Species Prevention Aid – 2021 Funding Recommendations

BY COMMISSIONER _____

WHEREAS, In 2014, the Minnesota Legislative Session established the Aquatic Invasive Species Prevention Aid Program, Minnesota Session Law Ch. 308; and

WHEREAS, In 2015, by Resolution No. 15-284, the St. Louis County Board approved the Aquatic Invasive Species Prevention Plan and authorized the Planning and Community Development Director to solicit proposals for the use of the Aquatic Invasive Species Prevention Aid; and

WHEREAS, Planning and Community Development staff conducted a technical review of the applications; and

WHEREAS, Based on the technical review and other considerations, county staff formulated funding recommendations.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the 2021 Aquatic Invasive Species Prevention Aid as listed in County Board File No. _____.

RESOLVED FURTHER, That the appropriate County officials are authorized to execute contracts negotiated by the Planning and Community Development Director and a representative of the County Attorney in order to implement the aid program, payable from Fund 100, Agency 109999, Grant 10910, Year 2021.



Aquatic Invasive Species (AIS) Program

St. Louis County, Minnesota

2021 AIS Program Applications Received

	Applicant	Project Cost	Funding		Description	Notes
			Requested	Recommend		
1	Burntside Lake Association	\$ 23,765	\$ 19,125	\$ 19,125	AIS prevention program including the following categories as aligned with the SLC AIS Plan: 1. Expand the training of and communication with all our boat inspectors 2. More aggressively promote the use of boat cleaning stations 3. Improve public awareness and education about AIS 4. Build early detection capabilities 5. Continue to build partnerships with other Ely area organizations.	Recommend full funding. Association is a model for others to follow. Continue to support their AIS prevention efforts.
2	Canosia Township	\$ 30,650	\$ 30,000	\$ 30,000	Existing zebra mussel population needs to be contained in Pike Lake. The project funded includes inspections and public education on Pike and Caribou Lakes in Canosia Township.	Recommend full funding. Continue to support Canosia Township prevention efforts of watercraft inspections.
3	Community Action Duluth	\$ 52,370	\$ 40,000	\$ 20,000	Continued eradication, control, mapping, and monitoring of non-native phragmites in the St. Louis River Estuary.	Recommend partial funding. Continue to support non-native phragmites eradication and control in the St. Louis River Estuary.
4	Grand Lake Township	\$ 22,164	\$ 22,164	\$ 22,164	Caribou Lake does not have any AIS designations and the township would like to keep it that way. Existing zebra mussel population needs to be contained in Pike Lake. The project funded includes inspections on Caribou Lake in Grand Lake Township.	Recommend full funding. Continue to support township prevention efforts of watercraft inspections.
5	Mississippi Headwaters Board	\$ 100,000	\$ 20,000	\$ -	Statewide social media and article writing campaign.	Recommend no funding due to statewide initiative. Applicant unable to demonstrate a direct impact and benefit to St. Louis County.

	Applicant	Project Cost	Funding		Description	Notes
			Requested	Recommend		
6	North St. Louis Soil and Water Conservation District	\$ 514,700	\$ 465,500	\$ 398,600	Managing watercraft inspections, decontaminations and public education on Bear Island, Birch, Burntside, Crane, Ely, Gilbert-Pit, Johnson, Kabetogama, One Pine, Pelican, Shagawa, and Vermilion Lakes.	Recommend partial funding. Continue to support NSWCD AIS prevention efforts of watercraft inspections and decontaminations.
7	U of MN Regents: Sea Grant	\$ 78,805	\$ 72,465	\$ 24,450	Pilot Check-In / Check-Out CD3 hub stations and mobile application. Empower boaters to self-inspect their own watercraft. Pilot project includes installation of hub stations at four public water accesses (St. Louis River Boy Scout and Munger Landings, Island Lake Abbott Rd Landing, and Pike Lake Public Access).	Recommend partial funding. This is a pilot project where proof of concept still being tested.
8	Vermilion Lake Association	\$ 78,091	\$ 42,191	\$ 42,191	AIS prevention program including the following categories as aligned with the SCL AIS Plan: 1. Watercraft inspection and cleaning 2. Public awareness and education 3. Habitat evaluation and threat assessment. 4. Early detection, rapid response, and population management 5. Regional and statewide partnership development.	Recommend full funding. Association is a model for others to follow. Continue to support their AIS prevention efforts.
9	Wildlife Forever	\$ 238,201	\$ 142,000	\$ 98,000	The proposal is to continue the Clean Drain Dry Initiative campaign to provide comprehensive media and outreach programs. The media campaign includes billboards, radio ads, print ads, fuel station and indoor advertising, digital ads, social media, streaming video services ads, and commercials. They also create and produce Clean Drain Dry materials for distribution to local governments and lake associations. Proposal also includes support towards Sea Grant's project.	Recommend partial funding. Funding not to include the access signage/cleaning stations as participating partners have not been identified.
TOTAL		\$ 1,138,746	\$ 853,445	\$ 654,530		



Aquatic Invasive Species (AIS) Program

St. Louis County, Minnesota

AIS - 2021 Financial Summary

Total 2021 Award from State of Minnesota	\$ 709,530
Reprogrammed Funds	\$ 20,000
2021 Administrative Funding*	\$ (75,000)
Total Funding Available	\$ 654,530
2021 Funding Request	\$ 853,445
2021 Funding Recommended	\$ 654,530

*Includes funding to St. Louis County Sheriff Water and Launch Patrol for AIS outreach efforts and Planning and Community Development for planning and program administration.

AIS Prevention Program - Grant Recipients Awards (2014 - 2020)

Grant Recipient	2014	2015	2016	2017	2018	2019	2020	TOTAL (2014-2020)	2021 Recommendation
1 Burntside Lake Association	\$ -	\$ -	\$ 189,857	\$ 43,075	\$ 26,000	\$ 16,000	\$ 25,100	\$ 300,032	\$ 19,125
2 Canosia Township	\$ -	\$ -	\$ 16,000	\$ 55,114	\$ 22,500	\$ 15,000	\$ 25,000	\$ 133,614	\$ 30,000
3 City of Babbitt	\$ 55,114	\$ -	\$ 50,000	\$ -	\$ -	-	\$ 32,625	\$ 137,739	\$ -
4 City of Duluth	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000	\$ -	\$ 10,000	\$ -
5 Community Action Duluth	\$ -	\$ -	\$ -	\$ 45,000	\$ -	\$ 60,000	\$ -	\$ 105,000	\$ 20,000
6 Grand Lake Township	\$ -	\$ -	\$ -	\$ -	\$ 14,900	\$ 15,000	\$ 20,100	\$ 50,000	\$ 22,164
7 Izaak Walton League	\$ 50,000	\$ -	\$ -	\$ -	\$ 50,000	-	\$ -	\$ 100,000	\$ -
8 North St. Louis SWCD	\$ 60,000	\$ -	\$ -	\$ 281,600	\$ 391,350	\$ 378,000	\$ 398,600	\$ 1,509,550	\$ 398,600
9 St. Louis River Alliance	\$ -	\$ 118,380	\$ -	\$ 46,900	\$ -	-	\$ -	\$ 165,280	\$ -
10 UMN - Research Projects	\$ -	\$ 126,281	\$ -	\$ 95,387	\$ -	-	\$ -	\$ 221,668	\$ -
11 UMN - Sea Grant	\$ 11,754	\$ -	\$ 24,817	\$ 19,659	\$ 22,248	\$ 20,000	\$ 20,000	\$ 118,478	\$ 24,450
12 Vermilion Lake Association	\$ -	\$ 23,441	\$ 48,380	\$ 107,000	\$ 59,000	\$ 36,000	\$ 62,537	\$ 336,358	\$ 42,191
13 Wildlife Forever	\$ 107,000	\$ 102,500	\$ 90,177	\$ -	\$ 114,000	\$ 75,000	\$ 98,000	\$ 586,677	\$ 98,000
TOTAL	\$ 283,868	\$ 370,602	\$ 419,231	\$ 693,735	\$ 699,998	\$ 625,000	\$ 681,962	\$ 3,774,396	\$ 654,530

**Resolution for Closed Session of the
Committee of the Whole for Litigation Purposes**

BY COMMISSIONER _____

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 candid and open discussion to provide legal advice to the St. Louis County Board with respect to a proposed settlement and litigation strategy relating to *King v. County of St. Louis*, Case No. 69DU-CV-17-529, in a closed session of the Committee of the Whole; and

WHEREAS, A closed session would benefit the public because potential financial liability could result in the expenditure of public funds.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board will convene in a closed meeting of the Committee of the Whole on February 9, 2021, for the purpose of discussing the proposed settlement and litigation strategy relating to *King v. County of St. Louis*, Case No. 69DU-CV-17-529, immediately following the St. Louis County Board meeting, in accord with Minn. Stat. § 13D.05, subd. 3(b).

RESOLVED FURTHER, That no other pending public business will be discussed at this closed session.

BOARD LETTER NO. 21 – 66

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE

FEBRUARY 9, 2021, BOARD AGENDA NO. 2

DATE: February 9, 2021

RE: Paul King et al.
Settlement Agreement

FROM: Kevin Z. Gray
County Administrator

Mark S. Rubin
County Attorney

RELATED DEPARTMENT GOAL:

To resolve litigation against St. Louis County.

ACTION REQUESTED:

The St. Louis County Board is requested to approve a proposed settlement in *King v. County of St. Louis*, Case No. 69DU-CV-17-527, an action brought by Paul King, Copasetic, Inc., Eric Ringsred, and Temple Corp, Inc. against St. Louis County and the Duluth Economic Development Authority.

BACKGROUND:

The parties have agreed to a proposed settlement of the action that is subject to the approval of the St. Louis County Board. Under the proposed settlement, the plaintiffs will release their claims against St. Louis County and its officers, employees, and agents, and St. Louis County will make settlement payments in the amount of up to \$190,000.00. A portion of this amount will be used to pay the outstanding taxes, assessments, penalties, interest, and costs assessed against the parcel of real property known as the St. Regis Apartments (PIN 010-0950-00870), and the remainder will be used to reimburse the plaintiffs for certain costs incurred in maintaining and repairing the St. Regis Apartments.

The settlement terms are reasonable given the facts and circumstances of the action, and the proposed settlement will allow St. Louis County to avoid the expense and risk associated with further litigation. The settlement agreement will contain a provision stating that St. Louis County denies the plaintiffs' allegations as set forth in its answer and other papers filed with the Court, denies any wrongdoing, and denies that the plaintiffs are entitled to any relief, and stating that St. Louis County is entering into the settlement agreement solely to avoid the burden 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 payments contemplated by the proposed settlement in the amount of up to \$190,000.00.

Paul King et al. Settlement Agreement

BY COMMISSIONER _____

WHEREAS, An action captioned *King v. County of St. Louis*, Case No. 69DU-CV-17-527, is pending in the State of Minnesota District Court for the Sixth Judicial District in St. Louis County; and

WHEREAS, The plaintiffs in the action are Paul King, Copasetic, Inc., Eric Ringsred, and Temple Corp Inc., and the defendants are St. Louis County and the Duluth Economic Development Authority; and

WHEREAS, The plaintiffs and the defendants have reached agreement on a proposed settlement of the action that is subject to the approval of the St. Louis County Board; and

WHEREAS, Under the proposed settlement, the plaintiffs will release their claims against St. Louis County and its officers, employees, and agents, and St. Louis County will make settlement payments in the amount of up to \$190,000.00; and

WHEREAS, a portion of this amount will be used to pay the outstanding taxes, assessments, penalties, interest, and costs assessed against the parcel of real property known as the St. Regis Apartments (PIN 010-0950-00870), and the remainder will be used to reimburse the plaintiffs for certain costs incurred in maintaining and repairing the St. Regis Apartments; and

WHEREAS, The St. Louis County Board wishes to approve the proposed settlement to avoid the expense and risk associated with further 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 payments contemplated by the proposed settlement in the amount of up to \$190,000.00, with \$11,929.00 payable from Fund 178, Agency 178006, and the rest payable from Fund 720, Agency 720001, Expense Code 636200.