

**OFFICIAL PROCEEDINGS OF THE MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF ST. LOUIS, MINNESOTA,  
HELD ON MARCH 28, 2023**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 28<sup>th</sup> day of March 2023, at 9:33 a.m., at the Lavell Town Hall, Hibbing, Minnesota, with the following members present: Commissioners Annie Harala, Ashley Grimm, Paul McDonald, Keith Musolf, Keith Nelson, Mike Jugovich and Chair Patrick Boyle - 7. Absent: None - 0.

Chair Boyle asked for a moment of silence in remembrance of all victims of violence, foreign and domestic. Chair Boyle recognized the recent passing of Rice Lake Mayor John Werner; followed by the pledge of allegiance.

Commissioner Jugovich introduced Lavell Township Clerk Megan Deslongchamps. Ms. Deslongchamps welcomed the Board to Lavell Township.

Chair Boyle opened the meeting to persons who wish to address the Board concerning issues not on the agenda. Melissa Bell, of Duluth, said the St. Louis County Planning Director is the obligated by law to invalidate the Conditional Use Permit (CUP) issued to 6464 Fredenberg Lake Road. Ms. Bell noted that the Town Board voted 3 to 2 to reject the CUP and said that 202 individuals wrote letters in opposition of the CUP and 18 individuals wrote letters in support of the CUP. Ms. Bell said the CUP should be invalidated because there were three errors on the application and there are unresolved reclamation issues at another pit owned by the owner of the 6464 Fredenberg Lake Road CUP. Bruce Anderson, of Duluth, said Melissa Bell has stated numerous times that if she was wrong, to please correct her; their group has not heard anything. Mr. Anderson said the CUP issued to 6464 Fredenberg Lake was approved in error and should be rescinded.

At 9:41 a.m., a public hearing was conducted, pursuant to Resolution No. 23-180, adopted March 14, 2023, to receive citizen comments on the proposed Subsurface Sewage Treatment System (SSTS) Ordinance 61 amendments. Ryan Logan, St. Louis County On-Site Wastewater Planning Manager, highlighted three key components that were being updated in the ordinance: Article IV, Section 2.0, would change the requirement of the entire SSTS being replaced when applicants apply for a variance or conditional use permit. Article IV, Section 2.0, would allow for component additions or replacements to systems without requiring a complete system upgrade under specific conditions. Article IV, Section 5.1, added additional requirements for property owners installing an SSTS. Chair Boyle asked if there were any other governmental entities who wished to speak. Jim Hofsommer, Colvin Township Supervisor, provided the Board with a letter from the Colvin Township Board. Mr. Hofsommer said the township generally supports the amendments; however, the township does not support the requirement that homeowners attend an installation class if they are planning on installing their own system. Mr. Hofsommer said he was told that in addition to the required class, homeowners would have to attend the prerequisite class. If homeowners are required to take the prerequisite and required classes, it could end up costing the homeowner \$2,000 to \$3,000. Mr. Hofsommer said the county should provide the training or pay for the required classes. Chair Boyle asked if there were any supporters who wished to speak, and no one requested the opportunity to speak. Chair Boyle asked if there were any opponents who wished to speak. Melissa Bell, of Duluth, said it would be expensive for the homeowner to attend classes and typically people working at universities do not have real life experiences. Bruce Anderson, of Duluth, said he agrees with Mr. Hofsommer. Chair Boyle asked if there were other comments from the public; no one

requested the opportunity to speak. At 10:09 a.m., Commissioner Harala, supported by Commissioner Nelson, moved to close the public hearing. The motion passed; seven yeas, zero nays.

Commissioner Harala, supported by Commissioner Jugovich, moved that the St. Louis County Board of Commissioners adopts the amendments to Ordinance 61; and further, that the effective date for these actions will begin upon Board approval. Commissioner Nelson commented that the intent of the homeowner class requirement is to ensure that the homeowner does not get in over their head. Commissioner McDonald said it seems like townships would be okay with the ordinance amendments as long as there were assurances that there was only one class. Commissioners discussed whether they should amend the ordinance to allow homeowners to satisfy the requirement by taking an alternate class. A Point of Personal Privilege was taken at 10:42 a.m. At 10:45 a.m., the Board reconvened with all members present. St. Louis County On-Site Wastewater Planning Manager Ryan Logan provided clarification to the Board regarding the required installation class; the property owner shall attend and provide the department with a Certificate of Attendance from a basic installation course provided by the University of Minnesota Water Resources Center or an equivalent training program. After further discussion, the motion passed; seven yeas, zero nays. Resolution No. 23-195.

Commissioner Jugovich, supported by Commissioner Musolf, moved to approve the consent agenda. The motion passed; seven yeas, zero nays.

Commissioner Harala, supported by Commissioner Grimm, moved that the St. Louis County Board approves commencement of termination of the contracts for purchase or repurchase of state tax-forfeited lands, according to the provisions of Minn. Stat. §§ 282.01, subd. 5, 282.40, and 559.21; and further, that the St. Louis County Auditor is authorized to sell or dispose of any abandoned personal property left remaining on the parcels described herein after making reasonable effort to provide at least 28 days' notice to the former owner, taxpayer, or any current occupants. County Administrator Kevin Gray said that if approved, the 90-day cancellation period will begin. Amanda Block commented that she owns property in Angora and Makinen; the 90-day period will help her take care of her outstanding bills. The motion passed; seven yeas, zero nays. Resolution No. 23-196.

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

Kevin Gray, County Administrator, and Linnea Mirsch, Public Health & Human Services Director, submitting Board Letter No. 23-123, Appointments to the St. Louis County Heading Home Advisory Council (HHAC).— 61924

Kevin Gray, County Administrator, and James Gottschald, Human Resources and Administration Director, submitting Board Letter No. 23-127, Highway Maintenance Division Bargaining Unit Contract: 2023-2025.— 61925

Kevin Gray, County Administrator, Donna Viskoe, Purchasing Director, and Gordan Ramsay, Sheriff, submitting Board Letter No. 23-120, Authorization of Emergency Purchases.— 61926

Cancellations of contract for purchase or repurchase of state tax-forfeited lands (defaults) approved during CY 2023.— 61927

Liquor Licensing Committee minutes approved during 2023.— 61928

Fox News Announcement: Rice Lake Mayor John Werner Dies after Battle with Cancer.— 61929

Upon motion by Commissioner Jugovich, supported by Commissioner Musolf, resolutions numbered 23-182 through 23-194, 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 March 14, 2023, are hereby approved.

Adopted March 28, 2023. No. 23-182

WHEREAS, The St. Louis County Heading Home Advisory Committee (HHAC) as a neutral party in making decisions, in conjunction with funding sources, on behalf of homeless people and those at risk of homelessness in St. Louis County; and

WHEREAS, Members are appointed by the City Council of Duluth and the St. Louis County Board of Commissioners; and

WHEREAS, St. Louis County HHAC has two (2) new appointments.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board appoints the following applicants to the St. Louis County Heading Home Advisory Committee:

<u>Position</u>	<u>Appointed</u>	<u>Period</u>
<i>At-Large Representative</i>	<i>Valerie Joeckel</i>	<i>Term ends 12/31/2026</i>
<i>Youth Representative</i>	<i>Kelly Looby</i>	<i>Term ends 12/31/2026</i>

Adopted March 28, 2023. No. 23-183

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes an agreement, and any amendments approved by the County Attorney, with the City of Hermantown for the construction on County Road 898 (Lindahl Road) between the Hermantown City limits and Martin Road (CP 0898-658526/CP 0898-554785) and the proposed construction on Lindahl Road between Trunk Highway 53 and the Hermantown City limits (CP 0000-733435/CP 0000-733436).

RESOLVED FURTHER, That the City of Hermantown will pay the City of Hermantown's non-participating local share items listed in the plan, and a lump sum of \$5,000 for survey, design, permitting, and construction administration to St. Louis County, receipted into Fund 220, Agency 220725, Object 551503.

Adopted March 28, 2023. No. 23-184

RESOLVED, That the St. Louis County Board authorizes an amendment to the professional services agreement with LHB, Inc., whereby the County will increase the cost of the services for roadway design as part of CP 0056-493050/SAP 069-656-020 by \$38,521, payable from Fund 220, Agency 220595, Object 626600. The total contract cost shall not exceed \$258,425.

Adopted March 28, 2023. No. 23-185

WHEREAS, Bids have been received electronically by the St. Louis County Public Works Department for the following project:

CP 0000-737955 (2023 North Crushing); and

WHEREAS, Bids were opened in the Richard H. Hansen Transportation & Public Works Complex, Duluth, MN, on March 9, 2023, and the low responsible bid determined.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the award on the Aggregate Crushing project (CP 0000-737955 – 2023 North Crushing) to the low bidder:

LOW BIDDER: Louis Leustek & Sons, Inc.  
ADDRESS: 1715 East Sheridan Street, Ely, MN 55731  
AMOUNT: \$386,566.40

RESOLVED FURTHER, That the appropriate county officials are authorized to approve the Contractor's Performance Bonds and to execute the bonds and contract for the Aggregate Crushing project (CP 0000-737955 – 2023 North Crushing) payable from:

Fund 200, Agency 201109, Object 650200 – Local Maintenance, City and Township Funds - \$386,566.40

With additional revenue budgeted for expense:

City of Chisholm, Fund 200, Agency 201109, Object 551530 - \$4,256.00

City of Hibbing, Fund 200, Agency 201109, Object 551504 - \$15,200.00

Pike Township, Fund 200, Agency 201109, Object 551627 - \$8,512.00

Sandy Township, Fund 200, Agency 201109, Object 551578 - \$2,128.00

Vermilion Lake Township, Fund 200, Agency 201109, Object 551628 - \$3,830.40

Adopted March 28, 2023. No. 23-186

WHEREAS, Bids have been received electronically by the St. Louis County Public Works Department for the following project:

CP 0000-397638, SAP 069-030-045, SAP 016-612-080, SAP 038-030-011; and

WHEREAS, Bids were opened in the Richard H. Hansen Transportation & Public Works Complex, Duluth, MN, on March 9, 2023, and the low responsible bid determined.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the award on the Pavement Marking project (CP 0000-397638, SAP 069-030-045, SAP 016-612-080, SAP 038-030-011) to the low bidder:

LOW BIDDER: Sir Lines-A-Lot, LLC  
ADDRESS: 7175 Cahill Road, Edina, MN 55439  
AMOUNT: \$1,433,133.91

RESOLVED FURTHER, That the appropriate county officials are authorized to approve the Contractor's Performance Bonds and to execute the bonds and contract for the Pavement Marking project (CP 0000-397638, SAP 069-030-045, SAP 016-612-080, SAP 038-030-011) payable from: Fund 220, Agency 220709, Object 652700 – State Aid, Cook and Lake County Funds - \$1,433,133.91

With additional revenue budgeted for expense:

Cook County, Fund 220, Agency 220709, Object 551507 - \$77,690.39

Lake County, Fund 220, Agency 220709, Object 551508 - \$105,513.84

Adopted March 28, 2023. No. 23-187

RESOLVED, That pursuant to the provisions of Minn. Stat. § 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for an intoxicating liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 61855.

RESOLVED FURTHER, That said license is approved contingent upon license holder paying real estate or personal property taxes when due.

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

RESOLVED FURTHER, That said license is contingent upon Midway Township approval.

RESOLVED FURTHER, That said license shall be effective through June 30, 2023:

Grand View Restaurant LLC dba Grand View Grill and Bar, Midway Township, On-Sale

and Sunday On-Sale Intoxicating Liquor License, transfer.

Adopted March 28, 2023. No. 23-188

THEREFORE, BE IT RESOLVED, That the 2023-2025 Public Works Department Highway Maintenance Divisions bargaining agreement is ratified and county officials are authorized to execute the Collective Bargaining Unit Agreement, a copy of which is on file in County Board File No. 61925.

RESOLVED FURTHER, That a Memorandum of Understanding, which allows for an Apprenticeship Program with the job classification of Apprentice to be covered by the Teamster's Collective Bargaining unit, is approved.

RESOLVED FURTHER, That a renewal of the Memorandum of Understanding, which sunsets on December 31, 2025, that allows the job class of Highway Laborer to work seasonal appointments throughout the calendar year and for employees hired after January 1, 2013, to receive an additional day of personal leave effective January 1, 2023, is approved.

Adopted March 28, 2023. No. 23-189

WHEREAS, Emergencies can occur at any time, requiring quick decision making, which doesn't allow time for pre-approval of purchases; and

WHEREAS, The St. Louis County Sheriff's Office, Administration, Public Health, Purchasing and Auditor's Office recommend granting emergency purchase authority to the following four (4) St. Louis County employees: Emergency Operations Manager, Emergency Management Planner, Public Health Supervisor and the Public Health Emergency Preparedness Coordinator; and

WHEREAS, These appointed staff will have knowledge, experience, and the discretion to make sound purchasing decisions while completing the goals and objectives of the incident; and

WHEREAS, \$25,000 will be allocated in an emergency situation fund - Fund 100, Agency 104100.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board hereby authorizes the following four (4) St. Louis County employees: Emergency Operations Manager, Emergency Management Planner, Public Health Supervisor and the Public Health Emergency Preparedness Coordinator (assigned to emergency preparedness) to make essential purchases during emergency incidents.

RESOLVED FURTHER, That the St. Louis County Board authorizes the County Auditor and County Administrator to establish a budget of \$25,000 for emergency purchases, which are necessary in emergency situations, in Fund 100, Agency 104100.

Adopted March 28, 2023. No. 23-190

WHEREAS, The Housing and Redevelopment Authority of Duluth, MN (Duluth HRA) has requested to purchase the following described state tax-forfeited land for the price of \$8,960, plus fees:

Legal: LOT 17, BLOCK 8, HUNTERS GRASSY POINT ADD TO DUL  
Parcel ID No: 010-2320-00720  
LDKey: 118173

Legal: LOT 18, BLOCK 8, HUNTERS GRASSY POINT ADD TO DUL  
Parcel ID No: 010-2320-00730  
LDKey: 118179

Legal: LOT 19, BLOCK 8, HUNTERS GRASSY POINT ADD TO DUL  
Parcel ID No: 010-2320-00740

LDKey: 118180

Legal: LOT 20, BLOCK 8, HUNTERS GRASSY POINT ADD TO DUL  
Parcel ID No: 010-2320-00750  
LDKey: 118181

Legal: LOT 21, BLOCK 8, HUNTERS GRASSY POINT ADD TO DUL  
Parcel ID No: 010-2320-00760  
LDKey: 118182

Legal: LOT 22, BLOCK 8, HUNTERS GRASSY POINT ADD TO DUL  
Parcel ID No: 010-2320-00770  
LDKey: 118183

Legal: Lot 13 AND 14, Block 11, HUNTERS GRASSY POINT ADD TO DUL  
Parcel ID No: 010-2320-01660  
LDKey: 130019; and

WHEREAS, Minn. Stat. § 282.01, subd. 1a(d), allows for non-conservation tax-forfeited land to be sold to a governmental subdivision for less than market value if a reduced price will provide incentive to correct blighted conditions or will lead to the development of affordable housing, and the governmental subdivision has documented its specific plans for correcting the blighted conditions or developing affordable housing, along with the specific law or laws that empower it to acquire the real property in furtherance of its plans; and

WHEREAS, These parcels of land have been classified as non-conservation land pursuant to Minn. Stat. § 282.01; and

WHEREAS, These parcels of land have not been withdrawn from sale pursuant to Minn. Stat. §§ 85.012, 92.461, 282.01, subd. 8, and 282.018, or other statutes that require the withholding of state tax-forfeited lands from sale.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the sale of state tax-forfeited land, as described, to the Housing and Redevelopment Authority of Duluth, MN, for the price of \$8,960 plus the following fees: a 3% assurance fee of \$268.80, deed fee of \$25, deed tax of \$29.57, and a recording fee of \$112, for a total amount of \$9,395.37, all to be deposited into Fund 240 (Tax-Forfeited Land Fund).

RESOLVED FURTHER, That the County Auditor may offer for sale at public auction the state tax-forfeited land described herein if the Duluth HRA does not purchase the land by September 14, 2023.

Adopted March 28, 2023. No. 23-191

WHEREAS, Pursuant to 2019 Minnesota Session Laws, Chapter 4, Article 4, Section 18, St. Louis County may sell by private sale the following described state tax-forfeited land to remedy an encroachment for the price of \$3,300, plus fees:

Legal: SE 1/4 OF NE 1/4 EX 4.24 AC FOR HWY & EX PART PLATTED AS CLAYTON ACRES & EX HWY R/W & EX 6.44 AC ADJ PLAT & EX PART N OF HWY 169, Section 28, Township 57 North, Range 21 West  
Parcel Code: 141-0050-05470  
LDKey: 106044; and

WHEREAS, Minn. Stat. § 282.01, subd. 3 (a), allows for non-conservation tax-forfeited lands to be sold for their appraised value as determined by the county board; and

WHEREAS, This parcel of land has not been withdrawn from sale pursuant to Minn. Stat. §§

85.012, 92.461, 282.01, subd. 8, and 282.018, and other statutes that require the withholding of state tax-forfeited lands from sale.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the sale of state tax-forfeited land, as described, to Jeffrey J. Pederson and Juli Ann Pederson for the price of \$3,300 plus the following fees: 3% assurance fee of \$99, deed fee of \$25, deed tax of \$10.89, and recording fee of \$46, for a total of \$3,480.89, to be deposited into Fund 240 (Tax-Forfeited Land Fund).

Adopted March 28, 2023. No. 23-192

RESOLVED, That the appraisal report for sale of timber, numbered C19230047 as submitted by the Land Commissioner, on file in the Office of the County Auditor, identified as County Board File No. 61859, is approved and the County Auditor is authorized to carry out the recommendation as listed in said appraisal report.

Adopted March 28, 2023. No. 23-193

RESOLVED, That the appraisal report for sale of timber, numbered C19230048 as submitted by the Land Commissioner, on file in the Office of the County Auditor, identified as County Board File No. 61895, is approved and the County Auditor is authorized to carry out the recommendation as listed in said appraisal report.

Adopted March 28, 2023. No. 23-194

**BY COMMISSIONER HARALA:**

WHEREAS, On January 12, 2023, the Planning Commission, and on February 16, 2023, the Septic Committee conducted a workshop to discuss the details of the ordinance language and the proposed amendments, and provided their support to move the amendments forward; and

WHEREAS, On January 12, 2023, the Ordinance with the proposed amendments has been open for public comment, and all townships, cities, and interested parties have been notified; and

WHEREAS, On March 9, 2023, the Planning Commission, after soliciting comments for 57 days, held a public hearing regarding the proposed SSTS Ordinance 61 amendments; and

WHEREAS, The Planning Commission voted to recommend that the St. Louis County Board of Commissioners adopt proposed SSTS Ordinance 61 amendments; and

WHEREAS, The St. Louis County Board of Commissioners held a public hearing on the proposed ordinance amendments on March 28, 2023.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board of Commissioners adopts the amendments to Ordinance 61, contained in County Board File No. 61922.

RESOLVED FURTHER, That the effective date for these actions will begin upon Board approval.

Adopted March 28, 2023. No. 23-195

**BY COMMISSIONER HARALA:**

WHEREAS, The contracts for purchase or repurchase of state tax-forfeited lands listed and legally described in County Board File No. 61927 are in default for failure to pay the required installments and/or real estate taxes; and

WHEREAS, Minn. Stat. § 282.04, subd. 2(d), authorizes the County Auditor, with the approval of the County Board, to dispose of or sell, as appropriate, any abandoned personal property left remaining on tax-forfeited lands after making reasonable efforts to provide at least 28 days' notice to the former owner, taxpayer, or any current occupants.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves commencement of termination of the contracts for purchase or repurchase of state tax-forfeited lands listed and described in County Board File No. 61927, according to the provisions of Minn. Stat. §§ 282.01, subd. 5, 282.40, and 559.21, beginning 90 days from the date of this resolution.

RESOLVED FURTHER, That the St. Louis County Auditor is authorized to sell or dispose of any abandoned personal property left remaining on the parcels described herein after making reasonable effort to provide at least 28 days' notice to the former owner, taxpayer, or any current occupants.

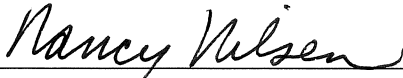
Unanimously adopted March 28, 2023. No. 23-196

At 9:57 a.m., March 28, 2023, Commissioner Harala, supported by Commissioner Grimm, moved to adjourn the meeting. The motion passed; seven yeas, zero nays.



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)