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# The TIMBERJAY



Serving the communities of northern St. Louis County since 1989

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## ELECTION 2022

# State Senate 3 seat will be hotly contested

by MARSHALL HELMBERGER  
 Managing Editor

REGIONAL— Last week’s announcement that Sen. Tom Bakk won’t seek re-election has all but guaranteed a hotly-contested campaign for the largest geographical senate district in the state. The Third District, which now stretches from near Baudette in the far west all the way to Grand Portage in the east and Duluth in



Andrea Zupancich



Grant Hauschild

the south, has long been a DFL stronghold. But that has changed remarkably in the past few years,

all but ensuring that both parties will pour considerable resources into the contest.

Sen. Bakk said he plans to stay out of the contest and has made no endorsements of any candidates to date. “I am staying out of the race until after the primary and may not pick a horse even after that,” he said.

On the Republican side, Babbitt Mayor Andrea Zupancich announced her candidacy on

### More election news

- Sen. Tom Bakk to retire from State Senate **Page 3**
- Roger Skraba to run for State House seat. **Page 10**

Monday. Zupancich was one of seven Iron Range mayors who publicly endorsed Donald Trump for president in 2012, mostly over his stated support for cop-

per-nickel mining in the region. “I know that we have an abundance of natural and human resources, including our hard-working families, that need a strong voice to advocate for them at the Capitol,” stated Zupancich in a statement.

Zupancich, a first-generation immigrant from Germany, has served as Babbitt’s mayor since 2014 and she’s operated z’UP

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## WINTER GATHERING

# COMING TOGETHER

## Midwinter powwow celebrated at Nett Lake



by DAVID COLBURN  
 Cook-Orr Editor

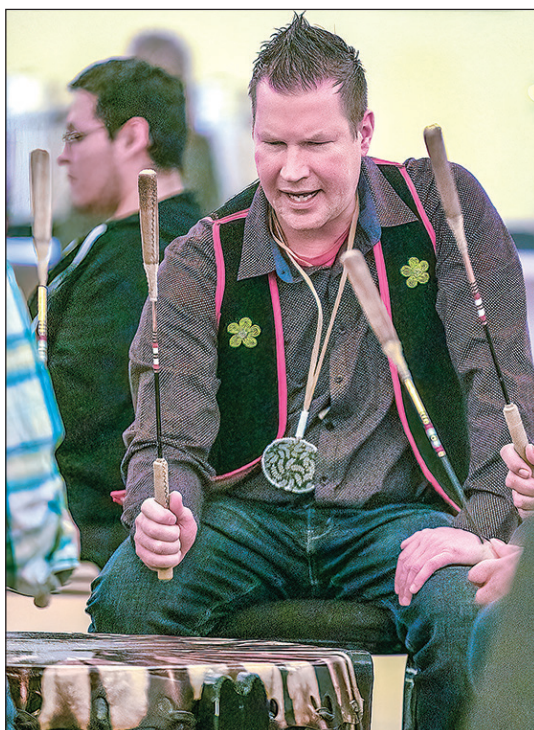
NETTLAKE- In times past, the midwinter powwow held annually at Nett Lake has been a celebration that welcomed participants from far and wide. The February 2020 event drew more than 250 from many surrounding states and Canada.

The 2022 edition celebrated on Saturday, however, was mostly about the Bois Forte community coming together as one to mark another chapter in the annual cycle of seasons.

While the weather outside looked and felt positively springlike, the singing, drumming, and dancing inside the tribal government center was linked to winter, a season of story-telling among the Ojibwe,



Members of the Bois Forte Band gathered at Nett Lake last weekend for their mid-winter powwow. photos by D. Colburn



a time when people stay close to home and relate centuries-old wisdom to educate children about tribal traditions and the

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## CRIMINAL JUSTICE

# Sentencing often difficult to understand

## Local case of probation instead of prison reveals many mitigating factors

by DAVID COLBURN  
 Cook/Orr Editor

COOK— A St. Louis County judge recently sentenced two men— both with lengthy criminal histories— following their convictions for a March 2020 burglary in rural Cook.

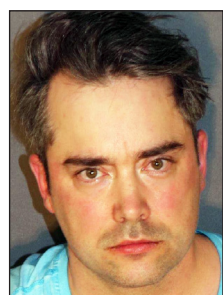
One was sentenced to 44 months in prison. The other may not serve a day in prison, depending on the successful completion of five years of supervised probation.

In granting probation, and no prison time, for Luke Lee Dustin Prescott, District Court Judge Rachel C. Sullivan exercised her legal authority to implement what is called a “downward departure” from sentencing guidelines based on the offense and Prescott’s criminal history. The judge did impose a 71-month prison sentence on Prescott, but stayed that penalty in favor of probation.

The St. Louis County Attorney’s office opposed the decision, arguing for imposition of the sentence recommended in the guidelines.

The official sentencing document for Prescott has been “held off the record” according to information on Minnesota Court

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Luke Prescott

## ISD 696

# Will Ely school project be done by Labor Day?

## Construction timeline, budget shortfall to be discussed Monday

by KEITH VANDERVORT  
 Ely Editor

ELY – ISD 696 officials will receive a major update Monday on the building and facility renovation project that is headed toward a completion dead-

line this fall.

School board members will meet with the general contractor and architects on March 28 to review the construction timeline that calls for the project to be completed by the day after Labor Day, the first day of

the 2022-23 school year. Additional funding options required to meet a budget shortfall on the \$20 million project are expected to be discussed.

Interim Superintendent John Klarich told board members last Monday that

all the concrete is poured for the project, and the roof should have been finished last week.

“They are getting set up to start putting up the walls,” he said. Brick layers

See...ELY pg. 10



School board members will discuss the Ely school renovation project timeline next week. photo by K. Vandervort



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## HIGHER EDUCATION

# Vermilion Community College to join Minnesota North College

## Colleges of the Northeast Higher Education District receive final approval to merge

by KEITH VANDERVORT  
Ely Editor

ELY - Five northern Minnesota colleges, including Vermilion Community College here, will open next fall under one new name: Minnesota North College.

The merger of the five schools that make up the NHED, Hibbing, Itasca, VCC, and Rainy River community colleges, along with Mesabi Range College, was approved last week by the Minnesota State Colleges and Universities' board of trustees.

The six campuses that serve the five schools will remain open under the consolidation plan, and are considered a single accredited institution.

The merged institution will operate under the name "Minnesota North College" starting May 23. The merger was also recently approved by the Higher Learning Commission, Minnesota North College's regional accrediting body.

"Operationally merging our institutions leverages the resources, talents, and marketability that come with a larger, regional college yet maintains the long-cherished individual campus identities and community connections," said Michael Raich, president of Minnesota North College.

"Students will benefit from a seamless educational experience along with expanded access to

courses, programs, support services, and the team of experts that serve our six campuses," he continued. "Working regionally, Minnesota North College will be able to provide a comprehensive response to our business and industry partners, which aligns with our new vision of being a catalyst for regional prosperity. The credit for our progress in this merger goes to the faculty, staff, students, and community members that have been engaged in our planning process. I can't thank them enough for their commitment and guidance."

Minnesota State Colleges and Universities has been working toward the merger for two years.

The schools saw enrollment fall 35 percent in the past decade and have some of the smallest student populations among the three dozen Minnesota State Colleges and Universities. Enrollment at the five schools last fall was about 3,500.

The merger provides several key benefits, the most important of which is improving services to students and stakeholders. Under a one-college model, students will have access to a larger selection of courses and career programs, which will be accessible across six campuses with a single application and one transcript.

Essential student services, such as registration

and financial aid, will be simplified while still providing local, on-campus support. A single college will lead to more consistent collaborative efforts with regional K-12 and industry partners as well. The single-college model will lead to improved operational efficiency allowing resources to be better focused on mission-centric functions and improving long-term financial sustainability.

Prospective students can apply with a single transcript and application, simplifying the process for those who take classes at more than one institution, officials say.

"This has been an extraordinary lift for the

entire Minnesota North College community," said Devinder Malhotra, chancellor of Minnesota State, "and I commend President Raich and his team for all the hard work that was put into making this vision a reality. Visiting the six campuses of Minnesota North College is a wonderful experience because, while each one of them has a distinct personality and is unique geographically and programmatically, they all share a passionate commitment to students and their success."

The state Department of Iron Range Resources and Rehabilitation (IRRR) offered an \$820,000 grant to make the consolidation happen.

## SENTENCING...Continued from page 1

Records Online. However, an examination of electronic case documents by the *Timberjay* for both men that are publicly available suggests that the widely divergent sentences for this singular burglary reflect very different circumstances for each offender.

All information in this report was taken from official court documents, unless otherwise noted.

### Burglary

Two juveniles, ages 16 and 11, were home alone at their residence about four miles north of Cook at about 7:30 a.m. on March 26, 2020, when a barking dog caused one of them to look out a window. The juvenile observed two unfamiliar men, later determined to be Clifton Lea Garcia and Prescott, who were driving a gray pickup truck with a topper and pulling a snowmobile trailer. The men went into the entryway of the home and took eight outdoor clothing items valued at \$2,150. Then the men cut down a maple tree in the front yard that had an old Navy ship's bell that had grown into the wood, loaded it, and left. The juvenile took a picture of the truck before it left, then called his father, who reported the burglary to the St. Louis County Sheriff's Dispatcher.

A deputy forwarded the photo to members of Orr's neighborhood watch group, and two people identified the truck in the photo as being driven by Prescott.

By mid-morning, officers arrived at a Nett Lake Rd. residence where Prescott was known to stay. They found the truck and trailer, encountered and detained Garcia and Prescott, and executed a search warrant, discovering the stolen items.

### Clifton Garcia

Prior to the March 2020 burglary, Garcia had been convicted of four felonies, three involving possession of marijuana, and possession of a weapon by an ineligible person. He also had a misdemeanor conviction for giving officers false identification information.

Garcia was cited for

a gross misdemeanor of operating a vehicle under the influence of a controlled substance and sentenced to probation in September 2020, with the provision that he continue in a treatment program he was attending.

Garcia was later booked into the Stillwater state correctional facility in June 2021 on a weapons possession charge. Just a month prior to his conviction in the Cook burglary case, Garcia was sentenced to 60 months in prison on the weapons charge, and 97 months on a second-degree felony methamphetamines charge.

Given his incarceration and the length of the sentences, probation would not have been an option in addressing his conviction for the Cook burglary, hence the imposition of the recommended sentence of 44 months.

### Luke Prescott

Prescott committed his first burglaries as a juvenile, and prior to the March 2020 Cook burglary Prescott had been convicted of two felonies and one misdemeanor for theft, three felony charges for receiving stolen property, and one felony count of possession of a weapon by an ineligible person. Between September 2020 and July 2021, Prescott had felony convictions for two burglaries and two theft charges.

But Prescott's path after his arrest for the Cook burglary was markedly different from that of Garcia. He received supervised probation for the September 2020 conviction and was ordered to undergo chemical dependency evaluation and treatment.

On Oct. 16, 2020, Prescott, a self-admitted methamphetamine abuser for more than two decades, became a client of Christian-based Minnesota

Adult and Teen Challenge (MATC) in Duluth, and his life hasn't been the same since.

Prescott started in a state-licensed 90-day residential chemical dependency program at MATC, one just like similar programs operated by other agencies, according to Admissions Case Coordinator Kristin Birman.

"All of our clients start out in that program. It's kind of their base, their grounding," Birman said.

Faith activities are not part of the 90-day program, and participation can be court-ordered or voluntary. Prescott appears to have chosen MATC's program after being urged to do so by family members.

However, in addition to standard individual counseling and group participation, clients can choose to incorporate elements of faith if they so desire, Birman said.

Following that, enrollment in other MATC options is voluntary, and all are based solidly on Christian principles and teachings, Birman said.

Prescott moved on into MATC's 13-month residential program, earning three months credit for his initial participation. This program is not licensed by the state.

"Because it is faith-based, clients are required to go to church once a week," Birman said. "They are required to sing in the choir. Their classes revolve around learning about Jesus and the Bible and how we're going to walk out our life now sober. Without that drug or alcohol, what are we going to do to fill that void? They're taught how to lean on Jesus and prayer."

"We" is a word that comes naturally to Birman because she's a successful former MATC client herself. The long-term treatment program has four levels, and Birman had a

unique description of it.

"I had a teacher who referred to it as surgery," she said. "The first basic level is preparing you for surgery, just opening up the Bible. A lot of these clients that come to this program are not familiar with the Bible. Level two is going into open heart surgery, where you're tearing it open, and you are digging deep down into your addiction and what caused it. Level three is closing up that surgery, learning to walk with Jesus by our side now that you've dealt with all this stuff. Level four is getting ready for the outside world so that they can find and get jobs, and they're looking for housing, they're looking for churches, they're getting their feet on the ground to get ready to be thrown to the wolves, as they say."

Clients also participate in community service activities and have the option to have a job during their final two months in the program.

One bit of evidence attesting to a positive change in Prescott is to be found in a pre-sentence investigation filed in July 2021. Earlier that year, Prescott was interviewed by Itasca County law enforcement officials and confessed to a string of burglaries and thefts in the county committed in late 2019 and early 2020. The report quoted a statement written by Prescott that said, "I was on drugs and lost my way from the Lord. When I came into Teen Challenge, God told me to tell everything I've ever done, so I came clean about all of my indiscretions because it was holding me down and I needed a clean slate. Also, I want to make amends to the people I hurt and violated. I'm making an attempt to do this." In a plea bargain acknowledging Prescott's acceptance of responsibility for the crimes, all but one of the charges was dismissed, and Prescott received probation for the final charge, with a condition that he complete the MATC program.

Prescott went beyond that directive. In September 2021, he was accepted into MATC's Challenge Leadership Institute. The focus of the 12-month institute is twofold, Birman said. It helps participants to strengthen their walk with Christ, and it prepares them to minister to others. Applicants are evaluated on their performance in prior MATC experiences, evidence of their commitment to a Christ-centered lifestyle, and potential for effectively ministering to others. Acceptance is selective, rather than automatic, Birman said.

"Leadership Institute is more of a college type experience," she said. "It's dorm-style living, you go to classes during the day, ministry classes. If you finish, you can take some extra classes to become an ordained minister."

Prescott's request for probation in the Cook burglary case was supported by glowing letters from MATC staff, family members, his pastor, and a former employer, all attesting to the changes they have observed in him during his engagement with MATC. Prescott's attorney, James Perunovich, wrote about Prescott's suitability for probation in his petition.

"Although there are no assurances to this court that anyone will be successful on probation, especially someone who has a history of criminal behavior, there are those persons that appear before the court from time to time that have had an epiphany in their life that provides them with a perspective of life without addiction," Perunovich said. "Mr. Prescott certainly appears to be that person as sup-

ported by his counselors, his pastor, probation and the court in Itasca County, and most importantly, his own family. The facts and the law merit a dispositional departure for Mr. Prescott."

The letters and accompanying petition appear to have been a major deciding factor in Prescott receiving probation, and yet many will remain skeptical of the court's decision. There are those who will point to Prescott's long documented history of criminal offenses and habitual drug use in support of their belief and label his claimed conversion as a ploy to escape the punishment for his crimes they believe he deserves.

That's something Birman acknowledged as reality, something MATC prepares their clients to deal with as best they can.

"We let them know that it doesn't matter what anybody else thinks or says, the real judgment comes from Jesus, and he doesn't judge any of that. He loves us the way we are," Birman said.

*Editor's note: The Timberjay has no direct knowledge of Mr. Prescott beyond what is recorded in publicly available court records reviewed for this article. Due to confidentiality issues, Kristin Birman was asked to speak only to the nature of MATC's programs, and not to discuss Mr. Prescott's participation in them. The article is intended to illustrate an example of how sentencing in the judicial system can be influenced by factors outside the courtroom and state sentencing guidelines, and the Timberjay has no position regarding the determination made in Mr. Prescott's case.*



It's Time For.....

## COOK YOUTH BASEBALL

Registration for the upcoming 2022 youth baseball season is open! Girls and boys ages 5-12 on or before May 1 are welcome to join! Register your child/children by April 15 by entering the registration link below into your web browser or by using the QR code below. You can also go to our Facebook Page, "Cook Youth Baseball" to register.

Enter this link into your web browser:

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If you are interested, please email us at [cookyouthbaseball@gmail.com](mailto:cookyouthbaseball@gmail.com).



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