

**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON MAY 9, 2023**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 9th day of May 2023, at 9:31 a.m., at the Hermantown City Hall, Hermantown, Minnesota, with the following members present: Commissioners Ashley Grimm, Paul McDonald, Keith Musolf, Keith Nelson, Mike Jugovich and Chair Patrick Boyle - 6. Absent: Commissioner Annie Harala - 1.

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

Commissioner Musolf introduced City of Hermantown Mayor Wayne Boucher. Mayor Boucher thanked the Board for bringing their meeting to Hermantown and said he looked forward to continued cooperation with the county on projects.

The St. Louis County Board proclaimed May 11, 2023, as Children's Mental Health Awareness Day in St. Louis County and urged citizens and partners to join them in prioritizing creative service development and sustainment that serves children and families from prevention and healthy living support to expanded non-hospital crisis option in our community. Commissioner McDonald read the proclamation. St. Louis County Social Services Supervisor Brandie Webb thanked the Board for acknowledging children's mental health.

Chair Boyle opened the meeting to persons who wish to address the Board concerning issues not on the agenda. Melissa Bell, of Duluth, provided the Board with a handout and requested that the Board comply with St. Louis County Ordinance 62, Section 8, and make the Conditional Use Permit (CUP) issued to 6464 Fredenberg Lake Road null and void. Ms. Bell commented that Commissioner Nelson has refused to tell her who asked him to read a letter into the record during the last Board meeting and has asked her to remove him from further email correspondence. Ms. Bell questioned who from the county will represent her if the Commissioner from her district will not. Bonnie Anderson, of Duluth, read St. Louis County Resolution No. 560 and commented that as civilians they have been cautioned on the use of civility; however, there have been numerous instances where this Board has not supported opportunities for civil discourse and discussion. In addition, the Board had refused to engage in any discussion of their group's findings and concerns, which is not inclusive. Ms. Anderson read St. Louis County Resolution No. 57 and asked if it is the practice and intention of the Board to enforce rules of civility for its constituents while blatantly ignoring its own conduct and civility rules. Clayton Cich, of Fredenberg Township, commented that the City of Hermantown used to be like Fredenberg Township and noted that residents of Fredenberg Township pay taxes on approximately \$230 million in real estate. Bruce Anderson, of Duluth, read a quote from Chair Boyle and from John Stuart Mill and asked the Board to not to remain silent, but rather take the reins and unravel the tangled web.

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

Commissioner Nelson, supported by Commissioner McDonald, moved to consider a resolution to authorize the St. Louis County Public Safety Division to lease-to-buy a maximum of twenty (20) law

enforcement vehicles; the item has not been to committee. The motion passed; six yeas, zero nays, one absent (Harala).

Commissioner Nelson, supported by Commissioner Musolf, moved that the St. Louis County Board authorizes the St. Louis County Public Safety Division to lease-to-buy a maximum of twenty (20) law enforcement vehicles from Enterprise Fleet Management of St. Louis, MO, for a total cost not to exceed \$220,800.00 payable from Fund 100, Agency 129003, Object 669503; and further, authorizes the purchase of equipment used to outfit these vehicles from Emergency Automotive Technologies, Inc. The approximate cost is \$389,000 from Fund 100, Agency 129003, Object 643200. St. Louis County Undersheriff Jason Ackerson commented on supply chain difficulties the Sheriff's Office has been experiencing; the Sheriff's Office has received 8 of the 24 vehicles ordered in 2022. St. Louis County Senior Procurement Specialist Kristi Anton said the agreement is a 4-year term and amounts to approximately a 2% increase in the budgeted amount. However, by using the Enterprise agreement with Sourcewell, the success rate of acquiring the vehicles increases from 20% to 85%. After further discussion, the motion passed; six yeas, zero nays, one absent (Harala). Resolution No. 23-285.

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

James Gottschald, Human Resources and Administration Director, submitting Board Letter No. 23-201, Committee Reappointment to and Advertisement for the Civil Service Commission.—61953

Julie Marinucci, Land and Minerals Director, and Nancy Nilsen, County Auditor/Treasurer, submitting Board Letter No. 23-198, Public Sale of Shoreland Lease Lots.—61954

Proclamation: Children's Mental Health Awareness Day – May 9, 2023.—61955

Gordon Ramsay, Sheriff, submitting Board Letter No. 23-205, Lease and Outfit Law Enforcement Fleet Vehicles.—61956

Steve Shult and Jolene Shult, Whiteface Lake Reservoir area residents, opposing the closing of the transfer station located on Comstock Road.—61957

Upon motion by Commissioner Jugovich, supported by Commissioner Musolf, resolutions numbered 23-269 through 23-284, as submitted on the consent agenda, were unanimously adopted as follows:

BY COMMISSIONER JUGOVICH:

RESOLVED, That the official proceedings of the St. Louis County Board of Commissioners for the meeting of May 2, 2023, are hereby approved.

Adopted May 9, 2023. No. 23-269

WHEREAS, The St. Louis County Public Works Department plans to reconstruct a short segment of Township Road #6205 (Hypo Creek Road) and to replace the existing bridge (County Bridge #412, State Bridge #L9222) spanning Breda Creek in Fairbanks Township (County Project CP 6205-397803); and

WHEREAS, These improvements consist of replacing the existing bridge with a new bridge at the same location and reconstructing the roadway 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 authorize the acquisition of the necessary lands and temporary easements for this project and to execute, on behalf of the County, any easement documents as may become necessary.

RESOLVED FURTHER, That the Superior National Forest is requested to grant new permanent and temporary right-of-way over federal land that may be necessary for the construction of this project with the right-of-way acquisition payable from Fund 200, Agency 203001.

Adopted May 9, 2023. No. 23-270

WHEREAS, A Request for Bids has been issued and received by the St. Louis County Purchasing Division for Bid #5912 - 2023 Liquid Surface Treatment (Calcium Chloride/Magnesium Chloride) requesting services to furnish and apply 900,000 gallons of liquid calcium chloride; and

WHEREAS, Bids were received and opened by the St. Louis County Purchasing Division on Wednesday, April 26, 2023, for the contract containing 38% liquid calcium chloride; and

WHEREAS, No bids were received for delivery and application for 900,000 gallons of calcium chloride delivered and applied in various locations in St. Louis County; and

WHEREAS, The Purchasing Department contacted EnviroTech Services, Inc., of Greeley, CO (the previous years' contract holder) and completed direct negotiations resulting in a negotiated price of \$1.25/gallon delivered and applied.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the St. Louis County Purchasing Division to enter into contract with EnviroTech Services, Inc., of Greeley, CO, for 900,000 gallons of 38% liquid calcium chloride delivered and applied for the bid price of \$1.25 per gallon with a total cost of \$1,125,000 plus \$100,000 for alternates for a total cost of \$1,225,00.00, payable from Fund 200, Agency 207001, Object 653400.

Adopted May 9, 2023. No. 23-271

WHEREAS, Bids have been received electronically by the St. Louis County Public Works Department for CP 0093-717442 (Low); CP 0329-480248 (Tied); and

WHEREAS, Bids were opened in the Richard H. Hansen Transportation and Public Works Complex, Duluth, MN, on April 27, 2023, and the low responsible bid was determined.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the award on project CP 0093-717442 (Low); CP 0329-480248 (Tied) to the low bidder:

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Ulland Brothers, Inc.	PO Box 340 Cloquet, MN 55720	\$143,111

RESOLVED FURTHER, That the St. Louis County Board approves the contractor's performance bonds and the execution of the bonds and contract for project CP 0093-717442 (Low); CP 0329-480248 (Tied), payable from:

- CP 0093-717442 (Low)
- Fund 200, Agency 203667, Object 652800 – Local Funds - \$67,014
- CP 0329-480248 (Tied)
- Fund 200, Agency 203668, Object 652800 – Local Funds - \$76,097

Adopted May 9, 2023. No. 23-272

RESOLVED, That the recommendations of the Finance Committee for payment of claims and bills against the County of St. Louis, on file in the office of the County Auditor, identified as County Board File No. 61858, are hereby approved and the County Auditor shall issue checks in the

following amounts:

February 2023

100	General Fund	\$7,584,538.28
149	Personal Service Fund	3,115.00
155	Depot	70,015.70
160	MN Trail Assistance	128,603.38
168	Sheriff's State Forfeitures	1,405.00
169	Attorney Trust Accounts – VW	1,606.81
173	Emergency Shelter Grant	34,860.16
176	Revolving Loan Fund	65.97
178	Economic Development – Tax Forfeit	20,975.00
179	Enhanced 9-1-1	173,178.96
180	Law Library	14,339.15
183	City/County Communications	483.86
184	Extension Service	46,844.95
192	Permit to Carry	5,925.32
200	Public Works	3,325,051.60
204	Local Option Transit Sales Tax	56,142.10
220	State/Federal Road Aid	283,368.94
228	2022 Flooding Event	10,202.02
230	Public Health & Human Services	8,137,195.86
238	HHS Conference	480.00
239	Pandemic Response Fund	384,357.08
240	Forfeited Tax	526,272.76
250	St. Louis County HRA	11,150.00
260	CDBG Grant	526,909.28
270	HOME Grant	11,642.58
280	Federal Septic Loan – EPA Fund	41,428.10
289	On-Site Wastewater	58,604.73
290	Forest Resources	2,457.31
400	County Facilities	73,871.50
405	Public Works Building Construction	106,916.19
407	Public Works – Equipment	306,017.28
450	2021A – Capital Improvement	2,165,214.66
600	Environmental Services	768,543.83
640	Plat Books	11.54
715	County Garage	73,990.48
720	Property Casualty Liability	19,607.62
730	Workers Compensation	244,090.52
740	Medical Dental Insurance	<u>2,072,618.80</u>
		\$27,292,002.32
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Adopted May 9, 2023. No. 23-273

RESOLVED, That the recommendations of the Finance Committee for payment of claims and bills against the County of St. Louis, on file in the office of the County Auditor, identified as County Board File No. 61858, are hereby approved and the County Auditor shall issue checks in the following amounts:

March 2023

100	General Fund	\$9,702,931.02
149	Personal Service Fund	555.00
155	Depot	94,655.05
160	MN Trail Assistance	75,422.40
168	Sheriff's State Forfeitures	200.00
169	Attorney Trust Accounts – VW	2,084.50
173	Emergency Shelter Grant	27,812.65
176	Revolving Loan Fund	65.97
178	Economic Development – Tax Forfeit	107,647.13
179	Enhanced 9-1-1	162,159.24
180	Law Library	23,184.05
183	City/County Communications	488.35
184	Extension Service	83,064.75
190	Sheriff Explorers	1,810.00
192	Permit to Carry	8,044.59
200	Public Works	4,665,141.31
204	Local Option Transit Sales Tax	74,075.58
215	Ditching	20,125.00
220	State/Federal Road Aid	290,195.31
230	Public Health & Human Services	10,026,167.84
238	HHS Conference	12,415.00
239	Pandemic Response Fund	510,556.13
240	Forfeited Tax	708,295.24
250	St. Louis County HRA	72,077.69
260	CDBG Grant	137,183.19
261	CDBG Program Income	4,379.75
270	HOME Grant	14,500.00
280	Federal Septic Loan – EPA Fund	38,477.94
285	Septic Loans – MPCA	1,300.00
287	Septic Loans HRA	26,087.00
288	Septic Loans – Env Trust Fund	25,750.00
289	On-Site Wastewater	81,120.34
290	Forest Resources	5,000.00
400	County Facilities	117,164.12
403	Emergency Repairs	375.00
405	Public Works Building Construction	71,120.82
450	2021A – Capital Improvement	3,849,989.23
600	Environmental Services	858,651.47
640	Plat Books	11.49
715	County Garage	132,823.83
720	Property Casualty Liability	39,839.28
730	Workers Compensation	363,469.70
740	Medical Dental Insurance	3,344,842.55
770	Retired Employees Health Ins	980.00
		<u>\$35,783,239.51</u>

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Adopted May 9, 2023. No. 23-274

WHEREAS, Country Corner Bar, LLC dba Country Corner Bar, LLC, Culver Township, is currently licensed for Combination On/Off-Sale and Sunday On-Sale Intoxicating Liquor; and

WHEREAS, The license holder has made an application to permanently add to the designated serving area an attached deck; and

WHEREAS, The St. Louis County Sheriff's Office and Liquor Licensing Committee have reviewed the application and recommend approval of the designated serving area change.

THEREFORE BE IT RESOLVED, That said attached deck shall be added to the designated serving area of the Combination On/Off-Sale and Sunday On-Sale Intoxicating Liquor License held by Country Corner Bar, LLC dba Country Corner Bar, LLC, Culver Township, as per application on file in the office of the County Auditor, identified as County Board File No. 61855.

Adopted May 9, 2023. No. 23-275

WHEREAS, Dawghouse Bar & Grill, LLC dba Dawghouse Bar & Grill, Northland Township, is currently licensed for Combination On/Off-Sale and Sunday On-Sale Intoxicating Liquor; and

WHEREAS, The license holder has made an application to permanently add to the designated serving area an attached fenced-in patio; and

WHEREAS, The St. Louis County Sheriff's Office and Liquor Licensing Committee have reviewed the application and recommend approval of the designated serving area change.

THEREFORE BE IT RESOLVED, That said attached fenced-in patio shall be added to the designated serving area of the Combination On/Off-Sale and Sunday On-Sale Intoxicating Liquor License held by Dawghouse Bar & Grill, LLC dba Dawghouse Bar & Grill, Northland Township, as per application on file in the office of the County Auditor, identified as County Board File No. 61855.

Adopted May 9, 2023. No. 23-276

RESOLVED, That pursuant to Ordinance No. 28, Section 11, Subdivision 11.06 authorization is hereby granted to B & K Enterprises of Orr, LLP dba The Dam Supper Club, Leiding Township, to sell/serve outside the designated serving area of the County Liquor License for the date of June 24, 2023, as per application on file in the office of the County Auditor, identified as County Board File No. 61855.

Adopted May 9, 2023. No. 23-277

RESOLVED, That pursuant to St. Louis County Ordinance No. 51, as amended, the application for license to sell tobacco products at retail, on file in the office of the County Auditor, identified as County Board File No. 61857, is hereby approved and the County Auditor is authorized to issue the license to the following establishment:

The Highway 5 Company dba The Highway 5, Unorganized Township 59-21, new.

RESOLVED FURTHER, That if the named license holder sells their licensed 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 the license fee to the license holder.

Adopted May 9, 2023. No. 23-278

WHEREAS, It is necessary under the county's civil service employment law Minn. Stat. §383C.03 to appoint individuals to serve on the County's Civil Service Commission to carry out the duties and responsibilities of the Commission; and

WHEREAS, One full member, Kenneth Butler, serving a term that expires on May 6, 2023, has expressed his interest in being reappointed; and

WHEREAS, The Human Resources Department received notice from one full member,

Brittany Jacobson on March 16, 2023, that she was no longer available to serve on the Civil Service Commission and resigned effective immediately; and

WHEREAS, The County Board's Appointment Process Policy requires the County Board to authorize the County Auditor to advertise vacant positions on citizen advisory committees.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board makes the following reappointment to the County's Civil Service Commission: Kenneth Butler as a full member for a three-year term ending May 6, 2026.

RESOLVED FURTHER, That the St. Louis County Board authorizes the County Auditor to advertise and accept applications until May 19, 2023, or until filled, for the vacant full member position on the Civil Service Commission.

Adopted May 9, 2023. No. 23-279

WHEREAS, The St. Louis County Board appoints citizens to serve on the Planning Commission; and

WHEREAS, The Planning Commission currently has a vacancy to fill with a term ending December 31, 2024; and

WHEREAS, There are five applicants for filling the vacancy for the St. Louis County Planning Commission.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board hereby appoints Ross Petersen to its Planning Commission for the remainder of a term ending December 31, 2024.

Adopted May 9, 2023. No. 23-280

WHEREAS, The St. Louis County Board appoints citizens to serve on the Board of Adjustment; and

WHEREAS, The Board of Adjustment currently has a vacancy to fill with a term ending December 31, 2024; and

WHEREAS, There are three applicants for filling the alternate vacancy for the St. Louis County Board of Adjustment.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board hereby appoints Andrea Zupancich to its Board of Adjustment as an alternate member for the remainder of a term ending December 31, 2024.

Adopted May 9, 2023. No. 23-281

WHEREAS, The St. Louis County Board appoints citizens to serve on the St. Louis County Cooperative Extension Committee; and

WHEREAS, There are three (3) current openings on the Cooperative Extension Committee and four applications have been received.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board appoints the following three (3) individuals to the St. Louis County Cooperative Extension Committee with terms expiring December 31, 2025: Mary Shaw, Paul Fish and Susan Sauls.

Adopted May 9, 2023. No. 23-282

WHEREAS, Minn. Stat. § 282.241 provides that state tax-forfeited land may be repurchased by the previous owners subject to payment of delinquent taxes and assessments, with penalties, interest, and maintenance costs; and

WHEREAS, The applicants, Carol Ray and Robin Ray of Hibbing, Minnesota, have applied to repurchase state tax-forfeited land legally described as:

Legal: Lot 1, Block 11, CENTRAL ADDITION TO HIBBING

Parcel ID No: 140-0070-01830

LDKey: 130477; and

WHEREAS, The applicants were the owners of record at the time of forfeiture and are eligible to repurchase the property; and

WHEREAS, Minn. Stat. § 282.302, subd. 1, provides that the deed must be issued to the record owner of the property at the time of the expiration of the redemption period established under § 281.23, which were Carol Ray and Robin Ray; and

WHEREAS, The applicants have made satisfactory downpayment to enter into a four-year contract for deed to pay the amounts due and owing under Minn. Stat. § 282.241 to repurchase the non-homestead property; and

WHEREAS, Approving the repurchase will promote the use of lands that will best serve the public interest.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the repurchase application by Carol Ray and Robin Ray of Hibbing, Minnesota, on file in County Board File No. 61911, subject to payments including: total taxes and assessments of \$3,557.34, deed fee of \$25, deed tax of \$11.74, recording fee of \$46, and maintenance cost of \$19, for a total of \$3,659.08 to be deposited into Fund 240 (Tax-Forfeited Land Fund); plus a service fee of \$500 to be deposited into Fund 100 (General Fund).

Adopted May 9, 2023. No. 23-283

WHEREAS, Minnesota Session Laws 2012, Chapter 236, Section 28, as amended by Minnesota Session Laws 2016, Chapter 154, Sections 9-11, and further amended by Minnesota Session Laws 2019, 1st Special Session, Chapter 4, Section 7, and further amended by Minnesota Session Laws 2023, Chapter 9, Section 7, authorizes St. Louis County to sell state tax-forfeited shoreland lots currently under lease; and

WHEREAS, If the leaseholder chooses not to purchase the lot or continue leasing, the county may offer the lands for sale at public auction under the provisions of Minn. Stat. § 282.01, subdivision 7; and

WHEREAS, The parcels described in County Board File No. 61954 have not been purchased by the former leaseholder.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the County Auditor to offer the parcels described in County Board File No. 61954 at public auction in accordance with the provisions of Minnesota Session Laws 2012, Chapter 236, Section 28, as amended, and current lease policy. Net proceeds from the auction are to be deposited into Fund 500, Agency 500001 (Environmental Trust Fund).

Adopted May 9, 2023. No. 23-284

BY COMMISSIONER NELSON:

WHEREAS, The St. Louis County Public Safety Division needs to replace aging law enforcement vehicles, while supply chain constraints, availability and vendor purchase cancellations have caused Public Safety to be unable to procure a range of law enforcement vehicles through normal channels; and

WHEREAS, The County Board recently adopted Resolution No. 22-674, which suspended certain aspects of the County's Purchasing Policy to allow for the leasing of these vehicles under Sourcewell Contract 030122-EFM from Enterprise Fleet Management of St. Louis, MO; and

WHEREAS, Enterprise Fleet Management has committed to supplying a maximum of twenty (20) pursuit-rated Dodge Durangos to Public Safety in 2023 at the typical four-year lease rate expected to be approximately \$11,040.00 per vehicle a year, equivalent to \$220,800 annually; and

WHEREAS, The total cost to purchase equipment used to outfit these vehicles from

Emergency Automotive Technologies, Inc., is approximately \$389,000.00, as outlined in Board Memo 23-19.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the St. Louis County Public Safety Division to lease-to-buy a maximum of twenty (20) law enforcement vehicles from Enterprise Fleet Management of St. Louis, MO, for a total cost not to exceed \$220,800.00 payable from Fund 100, Agency 129003, Object 669503.

RESOLVED FURTHER, That the St. Louis County Board authorizes the purchase of equipment used to outfit these vehicles from Emergency Automotive Technologies, Inc. The approximate cost is \$389,000 from Fund 100, Agency 129003, Fund 643200.

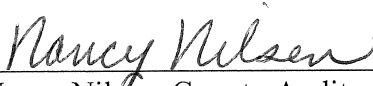
Unanimously adopted May 9, 2023. No. 23-285

At 10:14 a.m., May 9, 2023, Commissioner Jugovich, supported by Commissioner Nelson, moved to adjourn the meeting. The motion passed; six yeas, zero nays, one absent (Harala).



Patrick Boyle, Chair of the Board
of County Commissioners

Attest:



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

(Seal of the County Auditor)