

**OFFICIAL PROCEEDINGS OF THE MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF ST. LOUIS, MINNESOTA,  
HELD ON AUGUST 12, 2014**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 12<sup>th</sup> day of August, 2014, at 9:43 a.m., at the Floodwood Fair Building, Floodwood, Minnesota, with the following members present: Commissioners Frank Jewell, Patrick Boyle, Chris Dahlberg, Pete Stauber, Keith Nelson, Steve Raukar, and Chair Mike Forsman - 7. Absent: None - 0.

Chair Forsman asked for a moment of silence in honor of military personnel serving here and abroad, law enforcement and public safety people, and for all of the innocent victims of conflicts throughout the world.

Chair Forsman then opened the meeting to persons who wanted to address the Board concerning issues not on the agenda. Jeff Kletscher, Mayor of Floodwood, welcomed the Board to Floodwood and spoke about upcoming events in Floodwood.

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

Commissioner Dahlberg, supported by Commissioner Nelson, moved to authorize a land exchange involving certain Class "B" Lands owned by the State of Minnesota for certain lands owned by The Conservation Fund and that the County Auditor is directed to submit this proposal for exchange of the parcels of land, described in County Board File No. 59914, to the Commissioner of Revenue as required by Minn. Stat. § 94.344, Subd. 10. The motion passed; seven yeas, zero nays. Resolution No. 14-457.

Commissioner Jewell, supported by Commissioner Boyle, moved to approve the mediated settlement agreement in the *Wilson v. Reed*, Case No. 69VI-CV-14-258, a wrongful-death action brought by Steve Wilson, trustee for the next of kin of Hannah Wilson, against St. Louis County and three other defendants and authorizes the appropriate county officials to negotiate and enter into the settlement documents contemplated by the mediated settlement agreement and to make the settlement payment in the amount of \$100,000. The motion passed; six yeas, one nay (Commissioner Nelson). Resolution No. 14-458.

At 9:45 a.m., Commissioner Nelson requested that the Supervisor of Fredenberg Township, Clayton Cich, be allowed to speak to the Board about the tabled resolution regarding the Sale of Tax Forfeited (Class B) Lands in Fredenberg Township. Mr. Cich spoke about Fredenberg Township's desire to create a park on the land. After some discussion, Commissioner Nelson, supported by Commissioner Stauber, moved to put back on the floor the Sale of Tax Forfeited Lands in Fredenberg Township. Commissioner Raukar called for a point of order and asked County Attorney Mark Rubin if this was allowed, since it was not moved to be put on the floor earlier in the meeting. Attorney Rubin said it could be brought back to the floor because we are still in the meeting. A roll-call vote was taken and the motion failed; three yeas (Commissioners Nelson, Stauber, and Forsman), four nays (Commissioners Jewell, Boyle, Dahlberg, and Raukar).

The Board then recessed to a Committee of the Whole meeting.

At 12:43 p.m., the County Board reconvened with the following members present: Commissioners Frank Jewell, Patrick Boyle, Chris Dahlberg, Pete Stauber, Keith Nelson, Steve Raukar, and Chair Mike Forsman.

Commissioner Dahlberg, supported by Commissioner Jewell, moved to approve a second consent agenda consisting of items passed at the Committee of the Whole meeting. The motion passed; seven yeas, zero nays.

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

Kevin Gray, County Administrator, Mark Weber, Land and Minerals Director, and Donald Dicklich, County Auditor, submitting Board Letter No. 14-299, Proposed Land Exchange Between The Conservation Fund and St. Louis County.—59914

Kevin Gray, County Administrator, and Mark Rubin, County Attorney, submitting Board Letter No. 14-300, Hannah Wilson Settlement Agreement.—59915

Kevin Gray, County Administrator, and Barbara Hayden, Planning and Community Development Director, submitting Board Letter No. 14-311, Discussion Regarding Aquatic Invasive Species Prevention Aid.—59916

Kevin Gray, County Administrator, Donald Dicklich, County Auditor, and Mark Rubin, County Attorney, submitting Board Letter No. 14-308, Establish Public Hearing to Consider Allegations of Liquor Law Violation – Bimbo’s, Inc. (French Township).—59917

Kevin Gray, County Administrator, Donald Dicklich, County Auditor, and Mark Rubin, County Attorney, submitting Board Letter No. 14-309, Establish Public Hearing to Consider Allegations of Liquor Law Violation – Martinson Log Cabin, Inc. (Angora Township).—59918

Kevin Gray, County Administrator, and Donald Dicklich, County Auditor, submitting Board Letter No. 14-310, Establish Public Hearing to Consider Off-Sale Intoxicating Liquor License (Unorganized Township 56-17).—59919

Agreement for Services between the County of St. Louis and Northern Minnesota Recycling, Virginia, MN, for Compacted Solid Waste Roll-Off Haulage Service from the Cotton, French, Lavell, Orr, and Portage canister sites during the period July 1, 2014 through June 30, 2016 with two (2) possible one-year extensions.—14-805

First Amendment to the Post Warranty Hardware Maintenance and Software Maintenance and Support Services Agreement by and between St. Louis County and Election Systems & Software, LLC, Delaware.—14-806

Group Residential Housing Rate Agreement, Contract No. 52123, by and between the St. Louis County Board of Commissioners and DW Keystone Bluffs, Duluth, MN.—14-807

Group Residential Housing Rate Agreement, Contract No. 52124, by and between the St. Louis County Board of Commissioners and DW Lester Park - 6353, Duluth, MN.—14-808

Group Residential Housing Rate Agreement, Contract No. 52125, by and between the St. Louis County Board of Commissioners and DW Lester Park - 6355, MN.—14-809

Group Residential Housing Rate Agreement, Contract No. 52126, by and between the St. Louis County Board of Commissioners and DW Mtn. Iron - 8583, Mt. Iron, MN.—14-810

Group Residential Housing Rate Agreement, Contract No. 52123, by and between the St. Louis County Board of Commissioners and DW Mtn. Iron – 8585, Mt. Iron, MN.—14-811

Group Residential Housing Rate Agreement, Contract No. 52128, by and between the St. Louis County Board of Commissioners and DW Proctor – 913, Proctor, MN.—14-812

Group Residential Housing Rate Agreement, Contract No. 52129, by and between the St. Louis County Board of Commissioners and DW Proctor – 915, Proctor, MN.—14-813

Group Residential Housing Rate Agreement, Contract No. 52130, by and between the St. Louis County Board of Commissioners and DW Proctor – 919, Proctor, MN.—14-814

Group Residential Housing Rate Agreement, Contract No. 52131, by and between the St. Louis County Board of Commissioners and DW Proctor - 921, Proctor, MN.—14-815

Group Residential Housing Rate Agreement, Contract No. 52132, by and between the St. Louis County Board of Commissioners and DW Proctor – 923, Proctor, MN.—14-816

Group Residential Housing Rate Agreement, Contract No. 52133, by and between the St. Louis County Board of Commissioners and DW Keystone Bluffs, Duluth, MN.—14-817

Group Residential Housing Rate Agreement, Contract No. 52134, by and between the St. Louis County Board of Commissioners and DW Lester Park - 6353, Duluth, MN.—14-818

Group Residential Housing Rate Agreement, Contract No. 52135, by and between the St. Louis County Board of Commissioners and DW Lester Park - 6355, Duluth, MN.—14-819

Group Residential Housing Rate Agreement, Contract No. 52136, by and between the St. Louis County Board of Commissioners and DW Mt. Iron – 8583, Mt. Iron, MN.—14-820

Group Residential Housing Rate Agreement, Contract No. 52137, by and between the St. Louis County Board of Commissioners and DW Mt. Iron – 8585, Mt. Iron, MN.—14-821

Group Residential Housing Rate Agreement, Contract No. 52138, by and between the St. Louis County Board of Commissioners and DW Proctor – 913, Proctor, MN.—14-822

Group Residential Housing Rate Agreement, Contract No. 52139, by and between the St. Louis County Board of Commissioners and DW Proctor – 915, Proctor, MN.—14-823

Group Residential Housing Rate Agreement, Contract No. 52140, by and between the St. Louis County Board of Commissioners and DW Proctor – 919, Proctor, MN.—14-824

Group Residential Housing Rate Agreement, Contract No. 52141, by and between the St. Louis County Board of Commissioners and DW Proctor – 921, Proctor, MN.—14-825

Group Residential Housing Rate Agreement, Contract No. 52142, by and between the St. Louis County Board of Commissioners and DW Proctor – 923, Proctor, MN.—14-826

Group Residential Housing Rate Agreement, Contract No. 52181, by and between the St. Louis County Board of Commissioners and Allen Chartier and Terry Chartier, Cloquet, MN.—14-827

Group Residential Housing Rate Agreement, Contract No. 52287, by and between the St. Louis County Board of Commissioners and Third Avenue Hotel, Virginia, MN.—14-828

Group Residential Housing Rate Agreement, Contract No. 52347, by and between the St. Louis County Board of Commissioners and Carolyn Pohjonen, Britt, MN.—14-829

Group Residential Housing Rate Agreement, Contract No. 52436, by and between the St. Louis County Board of Commissioners and River Hill Assisted Living, Duluth, MN.—14-830

Group Residential Housing Rate Agreement, Contract No. 52453, by and between the St. Louis County Board of Commissioners and Heartland Homes of Duluth - #3 Faribault, Duluth, MN.—14-831

Group Residential Housing Rate Agreement, Contract No. 52454, by and between the St. Louis County Board of Commissioners and Heartland Homes of Duluth – Morningside, Duluth, MN.—14-832

Group Residential Housing Rate Agreement, Contract No. 52455, by and between the St. Louis County Board of Commissioners and Heartland Homes of Duluth – Morris Thomas, Duluth, MN.—14-833

Group Residential Housing Rate Agreement, Contract No. 52456, by and between the St. Louis County Board of Commissioners and Heartland Homes of Duluth - #1 Peabody, Duluth, MN.—14-834

Group Residential Housing Rate Agreement, Contract No. 52467, by and between the St. Louis County Board of Commissioners and Better Living - Crestline, Duluth, MN.—14-835

Group Residential Housing Rate Agreement, Contract No. 52469, by and between the St. Louis County Board of Commissioners and Brandt Adult Foster Home, Hermantown, MN.—14-836

Group Residential Housing Rate Agreement, Contract No. 52472, by and between the St. Louis County Board of Commissioners and Kathryn Brevik and Louis Brevik, Gilbert, MN.—14-837

Group Residential Housing Rate Agreement, Contract No. 52473, by and between the St. Louis County Board of Commissioners and Kathryn Brevik and Louis Brevik, Gilbert, MN.—14-838

Group Residential Housing Rate Agreement, Contract No. 52477, by and between the St. Louis County Board of Commissioners and Lee Foster Care – Norwood, Duluth, MN.—14-839

Group Residential Housing Rate Agreement, Contract No. 52478, by and between the St. Louis County Board of Commissioners and Lee Foster Care - Lakeside, Duluth, MN.—14-840

Group Residential Housing Rate Agreement, Contract No. 52479, by and between the St. Louis County Board of Commissioners and Lee Foster Care – White House, Duluth, MN.—14-841

Group Residential Housing Rate Agreement, Contract No. 52480, by and between the St. Louis County Board of Commissioners and Lee Foster Care - Norwood, Duluth, MN.—14-842

Group Residential Housing Rate Agreement, Contract No. 52045, by and between the St. Louis County Board of Commissioners and Nancy Hintz, Duluth, MN.—14-843

Group Residential Housing Rate Agreement, Contract No. 52209, by and between the St. Louis County Board of Commissioners and Joy Rankin, Duluth, MN.—14-844

Group Residential Housing Rate Agreement, Contract No. 52501, by and between the St. Louis County Board of Commissioners and S.A.F.E. Harbor Homes – Depot, Duluth, MN.—14-845

Group Residential Housing Rate Agreement, Contract No. 52502, by and between the St. Louis County Board of Commissioners and S.A.F.E. Harbor Homes – Fiege, Proctor, MN.—14-846

Group Residential Housing Rate Agreement, Contract No. 52503, by and between the St. Louis County Board of Commissioners and September House, Duluth, MN.—14-847

Group Residential Housing Rate Agreement, Contract No. 51999, by and between the St. Louis County Board of Commissioners and S.A.F.E. Harbor Homes - Depot, Duluth, MN.—14-848

Group Residential Housing Rate Agreement, Contract No. 52000, by and between the St. Louis County Board of Commissioners and S.A.F.E. Harbor Homes - Fiege, Proctor, MN.—14-849

Addendum to Home and Community-Based Waiver Services Contract, Contract No. 15103A, by and between the St. Louis County Board of Commissioners and Thomas Allen, Inc., West St. Paul, MN, for Case Management Services.—14-850

Amendment to Grant Agreement, Contract No. 21004A, by and between the St. Louis County Board of Commissioners and the Arrowhead Economic Opportunity Agency, Virginia, MN, for additional Food and Nutrition Services funds for the Minnesota Family Investment Program (MFIP) and Supplemental Nutrition Assistance Program (SNAP).—14-851

Upon motion by Commissioner Raukar, supported by Commissioner Dahlberg, resolutions numbered 14-450 through 14-456, as submitted on the consent agenda, were unanimously adopted as follows:

**BY COMMISSIONER RAUKAR:**

WHEREAS, MnCHOICES is one of three waiver reform efforts required by the Center for Medicare and Medicaid (CMS) that have been in process since 2009; and

WHEREAS, MnCHOICES is a comprehensive web-based application that integrates assessment and support planning for people who need long-term services and support in Minnesota; and

WHEREAS, MnCHOICES is a mandated function required by federal CMS and the State of Minnesota with both considering it a gatekeeping, administrative function and therefore require county staff to become certified assessors to perform this function; and

WHEREAS, Counties in Minnesota are implementing MnCHOICES in phases with St. Louis County Public Health and Human Services (PHHS) going live on October 29, 2014; and

WHEREAS, Based on the experience of other counties already implementing MnCHOICES, a 50%-100% increase in the time required to fully complete an assessment is anticipated; and

WHEREAS, The State has always asserted that MnCHOICES is a funded mandate; however, it may be prudent to establish a 25% contingency with one-time assigned funds until PHHS has experience with MnCHOICES and can analyze actual reimbursement;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board increases the Public Health and Human Services Department staffing complement by up to 12 full time equivalent (FTE) employees: 11 social workers and 1 supervisor, to create an assessment team in response to the county's new responsibilities under MnCHOICES;

RESOLVED FURTHER, That the PHHS Department's 2014 expenditure budget be increased by \$270,954 (230-232006-610100); revenue budget to be increased by \$203,216 (230-232006-530662 and 230-232006-540263);

RESOLVED FURTHER, That the County Board establishes a MnCHOICES contingency fund by moving \$67,738 from Technology assigned fund balance, code 230-999999-311401, and creating a MnCHOICES assignment fund, code 230-999999-311407;

RESOLVED FURTHER, That the PHHS Director shall work with County Administration to include the staffing and associated costs, revenues and contingency factor into the PHHS 2015 budget.

Adopted August 12, 2014. No. 14-450

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

WHEREAS, The applicant, Rodney K. Johnson of Prince George, VA, has applied to repurchase state tax forfeited land legally described as:

TOWN OF MORSE

SE ¼ OF NE ¼ EX W ½

SECTION 30, TOWNSHIP 62 NORTH, RANGE 12 WEST

Parcel Code: 465-0010-04340; and

WHEREAS, The applicant was the owner of record at the time of forfeiture and is eligible to repurchase the property; and

WHEREAS, Approving the repurchase will correct undue hardship and 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 Rodney K. Johnson of Prince George, VA, on file in County Board File No. 59798, subject to payments including total taxes and assessments of \$3,618.13, service fee of \$114, deed tax of \$11.94, deed fee of \$25, and recording fee of \$46; for a total of \$3,815.07, to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted August 12, 2014. No. 14-451

RESOLVED, That the St. Louis County Board approves the applications for abatements, correction of assessed valuations and taxes plus penalty and interest, and any additional accrual, identified in County Board File No. 59797.

Adopted August 12, 2014. No.-452

RESOLVED, That pursuant to Ordinance No. 28, Sec.11, Subd. 11.06, authorization is hereby granted to MSO & ALS L. L. C. d/b/a The Landing, Beatty Township, to sell/serve outside the designated serving area of the County Liquor License for the date of August 31, 2014, as per application on file in the office of the County Auditor, identified as County Board File No. 59788.

Adopted August 12, 2014. No. 14-453

WHEREAS, 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 intoxicating liquor licenses is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 59788; and

WHEREAS, Said licenses are approved contingent upon license holder paying real estate or personal property taxes when due; and

WHEREAS, Said licenses are approved contingent upon proof of liquor liability and workers' compensation insurance; and

WHEREAS, If named license holder sells their licensed place of business, the County Board may, at its discretion and after an investigation, transfer the licenses to a new owner, but without prorated refund of the liquor license fees to the license holder;

THEREFORE, BE IT RESOLVED, That said licenses shall be effective August 12, 2014 through June 30, 2015:

Frygard, LLC d/b/a Timber's Edge Grill & Bar, Unorganized Township 56-17, On-Sale Intoxicating Liquor License No. CMB15162 and Sunday On-Sale Intoxicating Liquor License No. SUN15162, transfer.

Adopted August 12, 2014. No. 14-454

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. 59790, are hereby approved and the County Auditor shall issue checks in the following amounts:

	<b>May 2014</b>	
100	General Fund	\$5,214,713.40

149	Personnel Service Fund	843.28
150	Sheriff's Nemesis Fund Group	2,842.30
160	MN Trail Assistance	45,310.75
167	Attorney's Forfeitures	5,500.00
168	Sheriff's State Forfeitures	21,050.57
169	Attorney Trust Accounts-VW	1,473.41
170	Boundary Waters – Forfeiture	5,000.00
171	Controlled Substances	10,731.27
173	Emergency Shelter Grant	12,331.46
179	Enhanced 9-1-1	15,272.66
180	Law Library	29,852.00
183	City/County Communications	291.33
184	Extension Service	59,279.01
200	Public Works	2,598,118.53
210	Road Maintenance – Unorg Townships	4,328.55
220	State Road Aid	341,944.10
225	PW – June 2012 Flood	391,742.54
230	Public Health & Human Services	5,619,321.57
240	Forfeited Tax	385,500.46
260	CDBG Grant	28,466.87
270	HOME Grant	31,748.70
290	Forest Resources	85,255.83
400	County Facilities	74,735.61
402	Depreciation Reserve Fund	333.00
405	Public Works Building Const.	18,408.69
407	Public Works – Equipment	1,367.84
440	2013A Capital Improvement Bond	32,502.27
441	2013B Capital Equipment Note	1,074,540.49
600	Environmental Services	770,937.48
616	On-Site Waste Water Division	38,242.35
640	Plat Books	58.02
715	County Garage	161,745.66
720	Property Casualty Liability	7,514.53
730	Workers Compensation	214,461.63
740	Medical Dental Insurance	<u>2,689,169.03</u>
		<b>\$19,994,935.19</b>

Adopted August 12, 2014. No. 14-455

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. 59790, are hereby approved and the County Auditor shall issue checks in the following amounts:

	<b>June 2014</b>	
100	General Fund	\$6,564,195.66
149	Personnel Service Fund	674.96
150	Sheriff's Nemesis Fund Group	50,925.31

160	MN Trail Assistance	9,913.42
168	Sheriff's State Forfeitures	694.50
169	Attorney Trust Accounts-VW	1,157.99
170	Boundary Waters – Forfeiture	9,950.00
173	Emergency Shelter Grant	9,522.97
179	Enhanced 9-1-1	24,360.00
180	Law Library	8,469.59
184	Extension Service	58,495.75
200	Public Works	2,646,297.61
210	Road Maintenance – Unorg Townships	106.92
220	State Road Aid	664,047.30
225	PW – June 2012 Flood	753,776.77
230	Public Health & Human Services	6,494,655.28
240	Forfeited Tax	503,121.58
260	CDBG Grant	18,353.17
270	HOME Grant	6,667.34
290	Forest Resources	86,371.93
311	Capital Improve Bonds 2005A	62,442.50
313	Cap Imp Cross Ref Bonds 2006A	67,500.00
316	Capital Improve Bonds 2008B	185,555.00
318	2013A Capital Improve Bond	562,431.12
319	2013B Capital Equipment Note	113,714.99
320	2014A ARC Capital Improve Bond	66,284.64
321	2013C Refunding 2004A&2005A	205,152.50
322	2013D Refunding 2010A	140,222.63
400	County Facilities	41,581.22
440	2013A Capital Improvement Bond	2,362,868.14
441	2013B Capital Equipment Note	5,495.00
600	Environmental Services	516,841.01
616	On-Site Waste Water Division	88,900.60
715	County Garage	209,572.25
720	Property Casualty Liability	12,437.66
730	Workers Compensation	214,953.02
740	Medical Dental Insurance	2,184,997.85
770	Retired Employee Health Ins.	<u>1,157.20</u>
		<b>\$24,953,865.38</b>

Adopted August 12, 2014. No. 14-456

**BY COMMISSIONER DAHLBERG:**

WHEREAS, The Conservation Fund (TCF) has filed with the County Auditor a proposal for the exchange of lands; and

WHEREAS, St. Louis County has inspected the private lands and tax forfeited property classified as Class B lands that are the subject of the proposed exchange; and

WHEREAS, A public hearing was held on June 10, 2014, at the St. Louis County Courthouse in Duluth, Minnesota, pursuant to proper notice as required by Minn. Stat. § 94.344, Subd. 7;

THEREFORE, BE IT RESOLVED, That the following constitutes the findings of the St. Louis County Board:

1. That 6,094.88 acres of Class B State Tax Forfeited property that is the subject of the proposed exchange are described in County Board File No. 59914;
2. That 3,117.93 acres of private land that is the subject of the proposed exchange are described in County Board File No. 59914;
3. That the Class B land proposed for exchange is classified for sale and lies within a zone district which allows all suitable uses of land as required by Minn. Stat. § 94.344, Subd. 2;
4. That the private land offered to the State of Minnesota to be held in trust in favor of the taxing districts and under the control of St. Louis County is suitable for land management purposes;
5. That the St. Louis County Land and Minerals Department has appraised the properties proposed for exchange. The appraisals indicated that the land to be transferred from the State of Minnesota is valued at \$3,322,000, and the land to be transferred from TCF to the State of Minnesota is valued at \$3,321,000, resulting in a difference of \$1,000. These appraisals are accepted by the Board of Commissioners;
6. That TCF has agreed to pay the difference of \$1,000 at the time of closing, pursuant to Minn. Stat. § 94.344, Subd. 3. Funds are to be deposited into Fund 240 (Forfeited Tax Fund);
7. That the County Auditor posted notice of hearing in the County Auditor's Offices in Duluth, Virginia, and Hibbing on May 22, 2014, containing a description of the lands affected, and published the notice in the official newspapers of St. Louis County at least two weeks prior to June 10, 2014, the date of the hearing;
8. That timber appraisal reports have been prepared by the St. Louis County Land and Minerals Department pursuant to the Department of Natural Resources Operational Order No. 63. The appraisals indicated that timber on the land to be transferred from the State of Minnesota is valued at \$117,864, and timber on the land to be transferred from TCF to the State of Minnesota is valued at \$436,674;
9. That the land acquired from this exchange will consolidate tax forfeited ownership and increase timber management opportunities for the benefit of the taxpayers of St. Louis County;
10. That the lands received by TCF in this exchange will allow TCF to consolidate acreage for conservation and wetland purposes;
11. That the land offered to the State of Minnesota by TCF is more suitable for land management purposes than the lands presently held;
12. That the St. Louis County Board approves and recommends the proposed exchange;

RESOLVED FURTHER, That the County Auditor is directed to submit this proposal for exchange of the parcels of land described in County Board File No. 59914 to the Commissioner of Revenue as required by Minn. Stat. § 94.344, Subdivision 10.

Unanimously adopted August 12, 2014. No. 14-457

**BY COMMISSIONER JEWELL:**

WHEREAS, In April 2014, Steve Wilson, trustee for the next of kin of Hannah Wilson, commenced a wrongful-death action against St. Louis County and three other defendants; and

WHEREAS, The action, captioned Wilson v. Reed, Case No. 69VI-CV-14-258, is pending before the Minnesota District Court for the Sixth Judicial District in Virginia, Minnesota; and

WHEREAS, St. Louis County has denied liability in the action; and

WHEREAS, In July 2014, the parties to the action participated in a mediation and entered into a mediated settlement agreement that is subject to the approval of the St. Louis County Board; and

WHEREAS, The mediated settlement agreement calls for St. Louis County to make a settlement payment in the amount of \$100,000; and

WHEREAS, The St. Louis County Board wishes to approve the mediated settlement agreement to avoid the expense and risk associated with further litigation and without admitting liability;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the mediated settlement agreement and authorizes the appropriate county officials to negotiate and enter into the settlement documents contemplated by the mediated settlement agreement and to make the settlement payment in the amount of \$100,000 payable from Fund 720, Agency 720001, Expense Code 636200.

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

Nays – Commissioner Nelson - 1

Adopted August 12, 2014. No. 14-458

Upon motion by Commissioner Dahlberg, supported by Commissioner Jewell, resolutions numbered 14-459 through 14-470, as submitted to this Board on a second consent agenda, were unanimously adopted as follows:

**BY COMMISSIONER DAHLBERG:**

WHEREAS, Since 2009 the Minnesota Department of Human Services has been undergoing three waiver reform efforts that have been required by the Center for Medicare and Medicaid (CMS); and

WHEREAS, One of those waiver reform efforts is the elimination of host county contracts for services that are categorized as Tier 1, 2 or 3 which became effective on January 1, 2014; and

WHEREAS, The Public Health and Human Services (PHHS) Department has been working with the County Attorney's Office to develop the county's response to this change in practice; the result being that PHHS will continue to encourage vendors to become Medicaid certified providers and PHHS will continue to develop a list of pre-approved providers who have been deemed qualified; and

WHEREAS, PHHS believes there will be individual and small business providers who will be unable to fulfill the requirements above because of their inability to meet the county's insurance requirements; and

WHEREAS, It is acknowledged that by authorizing PHHS to enter into contracts with these individual and small business providers the county is taking on some increased risk of liability; however, without these contracts, there will be some residents, particularly in remote areas of the county, who may not receive chore services or home modifications;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the Public Health and Human Services Department to enter into contracts with individual and small business chore service providers, and contracts for home modification projects, and to use its discretion in

determining insurance requirements for these contracts.

Adopted August 12, 2014. No. 14-459

WHEREAS, The contract with Christine Schweiger of Duluth, MN, for the repurchase of state tax forfeited land is in default for failure to provide proof of insurance; and

WHEREAS, The purchaser was properly served with Notice of Cancellation of Contract by civil process and has failed to cure the default for lands legally described as:

TOWN OF DULUTH

NW ¼ OF SW ¼ EX 3 AC AT SE CORNER FOR SCHOOL AND EX N ½

Section 29, Township 52 North, Range 12 West

Parcel Code: 315-0020-04830

C22110090; and

WHEREAS, Minn. Stat. §§ 282.04, Subd. 2(d) and 504B.271 authorize the County Auditor to dispose of abandoned personal property; and

WHEREAS, The previous owner of the property will be notified by posting of the property or by mail;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the cancellation of contract for the repurchase of state tax forfeited land described above, according to the provisions of Minn. Stat. § 282.01, Subd. 5, and Minn. Stat. § 282.40, and according to the procedures of Minn. Stat. § 559.21.

RESOLVED FURTHER, That the County Auditor is authorized to dispose of abandoned personal property from the above described state tax forfeited property.

Adopted August 12, 2014. No. 14-460

WHEREAS, Under the provisions of Minn. Stat. § 282.341, Subd. 1, a contract for deed to repurchase state tax forfeited land previously canceled may be reinstated by the previous contract holder subject to payment of installments, taxes, assessments, penalties, costs and interest; and

WHEREAS, Less than 50 percent of the basic sale price was paid prior to cancellation; therefore, County Board approval is required for reinstatement; and

WHEREAS, Michael Friend of Hibbing, MN, has requested to reinstate Contract C22120118, having been canceled on May 13, 2014, under new Contract C22140105 for property described as:

CITY OF HIBBING

PART OF NW ¼ OF NW ¼ BEG 200 FT W OF SE COR THENCE W 242 FT

THENCE N 604 FT THENCE SELY AT AN ANGLE OF 63° 30' 271 FT THENCE

S 480 FT TO PT OF BEG INC W 100 FT OF E 200 FT

SECTION 9, TOWNSHIP 56 NORTH, RANGE 20 WEST

PARCEL CODE: 141-0010-01677

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the reinstatement of Contract C22140105 by Michael Friend of Hibbing, MN, in the amount \$4,114.31, to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted August 12, 2014. No. 14-461

WHEREAS, The St. Louis County Board desires to offer for sale, as recommended by the Land Commissioner, certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes; and

WHEREAS, The parcels as described in County Board File No. 59824 have been classified as non-conservation as provided for in Minn. Stat. Chapter 282.01; and

WHEREAS, These parcels are not 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; and

WHEREAS, The Commissioner of Natural Resources has approved the sale of these lands, as required by Minn. Stat. Chapter 282;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the County Auditor to offer these lands at public sale for not less than the basic sale price in accordance with terms set forth in the Land and Minerals Department policy, and in a manner provided for by law on Thursday, October 9, 2014, at 11:00 a.m. at the Miner's Memorial Building, 821 South 9<sup>th</sup> Avenue, Virginia, MN. Funds from the auction are to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted August 12, 2014. No. 14-462

WHEREAS, The Public Works Department's 2014 equipment budget includes the purchase of a pile driver/extractor; and

WHEREAS, The Public Works Department received two quotations from two separate vendors on comparable machines; and

WHEREAS, HMC, Hercules Machinery Corp. of Fort Wayne, IN, provided the low quote of \$58,500;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the purchase of one (1) HMC EM60 Pile Driver/Extractor from HMC, Hercules Machinery Corp. of Fort Wayne, IN, at the quoted price of \$58,500, payable from Fund 441, Agency 441001, Object 665900.

Adopted August 12, 2014. No. 14-463

WHEREAS, Planning, design, and budget sources have been identified for the relocation of the Property Management Department to accommodate the move of the St. Louis County Law Library to the Ground Floor of the Duluth Courthouse; and

WHEREAS, The Purchasing Division solicited bids for project construction services for this project which were opened on August 1, 2014 with Kaski, Incorporated of Duluth, MN, delivering the low qualified bid;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to enter into an agreement with Kaski, Incorporated of Duluth, MN, in the amount of \$97,000 for the Property Management office remodeling project in the St. Louis County Courthouse, Duluth, payable from Fund 400, Agency 400004.

Adopted August 12, 2014. No. 14-464

WHEREAS, The St. Louis County Courthouse in Duluth, the Duluth Government Services Center, and the St. Louis County Heritage & Arts Center (Depot) are all provided thermal energy (steam and/or chilled water) from the district steam plant located in downtown Duluth; and

WHEREAS, None of these buildings have internal heating equipment (boilers) and only the Depot has internal cooling equipment; and

WHEREAS, Ever-Green Energy, LLC - Duluth has assumed steam plant management and operations and is implementing long term planning, and desires ten-year thermal energy service contracts and service easements with building owners;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to negotiate and execute individual energy service agreements and

accompanying maintenance/service easements for the Duluth Courthouse, Duluth Government Services Center and the St. Louis County Heritage & Arts Center (Depot) respectively, for a period of up to ten (10) years, subject to approval by the St. Louis County Attorney's Office.

Adopted August 12, 2014. No. 14-465

RESOLVED, That a public hearing will be held at 9:40 a.m. on Tuesday, September 23, 2014, in the Babbitt City Hall, Babbitt, MN, for the consideration of the allegations and, if proven, the suspension or revocation of the liquor licenses issued to Bimbo's, Inc. d/b/a Bimbo's Octagon, French Township, and/or the imposition of civil penalties for the violation.

Adopted August 12, 2014. No. 14-466

RESOLVED, That a public hearing will be held at 9:45 a.m. on Tuesday, September 23, 2014, in the Babbitt City Hall, Babbitt, MN, for the consideration of the allegations and, if proven, the suspension or revocation of the liquor licenses issued to Martinson Log Cabin, Inc. d/b/a Log Cabin, Angora Township, and/or the imposition of civil penalties for the violation.

Adopted August 12, 2014. No. 14-467

RESOLVED, That a public hearing will be held at 9:50 a.m., on September 23, 2014, in the Babbitt City Hall, Babbitt, MN, for the purpose of considering an Off-Sale Intoxicating Liquor License to Frygard, LLC d/b/a Timber's Edge Grill & Bar, Unorganized Township 56-17.

Adopted August 12, 2014. No. 14-468

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

Storm WO 204676, SAP 069-654-005 located on CSAH 54 (Piedmont Avenue) between CSAH 91/Haines Road and North 24th Avenue West in Duluth, MN, length 1.79 miles; and

WHEREAS, Bids were opened in the Richard H. Hansen Transportation & Public Works Complex, Duluth, MN, on August 7, 2014, and the low responsible bid determined;

THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the award on the above project to the low bidder:

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
A+ Landscaping, LLC	6150 Old Miller Trunk Hwy. Duluth, MN 55779	\$173,839.00

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 above listed project payable from Fund 225, Agency 204676, Object 652706.

Adopted August 12, 2014. No. 14-469

WHEREAS, The salt-sand dome at the Public Works Department in Virginia collapsed last winter under heavy snow and it is critical that the dome be replaced by winter; and

WHEREAS, Due to the amount of damage and age of the structure, it is more economical to replace, rather than to repair, the dome; and

WHEREAS, Greystone Construction Co. of Shakopee, MN, provided the low qualifying bid price of \$485,800;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the award of bid for the construction of a new salt-sand building in Virginia to Greystone Construction Co. of Shakopee, MN, in the amount of \$485,800, payable from Fund 405, Agency 405050, Object 661100.

Adopted August 12, 2014. No. 14-470

At 12:44 p.m., August 12, 2014, Commissioner Raukar, supported by Commissioner Dahlberg, moved to adjourn the meeting. The motion passed; seven yeas, zero nays.

  
Mike Forsman, Chair of the Board  
of County Commissioners

Attest:



Donald Dicklich, County Auditor  
and Ex-Officio Clerk of the Board  
of County Commissioners

(Seal of the County Auditor)

