

**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON OCTOBER 7, 2014**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 7th day of October 2014, at 9:36 a.m., at the St. Louis County Courthouse, Duluth, Minnesota, with the following members present: Commissioners Frank Jewell, Patrick Boyle, Chris Dahlberg, Pete Stauber, Keith Nelson, Steve Raukar, and Chair Mike Forsman - 7. Absent: None - 0.

Chair Forsman asked for a moment of silence in honor of the armed forces, public safety workers, law enforcement, attorneys, court workers, and for all of the innocent victims of conflicts throughout the world.

Chair Forsman then opened the meeting to persons who wanted to address the Board concerning issues not on the agenda, and no one came forth.

At 9:40 a.m., a public hearing was conducted pursuant to Resolution No. 14-500, adopted September 23, 2014, to consider penalties and/or suspension of a liquor license for a liquor law violation by The Auto Group d/b/a AAA Minnesota/Iowa, Canosia Township, sale to a minor. St. Louis County Attorney Mark Rubin submitted a packet to the Board that included the resolution for the public hearing, required notices, and affidavits of mailing. County Attorney Rubin explained that an agreement had been established prior to the board meeting. Chair Forsman asked if there were any representatives from the establishment, other governmental entities, supporters or opponents, or citizens who wished to speak regarding the proposed action and no one came forth. At 9:43 a.m., Commissioner Dahlberg, supported by Commissioner Nelson, moved to close the public hearing; seven yeas, zero nays.

Commissioner Nelson, supported by Commissioner Dahlberg, moved that the On-Sale 3.2 Percent Malt Liquor License No. B15108, issued to The Auto Group d/b/a AAA Minnesota/Iowa, Canosia Township, is hereby suspended for ten (10) days and a \$1,000 civil penalty is due, with nine (9) days of the suspension and \$1,000 of the civil penalty stayed for one (1) year, with no same or similar violations during that period; the date of the one-day suspension will be October 13, 2014; and that a new violation within the next year (ending October 7, 2015) 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 license of the licensee pursuant to St. Louis County Ordinance Number 28, Section 13. The motion passed; seven yeas, zero nays. Resolution No. 14-532.

At 9:44 a.m., a public hearing was conducted pursuant to Resolution No. 14-501, adopted September 23, 2014, to consider penalties and/or suspension of liquor licenses for a liquor law violation by Shane Clemens d/b/a Alborn Rail Station, Alborn Township, sale to a minor. St. Louis County Attorney Mark Rubin submitted a packet to the Board that included the resolution for the public hearing, required notices, and affidavits of mailing. County Attorney Rubin explained that an agreement had been established prior to the board meeting. Chair Forsman asked if there were any representatives from the establishment, other governmental entities, supporters or opponents, or citizens who wished to speak regarding the proposed action and no one came forth. At 9:47 a.m.,

Commissioner Dahlberg, supported by Commissioner Jewell, moved to close the public hearing; seven yeas, zero nays.

Commissioner Nelson, supported by Commissioner Dahlberg, moved that the Combination On/Off-Sale Intoxicating Liquor License No. CMB15154 and Sunday On-Sale Intoxicating Liquor License No. SUN15154, issued to Shane Clemens d/b/a Alborn Rail Station, Alborn Township, are hereby suspended for ten (10) days and a \$1,000 civil penalty is due, with nine (9) days of the suspension and \$1,000 of the civil penalty stayed for one (1) year, with no same or similar violations during that period; the date of the one-day suspension will be October 13, 2014; and that a new violation within the next year (ending October 7, 2015) 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 license of the licensee pursuant to St. Louis County Ordinance Number 28, Section 13. The motion passed; seven yeas, zero nays. Resolution No. 14-533.

At 9:49 a.m., a public hearing was conducted pursuant to Resolution No. 14-502, adopted September 23, 2014, to consider penalties and/or suspension of liquor licenses for violation allegations of St. Louis County Ordinance No. 28 by Ash-Ka-Nam Resort & Lodge, LLC d/b/a Ash-Ka-Nam, Unorganized Township 68-19. St. Louis County Attorney Mark Rubin submitted a packet to the Board that included the resolution for the public hearing, required notices, and affidavits of mailing. County Attorney Rubin explained that an agreement had been established prior to the board meeting. Chair Forsman asked if there were any representatives from the establishment, other governmental entities, supporters or opponents, or citizens who wished to speak regarding the proposed action and no one came forth. At 9:53 a.m., Commissioner Dahlberg, supported by Commissioner Stauber, moved to close the public hearing; seven yeas, zero nays.

Commissioner Dahlberg, supported by Commissioner Nelson, moved that the Combination On/Off-Sale Intoxicating Liquor License No. CMB15107 and Sunday On-Sale Intoxicating Liquor License No. SUN15107, issued to Ash-Ka-Nam Resort & Lodge, LLC d/b/a Ash-Ka-Nam, Unorganized Township 68-19, are hereby suspended for ten (10) days and a \$1,000 civil penalty is due, with nine (9) days of the suspension and \$900.00 of the civil penalty stayed for one (1) year, with no same or similar violations during that period; the date of the one-day suspension will be October 13, 2014; and that a new violation within the next year (ending October 7, 2015) 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 license of the licensee pursuant to St. Louis County Ordinance Number 28, Section 13. Commissioner Nelson stated that this violation was for serving outside of the designated serving area and clarified that the establishment has never had a violation for sale to minor. The motion passed; seven yeas, zero nays. Resolution No. 14-534.

Commissioner Raukar, supported by Commissioner Dahlberg, moved to approve the consent agenda without Item #1, Reclassify certain state tax forfeited lands as Non-Conservation. The motion passed; seven yeas, zero nays.

A recess was taken from 9:55 a.m. to 10:04 a.m.

Commissioner Forsman, supported by Commissioner Nelson, moved to request the Commissioner of the Minnesota Department of Natural Resources to consider changing the shoreland management

classification of Twin Lake (ID #69016300), located about five miles south of Ely, MN, in the County of St. Louis, from “Natural Environment” to “Recreational Development”. Commissioner Forsman read a resolution from the Town of Morse Board of Supervisors in opposition to changing the classification from “Natural Environment” to “Recreational Development”. After further discussion, Commissioner Nelson withdrew support of the motion. No further action was taken due to lack of support.

Commissioner Dahlberg, supported by Commissioner Nelson, moved that the Commissioner of Revenue convey the following described state tax forfeited land to the Township of Fredenberg for authorized public use, upon payment of \$250 administrative fee, \$250 Department of Revenue fee, \$25 deed fee, \$1.65 deed tax, and \$46 recording fee, for a total of \$572.65:

Township of Fredenberg
E1/2 of SE1/4, Township 52 North, Range 15 West, Section 13
Parcel Code: 365-0010-02320
80 Acres

Commissioner Raukar requested that all correspondence regarding the proposed land conveyance is to be included with the corresponding board file and submitted a handout to the Board detailing an amendment to the resolution. Commissioner Raukar, supported by Commissioner Boyle, moved to amend the motion, specifically the “resolved further” section. Commissioner Raukar stated that he felt the current “resolved further” contained more language than necessary compared to state statute requirements. Commissioner Boyle distributed a handout containing additional language for consideration. After further discussion, Commissioner Nelson asked for a point of order regarding the additional language document submitted by Commissioner Boyle. Chair Forsman clarified that the document submitted by Commissioner Boyle was submitted for informational purposes only and that continued discussion should be specific to the amendment on the floor. Commissioner Raukar felt that the “resolved further” section should be deleted to be consistent with resolution wording for other free conveyances of land and distributed examples of similar free land conveyance resolutions (Town of Alborn, City of Hermantown) to the Board. After further discussion, Commissioner Nelson asked if an amendment to a resolution changes the author of the resolution. A recess was taken from 11:00 a.m. – 11:13 a.m. Chair Forsman stated that Attorney Rubin determined that an amendment does not change the author of the resolution. Commissioner Raukar, supported by Commissioner Boyle, withdrew the amendment. The original motion was amended to strike the “resolved further” section. The following citizens addressed the Board regarding the motion: Tjaard Breeuwer, Andy Fena, Ken Lindberg, and Blake Cazier. Commissioner Dahlberg, supported by Commissioner Nelson, moved to call the question. The motion to call the question passed; four yeas (Dahlberg, Stauber, Nelson, Forsman), three nays (Jewell, Boyle, Raukar). The amended motion passed; seven yeas, zero nays. Resolution No. 14-535.

Commissioner Dahlberg, supported by Commissioner Jewell, moved to reclassify the state tax forfeited parcels described in County Board File No. 59938 as non-conservation and offered for sale, and the request for approval of the reclassification shall be transmitted by the St. Louis County Land and Mineral Department to the clerk of the municipality or town in which the parcels are located. Commissioner Jewell, supported by Commissioner Boyle, moved to table the motion until May 15,

2015. The motion failed; three yeas (Jewell, Boyle, Raukar), four nays (Dahlberg, Stauber, Nelson, Forsman).

A recess was taken from 11:55 a.m. to 1:33 p.m.; all Commissioners were present after recess except Commissioner Jewell. Discussion continued regarding the reclassification of state forfeited parcels described in County Board file No. 59938. Commissioner Jewell entered the meeting at 1:36 p.m. The following citizens addressed the Board: Dennis Fink, representing residents of Park Point, provided a brief overview of the lots in question and requested that the lots be available for sale sometime next year. Kathy Kollodge expressed concern with the speed of the sale and overall confusion by residents regarding the process. Ken Kollodge talked about perceived favoritism and requested that sale of the lots be delayed a year so the residents are able to pursue special legislation. Bruce Larson discussed concerns regarding negative effects on Park Point if the land was sold for development. Dave and Bonnie Ling said they were interested in purchasing the land previously and were told it was in conservancy and it was not available for sale. Bill Long discussed safety issues regarding Park Point. Dennis Fink summarized discussion points and requested additional time to give residents the opportunity to sort through the confusion. Commissioner Nelson suggested that further Board discussion regarding these parcels should take place during an upcoming Board workshop. Commissioner Nelson made a motion, supported by Commissioner Jewell, to table discussion until November 4, 2014. The motion passed; seven yeas, zero nays.

Commissioner Jewell, supported by Commissioner Raukar, moved to reclassify the state tax forfeited parcels described in County Board File No. 59937 as non-conservation and offered for sale, and the request for approval of the reclassification shall be transmitted by the St. Louis County Land and Minerals Department to the clerk of the municipality or town in which the parcels are located. A recess was taken from 2:13 p.m. to 2:21 p.m. After further discussion, Commissioner Jewell, supported by Commissioner Stauber, moved to table discussion until November 4, 2014. The motion passed; six yeas, one nay (Nelson).

Commissioner Nelson, supported by Commissioner Stauber, moved to consider a resolution approving the purchase of office furniture for the Governmental Services Center Remodel Project, 4th through 7th Floors; the item has not been to Committee of the Whole. The motion passed; six yeas, zero nays (Jewell absent).

Commissioner Jewell exited the meeting at 2:32 p.m.

Commissioner Nelson, supported by Commissioner Boyle, moved to approve the purchase of office furniture in the amount of \$1,420,289.46 from Northern Business Products of Duluth/Hibbing under State contract for the Government Services Center remodeling project. The motion passed; six yeas, zero nays (Jewell absent). Resolution 14-536.

Commissioner Nelson, supported by Commissioner Raukar, moved the St. Louis County Board will convene in a closed meeting of the Committee of the Whole on October 7, 2014, for the purpose of discussing settlement and litigation strategy immediately following the Board meeting, in accord with Minn. Stat. § 13D.05, Subd. 3(b). The motion passed; six yeas, zero nays (Jewell absent). Resolution No. 14-515.

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

Kevin Gray, County Administrator, and Mark Weber, Director of Land and Minerals, submitting Board Letter No. 14-344, Reclassification of State Tax Forfeited Lands to Non-Conservation. Tabled to November 4, 2014.—59937

Kevin Gray, County Administrator, and Mark Weber, Director of Land and Minerals, submitting Board Letter No. 14-364, Reclassification of State Tax Forfeited Lands to Non-Conservation (Duluth). Tabled to November 4, 2014.—59938

Kevin Gray, County Administrator, submitting Board Letter No. 14-357, Request the DNR to Reclassify Twin Lake from “Natural Environment” to “Recreational Development” (Ely, MN).—59939

Kevin Gray, County Administrator, and Mark Weber, Director of Land and Minerals, submitting Board Letter No. 14-358, Request for Free Conveyance of State Tax Forfeited Land to the Town of Fredenberg.—59940

Kevin Gray, County Administrator, and Tony Mancuso, Property Management Director, submitting Board Letter No. 14-365, Government Services Center Remodeling Project – Office Furniture Purchase for 4th through 7th Floors.—59941

Mark Rubin, County Attorney, requesting a Closed Session of the Committee of the Whole for Litigation Purposes.—59942

Kevin Gray, County Administrator, and James Foldesi, County Engineer/Public Works Director, submitting Board Letter No. 14-346, Award of Bid – Gasohol, Fuel Oil and Diesel Fuel.—59943

Kevin Gray, County Administrator, Donald Dicklich, County Auditor, and Mark Rubin, County Attorney, submitting Board Letter No. 14-353, Establish Public Hearing to Consider Allegations of Liquor Law Violation – Clearwater Grille & Event Center (Duluth Township).—59944

Kevin Gray, County Administrator, Donald Dicklich, County Auditor, and Mark Rubin, County Attorney, submitting Board Letter No. 14-354, Establish Public Hearing to Consider Allegations of Liquor Law Violation – Grandview Golf Links (Midway Township).—59945

Kevin Gray, County Administrator, Donald Dicklich, County Auditor, and Mark Rubin, County Attorney, submitting Board Letter No. 14-355, Establish Public Hearing to Consider Allegations of Liquor Law Violation – Twig General Store (Grand Lake Township).—59946

Kevin Gray, County Administrator, Donald Dicklich, County Auditor, and Mark Rubin, County Attorney, submitting Board Letter No. 14-356, Establish Public Hearing to Consider Off-Sale Intoxicating Liquor License (Fredenberg Township)—59947

Kevin Gray, County Administrator, and Barbara Hayden, Planning and Community Development Director, submitting Board Letter No. 14-360, Committee Vacancy Appointments to the CDBG Citizen Advisory Committee.—59948

Kevin Gray, County Administrator, and Ross Litman, Sheriff, submitting Board Letter No. 14-352, Application and Acceptance of 2014 Emergency Management Performance Grant.—59949

Purchase of Service Agreement, Contract No. 15280, between the St. Louis County Board of Commissioners and Arrowhead Economic Opportunity Agency, Virginia, MN, for Volunteer Transportation Services for the period June 1, 2014 through December 31, 2014.—14-994

Purchase of Service Agreement, Contract No. 15282, between the St. Louis County Board of Commissioners and Keller Fence Company, Cohasset, MN, for Environmental Accessibility Adaptations for the period July 21, 2014 through November 11, 2014.—14-995

Purchase of Service Agreement, Contract No. 15285, between the St. Louis County Board of Commissioners and Jamey Johnson, Chisholm, MN, for Chore Services during the period July 1, 2014 through December 31, 2014.—14-996

Group Residential Housing Rate Agreement, Contract No. 52311, by and between the St. Louis County Board of Commissioners and Jason Noe d/b/a Bethesda Homes, Duluth, MN.—14-997

Group Residential Housing Rate Agreement, Contract No. 52517, by and between the St. Louis County Board of Commissioners and Mona Millen and Michael Millen, Eveleth, MN.—14-998

St. Louis County On-line Software Subscriber Agreement by and between the County of St. Louis, through the Auditor's Office, and Vanguard Data Solutions, LLC, Yorba Linda, CA.—14-999

Contract for County-State Aid Highway (CSAH) Project between the County of St. Louis and Casper Construction, Inc., Grand Rapids, MN, for culvert replacement on CSAH 923 in Linden Grove Township (CP 0923-214016 Low; CP 0923-214017 Tied).—14-1000

Agreement for Professional Services between the County of St. Louis and LHB, Inc., Duluth, MN, for Engineering Services for Environmental Permitting on various St. Louis County roads on an on-call basis through June 30, 2015.—14-1001

Agreement for Professional Services between the County of St. Louis and Heritage Shade Tree Consultants, Excelsior, MN, for Arborist Review Services for the 4th Street construction project between 6th Avenue East and Wallace Avenue in Duluth, MN, during the period September 10, 2014 through December 31, 2017.—14-1002

Project Contract No. 5171 between the County of St. Louis and Northwoods Forestry, Eleva, WI, for Bud Capping Application 2014.—14-1003

Project Contract No. 5160 between the County of St. Louis and Lenci Enterprises, Inc., Virginia, MN, for construction of the Motor Pool Canopy – Hibbing.—14-1004

Safety & Risk Management Training Contract between the County of St. Louis and Forrest Co., LLC, Duluth, MN, for First Aid and CPR Training.—14-1005

Agreement between St. Louis County and Martinson Log Cabin, Inc., d/b/a Log Cabin, Angora, MN, for a liquor law violation on July 25, 2014.—14-1006

Agreement between St. Louis County and Bimbo's, Inc., d/b/a Bimbo's Octagon, Side Lake, MN, for a liquor law violation on July 25, 2014.—14-1007

Addendum to Purchase Agreement, Contract No. 13074P, by and between the St. Louis County Board of Commissioners and Range Center, Inc., Chisholm, MN, extending the termination date to June 30, 2015 and increasing the Day Training & Habilitation Service and Semi-Independent Living Service rates by 5%.—14-1008

Purchase of Service Agreement, Contract No. 15291, between the St. Louis County Board of Commissioners and Northern Habilitative Services, Inc. of Chisholm, Chisholm, MN, for Semi-Independent Living Services for the period August 1, 2014 through June 30, 2015. —14-1009

Purchase of Service Agreement, Contract No. 15292, between the St. Louis County Board of Commissioners and Mike Thelen, Gilbert, MN, for Chore Services during the period August 1, 2014 through December 31, 2014.—14-1010

Purchase of Service Agreement, Contract No. 15294, between the St. Louis County Board of Commissioners and Timothy Ellison, Chisholm, MN, for Chore Services during the period August 1, 2014 through December 31, 2014.—14-1011

Purchase of Service Agreement, Contract No. 15307, between the St. Louis County Board of Commissioners and Lowell Erickson, Babbitt, MN, for Chore Services during the period August 1, 2014 through May 31, 2015.—14-1012

Purchase of Service Agreement, Contract No. 15308, between the St. Louis County Board of Commissioners and Lowell Erickson, Babbitt, MN, for Chore Services during the period August 1, 2014 through May 31, 2015.—14-1013

Purchase of Service Agreement, Contract No. 15309, between the St. Louis County Board of Commissioners and Lowell Erickson, Babbitt, MN, for Chore Services during the period August 1, 2014 through May 31, 2015.—14-1014

Grant Agreement, Contract No. 21023, between the St. Louis County Board of Commissioners and Community Action Duluth, Duluth, MN, for 2014 MFIP Innovation Fund education support services for the Young Parent Education Project, for the period July 1, 2014 through December 31, 2015.—14-1015

Grant Agreement, Contract No. 21024, between the St. Louis County Board of Commissioners and Duluth Adult Basic Education (ABE), Duluth, MN, for 2014 MFIP Innovation Fund education support services for the Young Parent Education Project, for the period July 1, 2014 through December 31, 2015.—14-1016

2014 State of Minnesota Federal Boating Safety Supplemental Equipment Grant Agreement, Contract No. 83830, in the amount of \$8,500 for the period July 1, 2014 through December 31, 2014.—14-1017

State of Minnesota Department of Veterans Affairs Operational Enhancement Grant Contract in the amount of \$17,500 for the period September 9, 2014 through June 1, 2015.—14-1018

Project Contract between the County of St. Louis and Ulland Brothers, Inc., Carlton, MN, for the Parking Lot Project at the Public Works Maintenance Facility (Virginia), CP 0000-216324.—14-1019

Contract for County-State Aid Highway Project between the County of St. Louis and KGM Contractors, Inc., Angora, MN, for Construction of Bridge 69K16 and Approaches over Unnamed Stream on County Road 422 in Portage Township (CP 0422-190851).—14-1020

Contract for County-State Aid Highway (CSAH) Project between the County of St. Louis and Casper Construction, Inc., Grand Rapids, MN, for Culvert Replacement on CSAH 25 in Great Scott Township (CP 0025-224971).—14-1021

Settlement Agreement and Release for the Hannah Wilson wrongful death action.—14-1022

Group Residential Housing Rate Agreement, Contract No. 52506, by and between the St. Louis County Board of Commissioners and Arrowhead House West, Duluth, MN.—14-1023

Group Residential Housing Rate Agreement, Contract No. 52518, by and between the St. Louis County Board of Commissioners and Donna Tracy (Tracy Adult Foster Home), Canyon, MN.—14-1024

Upon motion by Commissioner Raukar, supported by Commissioner Dahlberg, resolutions numbered 14-514 and 14-516 through 14-531, as submitted to this Board on the consent agenda, were unanimously adopted as follows:

COMMISSIONER RAUKAR:

RESOLVED, That the official proceedings of the St. Louis County Board of Commissioners for the meeting of September 23, 2014, are hereby approved.

Adopted October 7, 2014. No. 14-514

WHEREAS, St. Louis County believes in effective and efficient waste management programs to enhance services to residents and businesses while protecting the environment; and

WHEREAS, St. Louis County requires a contractor to load and haul Class I demolition waste from six (6) specified transfer locations to designated Minnesota Pollution Control Agency landfills for disposal; and

WHEREAS, The haulage service was bid in June 2013, with bids awarded to Mahkahta Trucking, Inc., Eveleth, MN, and The G-Men, Inc., Ely, MN; and

WHEREAS, The annual amounts for 2014 have greatly exceeded the 10 year averages listed in the original bid documents;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes an increase to the annual haulage contract with Mahkahta Trucking, Inc., Eveleth, MN, for the remainder of 2014 at an estimated increased cost of \$39,000, for a total cost of \$103,660.75, payable from Fund 600, Agency 605001, Object 629900.

RESOLVED FURTHER, That the St. Louis County Board authorizes an increase to the annual haulage contract with The G-Men, Inc., Ely, MN, for the remainder of 2014 at an estimated increased cost of \$20,000, for a total cost of \$52,416.62, payable from Fund 600, Agency 605001, Object 629900.

Adopted October 7, 2014. No. 14-516

RESOLVED, That the appraisal report for sale of timber, numbered Tract 1 as submitted by the Land Commissioner, on file in the Office of the County Auditor, identified as County Board File No. 59811, is approved and the County Auditor is authorized to carry out the recommendation as listed in said appraisal report.

Adopted October 7, 2014. No. 14-517

WHEREAS, The St. Louis County Purchasing Division solicits bids annually for the purchase of fuels for use throughout the county; and

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

WHEREAS, Each location and fuel type is treated as a separate bid award providing the county with the lowest cost;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the Purchasing Division to purchase fuels from the vendor with the lowest net cost as indicated on the attached Bid Tabulation found in County Board File No. 59943.

Adopted October 7, 2014. No. 14-518

WHEREAS, St. Louis County has been awarded \$400,000 in General Obligation Bond funds through the Minnesota Department of Management and Budget (MMB) for the construction of the Depot Roof repair project, SP 69-595-006, CP 3761, in Duluth, MN; and

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

WHEREAS, The amount of the grant is anticipated to be \$400,000 by reason of the low responsible bid; and

WHEREAS, Minnesota Department of Transportation Agreement No. 99866, Damion Number 2011-6675, County Board Resolution No. 11-488, dated September 13, 2011, needs to be amended to correct certain legal descriptions;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board agrees with the needed changes to the legal descriptions as set forth by the County Attorney's Office in the amendment and authorizes the appropriate county officials to execute the grant agreement amendment with the Minnesota Commissioner of Management and Budget and the Minnesota Department of Transportation concerning the above-referenced grant.

Adopted October 7, 2014. No. 14-519

WHEREAS, The St. Louis County Public Works Department plans to reconstruct 0.45 miles of County State Aid Highway (CSAH) 155/Eighth Avenue East from East James Street 0.45 miles

northerly to East Camp Street/CSAH 152 within the city of Ely, County Project 0155-194358, State Aid Project 069-755-001; and

WHEREAS, These improvements consist of grading, aggregate base, replacement of drainage structures, curb, gutter, sidewalk, and bituminous surfacing as determined necessary to provide for the safety and convenience of the public; and

WHEREAS, In addition to the existing highway right of way, certain lands are required for this construction, together with temporary construction easements;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the Public Works Director to proceed with the acquisition of the necessary lands and temporary easements for this project, payable from Fund 200, Agency 203001.

Adopted October 7, 2014. No. 14-520

WHEREAS, St. Louis County owns property that is being considered for sale; and

WHEREAS, It is the intent of the St. Louis County Board to reserve additional highway right of way necessary to construct and maintain said segments of road when the county owned parcels are sold or transferred;

THEREFORE, BE IT RESOLVED, That pursuant to Minn. Stat. § 163.11, the St. Louis County Board dedicates to the public the permanent highway easements more particularly described on the attached exhibits:

EXHIBIT A & B Parcel 1 County State Aid Highway 25 and Township Road 7912
Township 56 North, Range 19 West

EXHIBIT A & B Parcel 2 County State Aid Highway 47 and County Road 719
Township 52 North, Range 18 West

**EXHIBIT A
PARCEL 1**

County State Aid Highway 25 (CSAH 25) and Township Road 7912

Property Legal Description:

One acre of land in the Northeast Corner of the southeast quarter of the northeast quarter (SE ¼ of NE ¼) of Section twenty-four (24) Township Fifty-six (56) North of Range 19 West. rcof.

Rights to be acquired:

A PERMANENT EASEMENT for highway purposes over, under and across the easterly 50.00 feet of the above described property.

TOGETHER WITH A PERMANENT EASEMENT for highway purposes over, under and across the northerly 50.00 feet of the above described property.

Said permanent easements contain 0.42 acres of highway right of way.

Parcel Code: 420-0024-03690

**Exhibit B
Parcel 1
CSAH 25 and Town Road 7912 Hemenway Rd**

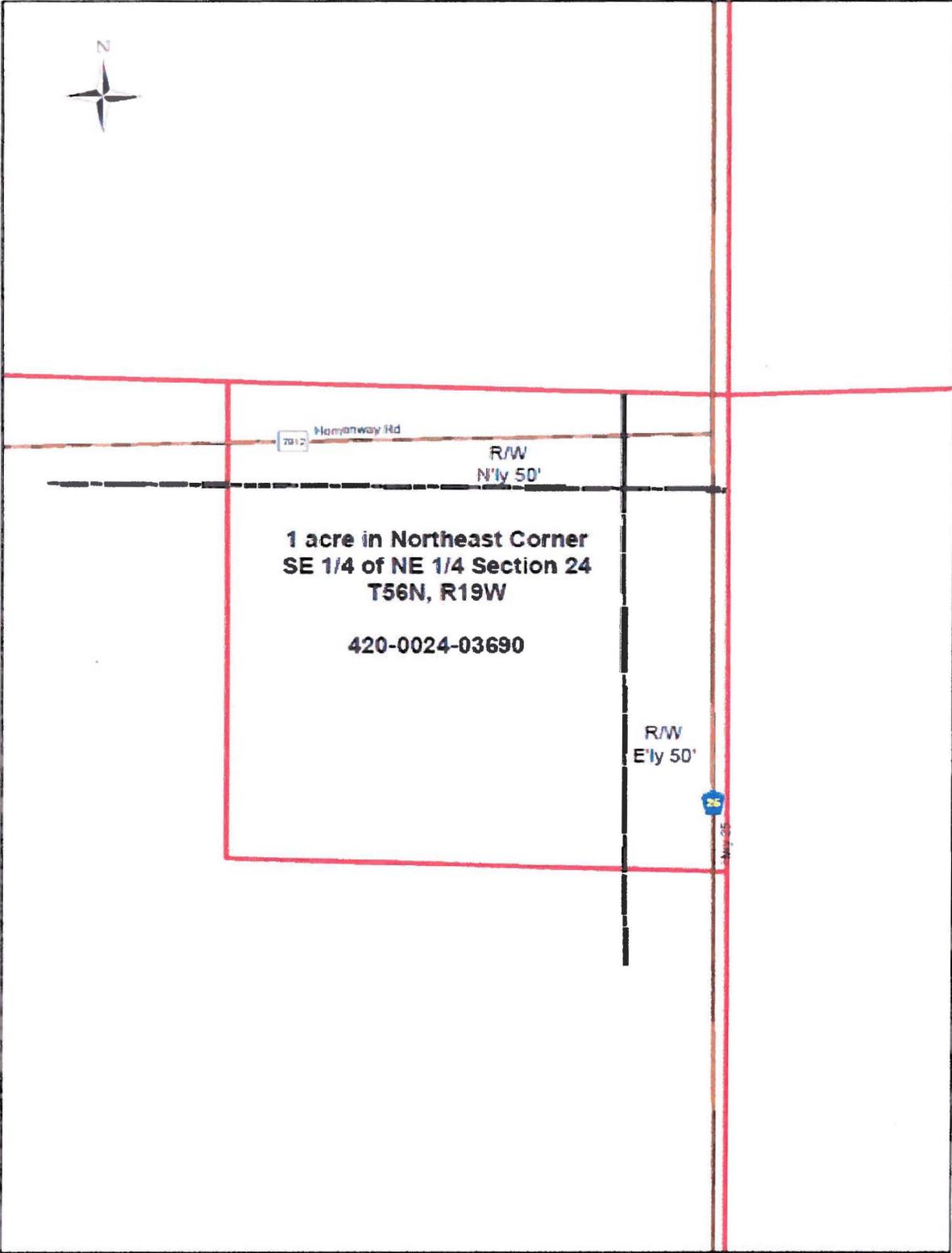


EXHIBIT A
Parcel 2
CSAH 47 and County Rd. 719 (Chase Drive)

Property Legal Description:

That part of the SE1/4 of SE1/4 and NE1/4 of SE1/4 of Section 9, Township 52 North, Range 18 West, lying Northeasterly of the former Duluth, Missabe and Iron Range Railway right of way and easterly and southerly of the following described line:

Commencing at the southeast corner of said Section 9; thence South 85 degrees 34 minutes 08 seconds West, along the south line of said Section 9 a distance of 467.47 feet; thence North 22 degrees 14 minutes 03 seconds West a distance of 271.73 feet; thence northerly, along a tangential curve concave to the east, having a radius of 1091.34 feet and central angle of 6 degrees 10 minutes 57 seconds, a distance of 117.76 feet to the point of beginning of the line to be described; thence northerly, continuing along said curve having a central angle of 49 degrees 18 minutes 00 seconds, a distance of 939.04 feet; thence North 33 degrees 14 minutes 53 seconds East a distance of 246.78 feet; thence northeasterly along a tangential curve concave to the northwest, having a radius of 1091.34 feet and a central angle of 7 degrees 13 minutes 11 seconds, a distance of 137.52 feet; thence South 63 degrees 58 minutes 18 seconds East, on a radial line a distance of 33.23 feet; thence southeasterly, along a tangential curve concave to the southwest, having a radius of 272.84 feet and a central angle of 60 degrees 13 minutes 43 seconds, a distance of 286.80 feet to the east line of said Section 9 and there terminating

EXCEPT the Southerly 250.0 feet of that part of the SE1/4 of SE1/4, lying northeasterly of the former Duluth, Missabe and Iron Range Railway right of way.

As currently embodied in Certificate of Title number 283844

Rights to be acquired:

A PERMANENT EASEMENT for highway purposes over, under, and across all that part of the above described property which lies westerly of a line drawn parallel with, and distant 90.00 feet easterly of, the following described highway centerline:

Commencing at the Southeast Corner of Section 9, Township 52 North, Range 18 West of the Fourth Principal Meridian, and assuming the south line of said Section 9 bears South 85 degrees 27 minutes 25 seconds West; thence westerly along said section line 487.61 feet; thence North 25 degrees 02 minutes 20 seconds West a distance of 155.18 feet to the point of beginning of the line to be described; thence northeasterly along a tangential curve, concave to the east, having a radius of 848.83 feet and a central angle of 41 degrees 51 minutes 03 seconds, a distance of 620.01 feet; thence North 16 degrees 48 minutes 43 seconds East a distance of 1140.55 feet and there terminating.

TOGETHER WITH A PERMANENT EASEMENT for highway purposes over, under and across all that part of the above described property which lies northerly of a line drawn parallel with, and distant 50 feet southerly of the following described highway centerline.

Commencing at the Point of Termination of the above described easement thence South 16 degrees 48 minutes 43 seconds West a distance of 234.69 feet; thence South 73 degrees 11 minutes 17 seconds East a distance of 56.25 feet to the POINT OF BEGINNING of the line to be described; thence southeasterly along a tangential curve, concave to the southwest, having a radius of 272.84 feet and a central angle of 30 degrees 11 minutes 14 seconds, a distance of 143.75 feet and there terminating.

TOGETHER WITH A PERMANENT EASEMENT for highway purposes over, under and across all that part of the above described property which lies northeasterly of a line drawn parallel with, and distant 80.00 feet southwesterly of the following described highway centerline.

Beginning at the point of termination of the last above described permanent easement; thence southeasterly along the a tangential curve, concave to the southwest, having a radius of 272.84 feet and a central angle of 10 degrees 30 minutes 00 seconds, a distance of 50.00 feet and there terminating.

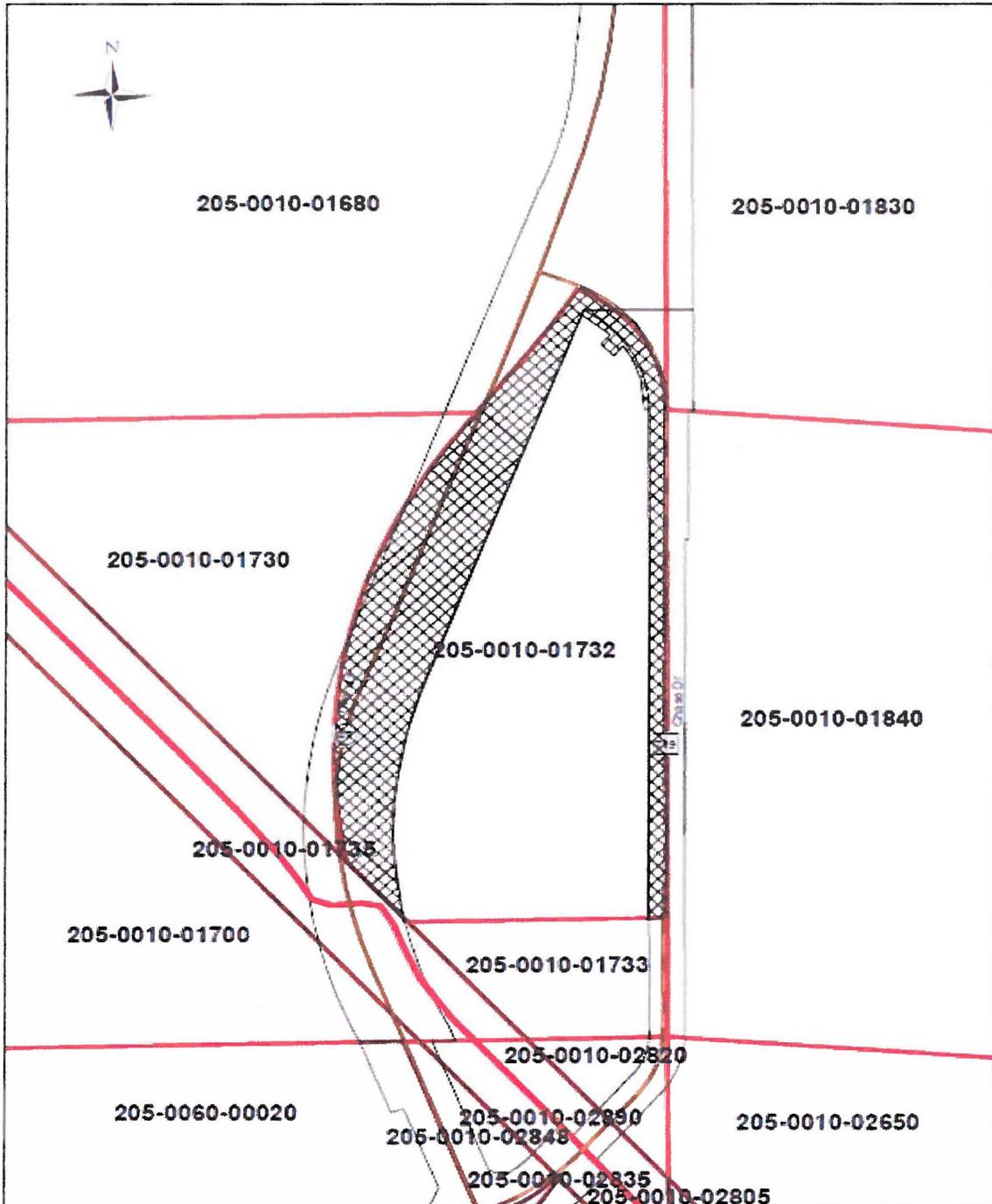
TOGETHER WITH A PERMANENT EASEMENT for highway purposes over, under and across all that part of the above described property which lies easterly of a line drawn parallel with, and distant 33.00 feet westerly of the following described highway centerline.

Beginning at the point of termination of the last above described permanent easement; thence South 03 degrees 44 minutes 34 seconds East for a distance of 1000.22 feet more or less to the southeast corner of the first above described property and there terminating.

Described easement area contains approximately 4.5 acres.

Parcel Code: 205-0010-01732

**Exhibit B
Parcel 2
CSAH 47 and County Rd. 719 (Chase Drive)**



Adopted October 7, 2014. No. 14-521

WHEREAS, A request to purchase county fee land was submitted by Alan H. Hemenway and Shari Hemenway and the County Property Acquisition Team has reviewed the request and has no objections to the sale of this non-conforming parcel; and

WHEREAS, The property is described as follows:

One acre of land in the Northeast corner of the southeast quarter of the northeast quarter (SE ¼ of NE ¼) of Section Twenty-four (24) Township Fifty-six (56) North of Range Nineteen (19) West; and

WHEREAS, Alan H. Hemenway and Shari Hemenway have agreed to pay the assessed value of the property in the amount of \$725;

THEREFORE, BE IT RESOLVED, That pursuant to the requirements and procedures of Minn. Stat. § 373.01, Subd. (i), the Chair of the County Board and the County Auditor are authorized to execute and deliver a quit claim deed conveying the above listed property to Alan H. Hemenway and Shari Hemenway for the amount of \$725, payable to Fund 100, Agency 128014, Object 583202. The Hemenways are also responsible for recording and associated filing fees.

Adopted October 7, 2014. No. 14-522

WHEREAS, St. Louis County owns in fee the following described property in Duluth Township:

Beginning at a point 400.0 feet east of the northwest corner of the Southwest ¼ of the Northwest ¼ (SW ¼ of NW ¼) of Section 31, Township 52 North, Range 12 West, and running thence easterly along the north line of the above described tract of land for a distance of 417.42 feet; thence southerly at an angle of 90° for a distance of 208.71 feet; thence westerly at an angle of 90° for a distance of 417.42 feet; thence northerly at an angle of 90° for a distance of 208.71 feet to the point of beginning, containing 2.0 acres, lying wholly within the SW ¼ of the NW ¼ of Section 31, Township 52 North, Range 12 West; and

WHEREAS, Seth Levanen has requested an easement for ingress and egress across the above described property to access his property; and

WHEREAS, The Public Works Department and the Property Acquisition Team have no objections to granting this easement; and

WHEREAS, Minn. Stat. § 373.01, Subd. 1(4), authorizes the County Auditor and the Chair of the St. Louis County Board to sell, lease, and convey real estate owned by the county;

THEREFORE, BE IT RESOLVED, That pursuant to the requirements and procedures of Minn. Stat. § 373.01, Subd.1(4), the Chair of the County Board and the County Auditor are authorized to execute an easement for ingress and egress across the above described county fee owned land;

RESOLVED FURTHER, That the granting of this easement is conditioned upon payment of \$425 land use fee, to be deposited in Fund 100, Agency 128014, Object 583202.

Adopted October 7, 2014. No. 14-523

RESOLVED, That a public hearing will be held at 9:45 a.m., on Tuesday, October 28, 2014, in the Mesabi Station, Eveleth, MN, for the consideration of the allegations and, if proven, the suspension or revocation of the liquor licenses issued to Red Swan Catering, LLC d/b/a Clearwater Grille & Event Center, Duluth Township, and/or the imposition of civil penalties for the violation.

Adopted October 7, 2014. No. 14-524

RESOLVED, That a public hearing will be held at 9:50 a.m., on Tuesday, October 28, 2014, in the Mesabi Station, Eveleth, MN, for the consideration of the allegations and, if proven, the suspension or revocation of the liquor licenses issued to Grand View Golf, LLC d/b/a Grand View Golf Links, Midway Township, and/or the imposition of civil penalties for the violation.

Adopted October 7, 2014. No. 14-525

RESOLVED, That a public hearing will be held at 9:55 a.m., on Tuesday, October 28, 2014, in the Mesabi Station, Eveleth, MN, for the consideration of the allegations and, if proven, the suspension or revocation of the liquor license issued to Sullivan's Mercantile, Inc., d/b/a Twig General Store, Grand Lake Township, and/or the imposition of civil penalties for the violation.

Adopted October 7, 2014. No. 14-526

RESOLVED, That a public hearing will be held at 10:00 a.m., on October 28, 2014, in the Mesabi Station, Eveleth, MN, for the purpose of considering an Off-Sale Intoxicating Liquor License to Michael Fink and Robert Pierce d/b/a Eagle's Nest Resort, Fredenberg Township.

Adopted October 7, 2014. No. 14-527

WHEREAS, The granite front stairway of the County Courthouse in Duluth has settled and the sidewalks have deteriorated, rendering them unsafe; and

WHEREAS, The City of Duluth has experienced similar stairway and sidewalk failures on two sides of City Hall, and approached the county on a joint project scope; and

WHEREAS, The city's portion of the project is approximately 81.25% of the work and the county's portion approximately 18.75%; and

WHEREAS, The bids were advertised and managed by the City of Duluth's purchasing department, with the county's portion of this project at \$87,862.50; and

WHEREAS, The city is ready to complete the project prior to winter and a Memo of Understanding is necessary to formalize project cost allocations, requirements and project responsibilities;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to execute a Memo of Understanding with the City of Duluth for the repair of the Duluth Courthouse front entrance stairs and sidewalk in an amount of \$87,862.50, payable from Fund 402, Agency 402003.

Adopted October 7, 2014. No. 14-528

RESOLVED, That the workers' compensation report of claims by employees for work-related injuries, dated September 19, 2014, on file in the office of the County Auditor, identified as County Board File No. 59787, is hereby received and ratified as payable from Fund 730, Agency 730001.

Adopted October 7, 2014. No. 14-529

WHEREAS, The St. Louis County Board appoints citizens to serve on the Community Development Block Grant (CDBG) Citizen Advisory Committee; and

WHEREAS, Two (2) current members have requested to serve another term on the CDBG Citizen Advisory Committee; and

WHEREAS, There are two (2) vacancies on this committee to be filled through an advertised application process;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board reappoints the following citizens to the CDBG Citizen Advisory Committee with terms expiring April 30, 2017:
Rudy Semeja (At Large - Virginia)
Laurence Cuffe (Virginia)

FURTHER RESOLVED, That the County Auditor is authorized to advertise and accept applications until November 15, 2014, for two (2) vacant positions on the Community Development Block Grant Citizen Advisory Committee, one (1) representing Rice Lake Township and one (1) At-Large representative, serving three-year terms expiring April 30, 2017.

Adopted October 7, 2014. No. 14-530

WHEREAS, The State of Minnesota has made \$82,714 available through the Emergency Management Performance Grant to assist the St. Louis County Sheriff's Office for local emergency management programs;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes application and acceptance of the 2014 State of Minnesota Emergency Management Performance Grant in the amount of \$82,714, to be accounted for in Fund 100, Agency 132999, Grant 13203;

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

Adopted October 7, 2014. No. 14-531

BY COMMISSIONER NELSON:

WHEREAS, The St. Louis County Liquor Licensing Committee met on September 2, 2014, to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on August 2, 2014, against The Auto Club Group d/b/a AAA Minnesota/Iowa, Canosia Township; and

WHEREAS, The Liquor Licensing Committee recommended a ten (10) day suspension and \$1,000 civil penalty, with nine (9) days of the suspension and \$1,000 of the civil penalty stayed, for one year with no same or similar violations during that year; and

WHEREAS, After hearing testimony on the matter at a public hearing conducted on October 7, 2014, at 9:40 a.m., in the St. Louis County 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;

THEREFORE, BE IT RESOLVED, That the On-Sale 3.2 Percent Malt Liquor License No. B15108, issued to The Auto Club Group d/b/a AAA Minnesota/Iowa, Canosia Township, is hereby suspended for ten (10) days and a \$1,000 civil penalty is due, with nine (9) days of the suspension and \$1,000 of the civil penalty stayed for one (1) year, with no same or similar violations during that period;

RESOLVED FURTHER, That the date of suspension of the liquor license will be October 13, 2014;

RESOLVED FURTHER, That a new violation within the next year (ending October 7, 2015), 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 license of the licensee pursuant to St. Louis County Ordinance Number 28, Section 13.

Unanimously adopted October 7, 2014. No. 14-532

BY COMMISSIONER NELSON:

WHEREAS, The St. Louis County Liquor Licensing Committee met on September 2, 2014, to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on August 2, 2014, against Shane Clemens d/b/a Alborn Rail Station, Alborn Township; and

WHEREAS, The Liquor Licensing Committee recommended a ten (10) day suspension and \$1,000 civil penalty, with nine (9) days of the suspension and \$1,000 of the civil penalty stayed, for one year with no same or similar violations during that year; and

WHEREAS, After hearing testimony on the matter at a public hearing conducted on October 7, 2014, at 9:45 a.m., in the St. Louis County 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;

THEREFORE, BE IT RESOLVED, That the Combination On/Off-Sale Intoxicating Liquor License No. CMB15154 and Sunday On-Sale Intoxicating Liquor License No. SUN15154, issued to Shane Clemens d/b/a Alborn Rail Station, Alborn Township, are hereby suspended for ten (10) days and a \$1,000 civil penalty is due, with nine (9) days of the suspension and \$1,000 of the civil penalty stayed for one (1) year, with no same or similar violations during that period;

RESOLVED FURTHER, That the date of suspension of the liquor licenses will be October 13, 2014;

RESOLVED FURTHER, That a new violation within the next year (ending October 7, 2015), 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.

Unanimously adopted October 7, 2014. No. 14-533

BY COMMISSIONER DAHLBERG:

WHEREAS, The St. Louis County Liquor Licensing Committee met on September 2, 2014, to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on June 27, 2014, against Ash-Ka-Nam Resort & Lodge, LLC d/b/a Ash-Ka-Nam, Unorganized Township 68-19; and

WHEREAS, The Liquor Licensing Committee recommended a ten (10) day license suspension and \$1,000 civil penalty, with nine (9) days and \$900 of the civil penalty stayed for one (1) year on the condition that the licensee have no same or similar violations during that year; and

WHEREAS, After hearing testimony on the matter at a public hearing conducted on October 7, 2014, at 9:50 a.m., in the St. Louis County 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 ordinance violation;

THEREFORE, BE IT RESOLVED, That the Combination On/Off-Sale Intoxicating Liquor License No. CMB15107 and Sunday On-Sale Intoxicating Liquor License No. SUN15107, issued to Ash-Ka-Nam Resort & Lodge, LLC d/b/a Ash-Ka-Nam, Unorganized Township 68-19, are hereby suspended for ten (10) days and a \$1,000 civil penalty is due, with nine (9) days and \$900 of the civil penalty stayed for one (1) year on the condition that the licensee have no same or similar violations during that year;

RESOLVED FURTHER, That the date of suspension of the liquor licenses will be October

13, 2014;

RESOLVED FURTHER, That a new violation within the next year (ending October 7, 2015) may also be cause for additional action against the liquor licenses of the licensee pursuant to St. Louis County Ordinance No. 28, Section 13.

Unanimously adopted October 7, 2014. No. 14-534

BY COMMISSIONER DAHLBERG:

WHEREAS, Pursuant to Minn. Stat. § 282.01, Subd. 1a, upon recommendation of the County Board, the Commissioner of Revenue may convey state tax forfeited land to another governmental subdivision for an authorized public use; and

WHEREAS, The Township of Fredenberg has requested a free conveyance of eighty acres of state tax forfeited land to use as pristine park land for public use, legally described as:

TOWNSHIP OF FREDENBERG

E ½ of SE ¼, Township 52 North, Range 15 West, Section 13

Parcel Code: 365-0010-02320

80 Acres

THEREFORE, BE IT RESOLVED, That the St. Louis County Board recommends that the Commissioner of Revenue convey the above described state tax forfeited land to the Township of Fredenberg for an authorized public use, upon payment of \$250 administrative fee, \$250 Department of Revenue fee, \$25 deed fee, \$1.65 deed tax, and \$46 recording fee; for a total of \$572.65, to be deposited into Fund 240 (Forfeited Tax Fund).

Unanimously adopted October 7, 2014. No. 14-535

BY COMMISSIONER NELSON:

WHEREAS, The St. Louis County Board approved the General Obligation Bond funded project to renovate and remodel the Duluth Government Services Center (GSC) in an amount of \$20,650,000; and

WHEREAS, This amount included hard construction costs, design costs, some furniture fixtures and equipment, and all other costs associated with the completion of the project;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the purchase of office furniture from Northern Business Products of Duluth/Hibbing in the amount of \$1,420,289.46 under State of Minnesota contract pricing, for the Duluth GSC project.

RESOLVED FURTHER, That funding in the amount of \$716,436.35 is available from Fund 440, Agency 440001; \$687,482.66 is available from Fund 400, Agency 400037; and \$16,370.45 is available from Fund 100, Agency 113002.

Yeas – Commissioners Boyle, Dahlberg, Stauber, Nelson, Raukar and Chair Forsman - 6

Nays – None

Absent – Commissioner Jewell – 1

Adopted October 7, 2014. No. 14-536

BY COMMISSIONER NELSON:

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 County Board with respect to potential settlement and litigation strategy 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 October 7, 2014, for the purpose of discussing settlement and litigation strategy immediately following the Board meeting, in accordance with Minn. Stat. § 13D.05, Subd. 3(b).

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

Yeas – Commissioners Boyle, Dahlberg, Stauber, Nelson, Raukar and Chair Forsman - 6

Nays – None

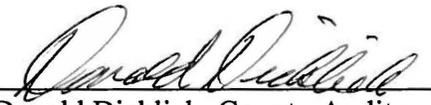
Absent – Commissioner Jewell – 1

Adopted October 7, 2014. No. 14-515

At 2:41 p.m., October 7, 2014, Commissioner Raukar, supported by Commissioner Boyle, moved to adjourn the meeting. The motion passed; six yeas, zero nays (Jewell absent).


Mike Forsman, 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)