

**OFFICIAL PROCEEDINGS OF THE MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF ST. LOUIS, MINNESOTA,  
HELD ON FEBRUARY 17, 2015**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 17<sup>th</sup> day of February 2015, at 9:38 a.m., at the Chisholm City Hall, Chisholm, Minnesota, with the following members present: Commissioners Frank Jewell, Patrick Boyle, Chris Dahlberg, Tom Rukavina, Keith Nelson, Steve Raukar, and Chair Pete Stauber - 7. Absent: None - 0.

Chair Stauber asked for a moment of silence to pray for the safety of service men and women, their families, and for all innocent victims of war. Chair Stauber also asked for a responsible and productive County Board meeting, followed by the pledge of allegiance.

Chair Stauber opened the meeting to persons who wanted to address the Board concerning issues not on the agenda. City of Chisholm Mayor Michael Jugovich welcomed the Board to Chisholm.

At 9:42 a.m., a public hearing was conducted pursuant to Resolution No. 15-68, adopted February 3, 2015, to consider the issuance of an off-sale intoxicating liquor license to Border Guide Service Base Camp Company d/b/a Border Guide Service Base Camp Company, Kabetogama Township. St. Louis County Attorney Mark Rubin gave the initial presentation and submitted a packet for the record that included documentation of required notices, minutes from the Liquor Licensing Committee meeting, proof of paid property taxes and required documents for the license. William Roden was present at the meeting. Commissioner Nelson asked Mr. Roden if he read the liquor ordinance and will abide by the rules; Mr. Roden replied yes. Chair Stauber asked if there were any other governmental entities, supporters or opponents, or citizens who wished to speak regarding the proposed action and no one came forth. At 9:50 a.m., Commissioner Dahlberg, supported by Commissioner Jewell, moved to close the public hearing. The motion passed; seven yeas, zero nays.

Commissioner Rukavina, supported by Commissioner Nelson, moved to approve granting the off-sale intoxicating liquor license to Border Guide Service Base Camp Company d/b/a Border Guide Service Base Camp Company, Kabetogama Township. The motion passed; seven yeas, zero nays. Resolution No. 15-102.

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

Commissioner Jewell, supported by Commissioner Boyle, moved that the St. Louis County Board hereby supports special legislative authority to provide certain adjacent property owners the "first right of refusal" at appraised value for the sale of thirty-six (36) conforming state tax forfeited lots located in the Park Point neighborhood of Duluth, MN, identified in County Board File No. 60050. The County Board affirms that the "first right of refusal" for the purchase of certain conforming tax forfeited lots in Park Point, as provided in County Board Resolution No. 14-597, cannot be offered to adjacent residents without special legislative authority from the 2015 Minnesota State Legislature, and that all thirty-six (36) parcels will also be sold at public auction, should such legislation fail to be enacted. Commissioner Rukavina, supported by Commissioner Jewell, offered an amendment to

allow the proceeds from the sale to be deposited into Shoreline Sales (Environmental Trust Fund) rather than in the Tax Forfeited Land Trust. The amendment passed; six yeas, one nay (Dahlberg).

A recess was taken from 10:39 a.m. to 10:51 a.m.

Commissioner Nelson, supported by Commissioner Raukar, offered an amendment supporting special enabling legislation to offer these thirty-six (36) parcels to adjacent property owners contingent upon the county's offering for public sale in June 2015, two (2) additional tax forfeited parcels located in the Park Point neighborhood, identified as Parcel ID Numbers 010-4400-01330 and 010-4400-01210. The amendment passed; four yeas (Dahlberg, Nelson, Raukar, Stauber), three nays (Boyle, Jewell, Rukavina). The following citizens addressed the Board regarding the resolution: Ken Kollodge, Dennis Fink, and Dulce Proud. After further discussion, the amended motion passed; seven yeas, zero nays. Resolution No. 15-103.

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

Land Sales and Withdrawals from Memorial Forest Status approved during Calendar Year (CY) 2015.—60043

Kevin Gray, County Administrator, and Mark Weber, Land and Minerals Director, submitting Board Letter No. 15-48, Reclassification of State Tax Forfeited Lands to Non-Conservation.—60044

Kevin Gray, County Administrator, and Barbara Hayden, Planning and Community Development Director, submitting Board Letter No. 15-53, Establish a Public Hearing to Consider Tax Abatement for Hermantown Marketplace Project (Hermantown).—60045

Kevin Gray, County Administrator, and Mark St. Lawrence, Environmental Services Director, submitting Board Letter No. 15-58, Establish a Public Hearing to Consider Amending the 2015 Fee Schedule.—60046

Kevin Gray, County Administrator, and James Gottschald, Human Resources Director, submitting Board Letter No. 15-54, Civil Service Basic Agreement: 2015-2016.—60047

Kevin Gray, County Administrator, and James Gottschald, Human Resources Director, submitting Board Letter No. 15-55, Merit System Basic Agreement: 2015-2016.—60048

Kevin Gray, County Administrator, and Tony Mancuso, Property Management Director, submitting Board Letter No. 15-56, Amendment No. 2 to the MOU Between the State of Minnesota Judicial Branch and St. Louis County.—60049

Kevin Gray, County Administrator, submitting Board Letter No. 15-57, Support for Special Legislation to Provide "First Right of Refusal" for Sale of Conforming State Tax Forfeited Land (Park Point – Duluth).—60050

Fire Protection and First Responder Services Agreement by and between the County of St. Louis and the Morse-Fall Lake Rural Protection Association, Ely, MN, for services in Unorganized Townships 64-12, 64-13, 65-13 and 63-14 during CY 2015.—15-153

St. Louis County On-line Software Agreement by and between the County of St. Louis and Colosimo, Patchin & Kearney, Ltd., Attorneys at Law, Virginia, MN, adding access to County Auditor records.—15-154

Agreement by and between St. Louis County and the City of Eveleth, MN, for Collection of Residential and Commercial Recyclable Materials during the term January 1, 2015 through December 31, 2020 with two (2) possible two-year extensions.—15-155

Safety & Risk Management Training Contract between St. Louis County and Forrest Co., LLC, for *CPR/AED Training*.—15-156

State of Minnesota Colleges and Universities Customized Training Income Contract between St. Louis County Highway Department and Ridgewater College, Willmar, MN, for *NCCCO Crane Written Test & Practical Testing* by Herzog Construction, LLC, Instructor/Trainer/Consultant.—15-157

Agreement for Professional Services between the County of St. Louis and Vermilion Appraisals and Consulting, Tower, MN, for appraisal services for highway right of way acquisition and condemnation proceedings for the reconstruction of County State Aid Highway 155, 8<sup>th</sup> Avenue East in Ely, MN (CP 0155-194358, SAP 69-755-001).—15-158

Purchase of Service Agreement, Contract No. 15398, between the St. Louis County Board of Commissioners and Salvation Army, Duluth, MN, for Client Emergency Funds during the period January 1, 2015 through December 31, 2015.—15-159

Purchase of Service Agreement, Contract No. 15449, between the St. Louis County Board of Commissioners and Joe Peterson, Gilbert, MN, for Chore Services during the period January 1, 2015 through May 31, 2015.—15-160

Upon motion by Commissioner Nelson, supported by Commissioner Raukar, resolutions numbered 15-86 through 15-101, as submitted on the consent agenda, were unanimously adopted as follows:

**BY COMMISSIONER NELSON:**

RESOLVED That the official proceedings of the St. Louis County Board of Commissioners for the meeting of February 10, 2015, are hereby approved.

Adopted February 17, 2015. No. 15-86

WHEREAS, The Minnesota Housing Finance Agency awards grant funds to counties to fund services for the homeless and those at risk of homelessness; and

WHEREAS, St. Louis County has received funding from the Minnesota Housing Finance Agency Family Homeless Prevention and Assistance Program since the 1995-1997 biennium to fund services for the homeless and those at risk of homelessness;

THEREFORE, BE IT RESOLVED That the St. Louis County Board authorizes submission of a grant application in an amount up to \$900,000 to the Minnesota Housing Finance Agency Family Homeless Prevention and Assistance Program for the 2015-2017 biennium;

RESOLVED FURTHER That St. Louis County shall serve as fiscal agent for the grant.

Adopted February 17, 2015. No. 15-87

WHEREAS, Jeff Coombe has requested an access easement across state tax forfeited land;  
and

WHEREAS, There are no reasonable alternatives to obtain access to the property he owns;  
and

WHEREAS, Exercising the easement will not cause significant adverse environmental or natural resource management impacts and will not conflict with public use of the land; and

WHEREAS, Minn. Stat. § 282.04, Subd. 4a, authorizes the County Auditor to grant easements across state tax forfeited land for such purposes;

THEREFORE, BE IT RESOLVED That the St. Louis County Board authorizes the County Auditor to grant a non-exclusive access easement to Jeff Coombe across state tax forfeited lands in Vermilion Lake Township described in County Board File No. 60012;

RESOLVED FURTHER That granting of this easement is conditioned upon payment of \$1,204 land use fee, \$50 administration fee and \$46 recording fee, for a total of \$1,300 to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted February 17, 2015. No. 15-88

WHEREAS, Buyers of lots in the plat of Linwood must cross state tax forfeited land; and  
WHEREAS, There are no reasonable alternatives to obtain access to the property; and

WHEREAS, Exercising the easement will not cause significant adverse environmental or natural resource management impacts and will not conflict with public use of the land; and

WHEREAS, Minn. Stat. § 282.04, Subd. 4 and Minn. Stat. § 507.47 authorize the County Auditor to impose easements across state tax forfeited land for such purposes;

THEREFORE, BE IT RESOLVED That the St. Louis County Board authorizes the County Auditor to impose access easements to access lots in the plat of Linwood across state tax forfeited lands in Unorganized Township 56-14 described in County Board File No. 60012.

Adopted February 17, 2015. No. 15-89

WHEREAS, The state tax forfeited parcels described in County Board File No. 60043 are currently included in an established memorial forest; and

WHEREAS, Pursuant to Minn. Stat. § 459.06, Subd. 3, state tax forfeited land which has been included in an established memorial forest and found more suitable for other purposes may, by resolution of the County Board, be withdrawn from the forest for disposal if the Commissioner of Natural Resources approves the sale of such land; and

WHEREAS, The state tax forfeited parcels have been determined to be more suitable for purposes other than forest management;

THEREFORE, BE IT RESOLVED That the state tax forfeited parcels described in County Board File No. 60043 shall be withdrawn from Central Lakes, Lake Upham, Pelican Lake, and Whiteface Memorial Forests.

Adopted February 17, 2015. No. 15-90

WHEREAS, All parcels of land becoming the property of the State of Minnesota in Trust through forfeiture for nonpayment of real estate taxes shall be classified or reclassified as conservation or non-conservation as required by Minn. Stat. § 282.01, Subd. 1; and

WHEREAS, The parcels described in the attached County Board File forfeited to the State of Minnesota for nonpayment of real estate taxes and were previously classified as conservation; and

WHEREAS, The St. Louis County Land and Minerals Department has recommended that the parcels be reclassified as non-conservation and approved for sale after considering, among other things, the present use of adjacent land, the productivity of the soil, the character of forest or other growth, the accessibility of lands to established roads, schools, and other public services, and their peculiar suitability or desirability for particular uses; and

WHEREAS, These parcels of land may be located inside the boundaries of a municipality or town and Minn. Stat. § 282.01 provides that classification or reclassification and sale of lands situated within a municipality or town must be approved by the governing body of the municipality or town; and

WHEREAS, The reclassification and sale of the parcels will be deemed approved if the county board does not receive notice of the municipality's or town's disapproval of the reclassification and sale of any parcel within 60 days of the date on which this resolution is delivered to the clerk of the municipality or town in which the parcels are located;

THEREFORE, BE IT RESOLVED That the state tax forfeited parcels described in County Board File No. 60044 shall be reclassified 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.

Adopted February 17, 2015. No. 15-91

WHEREAS, The St. Louis County Public Works Department plans to reconstruct a small segment of County Road 180 and to replace the existing bridge (County Bridge 867, State Bridge L6106) over an unnamed tributary to the Pelican River in Leiding Township, County Project 0180-213069/State Aid Project 069-598-057; and

WHEREAS, These improvements consist of replacing the existing structure with a similar structure 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 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;

RESOLVED FURTHER That the State of Minnesota Department of Natural Resources is requested to provide St. Louis County with easement across State of Minnesota Lands located in the South One-half of the Southwest Quarter (S ½ of SW ¼), Section 2, Township 65 North, Range 19 West of the Fourth Principal Meridian adjacent to the present course of County Road 180 (Parcel Identification Number 425-0020-00280).

Adopted February 17, 2015. No. 15-92

RESOLVED That the St. Louis County Board authorizes an agreement, and any amendments authorized by the County Attorney, with SRF Consulting Group, Inc., of Minneapolis, MN, for design services for the reconstruction of County Bridge 286 along County State Aid Highway 21

over the Birch River in Unorganized Township 61-13, CP 0021-215030/SAP 69-621-034. The total cost of these services is \$39,950.00, payable from Fund 220, Agency 220343, Object 626600.

Adopted February 17, 2015. No. 15-93

RESOLVED That the St. Louis County Board authorizes an agreement, and any amendments authorized by the County Attorney, with SRF Consulting Group, Inc., of Minneapolis, MN, for design services for the reconstruction of County Bridge 883 along County Road 442 over the East Swan River in Lavell Township, CP 0442-215028. The total cost of these services is \$41,986.00, payable from Fund 200, Agency 203347, Object 626600.

Adopted February 17, 2015. No. 15-94

WHEREAS, The Information Technology (IT) department initiated a continuous improvement project to define improved IT Service Desk processes; and

WHEREAS, The results of the project identified the need for a new IT Service Management software package; and

WHEREAS, A selection committee reviewed five (5) software packages and rated them based on four (4) distinct criteria categories including relevant qualifications and experience, vendor consulting capacity, proposed work plan and schedule, and total cost; and

WHEREAS, The selection process identified Cherwell Service Management as the preferred IT Service Management software package available from Cherwell Software, LLC, of Colorado Springs, CO, and vendor partner MNCL of Irving, TX, as the implementation partner, with total one-time project costs totaling \$136,130 broken down as follows:

<b>1<sup>st</sup> Year Cost</b>		
<b>Vendor</b>	<b>Purchase</b>	<b>Cost</b>
Cherwell	Licenses - 22 Concurrent	\$ 72,380
MNCL	Consulting (30 Days @ \$1,400 per day)	\$ 42,000
Cherwell	Training	\$ 2,850
Cherwell	Maintenance	\$ 15,400
MNCL	Travel Expenses	\$ 3,500
	<b>Total</b>	<b>\$136,130</b>

and

WHEREAS, Ongoing annual software maintenance costs starting in year 2 in the amount of \$15,400 will be built into future IT budgets;

THEREFORE, BE IT RESOLVED That the St. Louis County Board authorizes the appropriate county officials to execute purchase agreements and professional service contracts to purchase and implement the Cherwell IT Service Management system from Cherwell Software, LLC, of Colorado Springs, CO, and vendor partner MNCL of Irving, TX, in the amount of \$136,130, payable from Fund 100, Agency 117001, Object 634800;

RESOLVED FURTHER That the County Board authorizes the ongoing annual software maintenance in the amount of \$15,400 to be included in future IT Department budgets.

Adopted February 17, 2015. No. 15-95

WHEREAS, Minn. Stat. §§ 469.1812 through 469.1815, Abatement Authority, require that a public hearing be conducted prior to approving a tax abatement; and

WHEREAS, The City of Hermantown, MN, has requested St. Louis County to consider an up

to \$400,000 tax abatement for public infrastructure in the Hermantown Marketplace Project;

THEREFORE, BE IT RESOLVED That the St. Louis County Board will hold a public hearing on Tuesday, March 10, 2015, at 9:35 a.m., at the St. Louis County Courthouse in Duluth, MN, to solicit public input prior to considering the proposed tax abatement.

Adopted February 17, 2015. No. 15-96

RESOLVED That the St. Louis County Board will convene a public hearing at 9:40 a.m. on Tuesday, March 3, 2015, at the St. Louis County Courthouse, Duluth, MN, to consider the adoption of an amended fee schedule for various county services for the year 2015.

Adopted February 17, 2015. No. 15-97

RESOLVED That the workers' compensation report of claims by employees for work-related injuries, dated February 6, 2015, on file in the office of the County Auditor, identified as County Board File No. 60026, is hereby received and ratified as payable from Fund 730, Agency 730001.

Adopted February 17, 2015. No. 15-98

RESOLVED That the 2015-2016 Civil Service Basic contract is ratified and the appropriate county officials are authorized to execute the Collective Bargaining Unit Agreement, a copy of which is on file in County Board File No. 60047.

Adopted February 17, 2015. No. 15-99

RESOLVED That the 2015-2016 Merit System Basic contract is ratified and the appropriate county officials are authorized to execute the Collective Bargaining Unit Agreement, a copy of which is on file in County Board File No. 60048.

Adopted February 17, 2015. No. 15-100

WHEREAS, Pursuant to Minn. Stat. §484.77, St. Louis County is required to provide suitable facilities for court purposes to the state and other optional services, as agreed upon; and

WHEREAS, A Memorandum of Understanding was negotiated and approved that included the optional purchase of miscellaneous county services by the state; and

WHEREAS, The State of Minnesota Judicial Branch, Property Management, and the County Attorney's Office have negotiated a lease for office space that District Court Administration occupies; and

WHEREAS, The State of Minnesota will pay for 1,787 square feet of office space at the 2015 rate of \$15.11 per square foot, with a term beginning January 1, 2015 and continuing through December 31, 2015; and

WHEREAS, There is also an option for an additional annual term in 2016 at County Board approved lease rates for 2016 in the County Courthouse in Duluth;

THEREFORE, BE IT RESOLVED That the St. Louis County Board authorizes the appropriate county officials to execute Amendment No. 2 to the Memorandum of Understanding between the State of Minnesota Judicial Branch and St. Louis County, contained in County Board File No. 60049;

RESOLVED FURTHER That the St. Louis County Board authorizes a 2015 lease to the State of Minnesota Judicial Branch for 1,787 square feet of office space, at the 2015 rate of \$15.11 per square foot, in the County Courthouse, Duluth, MN. Proceeds from this lease will be deposited in the Property Management operating account, Fund 100, Agency 128777.

**BY COMMISSIONER RUKAVINA:**

WHEREAS, Border Guide Service Base Camp Company d/b/a Border Guide Service Base Camp Company, Kabetogama Township, St. Louis County, MN, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minn. Stat. § 340A.405, Subd. 2(d), requires that a public hearing be held prior to the issuance of an off-sale intoxicating liquor license; and

WHEREAS, A public hearing was held on February 17, 2015, at 9:40 a.m. in the Chisholm City Hall, Chisholm, MN, for the purpose of considering the granting of the off-sale intoxicating liquor license; and

WHEREAS, With regard to the application for said license, Border Guide Service Base Camp Company has complied in all respects with the requirements of Minnesota Law and St. Louis County Ordinance No. 28; and

WHEREAS, The Liquor Licensing Committee of the St. Louis County Board of Commissioners has considered the nature of the business to be conducted and the propriety of the location and has recommended approval of the application;

THEREFORE, BE IT RESOLVED That Off-Sale Intoxicating Liquor License (License Number CMB15164) shall be issued to Border Guide Service Base Camp Company d/b/a Border Guide Service Base Camp Company, Kabetogama Township, located in Area 3, and in accordance with the St. Louis County Fee Schedule the annual fee is \$150.00.

RESOLVED FURTHER That said liquor license shall be effective April 1, 2015 through June 30, 2015;

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

RESOLVED FURTHER That said license is approved contingent upon proof of liquor liability insurance;

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

Unanimously adopted February 17, 2015. No. 15-102

**BY COMMISSIONER JEWELL:**

WHEREAS, Certain property owners living between 17<sup>th</sup> and 19<sup>th</sup> Streets along Minnesota Avenue in Duluth's Park Point neighborhood are seeking "special legislation" to provide them a "first right of refusal" for the sale of sixteen (16) conforming state tax forfeited lots located adjacent to their properties and two (2) additional lots near 8<sup>th</sup> Street, identified as:

*Lots 203 and 219, Upper Duluth Minnesota Avenue, and Lots 11 through 39 (odd)  
and Lot 45, Upper Duluth St. Louis Avenue, and*

WHEREAS, The Duluth City Council approved a resolution requesting "that (the) state and St. Louis County work expeditiously to resolve the issues hindering the sale of tax forfeited land on Park Point to abutting land owners." (Resolution No. 15-0068R, January 26, 2015); and

WHEREAS, The St. Louis County Board agreed to a "first right of refusal" at appraised value for other Park Point residents living between 13<sup>th</sup> and 15<sup>th</sup> Streets, with the understanding that

these specific tax forfeited lots did not conform to city zoning rules (County Board Resolution No. 14-597, November 4, 2014); and

WHEREAS, It has been confirmed that these parcels do conform to the city's residential zoning requirements, and would also need special legislative authority enabling the County Auditor to offer a "first right of refusal" for the private sale of these eighteen (18) properties identified as:

*Lots 85, 87-119 (odd), Upper Duluth St. Louis Avenue, and*

WHEREAS, Since all thirty-six (36) tax forfeited lots conform to the city of Duluth's zoning rules for the development of residential housing on Park Point and, by statute, must be sold at public auction, special legislative authority is required to enable the County Auditor to conduct private sales to selected adjacent property owners;

THEREFORE, BE IT RESOLVED That the St. Louis County Board supports special enabling legislation to provide certain adjacent property owners the "first right of refusal" at appraised value for the sale of thirty-six (36) conforming state tax forfeited lots located in the Park Point neighborhood of Duluth, MN, identified in County Board File No. 60050;

RESOLVED FURTHER That the County Board affirms that the "first right of refusal" for the purchase of certain conforming tax forfeited lots in Park Point, as provided in County Board Resolution No. 14-597, cannot be offered to adjacent residents without enabling authority from the 2015 Legislative Session, and that all thirty-six (36) parcels shall be offered for sale at public auction in June 2015, should such legislation fail to be enacted during the 2015 Session;

RESOLVED FURTHER That County Board support for special enabling legislation to offer these thirty-six (36) parcels to adjacent property owners is contingent upon the county's offering for public sale in June 2015, two (2) additional tax forfeited parcels located in the Park Point neighborhood, identified as Parcel ID Numbers 010-4400-01330 and 010-4400-01210, also identified in County Board File No. 60050;

RESOLVED FURTHER That the County Board requests language in the special enabling legislation to allow the proceeds from the sale of these thirty-six (36) tax forfeited lots, and two (2) additional Park Point parcels identified as Parcel ID Numbers 010-4400-01330 and 010-4400-01210, to be deposited into Fund 500-500001, Shoreline Sales (Environmental Trust Fund), rather than in the Tax Forfeited Land Trust, as required by statute, and directs the county's Intergovernmental Relations Director to pursue this end.

Unanimously adopted February 17, 2015. No. 15-103

At 11:55 a.m., February 17, 2015, Commissioner Nelson, supported by Commissioner Dahlberg, moved to adjourn the meeting. The motion passed; seven yeas, zero nays.



Pete Stauber, 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)