

CONSENT AGENDA
FOR THE MEETING
OF
ST. LOUIS COUNTY BOARD OF COMMISSIONERS

September 8, 2020

St. Louis River Room, Government Services Center, 320 W. 2nd Street, Duluth, MN

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a commissioner requests or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

RESOLUTIONS FOR APPROVAL:

Minutes for September 1, 2020.

Public Works & Transportation Committee – Commissioner McDonald, Chair

1. Authorize a Subgrant Agreement with the South St. Louis Soil and Water Conservation District for the replacement of the culvert on Captain Jacobson Creek crossing the Culbertson Road as part of the reclaim and overlay construction project (CP 0041-368455/SAP 069-641-005). *[20-310]*
2. Authorize a Professional Services Agreement with WSB & Associates, Inc., for design services for intersection improvements at the intersection of County State Aid Highway (CSAH) 9/Woodland Avenue and CSAH 37/Snively Road in the City of Duluth (CP 0009-382898). *[20-311]*
3. Acquisition of necessary right-of-way and temporary easements for the replacement of County Bridge 785 located over the East Swan River in the City of Hibbing (CP 0444-529528). *[20-312]*

Finance & Budget Committee – Commissioner Nelson, Chair

4. Abatement list for Board approval. *[20-313]*
5. Public hearing established for November 10, 2020, at 9:40 a.m., at the St. Louis River Room, Government Services Center, 320 W. 2nd Street, Duluth, MN, to obtain public comment and adopt the 2021 fee schedule. *[20-317]*
6. Workers' compensation report dated August 28, 2020.

Central Management & Intergovernmental Committee – Commissioner Jewell, Chair

7. Reappoint David L. Sipila as County Assessor to a four-year term from January 1, 2021, through December 31, 2024. *[20-319]*

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Public Safety & Corrections Committee – Commissioner Olson, Chair

8. Authorize an additional one-year extension to the contract with Dovetail, Inc., Minneapolis, MN, for Firewise Coordinator services for an amount not to exceed \$68,544.32. *[20-315]*

9. Authorize a Memorandum of Understanding with the City of Duluth outlining the cooperative agreement and allocation of funds and accept the 2020 Bureau of Justice Assistance Grant funds in the amount of \$32,379. *[20-316]*

Environment & Natural Resources Committee – Commissioner Musolf, Chair

10. Request to amend a resolution for sponsorship of Ashawa Ski Trail grooming equipment purchase by the Ashawa Trail Ski Club due to specific wording required by the Club and Department of Natural Resources. *[20-60R]*

Official Proceedings of the County Board of Commissioners

BY COMMISSIONER _____

RESOLVED, That the official proceedings of the St. Louis County Board of Commissioners for the meeting of September 1, 2020, are hereby approved.

**Subgrant Agreement with South St. Louis Soil and Water Conservation District
for Culbertson Road Project**

BY COMMISSIONER _____

WHEREAS, South St. Louis Soil and Water Conservation District, in concert with the St. Louis County Public Works, submitted an application for a grant from the Department of Natural Resources for the replacement of the culvert on Captain Jacobson Creek crossing Culbertson Road and was awarded the grant; and

WHEREAS, The amount of the grant has been determined to be \$330,000, of which, the South St. Louis Soil and Water Conservation District will retain \$5,000 of the grant for administration of the grant and St. Louis County is required to provide a 10% match and cover all overages.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes an agreement, and any amendments approved by the County Attorney, with the South St. Louis Soil and Water Conservation District for the replacement of the culvert on Captain Jacobson Creek crossing Culbertson Road as part of the reclaim and overlay construction project known as CP 0041-368455/SAP 069-641-005. The funds from the Grant will be receipted into Fund 220, Agency 220594, Object 583100.

Professional Services Agreement with WSB & Associates, Inc., for Intersection Improvements at Woodland Avenue and Snively Road

BY COMMISSIONER _____

RESOLVED, That the St. Louis County Board authorizes the appropriate County Officials to enter into an agreement, and approve any amendments authorized by the County Attorney, with WSB & Associates, Inc., for \$85,608 to perform design services for intersection improvements at the intersection of County State Aid Highway 9 (Woodland Avenue) and County State Aid Highway 37 (Snively Road) in the City of Duluth, identified as CP 0009-382898, payable from Fund 220, Agency 220590, Object 626600.

**Acquisition of Right-of-Way: Replacement of County Bridge 785
over the East Swan River (Hibbing)**

BY COMMISSIONER _____

WHEREAS, The St. Louis County Public Works Department plans to reconstruct a small segment of County Road 444 and to replace the existing bridge (County Bridge 785, State Bridge 69581) over the East Swan River in the City of Hibbing, CP 0444-529528; and

WHEREAS, These improvements consist of replacing the existing bridge with a new bridge at the same location and reconstructing the roadway as determined necessary to provide for the safety and convenience of the public; and

WHEREAS, In addition to the existing highway right-of-way, certain lands are required for this construction, together with temporary construction easements.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate County Officials to proceed with the acquisition of the necessary lands and temporary easements for this project, payable from Fund 200, Agency 203001.

Abatement List for Board Approval

BY COMMISSIONER _____

RESOLVED, That the St. Louis County Board approves the applications for abatement, correction of assessed valuations and taxes plus penalty and interest, and any additional accrual, identified in County Board File No. 61214.

Establish a Public Hearing to Consider Adoption of the 2021 Fee Schedule

BY COMMISSIONER _____

RESOLVED, That the St. Louis County Board will convene a public hearing on Tuesday, November 10, at 9:40 a.m., St. Louis River Room, Government Services Center, 320 W. 2nd Street, Duluth, MN, to consider the adoption of the fee schedule for various county services for the year 2021.

Workers' Compensation Report

BY COMMISSIONER _____

RESOLVED, That the workers' compensation report of claims by employees for work-related injuries, dated August 28, 2020, on file in the office of the County Auditor, identified as County Board File No. 61199, is hereby received and ratified as payable from Fund 730, Agency 730001.

County Assessor Reappointment

BY COMMISSIONER _____

WHEREAS, Minn. Stat. § 273.061 declares that the term of office as County Assessor shall begin on January 1 of every fourth year after 1973; and

WHEREAS, January 1, 2021, will begin a new term of office for county assessors statewide.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board reappoints David L. Sipila, St. Louis County Assessor, to a four-year term beginning on January 1, 2021, through December 31, 2024, pursuant to the provisions of Minn. Stat. § 273.061, subject to the approval of the Commissioner of Revenue.

Request for Additional One-Year Contract Extension with Dovetail Partners, Inc.

BY COMMISSIONER _____

WHEREAS, On September 26, 2017, the St. Louis County Board adopted Resolution No. 17-584 authorizing a one-year agreement, with the option for three (3) one-year extensions, with Dovetail Partners, Inc., Minneapolis, MN, for Firewise Coordinator services not to exceed \$75,000 annually; and

WHEREAS, The Firewise grant allows for the hiring of a Firewise Coordinator; and

WHEREAS, Dovetail Partners, Inc., has the time, expertise and desire to continue to manage the Firewise projects on behalf of the Sheriff's Office.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes an additional one-year extension to the contract with Dovetail, Inc., Minneapolis, MN, for Firewise Coordinator services, not to exceed \$68,544.32, to be accounted for as follows:

- \$37,500.00 - Fund 100, Agency 132999, Object 629900, Grant 13210, Year 2020
- \$31,044.32 - Fund 100, Agency 135999, Object 629900, Grant 13503, Year 2020

**Memorandum of Understanding with the City of Duluth
for 2020 Justice Assistance Grant**

BY COMMISSIONER _____

WHEREAS, The federal government, through the Bureau of Justice Assistance, has made available \$32,379 in funding from the Justice Assistance Grant for approved prevention and controlling of crime; and

WHEREAS, The Bureau of Justice Assistance requires a Memorandum of Understanding between St. Louis County and the City of Duluth for purposes of outlining the cooperative agreement and allocation of funds; and

WHEREAS, The St. Louis County Sheriff's Office will appropriate \$10,000 to the First Witness Child Advocacy Center and the Duluth Police Department will appropriate the remaining \$22,379 to Avon C50 Respirators and filters to support first responder safety.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes a Memorandum of Understanding with the City of Duluth and accepts the 2020 Justice Assistance Grant in the amount of \$32,379.

Request to Amend Resolution for Sponsorship of Ashawa Ski Trail Grooming Equipment Purchase – Ashawa Trail Ski Club

BY COMMISSIONER: _____

WHEREAS, St. Louis County serves as the sponsor of various winter recreational trails that are part of the State of Minnesota Grant-in-Aid Trail System; and

WHEREAS, The construction and maintenance of these trails are funded through the Minnesota Trail Assistance Program Grants issued with the approval of the Minnesota Department of Natural Resources; and

WHEREAS, The Ashawa Trail Ski Club will make application to the Minnesota Department of Natural Resources for the Federal Recreation Trail Program, and has requested that St. Louis County serve as the local government sponsor for the purchase of ski trail grooming equipment to be funded by the Minnesota Department of Natural Resources for the Federal Recreational Trail Program.

THEREFORE, BE IT RESOLVED, That St. Louis County agrees to sponsor said purchase of ski trail grooming equipment on behalf of the Ashawa Trail Ski Club at no cost to the County.

RESOLVED FURTHER, That the appropriate county officials are authorized to sign grant applications, agreements, and reimbursement claims to the Minnesota Department of Natural Resources for purchase of the ski trail grooming equipment.

RESOLVED FURTHER, That if St. Louis County is awarded a grant by the Minnesota Department of Natural Resources, St. Louis County agrees to accept the grand award, and may enter into an agreement with the State of Minnesota for the above referenced project.

RESOLVED FURTHER, That St. Louis County and/or Ashawa Trail Ski Club will comply with the Federal Purchasing Requirements as set forth in the 2020 Manual for Equipment Grants of the Federal Recreational Trails Program published by the Minnesota Department of Natural Resources.

RESOLVED FURTHER, That the St. Louis County Board names the fiscal agent, authorized to sign all easements, licenses, or other instruments associated with the purchase, subject to the approval of the County Attorney, for St. Louis County for this project as: Nancy J. Nilsen, County Auditor, 100 N. 5th Ave. West, #214, Duluth, MN, 55802.

RESOLVED FURTHER, That this Resolution is contingent upon the Ashawa Trail Ski Club remaining individually named as an insured on the general liability policy covering St. Louis County-sponsored State Grant-in-Aid Trails.

RESOLVED FURTHER, That St. Louis County assures the grooming equipment acquired through this grant will be maintained for no less than twenty (20) years as required by the Federal Recreational Trail Grant Program or until such time as appropriate disposition actions are approved by the Minnesota Department of Natural Resources.

**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON SEPTEMBER 1, 2020**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 1st day of September 2020, at 9:34 a.m., at the Government Services Center, Duluth, Minnesota, with the following members present: Commissioners Frank Jewell, Patrick Boyle, Beth Olson, Keith Musolf, Paul McDonald, Keith Nelson and Mike Jugovich - 7. Absent: None - 0.

Commissioners Frank Jewell and Beth Olson participated by WebEx.

Chair Jugovich asked for a moment of silence in remembrance of all the innocent victims of violence and for healthcare professionals; followed by the pledge of allegiance.

The St. Louis County Board proclaimed the month of September 2020, as recovery month in St. Louis County, Minnesota; Commissioner Boyle read the proclamation. Gena Bossert, St. Louis County Behavioral Health Director, thanked community partners for providing services and support for people in recovery. Director Bossert commented that the north group and Chemical Abuse Prevention and Education (C.A.P.E) will be holding a virtual event on September 17, 2020. Beth Elstad, Executive Director of Recovery Alliance Duluth, highlighted the partnership with sponsor agents within the community and thanked the Board for their continued support and proclaiming September as recovery month.

Chair Jugovich opened the meeting to persons who wish to address the Board concerning issues not on the agenda. Paul Blackburn, of Duluth, said that he would be speaking later in the meeting on behalf of Honor the Earth regarding the Line 3 replacement. Allan Richardson, of Duluth, commented that people are trying to push the Line 3 replacement forward without considering climate change. Dan Manick, of Cook, spoke in support of the Line 3 replacement, noting that there is \$19.5 million in property taxes along the line and \$2.6 billion in private investment. The following citizens were given the opportunity to address the Board using a phone line: Melissa Bel, of Duluth, commented on issues relating to a gravel pit in Fredenberg Township. Dave Denoyer, Mayor City of Floodwood, said that spot patches are keeping Line 3 operational; however, the line needs to be replaced. Mayor Denoyer noted that Enbridge provides a tremendous amount of tax dollars to two school districts. Jami Gaither, of Alida, commented that new pipelines are causing most of the accidents and there is tremendous risk with putting new pipelines in the ground. Patty Wheeler, of Duluth, discussed issues regarding gravel pits in Fredenberg Township and challenges the township encountered while discussing the matter before the Planning Commission. Debra Roach, of Duluth, brought forth various concerns relating to the number of gravel pits in Fredenberg Township. Linda Herron, of Duluth urged Commissioners to reject the Line 3 replacement. Jeanna Yeakle, of Duluth, asked Commissioners to reject the Line 3 replacement and noted that the estimated social cost over 60 years was \$287 billion. Mike Anderson, of Duluth, commented on the number of gravel pits located in Fredenberg Township. Dan Sniderich, of Duluth, spoke in support of the Line 3 replacement. Michael Olson, of Duluth, commented that he did not want and more gravel pits in Fredenberg Township. Brue Anderson, of Duluth, spoke against any new gravel pits in

Fredenberg Township.

A Point of Personal Privilege was requested at 10:32 a.m. At 10:49 a.m., the Board reconvened with all members present.

St. Louis County Deputy Administrator Brian Fritsinger noted that there were four voice recordings received on the Commissioner call-in number. The voice messages were unable to be played, so they will be forwarded to all Commissioners after the meeting.

At 10:49 a.m., a public hearing was conducted pursuant to Resolution No. 20-363, adopted July 28, 2020, to receive public comment on the Petition to Revoke Certain County Highways filed by EIP Minnesota, LLC and revert to McDavitt Township. Commissioner Nelson stepped out of the meeting at 10:52 a.m. St. Louis County Assistant Attorney Chris Pinkert provided a brief overview of the revocation process. David Meyers, Attorney representing EIP Minnesota, LLC, was available by Webex. Commissioner McDonald, supported by Commissioner Boyle, moved to continue the hearing on September 15, 2020, at 1:30 p.m., at the McDavitt Town Hall located at 9042 Zim Road Forbes, MN, 55738, and directs the Public Works Department to represent the County at said hearing and report back to the County Board. In addition, the County Board hereby waives Standing Rules Article III, Sections 4.01-4.03 (Conduct of Hearing; General, Quorum Needed, Order of Hearing), 4.05 (Examination of Witnesses) and 5.04 (Voting) for purposes of the September 15, 2020 hearing in McDavitt Township. A roll call vote was taken, the motion passed; six yeas, zero nays, one absent (Nelson). Resolution No. 20-420.

At 10:57 a.m., a public hearing was conducted pursuant to Resolution No. 20-404, adopted August 11, 2020, to receive public comment on an amendment to the St. Louis County Transportation Sales and Use Tax Transportation Improvement Plan. Commissioner Nelson returned to the meeting at 11:00 a.m. Matt Hemmila, St. Louis County Deputy Public Works Director, provided the Board with an overview regarding the Transportation Sales Tax budget and amendments to the Transportation Improvement Plan and the Capital Improvement Plan. Chair Jugovich asked if there were any other governmental entities, supporters or opponents, or citizens who wished to speak regarding the proposed action, and no one asked for the opportunity to speak. At 11:11 a.m., Commissioner Nelson, supported by Commissioner Musolf, moved to close the public hearing. A roll call vote was taken, the motion passed; seven yeas, zero nays.

Commissioner McDonald, supported by Commissioner Nelson, moved that the St. Louis County Board of Commissioners approves the St. Louis County Greater MN Transportation Sales and Use Tax Transportation Improvement Plan, dated November 25, 2014, as amended on July 5, 2016, and as further amended on September 1, 2020 (County Board Document File No. 61341), and approves the funding of such transportation improvements identified in the Transportation Improvement Plan, as amended, by the local option sales and use tax for transportation authorized by County Board Resolution No. 14-665, adopted December 2, 2014. A roll call vote was taken, the motion passed; seven yeas, zero nays. Resolution No. 20-421.

At 11:16 a.m., a public hearing was conducted pursuant to Resolution No. 20-405, adopted August 11, 2020, to receive public comment on an amendment to the Capital Improvement Plan and on the

Intent to Issue General Obligation Transportation Sales and Use Tax Revenue Bonds. Pete Miller, St. Louis County Capital Planning Manager, commented that the Capital Improvement Plan is a five-year plan that is updated annually by the county. Chair Jugovich asked if there were any other governmental entities, supporters or opponents, or citizens who wished to speak regarding the proposed action, and no one asked for the opportunity to speak. At 11:21 a.m., Commissioner Nelson, supported by Commissioner Musolf, moved to close the public hearing. A roll call vote was taken, the motion passed; seven yeas, zero nays.

Commissioner Nelson, supported by Commissioner McDonald, moved to approve the 2020-2024 Amendment to the Capital Improvement Plan to include updates as set forth in the Amended St. Louis County Greater MN Transportation Sales and Use Tax Transportation Improvement Plan; and further, that the county intends to issue, sell and deliver general obligation transportation sales and use tax revenue bonds in a maximum amount of \$25,400,000, together with up to two percent of additional amount as authorized by Minnesota Statutes, Section 475.56 (the “Bonds”), for the purpose of providing funds for the following capital improvements under the Plan and for the payment of costs of issuance of the Bonds: Road and Bridge Improvements – a portion of the road and bridge improvements identified in the St. Louis County Greater MN Transportation Sales and Use Tax Transportation Improvement Plan dated November 25, 2014, and approved on December 2, 2014, as amended, which is a part of the County’s Capital Improvement Plan, as amended. A roll call vote was taken, the motion passed; seven yeas, zero nays. Resolution No. 20-422.

At 11:25 a.m., a public hearing was conducted pursuant to Resolution No. 20-406, adopted August 11, 2020, to consider the issuance of an Off-Sale Intoxicating Liquor License to AKN, LLC d/b/a Ash-Ka-Nam Resort & Lodge, Unorganized Township 68-19. Assistant County Attorney Kim Maki gave the initial presentation and submitted a packet that included documentation of required notices, minutes from the Liquor Licensing Committee meeting, proof of paid property taxes, and required documents for the license to the Clerk of the County Board. Commissioner Nelson asked Michelle Sturm, who was participating by WebEx, of AKN, LLC, if she had read all liquor license requirements and if she will abide by them; Ms. Sturm responded yes. Chair Jugovich asked if there were any other governmental entities, supporters or opponents, or citizens who wished to speak regarding the proposed action; no one requested the opportunity to speak. At 11:29 a.m., Commissioner McDonald, supported by Commissioner Musolf, moved to close the public hearing. A roll call vote was taken, the motion passed; seven yeas, zero nays.

Commissioner McDonald, supported by Commissioner Nelson, moved to approve granting the off-sale intoxicating liquor license to AKN, LLC d/b/a Ash-Ka-Nam Resort & Lodge, Unorganized Township 68-19. A roll call vote was taken, the motion passed; seven yeas, zero nays. Resolution No. 20-423.

Commissioner Boyle, supported by Commissioner Jewell, moved to approve the consent agenda. A roll call vote was taken, the motion passed; seven yeas, zero nays.

The Board recessed at 11:31 a.m. At 1:38 p.m., the Board reconvened with all members present.

Commissioner Boyle, supported by Commissioner Nelson, moved to consider a resolution to provide

for the Issuance, Sale and Delivery of General Obligation Transportation Sales and Use Tax Revenue Bonds, Series 2020A; Establishing the Terms and Form Thereof; Creating a Debt Service Fund Therefore, and Providing for Awarding the Sale Thereof; the item had not been to committee. A roll call vote was taken, the motion passed; seven yeas, zero nays.

Commissioner Nelson, supported by Commissioner McDonald, moved to approve the issuance, sale and delivery of General Obligation Transportation Sales and Use Tax Revenue Bonds, Series 2020A, establish the terms and form, create a debt serve fund, and provide for the sale of such bonds. Bob Toftey, of Fryberger, Buchanan, Smith, & Frederick, P.A., was available by Webex. Terri Heaton, of Baker Tilley Municipal Advisors, LLC, participating by WebEx, provided the Board with an overview of the debt service schedule, market trends, and estimated interest cost. A roll call vote was taken, the motion passed; seven yeas, zero nays. Resolution No. 20-424.

Commissioner Boyle, supported by Commissioner Musolf, moved to consider a resolution to reschedule the location of the September 8, 2020 County Board meeting; the item had not been to committee. A roll call vote was taken, the motion passed; seven yeas, zero nays.

Commissioner Boyle, supported by Commissioner McDonald, moved that the St. Louis County Board will adjust its 2020 Board Meeting Schedule to reschedule the meeting location of its September 8, 2020 meeting from the St. Louis County Board Room to the St. Louis River Room in the Government Services Center, Duluth, MN; and further that all public hearings scheduled for September 8, 2020, will be held in the St. Louis River Room in the Government Services Center, Duluth, MN. Commissioners discussed how to make meetings available for public participation during the pandemic considering there are space and/or technology limitations at meeting locations. A roll call vote was taken, the motion passed; six yeas, one nay (Nelson). Resolution No. 20-425.

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

Kevin Gray, County Administrator, and Nancy Nilsen, County Auditor/Treasurer, submitting Board Letter No. 20-305, Public Hearing on an Amendment to the Transportation Sales and Use Tax Transportation Improvement Plan.—[61341](#)

Kevin Gray, County Administrator, and Nancy Nilsen, County Auditor/Treasurer, submitting Board Letter No. 20-306, Public Hearing on an Amendment to the Capital Improvement Plan and Stating the Intent to Issue General Obligation Transportation Sales and Use Tax Revenue Bonds Under Minnesota Statutes, Section 297A.993; and Board Letter No. 20-308, Providing for the Issuance, Sale and Delivery of General Obligation Transportation Sales and Use Tax Revenue Bonds, Series 2020A; Establishing the Terms and Form Thereof; Creating a Debt Service Fund Therefore, and Providing for Awarding the Sale Thereof.—[61342](#)

Phil Chapman, Supervisor of Elections, St. Louis County Auditor's Office, submitting St. Louis County Canvassing Board Minutes, Canvass of August 11, 2020 Primary Election Results, meeting dated August 14, 2020.—[61343](#)

Shannon Jorgenson, Hermantown, MN, submitting two (2) electronic mail public comments for the August 4, 2020, County Board meeting regarding attendance at meetings and inability to see video of the board room using Facebook.—[61344](#)

Proclamation: Recovery Month – September, 2020.—[61345](#)

Kevin Gray, County Administrator, submitting Board Letter No. 20-309, Reschedule Location for September 8, 2020 County Board Meeting.—[61346](#)

Service Contract No. 5565G, between the County of St. Louis and Shawn Pearson, Attorney at Law, Duluth, MN, to provide parent representation for Children in Need of Protection (CHIPS), Termination of Parental Rights (TPR), transfer of legal and physical custody, permanent custody to the agency, temporary legal custody to the agency and Long Term Foster Care (LTFC) placement during the period August 1, 2020, to December 31, 2021.—[20-512](#)

Agreement for Services between the County of St. Louis and Hamline University, Saint Paul, MN, to perform burial identification and recovery at Arlington Cemetery located on Arlington Avenue approximately 500' south of Arrowhead Road in Duluth, MN, through December 31, 2021.—[20-513](#)

Fire Protection and First Responder Services Agreement between the County of St. Louis and Ellsburg Volunteer Fire Department, Inc., Cotton, MN, for services in Unorganized Township 55-15 identified as Section 22 through 28 and Section 31 through 36 during the period January 1, 2021, through December 31, 2021.—[20-514](#)

Fire Protection and First Responder Services Agreement between the County of St. Louis and Embarrass Region Volunteer Fire Department, Inc., Embarrass, MN, for services in Unorganized Township 61-14 during the period January 1, 2021, through December 31, 2021.—[20-515](#)

Fire Protection Services Agreement between the County of St. Louis and Greenwood Township Volunteer Fire Department, Inc., Tower, MN, for services in Unorganized Township 63-15 during the period January 1, 2021, through December 31, 2021.—[20-516](#)

Agreement for Services between the County of St. Louis and LHB, Inc., Duluth, MN, to design 4 culverts on County Road 734/Shipleigh Road (CP 0734-432192).—[20-517](#)

Agreement between St. Louis County and EIP Minnesota, LLC, for Partial Abandonment of County Ditches #1 and an Unidentified Ditch System.—[20-518](#)

2020 State of Minnesota Annual County Board and Water Safety Grant Agreement in the amount of \$100,170 for the period January 1, 2020, to June 30, 2021.—[20-519](#)

Settlement Agreement between Jamie Berg and St. Louis County.—[20-520](#)

Agreement for Services between the County of St. Louis and LHB, Inc., to design left turn lanes on Highway 2 at Canosia Road/County State Aid Highway 98.—[20-521](#)

Addendum to Purchase Agreement, Contract No. 16235B, between the St. Louis County Board of Commissioners and The Salvation Army for Housing Navigation Services, increasing the amount of money available and extending the contract through August 31, 2022.—20-522

Purchase of Service Agreement, Contract No. 16961, between St. Louis County and Range Center, Inc., Chisholm, MN, for Day Training and Habilitation Services during the period July 1, 2020, to June 30, 2021.—20-523

Addendum to Purchase of Service Contract, Contract No. 16580E, between the St. Louis County Board of Commissioners and Human Development Center, Duluth, MN, for Child Mental Health-Targeted Case Management (Child MH-TCM) Services, replacing the cost of services to the current State of Minnesota rate of \$1013 per month.—20-524

Addendum to Purchase Agreement, Contract No. 16738A, between the St. Louis County Board of Commissioners and Patty Beech Consulting for evaluation of service delivery through engagement of individuals with a severe substance use disorder who are experiencing homelessness, extending the funding for Community and Street Outreach and extending the Grant Period for Reporting Requirements.—20-525

Service Contract No. 5646 between the County of St. Louis and Baker Tilly US, LLP, dba Baker Tilly, St. Paul, MN, to provide advisory services for the administration of Coronavirus (COVID-19) recovery assistance, i.e., CARES funds, through December 31, 2021.—20-526

Fire Protection Services Agreement between the County of St. Louis and Evergreen Volunteer Fire Department for services in Unorganized Townships 60-19 and 60-20 during the period January 1, 2021, through December 31, 2021.—20-527

Upon motion by Commissioner Boyle, supported by Commissioner Jewell, resolutions numbered 20-417 through 20-419, as submitted on the consent agenda, were unanimously adopted as follows:

BY COMMISSIONER BOYLE:

RESOLVED, That the official proceedings of the St. Louis County Board of Commissioners for the meeting of August 11, 2020, are hereby approved.

Adopted September 1, 2020. No. 20-417

RESOLVED, That the workers' compensation report of claims by employees for work-related injuries, dated August 14, 2020, on file in the office of the County Auditor, identified as County Board File No. 61199, is hereby received and ratified as payable from Fund 730, Agency 730001.

Adopted September 1, 2020. No. 20-418

RESOLVED, That the appraisal reports for the sale of timber to be offered at PUBLIC ORAL TIMBER AUCTION, Tracts 1 through 34 (totaling \$639,991.64), as submitted by the Land

Commissioner, on file in the office of the County Auditor, identified as County Board File No. 61210, are approved and the County Auditor is authorized to carry out the recommendations as listed in said appraisal reports.

Adopted September 1, 2020. No. 20-419

BY COMMISSIONER McDONALD:

WHEREAS, St. Louis County has received a petition for revocation of portions of Dibble Road, Ellsmere Road and Sax Road, lying east of County Road No. 7 in McDavitt Township, St. Louis County, in Sections 10, 11, 34 and 35, Township 55, Range 18; and

WHEREAS, The County Board may, by resolution, revoke any County highway and the highway shall thereupon revert to the town in which it is located; and

WHEREAS, Pursuant to Minn. Stat. § 163.11, subd. 5(a), and before adopting a resolution revoking a county highway that would revert to a town, the County Board shall fix a date, time and place of hearing in the town where the highway is located to consider the revocation; and

WHEREAS, St. Louis County Board Standing Rules require hearings be conducted in a certain manner, but said manner is impractical for this type of hearing.

THEREFORE, BE IT RESOLVED, That the County Board hereby continues a hearing to consider the revocation of portions of Dibble Road, Ellsmere Road and Sax Road, lying east of County Road No. 7 in McDavitt Township, St. Louis County, in Sections 10, 11, 34 and 35, Township 55, Range 18, for September 15, 2020, at 1:30 p.m., at the McDavitt Town Hall located at 9042 Zim Road, Forbes, MN, 55738, and directs the Public Works Department to represent the County at said hearing and report back to the County Board.

RESOLVED FURTHER, That the County Board hereby waives Standing Rules Article III, Sections 4.01-4.03 (Conduct of Hearing; General, Quorum Needed, Order of Hearing), 4.05 (Examination of Witnesses) and 5.04 (Voting) for purposes of the September 15, 2020, hearing in McDavitt Township.

Yeas – Commissioners Jewell, Boyle, Olson, McDonald, Musolf and Chair Jugovich – 6

Nays – None

Absent – Commissioner Nelson – 1

Adopted September 1, 2020. No. 20-420

BY COMMISSIONER McDONALD:

WHEREAS, Under and pursuant to Minnesota Statutes, Section 297A.993 (the “Act”), the St. Louis County Board (the “County Board”) has previously approved Resolution No. 14-665 on December 2, 2014, implementing the Greater Minnesota Transportation Sales and Use Tax and approving the projects to be funded with such sales and use tax as set forth in the transportation improvement plan identified as the St. Louis County Greater MN Transportation Sales and Use Tax Transportation Plan dated November 25, 2014, and approved on December 2, 2014 (the “Transportation Improvement Plan”); and

WHEREAS, The County Board amended the Transportation Improvement Plan on July 5, 2016, which includes within the proposed amendment the additional projects to be funded from local option sales and use tax for transportation and an increase in the estimated cost of the projects to be

financed under the Transportation Improvement Plan, as amended, from \$642,000,000 to \$894,916,448; and

WHEREAS, The County Board has proposed a further amendment to the Transportation Improvement Plan, as amended, which includes within the proposed amendment additional projects to be funded from such local option sales and use tax for transportation and an adjustment in the estimated cost of the projects under the Transportation Improvement Plan, as amended; and

WHEREAS, Pursuant to the Act and County Board Resolution No. 14-665 and following published notice of the public hearing, the County Board held a public hearing for the purpose of receiving comments on the proposed amendment to the Transportation Improvement Plan, as amended, on Tuesday, September 1, 2020, in the St. Louis County Courthouse, Duluth, Minnesota.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board of Commissioners hereby approves the St. Louis County Greater MN Transportation Sales and Use Tax Transportation Improvement Plan, dated November 25, 2014, as amended on July 5, 2016, and as further amended on September 1, 2020 (County Board Document File No. 61341), and approves the funding of such transportation improvements identified in the Transportation Improvement Plan, as amended, by the local option sales and use tax for transportation authorized by County Board Resolution No. 14-665 adopted December 2, 2014.

Unanimously adopted September 1, 2020. No. 20-421

BY COMMISSIONER NELSON:

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
ST. LOUIS COUNTY, MINNESOTA APPROVING THE CAPITAL
IMPROVEMENT PLAN, AS AMENDED, AND STATING THE INTENT
TO ISSUE GENERAL OBLIGATION TRANSPORTATION SALES AND
USE TAX REVENUE BONDS UNDER MINNESOTA STATUTES,
SECTION 297A.993**

BE IT RESOLVED, by the Board of County Commissioners (the “Board”) of St. Louis County, Minnesota (the “County”), as follows:

Section 1. The Board, pursuant to Minnesota Statutes, Section 373.40 (the “Act”), previously approved a Capital Improvement Plan, as amended (the “Capital Improvement Plan”). Following a public hearing on September 1, 2020, as required by the Act, the Board considered a proposed amendment to the Capital Improvement Plan, and the Board has considered the following for each project described in the proposed amendment and the overall plan:

- (i) the condition of the County’s existing infrastructure, including the projected need for repair or replacement;
- (ii) the likely demand for the improvement;
- (iii) the estimated cost of the improvement;
- (iii) the available public resources;
- (v) the level of overlapping debt in the County;
- (iv) the relative benefits and costs of alternative uses of the funds;
- (vii) operating costs of the proposed improvements; and
- (v) alternatives for providing services more efficiently through shared facilities with other cities or local government units.

The Board, based on the considerations set forth in the amendment and overall plan and as set forth herein, hereby approves the Capital Improvement Plan, as further amended for the years 2020 through 2024, as presented to the Board, and on file as County Board Document File No. 61342 (the “Plan”).

Section 2. Under and pursuant to the authority contained in Minnesota Statutes, Section 297A.993 and Minnesota Statutes, Chapter 475, the County is authorized to issue general obligation transportation sales and use tax revenue bonds to provide funds for capital improvements for road and bridge projects pursuant to the Plan.

Section 3. Following a public hearing on September 1, 2020, regarding the issuance of capital improvement bonds, the Board hereby finds and determines that it is necessary, expedient, and in the best interests of the County’s residents that the County issue, sell and deliver general obligation transportation sales and use tax revenue bonds in a maximum amount of \$25,400,000, together with up to two percent of additional amount as authorized by Minnesota Statutes, Section 475.56 (the “Bonds”), for the purpose of providing funds for the following capital improvements under the Plan and for the payment of costs of issuance of the Bonds:

Road and Bridge Improvements – a portion of the road and bridge improvements identified in the St. Louis County Greater MN Transportation Sales and Use Tax Transportation Improvement Plan dated November 25, 2014, and approved on December 2, 2014, as amended, which is a part of the County’s Capital Improvement Plan, as amended.

Unanimously adopted September 1, 2020. No. 20-422

BY COMMISSIONER McDONALD:

WHEREAS, AKN, LLC d/b/a Ash-Ka-Nam Resort & Lodge, Unorganized Township 68-19, St. Louis County, Minnesota, has applied for an Off-Sale Intoxicating liquor license; and

WHEREAS, Minn. Stat. § 340A.405, Subdivision 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 September 1, 2020, at 9:55 a.m., in the Government Services Center, Duluth, Minnesota, for the purpose of considering the granting of the Off-Sale Intoxicating liquor license; and

WHEREAS, With regard to the application for said license, Ash-Ka-Nam Resort & Lodge 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 an Off-Sale Intoxicating Liquor License shall be issued to AKN, LLC d/b/a Ash-Ka-Nam Resort & Lodge, Unorganized 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 through June 30, 2021.

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

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

Unanimously adopted September 1, 2020. No. 20-423

BY COMMISSIONER NELSON:

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
ST. LOUIS COUNTY, MINNESOTA PROVIDING FOR THE ISSUANCE,
SALE AND DELIVERY OF GENERAL OBLIGATION
TRANSPORTATION SALES AND USE TAX REVENUE BONDS, SERIES
2020A; ESTABLISHING THE TERMS AND FORM THEREOF;
CREATING A DEBT SERVICE FUND THEREFORE; AND PROVIDING
FOR AWARDED THE SALE THEREOF**

BE IT RESOLVED, by the Board of Commissioners (the “Board”) of St. Louis County, Minnesota (the “County”), as follows:

Section 1. Purpose and Authorization.

1.01 Under and pursuant to the authority contained in Minnesota Statutes, Section 297A.993, and Minnesota Statutes, Chapter 475 (collectively the “Act”), the County is authorized to issue general obligation transportation sales and use tax revenue bonds to provide funds for capital improvements consisting of road and bridge improvements pursuant to an approved capital improvement plan authorized under Minnesota Statutes, Section 373.40.

1.02 Pursuant to Resolution Nos. 20-404 and 20-405 adopted by the Board on August 11, 2020, the Board proposed amendments to the County’s Transportation Improvement Plan and Capital Improvement Plan, stated that it was considering issuing general obligation transportation sales and use tax revenue bonds to finance capital improvements consisting of road and bridge improvements under the Capital Improvement Plan, as amended, and called for public hearings to be held on September 1, 2020, regarding the plan amendments.

1.03 Following published notices and public hearings according to the Act and Minnesota Statutes, Section 373.40, the Board, pursuant to a resolution adopted on September 1, 2020, approved the Capital Improvement Plan, as amended for the years 2020 through 2024 (the “Plan”), as presented to the Board and on file as County Board Document File No. 61342, and authorized the issuance of general obligation transportation sales and use tax revenue bonds in the maximum amount of \$25,400,000, together with up to two percent of additional amount as authorized by Minnesota Statutes, Section 475.60, for the purpose of providing funds for the following capital improvements under the Plan and for the payment of costs of issuance of such bonds:

Road and Bridge Improvements – a portion of the road and bridge improvements identified in the St. Louis County Greater MN Transportation Sales and Use Tax Transportation Improvement Plan dated November 25, 2014, and approved on December 2, 2014, as amended, which is a part of the County’s Capital Improvement Plan, as amended (the “Project”).

1.04 The Board hereby determines that it is necessary and expedient to issue its General Obligation Transportation Sales and Use Tax Revenue Bonds, Series 2020A (the “Bonds”) in the approximate amount of \$25,400,000, pursuant to the above-described authority to provide funds to finance the Project and for payment of costs of issuing the Bonds. The sale of the Bonds shall be

contingent upon favorable market conditions, as determined by the County Auditor or the Finance Director, as further described below. The County reserves the right and privilege of issuing additional general obligation bonds pledging the Transportation Sales and Use Tax Revenues described in Section 4.02 hereof.

1.05 The Board hereby finds and determines as follows:

A. The Bonds shall be dated the date of issuance and shall bear interest at the rates determined by the successful bidder. Interest shall be payable on June 1 and December 1 (each an “Interest Payment Date”) commencing on June 1, 2021.

B. The Bonds shall mature on the dates and in the amounts set forth in the Terms of Proposal attached hereto as Exhibit A (as may be adjusted) and as described in a Certificate as to Terms of Bond Sale to be executed by any two of the following: the County Auditor, the Finance Director or the Administrator; provided, however, the total amount of the Bonds shall not exceed \$25,400,000, subject to adjustment for a premium sale price as permitted by Section 475.60 of the Act and the final maturity of the Bonds shall not be later than December 1, 2040. The County, through the County Auditor or the Finance Director, reserves the right to issue or to not issue the Bonds based on applicable market conditions.

1.06 The Terms of Proposal as set forth on Exhibit A hereto are approved, subject to the changes permitted below. Bids or proposals for the Bonds will be received on a date and time determined by the County Auditor or the Finance Director on the terms and conditions set forth in the Terms of Proposal, which terms and conditions may be modified by the County Auditor or the Finance Director after consulting with the County’s municipal advisor, based on market conditions, so long as the sale of the Bonds occurs on or before December 31, 2020, and so long as the true interest cost of the Bonds does not exceed 3.75%. As authorized by Section 475.60 of the Act, the Board hereby delegates to the County Auditor, the Finance Director and the Administrator, or any two of them, authority to consider the bids or proposals and award the sale of the Bonds, and upon acceptance of the best bid or proposal meeting the requirements of this resolution, the County Auditor, the Finance Director and the Administrator, or any two of them, shall execute on behalf of the County an agreement to sell the Bonds to the successful bidder.

1.07 The County has retained Baker Tilly Municipal Advisors, LLC, St. Paul, Minnesota (“Baker Tilly MA”), as an independent municipal advisor to the County, and pursuant to Section 475.60, Subd. 2, paragraph (9) of the Act, Baker Tilly MA is hereby authorized to solicit bids or proposals for the sale of the Bonds on behalf of the County in accordance with the directions of the County Auditor or the Finance Director.

1.08 The County staff, in cooperation with Baker Tilly MA, is authorized and directed to prepare on behalf of the County an official statement for the sale of the Bonds and to obtain ratings of the Bonds.

Section 2. Terms of Bonds.

2.01 The Bonds maturing in the years 2021 through 2029 shall not be subject to redemption and prepayment before maturity, but those maturing in the year 2030 and in subsequent years shall each be subject to redemption and prepayment at the option of the County on December 1, 2029, and on any day thereafter, in whole or in part, and if in part, at the option of the County and in such manner as the County shall determine. If less than all the Bonds of a maturity are called for redemption, the County, through the Bond Registrar, will notify The Depository Trust Company, New York, New York (“DTC”) of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant’s interest in such maturity to be redeemed

and each participant will then select by lot the beneficial ownership interest in such maturity to be redeemed. All payments shall be at a price equal to the principal amount thereof plus accrued interest. No more than 60 days and no fewer than 30 days prior to the date fixed for redemption and prepayment of any Bonds, notice of redemption shall be mailed to each registered owner of a Bond to be redeemed, at the address shown on the registration books of the County.

2.02 The interest shall be payable semiannually on June 1 and December 1 in each year (each referred to herein as an “Interest Payment Date”), commencing June 1, 2021. Interest will be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The Bond Registrar designated below shall make all interest payments with respect to the Bonds by check or draft mailed to the registered owners of the Bonds shown on the bond registration records maintained by the Bond Registrar at the close of the business on the 15th day (whether or not on a business day) of the month next preceding the Interest Payment Date at such owners’ addresses shown on such bond registration records.

2.03 A. The Bonds shall be prepared for execution in accordance with the approved form and shall be signed by the facsimile or manual signature of the Chair and attested by the manual or facsimile signature of the Clerk of the County Board and the County Auditor. In case any officer whose signature shall appear on the Bonds shall cease to be an officer before delivery of the Bonds, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

B. The County Auditor is authorized and directed to obtain a copy of the proposed approving legal opinion of Fryberger, Buchanan, Smith & Frederick, P.A., Duluth, Minnesota, which is to be complete except as to dating thereof and cause the opinion to be printed on or attached to each Bond.

2.04 A. The Board hereby appoints the County Auditor as registrar, paying agent and transfer agent for the Bonds (the “Bond Registrar”). The County reserves the right to name a substitute, successor Bond Registrar upon giving prompt written notice to each registered bond holder. The manual signature of the County Auditor on the Bonds shall be conclusive evidence that it has been executed and delivered under this Resolution.

B. The County shall cause to be kept by the Bond Registrar at its principal office, a bond register in which, subject to such reasonable regulations as the Bond Registrar may prescribe, the County shall provide for the registration of the Bonds and the registration of transfers of the Bonds entitled to be registered or transferred as herein provided. In the event of the resignation or removal of the Bond Registrar or its incapability of acting as such, the bond registration records shall be maintained at the office of the successor Bond Registrar as may be appointed by the Board.

2.05 Book-Entry System.

A. On November 28, 1995, the County executed a Blanket Issuer Letter of Representations (the “Representation Letter”) setting forth various matters relating to The Depository Trust Company (“DTC”) and its role with respect to bonds. DTC is recommending that if Representation Letters were executed over 10 years ago, a new Representation Letter should be submitted. The County Auditor is authorized and directed to execute the new Representation Letter in substantially the form on file in the office of the County Auditor.

B. Notwithstanding any provision herein to the contrary, so long as the Bonds shall be in Book-Entry Form, the provisions of this Section 2.05 shall govern.

C. All of the Bonds shall be registered in the name of Cede & Co., as nominee for DTC. Payment of interest on and principal of any Bond registered in the name of Cede & Co. shall be made

by wire transfer or New York Clearing House or equivalent same day funds by 10:00 a.m. CT or as soon as possible thereafter following the Bond Registrar's receipt of funds from the County on each Interest Payment Date to the account of Cede & Co. on each Interest Payment Date at the address indicated in or pursuant to the Representation Letter.

D. DTC (or its nominees) shall be and remain recorded on the Bond Register as the holder of all Bonds which are in Book-Entry Form. No transfer of any Bond in Book-Entry Form shall be made, except from DTC to another depository (or its nominee) or except to terminate the Book-Entry Form. All Bonds of such stated maturity of any Bonds in Book-Entry Form shall be issued and remain in a single Bond certificate registered in the name of DTC (or its nominee); provided, however, that upon termination of the Book-Entry Form pursuant to the Representation Letter, the County shall, upon delivery of all Bonds of such series from DTC, promptly execute, and the Bond Registrar shall thereupon authenticate and delivery, Bonds of such series to all persons who were beneficial owners thereof immediately prior to such termination; and the Bond Registrar shall register such beneficial owners as holders of the applicable Bonds.

The Bond Registrar shall maintain accurate books and records of the principal balance, if any, of each such outstanding Bond in Book-Entry Form, which shall be conclusive for all purposes whatsoever. Upon the execution or the authentication of any new Bond in Book-Entry Form in exchange for a previous Bond, the Bond Registrar shall designate thereon the principal balance remaining on such bond according to the Bond Registrar's books and records.

No beneficial owner (other than DTC) shall be registered as the holder on the Bond Register for any Bond in Book-Entry Form or entitled to receive any bond certificate. The beneficial ownership interest in any Bond in Book-Entry Form shall be recorded, evidenced and transferred solely in accordance with the Book-Entry System.

Except as expressly provided to the contrary herein, the County and the Bond Registrar may treat and deem DTC to be the absolute owner of all Bonds of each series which are in Book-Entry Form (i) for the purpose of payment of the principal of and interest on such Bond, (ii) for the purpose of giving notices hereunder, and (iii) for all other purposes whatsoever.

E. The County and the Bond Registrar shall each give notices to DTC of such matters and at such times as are required by the Representation Letter, including the following:

- (i) with respect to notices of redemption; and
- (ii) with respect to any other notice required or permitted under this Bond Resolution to be given to any holder of a Bond.

All notices of any nature required or permitted hereunder to be delivered to a holder of a Bond in Book-Entry Form shall be transmitted to beneficial owners of such Bonds at such times and in such manners as shall be determined by DTC, the participants and indirect participants in accordance with the Book-Entry System and the Representation Letter.

F. All payments of principal, redemption price of and interest on any Bonds in Book-Entry Form shall be paid to DTC (or Cede & Co.) in accordance with the Book-Entry System and the Representation Letter in same day funds by wire transfer.

2.06 The principal of and interest on the Bonds shall be payable by the Bond Registrar in such funds as are legal tender for the payment of debts due the United States of America. The County shall pay the reasonable and customary charges of the Bond Registrar for the disbursement of principal and interest.

2.07 If a Bond becomes mutilated or is destroyed, stolen or lost, the Bond Registrar will deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for

and upon cancellation of the mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Bond Registrar and the County in connection therewith, including the cost of printing new Bonds; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Bond Registrar and the County of evidence satisfactory to it and the County that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Bond Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it and the County and as provided by law, in which both the County and the Bond Registrar must be named as obligees. Bonds so surrendered to the Bond Registrar will be canceled by the Bond Registrar and evidence of such cancellation must be given to the County. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms, it is not necessary to issue a new Bond prior to payment.

2.08 Delivery of the Bonds and payment of the purchase price shall be made at a place mutually satisfactory to the County and the Purchaser. Executed Bonds shall be furnished by the County without cost to the Purchaser. The Bonds, when prepared in accordance with this Resolution and executed, shall be delivered by or under the direction of the County Auditor to the Purchaser thereof upon receipt of the purchase price plus accrued interest.

Section 3. Form of the Bonds.

3.01 The Bonds shall be printed or typewritten in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
ST. LOUIS COUNTY

GENERAL OBLIGATION TRANSPORTATION SALES AND USE TAX REVENUE BOND,
SERIES 2020A

R-_____ \$_____

<u>Rate</u>	<u>Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
_____%	December 1, 20__	_____, 2020	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

St. Louis County, Minnesota (the “County”), for value received, promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above, on the maturity date specified above, and to pay interest on said principal amount to the registered owner hereof from the Date of Original Issue, or from the most recent Interest Payment Date to which interest has been paid or duly provided for, until the principal amount is paid or discharged, said interest being at the rate per annum specified above. Interest is payable semiannually on June 1 and December 1 of each year (each referred to herein as an “Interest Payment Date”) commencing on June 1, 2021. Both principal hereof and interest hereon are payable in lawful money of the United States of America by check or draft at the main office of the County Auditor, as registrar, paying agent and transfer agent (the “Bond Registrar”), or at the office of such successor registrar as may be

designated by the Board of Commissioners. The Bond Registrar shall make all interest payments with respect to this Bond directly to the registered owner hereof shown on the bond registration records maintained on behalf of the County by the Bond Registrar at the close of business on the 15th day of the month next preceding the Interest Payment Date (whether or not a business day) at such owner's address shown on said bond registration records, without, except for payment of principal on the Bond, the presentation or surrender of this Bond, and all such payments shall discharge the obligations of the County to the extent of the payments so made. Payment of principal shall be made upon presentation and surrender of this Bond to the Bond Registrar when due. For the prompt and full payment of such principal and interest as they become due, the full faith and credit of the County are irrevocably pledged.

This Bond is one of a series issued by the County in the aggregate amount of \$_____, all of like date and tenor, except as to number, amount, maturity date and interest rate, pursuant to the authority contained in Minnesota Statutes, Section 297A.993 and Minnesota Statutes, Chapter 475, amendments to the County's Capital Improvement Plan approved by the governing board of the County on September 1, 2020 (the "Plan") and all other laws thereunto enabling, and pursuant to an authorizing resolution adopted by the governing body of the County on September 1, 2020, and the award of the sale of the Bonds by the County Auditor, Finance Director and the Administrator, or any two of them (the "Resolution"). This Bond is issued for the purpose of providing funds to finance road and bridge improvements described in the County's Transportation Improvement Plan, as more fully set forth in the Plan. The Bonds are payable from the revenue of the transportation sales tax and use tax imposed by the County pursuant to Minnesota Statutes, Section 297A.993, as further described in the Resolution (the "Transportation Sales and Use Tax Revenues"). The County has pledged and appropriated the Transportation Sales and Use Tax Revenues for the payment of principal and interest on the Bonds and any additional general obligation transportation sales and use tax revenue bonds issued by the County.

The Bonds maturing in the years 20__ and 20__ shall be subject to mandatory redemption and redeemed in installments as provided in the Resolution, at par plus accrued interest to the date of redemption.

The Bonds of this series maturing in the years 2021 through 2029 are not subject to optional redemption before maturity, but those maturing in the year 2030 and in subsequent years are each subject to redemption and prepayment at the option of the County on December 1, 2029, and on any day thereafter, in whole or in part, and if in part at the option of the County and in such manner as the County shall determine and by lot as to Bonds maturing in the same year, at a price of par plus accrued interest.

Not less than 30 days nor more than 60 days prior to the date fixed for redemption and prepayment of any Bonds, notice of redemption shall be mailed to each registered owner of a Bond to be redeemed; however, so long as the Bonds are registered in the name of Cede & Co., as nominee for The Depository Trust Company, Jersey City, New Jersey ("DTC"), notice of redemption shall be given in accordance with the terms of the Blanket Issuer Letter of Representations executed by the County and DTC. If any Bond is redeemed in part, upon surrender of the Bond being redeemed, the County shall deliver or cause to be delivered to the registered owner of such Bond, a Bond in like form in the principal amount equal to that portion of the Bond so surrendered not being redeemed.

The Bonds of this series are issued as fully registered obligations without coupons, in the denomination of \$5,000 or any integral multiple thereof. Subject to limitations set forth in the Resolution, the County will, at the request of the registered owner, issue one or more new fully

registered Bonds in the name of the registered owner in the aggregate principal amount equal to the unpaid principal balance of this Bond, and of like tenor except as to number and principal amount. This Bond is transferable by the registered owner hereof upon surrender of this Bond for transfer at the principal corporate office of the Bond Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Bond Registrar and executed by the registered owner hereof or the owner's attorney duly authorized in writing. Thereupon the County shall execute and the Bond Registrar shall authenticate if required by law or the Resolution, and deliver, in exchange for this Bond, one or more new fully registered Bonds in the name of the transferee, of an authorized denomination, in an aggregate principal amount equal to the unpaid principal amount of this Bond, of the same maturity, and bearing interest at the same rate. No service charge shall be made for any transfer or exchange hereinbefore referred to but the County may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection therewith.

IT IS CERTIFIED AND RECITED that all acts and conditions required by laws and the Constitution of the State of Minnesota to be done and to exist precedent to and in the issuance of this Bond, in order to make it a valid and binding general obligation of the County in accordance with its terms, have been done and do exist in form, time and manner as so required; that all taxable property within the corporate limits of the County is subject to the levy of ad valorem taxes to the extent needed to pay the principal hereof and the interest thereon when due, without limitation as to rate or amount; and that the issuance of this Bond does not cause the indebtedness of the County to exceed any charter, constitutional or statutory limitation.

IN WITNESS WHEREOF, St. Louis County, Minnesota, by its governing body, has caused this Bond to be executed in its name by the manual or facsimile signatures of the Chair, the Clerk of the County Board and the County Auditor.

ATTEST:

(form-no signature required)
Clerk of the County Board

(form-no signature required)
Chair

(form-no signature required)
County Auditor

Date of Execution: _____

REGISTRATION CERTIFICATE

This Bond must be registered as to both principal and interest in the name of the owner on the books to be kept by the County Auditor of St. Louis County, Minnesota, as Bond Registrar. No transfer of this Bond shall be valid unless made on said books by the registered owner or the owner's attorney thereunto duly authorized and similarly noted on the registration books. The ownership of the unpaid principal balance of this Bond and the interest accruing thereon is registered on the books of the County Auditor in the name of the registered owner last noted below.

<u>Date</u>	<u>Registered Owner</u>	<u>Signature of</u> <u>County Auditor</u>
___/___/2020	Cede & Co. c/o The Depository Trust Company 570 Washington Blvd. Jersey City, NJ 07310 Federal Taxpayer I.D. No. 13-2555119	(<u>form-no signature</u> <u>required</u>)

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto _____

(Name and Address of Assignee)

Social Security or Other Identifying Number of Assignee

the within Bond and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears upon the fact of the within Bond with every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

(Bank, Trust Company, member of
National Securities Exchange)

Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the County or its agent for registration of transfer, exchange or payment, and any Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY

PERSON IS WRONGFUL, inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

Section 4. Revenues, Accounts and Covenants.

4.01 The County hereby creates a separate construction fund, which is designated as the “Series 2020A Transportation Improvement Bonds Construction Account” in the Capital Projects Fund (the “Construction Fund”), to which there shall be credited the proceeds of the Bonds, less underwriter’s discount. The Construction Fund shall be used solely to pay costs of construction of the Project, and costs of issuance of the Bonds, as such payments become due.

4.02 The County imposes (i) a transportation sales tax at the rate of one-half of one percent on retail sales and uses taxable under Chapter 297A; and (ii) an excise tax of \$20.00 per motor vehicle purchased or acquired from any person engaged in the business of selling motor vehicles at retail within the County pursuant to and in accordance with Minnesota Statutes, Section 297A.993, Subd. 1 (the “Transportation Sales and Use Tax Revenues”). Transportation Sales and Use Tax Revenues may be pledged for payment of principal and interest on general obligation bonds issued to finance road and bridge projects authorized in the Plan or to pay the costs of such road and bridge projects. The County has established and maintains the Local Option Transportation Sales and Use Tax Fund (the “Revenue Fund”) into which the Transportation Sales and Use Tax Revenues are credited. The County hereby pledges the Transportation Sales and Use Tax Revenues to the repayment of the principal of and interest on the Bonds and on any additional bonds issued pursuant to the Act. Any remaining Transportation Sales and Use Tax Revenues after annually funding the Debt Service Fund may be used to pay other costs of such road and bridge projects.

4.03 A. Debt Service Fund. For the convenience and proper administration of the monies to be borrowed and repaid on the Bonds and to provide adequate and specific security for the Purchaser and holders from time to time of the Bonds, there is hereby created a special fund to be designated the 2020A General Obligation Transportation Sales and Use Tax Revenue Bonds Debt Service Fund (the “Debt Service Fund”) to be administered and maintained by the County Auditor as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the County. The Debt Service Fund shall be maintained in the manner herein specified until all of the Bonds and interest thereon have been fully paid.

B. To the Debt Service Fund there is hereby pledged and irrevocably appropriated and there shall be credited: (i) the Transportation Sales and Use Tax Revenues which shall be periodically deposited into the Debt Service Fund in such amounts sufficient to provide payment of all interest and principal when due on the Bonds; (ii) all investment earnings on funds in the Debt Service Fund; (iii) any taxes levied to pay the principal and interest on the Bonds; and (iv) any and all other monies which are properly available and are appropriated by the County to the Debt Service Fund.

The money in the Debt Service Fund shall be used for no purpose other than the payment of principal of and interest on the Bonds. If the balances in the Debt Service Fund are ever insufficient to pay all principal and interest then due on the Bonds, the County Auditor shall nevertheless provide sufficient money from any other funds of the County which are available for that purpose, and such other funds shall be reimbursed from the Debt Service Fund when the balance therein is sufficient.

4.04 If the balance in the Debt Service Fund is ever insufficient to pay all principal and interest then due on the Bonds, the County Auditor shall nevertheless provide sufficient money from any other funds of the County which are available for that purpose, and such other funds shall be reimbursed from the Debt Service Fund when the balance therein is sufficient. It is estimated that the

Transportation Sales and Use Tax Revenues pledged and appropriated to said Debt Service Fund will be received at the times and in amounts not less than five percent in excess of the amounts needed to meet when due the principal and interest payments thereon and, accordingly, no tax is presently levied for this purpose. It is recognized, however, that the County's liability on the Bonds is not limited to the revenues so pledged, and the Board covenants and agrees that it will levy upon all taxable property within the County, and cause to be extended, levied and collected, any taxes found necessary for full payment of the principal of and interest on the Bonds, without limitation as to rate or amount.

4.05 The full faith and credit and taxing power of the County are irrevocably pledged for the prompt and full payment of the Bonds and the interest thereon, in accordance with the terms set forth in this Resolution.

4.06 Monies on deposit in the Construction Fund and in the Debt Service Fund may, at the discretion of the County, be invested in securities permitted by Minnesota Statutes, Chapter 118A; provided, that any such investments shall mature at such times and in such amounts as will permit for payment of the principal and interest on the Bonds when due.

Section 5. Tax Covenants.

5.01 The County covenants and agrees with the holders of the Bonds that the County will (i) take all action on its part necessary to cause the interest on the Bonds to be exempt from federal income taxes including, without limitation, restricting, to the extent necessary, the yield on investments made with the proceeds of the Bonds and investment earnings thereon, making required payments to the federal government, if any, and maintaining books and records in a specified manner, where appropriate, and (ii) refrain from taking any action which would cause interest on the Bonds to be subject to federal income taxes, including, without limitation, refraining from spending the proceeds of the Bonds and investment earnings thereon on certain specified purposes.

5.02 A. No portion of the proceeds of the Bonds shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except (i) for a reasonable temporary period until such proceeds are needed for the purpose for which the Bonds were issued, and (ii) in addition to the above, in an amount not greater than the lesser of five percent of the proceeds of the Bonds or \$100,000. To this effect, any proceeds of the Bonds and any sums from time to time held in the Debt Service Fund (or any other County account which will be used to pay principal and interest to become due on the Bonds) in excess of amounts which under the applicable federal arbitrage regulations may be invested without regard as to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by the arbitrage regulations on such investments after taking into account any applicable temporary periods of minor portion made available under the federal arbitrage regulations.

B. In addition, the proceeds of the Bonds and money in the Debt Service Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof it and to the extent that such investment would cause the Bonds to be federally guaranteed within the meaning of Section 149(b) of the Internal Revenue code of 1986, as amended (the "Code").

C. The County hereby covenants not to use the proceeds of the Bonds, or to cause or permit them to be used, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

5.03 Unless the proceeds are spent pursuant to an arbitrage rebate spending exception, the County covenants to compute and cause the payment to the United States of all amounts required

under the rebate requirement of Code Section 148(f), the regulations issued thereunder with regard to the Bonds. To this end, the County agrees to:

(1) maintain records identifying all “gross proceeds” as defined in Code Section 148(f)(6)(B) attributable to the Bonds, the yield at which such gross proceeds are invested, any arbitrage profit derived therefrom (earnings in excess of the yield on the Bonds) and any earnings derived from the investment of such arbitrage profit;

(2) make, or cause to be made within 30 days after the close of each fifth bond year, the annual determination of the amount, if any, of excess arbitrage required to be paid to the United States by the County (the “Rebate Amount”);

(3) pay, or cause to be paid, to the United States at least once every five bond years the Rebate Amount, if any, including the last installment which must be made no later than 60 days after the day on which the Bonds are paid in full;

(4) retain all records of the annual determination of the foregoing amounts until six years after the Bonds have been fully paid.

5.04 The County shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this section.

Section 6. Miscellaneous.

6.01 The County Auditor is directed to file a certified copy of this Resolution and such other information as may be required, and to provide to bond counsel a certificate stating that the Bonds herein authorized have been duly entered on his register.

6.02 The officers of the County are authorized and directed to prepare and furnish to the Purchaser and to bond counsel, certified copies of all proceedings and records of the County relating to the legality and marketability of the Bonds, as such facts appear from the official books and records in the officers’ custody or are otherwise known to them. All such certified copies, Bonds and affidavits, including any heretofore furnished, constitute representations of the County as to the correctness of the facts recited therein and the action stated therein to have been taken.

6.03 The Chair, the Clerk of the County Board, the County Auditor and the Finance Director are hereby authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Bonds and that to the best of their knowledge and belief the Official Statement is a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement.

6.04 In the event of the absence or disability of the Chair, the Clerk of the County Board, the County Auditor or the Finance Director, such officers as in the opinion of the County Attorney, may act in their behalf, shall without further act or authorization, execute and deliver the Bonds and do all things and execute all instruments and documents required to be done or executed by such absent or disabled officers.

Section 7. Continuing Disclosure. The County acknowledges that the Bonds are subject to the continuing disclosure requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (the “Rule”). The Rule governs the obligations of certain underwriters to require that issuers of municipal bonds enter into agreements for the benefit of the bondholders to provide continuing disclosure with respect to the bonds. To provide for the public availability of certain information relating to the Bonds and the security therefor and to permit underwriters of the Bonds to comply with the Rule, which will enhance the marketability of the Bonds, the Chair and the County Auditor are hereby

authorized and directed to execute a Continuing Disclosure Certificate substantially in the form of the Certificate currently on file in the office of the County Auditor.

Section 8. Post-Issuance Compliance Policy and Procedures. The Board has previously approved a Post-Issuance Debt Compliance Policy and Post-Issuance Debt Compliance Procedures which applies to qualifying obligations to provide for compliance with all applicable federal regulations for tax-exempt obligations or tax-advantaged obligations (collectively, the “Policy and Procedures”). The Board hereby approves the Policy and Procedures for the Bonds. The County Auditor continues to be designated to be responsible for post-issuance compliance in accordance with the Policy and Procedures.

Adopted: September 1, 2020

EXHIBIT A

THE COUNTY HAS AUTHORIZED BAKER TILLY MUNICIPAL ADVISORS, LLC TO NEGOTIATE THIS ISSUE ON ITS BEHALF. PROPOSALS WILL BE RECEIVED ON THE FOLLOWING BASIS:

TERMS OF PROPOSAL

\$25,400,000*

ST. LOUIS COUNTY, MINNESOTA

**GENERAL OBLIGATION TRANSPORTATION SALES AND USE TAX
REVENUE BONDS, SERIES 2020A**

(BOOK ENTRY ONLY)

Proposals for the above-referenced obligations (the “Bonds”) will be received by St. Louis County, Minnesota (the “County”) on Monday, October 5, 2020 (the “Sale Date”) until 1:00 P.M., Central Time (the “Sale Time”) at the offices of Baker Tilly Municipal Advisors, LLC (“Baker Tilly MA”), 380 Jackson Street, Suite 300, Saint Paul, Minnesota, 55101, after which time proposals will be opened and tabulated. Consideration for award of the Bonds will immediately follow the opening of proposals.

SUBMISSION OF PROPOSALS

Baker Tilly MA will assume no liability for the inability of a bidder or its proposal to reach Baker Tilly MA prior to the Sale Time, and neither the County nor Baker Tilly MA shall be responsible for any failure, misdirection or error in the means of transmission selected by any bidder. All bidders are advised that each proposal shall be deemed to constitute a contract between the bidder and the County to purchase the Bonds regardless of the manner in which the proposal is submitted.

(a) **Sealed Bidding**. Completed, signed proposals may be submitted to Baker Tilly MA by email to bondservice@bakertilly.com or by fax (651) 223-3046, and must be received prior to the Sale Time.

OR

(b) **Electronic Bidding.** Proposals may also be received via PARITY®. For purposes of the electronic bidding process, the time as maintained by PARITY® shall constitute the official time with respect to all proposals submitted to PARITY®. *Each bidder shall be solely responsible for making necessary arrangements to access PARITY® for purposes of submitting its electronic proposal in a timely manner and in compliance with the requirements of the Terms of Proposal.* Neither the County, its agents, nor PARITY® shall have any duty or obligation to undertake registration to bid for any prospective bidder or to provide or ensure electronic access to any qualified prospective bidder, and neither the County, its agents, nor PARITY® shall be responsible for a bidder’s failure to register to bid or for any failure in the proper operation of, or have any liability for any delays or interruptions of or any damages caused by the services of PARITY®. The County is using the services of PARITY® solely as a communication mechanism to conduct the electronic bidding for the Bonds, and PARITY® is not an agent of the County.

If any provisions of this Terms of Proposal conflict with information provided by PARITY®, this Terms of Proposal shall control. Further information about PARITY®, including any fee charged, may be obtained from:

PARITY®, 1359 Broadway, 2nd Floor, New York, New York 10018
Customer Support: (212) 849-5000

DETAILS OF THE BONDS

The Bonds will be dated as of the date of delivery and will bear interest payable on June 1 and December 1 of each year, commencing June 1, 2021. Interest will be computed on the basis of a 360-day year of twelve 30-day months.

The Bonds will mature December 1 in the years and amounts* as follows:

2021	\$1,105,000	2025	\$1,160,000	2029	\$1,210,000	2033	\$1,295,000	2037	\$1,410,000
2022	\$1,140,000	2026	\$1,170,000	2030	\$1,230,000	2034	\$1,325,000	2038	\$1,440,000
2023	\$1,145,000	2027	\$1,185,000	2031	\$1,250,000	2035	\$1,350,000	2039	\$1,475,000
2024	\$1,155,000	2028	\$1,195,000	2032	\$1,270,000	2036	\$1,380,000	2040	\$1,510,000

* *The County reserves the right, after proposals are opened and prior to award, to increase or reduce the principal amount of the Bonds or the amount of any maturity or maturities in multiples of \$5,000. In the event the amount of any maturity is modified, the aggregate purchase price will be adjusted to result in the same gross spread per \$1,000 of Bonds as that of the original proposal. Gross spread for this purpose is the differential between the price paid to the County for the new issue and the prices at which the proposal indicates the securities will be initially offered to the investing public.*

Proposals for the Bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds. All term bonds shall be subject to mandatory sinking fund redemption at a price of par plus accrued interest to the date of redemption scheduled to conform to the maturity schedule set forth above. In order to designate term bonds, the proposal must specify “Years of Term Maturities” in the spaces provided on the proposal form.

BOOK ENTRY SYSTEM

The Bonds will be issued by means of a book entry system with no physical distribution of Bonds made to the public. The Bonds will be issued in fully registered form and one Bond, representing the aggregate principal amount of the Bonds maturing in each year, will be registered in the name of Cede & Co. as nominee of The Depository Trust Company (“DTC”), New York, New York, which will act as securities depository for the Bonds. Individual purchases of the Bonds may be made in the principal amount of \$5,000 or any multiple thereof of a single maturity through book entries made on the books and records of DTC and its participants. Principal and interest are payable by the registrar to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants will be the responsibility of such participants and other nominees of beneficial owners. The lowest bidder (the “Purchaser”), as a condition of delivery of the Bonds, will be required to deposit the Bonds with DTC.

REGISTRAR

The County will name the registrar, which may be the County Auditor of the County, and shall be subject to applicable regulations of the Securities and Exchange Commission. The County will pay for the services of the registrar.

OPTIONAL REDEMPTION

The County may elect on December 1, 2029, and on any day thereafter, to redeem Bonds due on or after December 1, 2030. Redemption may be in whole or in part and if in part at the option of the County and in such manner as the County shall determine. If less than all Bonds of a maturity are called for redemption, the County will notify DTC of the particular amount of such maturity to be redeemed. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. All redemptions shall be at a price of par plus accrued interest.

SECURITY AND PURPOSE

The Bonds will be general obligations of the County for which the County will pledge its full faith and credit and power to levy direct general ad valorem taxes. In addition, the County will pledge a transportation sales and use tax at a rate of one-half of one percent on taxable retail sales and uses, and an excise tax of \$20 per motor vehicle purchased or acquired from any person or business engaged in the business of selling motor vehicles at retail, occurring within the taxing jurisdiction of the County (the “Transportation Sales and Use Tax Revenues”). The proceeds of the Bonds will be used to for the purpose of financing various County road and bridge projects, as authorized in amendments to the County's 2020-2024 Capital Improvement Plan and the Transportation Improvement Plan.

NOT BANK QUALIFIED TAX-EXEMPT OBLIGATIONS

The County will not designate the Bonds as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

BIDDING PARAMETERS

Proposals shall be for not less than \$25,095,200 (98.8%) or more than \$25,908,000 (102%) plus accrued interest, if any, on the total principal amount of the Bonds. No proposal can be withdrawn or amended after the time set for receiving proposals on the Sale Date unless the meeting of the County scheduled for award of the Bonds is adjourned, recessed, or continued to another date without award of the Bonds having been made. Rates shall be in integral multiples of 1/100 or 1/8 of 1%. The initial price to the public for each maturity as stated on the proposal must be 98.0% or greater. Bonds of the same maturity shall bear a single rate from the date of the Bonds to the date of maturity. No conditional proposals will be accepted.

ESTABLISHMENT OF ISSUE PRICE

In order to provide the County with information necessary for compliance with Section 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations promulgated thereunder (collectively, the “Code”), the Purchaser will be required to assist the County in establishing the issue price of the Bonds and shall complete, execute, and deliver to the County prior to the closing date, a written certification in a form acceptable to the Purchaser, the County, and Bond Counsel (the “Issue Price Certificate”) containing the following for each maturity of the Bonds (and, if different interest rates apply within a maturity, to each separate CUSIP number within that maturity): (i) the interest rate; (ii) the reasonably expected initial offering price to the “public” (as said term is defined in Treasury Regulation Section 1.148-1(f) (the “Regulation”)) or the sale price; and (iii) pricing wires or equivalent communications supporting such offering or sale price. Any action to be taken or documentation to be received by the County pursuant hereto may be taken or received on behalf of the County by Baker Tilly MA.

The County intends that the sale of the Bonds pursuant to this Terms of Proposal shall constitute a “competitive sale” as defined in the Regulation based on the following:

- (i) the County shall cause this Terms of Proposal to be disseminated to potential bidders in a manner that is reasonably designed to reach potential bidders;
- (ii) all bidders shall have an equal opportunity to submit a bid;
- (iii) the County reasonably expects that it will receive bids from at least three bidders that have established industry reputations for underwriting municipal bonds such as the Bonds; and
- (iv) the County anticipates awarding the sale of the Bonds to the bidder who provides a proposal with the lowest true interest cost, as set forth in this Terms of Proposal (See “AWARD” herein).

Any bid submitted pursuant to this Terms of Proposal shall be considered a firm offer for the purchase of the Bonds, as specified in the proposal. The Purchaser shall constitute an “underwriter” as said term is defined in the Regulation. By submitting its proposal, the Purchaser confirms that it shall require any agreement among underwriters, a selling group agreement, or other agreement to which it is a party relating to the initial sale of the Bonds, to include provisions requiring compliance with the provisions of the Code and the Regulation regarding the initial sale of the Bonds.

If all of the requirements of a “competitive sale” are not satisfied, the County shall advise the Purchaser of such fact prior to the time of award of the sale of the Bonds to the Purchaser. **In such event, any proposal submitted will not be subject to cancellation or withdrawal.** Within twenty-four (24) hours of the notice of award of the sale of the Bonds, the Purchaser shall advise the County and Baker Tilly MA if 10% of any maturity of the Bonds (and, if different interest rates apply within a maturity, to each separate CUSIP number within that maturity) has been sold to the public and the price at which it was sold. The County will treat such sale price as the “issue price” for such maturity, applied on a maturity-by-maturity basis. The County will not require the Purchaser to comply with that portion of the Regulation commonly described as the “hold-the-offering-price” requirement for the remaining maturities, but the Purchaser may elect such option. If the Purchaser exercises such option, the County will apply the initial offering price to the public provided in the proposal as the issue price for such maturities. If the Purchaser does not exercise that option, it shall thereafter promptly provide the County and Baker Tilly MA the prices at which 10% of such maturities are sold to the public; provided such determination shall be made and the County and Baker Tilly MA notified of such prices whether or not the closing date has occurred, until the 10% test has been satisfied as to each maturity of the Bonds or until all of the Bonds of a maturity have been sold.

GOOD FAITH DEPOSIT

To have its proposal considered for award, the Purchaser is required to submit a good faith deposit via wire transfer to the County in the amount of \$254,000 (the “Deposit”) no later than 1:30 P.M., Central Time on the Sale Date. The Purchaser shall be solely responsible for the timely delivery of its Deposit, and neither the County nor Baker Tilly MA have any liability for delays in the receipt of the Deposit. If the Deposit is not received by the specified time, the County may, at its sole discretion, reject the proposal of the lowest bidder, direct the second lowest bidder to submit a Deposit, and thereafter award the sale to such bidder.

A Deposit will be considered timely delivered to the County upon submission of a federal wire reference number by the specified time. Wire transfer instructions will be available from Baker Tilly MA following the receipt and tabulation of proposals. The successful bidder must send an e-mail including the following information: (i) the federal reference number and time released; (ii) the amount of the wire transfer; and (iii) the issue to which it applies.

Once an award has been made, the Deposit received from the Purchaser will be retained by the County and no interest will accrue to the Purchaser. The amount of the Deposit will be deducted at settlement from the purchase price. In the event the Purchaser fails to comply with the accepted proposal, said amount will be retained by the County.

AWARD

The Bonds will be awarded on the basis of the lowest interest rate to be determined on a true interest cost (TIC) basis calculated on the proposal prior to any adjustment made by the County. The County's computation of the interest rate of each proposal, in accordance with customary practice, will be controlling.

The County will reserve the right to: (i) waive non-substantive informalities of any proposal or of matters relating to the receipt of proposals and award of the Bonds, (ii) reject all proposals without cause, and (iii) reject any proposal that the County determines to have failed to comply with the terms herein.

BOND INSURANCE AT PURCHASER'S OPTION

The County has **not** applied for or pre-approved a commitment for any policy of municipal bond insurance with respect to the Bonds. If the Bonds qualify for municipal bond insurance and a bidder desires to purchase a policy, such indication, the maturities to be insured, and the name of the desired insurer must be set forth on the bidder's proposal. The County specifically reserves the right to reject any bid specifying municipal bond insurance, even though such bid may result in the lowest TIC to the County. All costs associated with the issuance and administration of such policy and associated ratings and expenses (other than any independent rating requested by the County) shall be paid by the successful bidder. Failure of the municipal bond insurer to issue the policy after the award of the Bonds shall not constitute cause for failure or refusal by the successful bidder to accept delivery of the Bonds.

CUSIP NUMBERS

If the Bonds qualify for the assignment of CUSIP numbers such numbers will be printed on the Bonds; however, neither the failure to print such numbers on any Bond nor any error with respect thereto will constitute cause for failure or refusal by the Purchaser to accept delivery of the Bonds. Baker Tilly MA will apply for CUSIP numbers pursuant to Rule G-34 implemented by the Municipal Securities Rulemaking Board. The CUSIP Service Bureau charge for the assignment of CUSIP identification numbers shall be paid by the Purchaser.

SETTLEMENT

On or about November 5, 2020, the Bonds will be delivered without cost to the Purchaser through DTC in New York, New York. Delivery will be subject to receipt by the Purchaser of an approving legal opinion of Fryberger, Buchanan, Smith & Frederick P.A., Duluth, Minnesota and of customary closing papers, including a no-litigation certificate. On the date of settlement, payment for the Bonds shall be made in federal, or equivalent, funds that shall be received at the offices of the County or its designee not later than 12:00 Noon, Central Time. Unless compliance with the terms of payment for the Bonds has been made impossible by action of the County, or its agents, the Purchaser shall be liable to the County for any loss suffered by the County by reason of the Purchaser's non-compliance with said terms for payment.

CONTINUING DISCLOSURE

In accordance with SEC Rule 15c2-12(b)(5), the County will undertake, pursuant to the resolution awarding sale of the Bonds, to provide annual reports and notices of certain events. A description of this undertaking is set forth in the Official Statement. The Purchaser's obligation to purchase the Bonds will be conditioned upon receiving evidence of this undertaking at or prior to delivery of the Bonds.

OFFICIAL STATEMENT

The County has authorized the preparation of a Preliminary Official Statement containing pertinent information relative to the Bonds, and said Preliminary Official Statement has been deemed final by the County as of the date thereof within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. For an electronic copy of the Preliminary Official Statement or for any additional information prior to sale, any prospective purchaser is referred to the Municipal Advisor to the County, Baker Tilly Municipal Advisors, LLC, by telephone (651) 223-3000, or by email bondservice@bakertilly.com. The Preliminary Official Statement will also be made available at <https://go.bakertilly.com/bond-sales-calendar>.

A Final Official Statement (as that term is defined in Rule 15c2-12) will be prepared, specifying the maturity dates, principal amounts, and interest rates of the Bonds, together with any other information required by law. By awarding the Bonds to the Purchaser, the County agrees that, no more than seven business days after the date of such award, it shall provide to the Purchaser an electronic copy of the Final Official Statement. The County designates the Purchaser as its agent for purposes of distributing the Final Official Statement to each syndicate member, if applicable. The Purchaser agrees that if its proposal is accepted by the County, (i) it shall accept designation and (ii) it shall enter into a contractual relationship with its syndicate members for purposes of assuring the receipt of the Final Official Statement by each such syndicate member.

Dated September 1, 2020

BY ORDER OF THE COUNTY BOARD
/s/ Kevin Gray, County Administrator
Unanimously adopted September 1, 2020. No. 20-424

BY COMMISSIONER BOYLE:

RESOLVED, That the St. Louis County Board will adjust its 2020 Board Meeting Schedule to reschedule the meeting location of its September 8, 2020 meeting from the St. Louis County Board Room to the St. Louis River Room in the Government Services Center, Duluth, MN.

RESOLVED FURTHER, That all public hearings scheduled for September 8, 2020, will be held in the St. Louis River Room in the Government Services Center, Duluth, MN.

Yeas – Commissioners Jewell, Boyle, Olson, McDonald, Musolf and Chair Jugovich – 6

Nays – Commissioner Nelson – 1

Adopted September 1, 2020. No. 20-425

At 2:32 p.m., September 1, 2020, Commissioner Boyle, supported by Commissioner Musolf, moved to adjourn the meeting. A roll call vote was taken, the motion passed; seven yeas, zero nays.

Mike Jugovich, 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)

**WORKERS' COMPENSATION PAYROLL
PAYROLL FOR THE PERIOD OF 08/15/2020 through 08/28/2020**

VENDOR	FUND	AGENCY	OBJECT	FILE #	NAME	BEN	PAY PERIOD		COMP RATE	# WKS	TOTAL
							FROM DATE	TO DATE			
<u>Auditors</u>											
063206	730	730001	617700	11-7878	Pamela Palen (Recovery of OP: \$10.52)	PTD	8/15/2020	8/28/2020	26.30	2.0	33.66
45979	730	730001	626150	11-7878	Falsani, Balmer, Peterson & Balmer	ATTY	8/15/2020	8/28/2020		2.0	8.42
<u>Chris Jensen Health & Rehab</u>											
05141	730	730001	617700	86-084	Helen Bakke	PTD	8/15/2020	8/28/2020	723.00	2.0	1,446.00
081818	730	730001	617700	90-4298	Jody Draper (less 20% attorney fees)	PTD	8/15/2020	8/28/2020	699.48	2.0	1,119.17
007561	730	730001	626150	90-4298	Eric Beyer, Attorney at Law	ATTY	8/15/2020	8/28/2020		2.0	279.79
32020	730	730001	617700	91-418	Joana Heinen	PTD	8/15/2020	8/28/2020	723.00	2.0	1,446.00
51396	730	730001	617700	00-098	Lou Maples	PTD	8/15/2020	8/28/2020	278.45	2.0	556.90
92667	730	730001	617700	76-024	Iva Zywicki	PTD	8/15/2020	8/28/2020	723.00	2.0	1,446.00
<u>Nopeming Care Center</u>											
13535	730	730001	617700	90-481	Christina DeBlass	PTD	8/15/2020	8/28/2020	705.54	2.0	1,411.08
22774	730	730001	617700	92-408	Vera Falk	PTD	8/15/2020	8/28/2020	723.00	2.0	1,446.00
15307	730	730001	617700	81-064	Audrey Gill	PTD	8/15/2020	8/28/2020	723.00	2.0	1,446.00
61469	730	730001	617700	90-322	Lori Pierce	PTD	8/15/2020	8/20/2020	723.00	0.8	578.40
61469	730	730001	617700	90-322	Lori Pierce	PTD	8/21/2020	8/28/2020	723.00	1.2	867.60
86016	730	730001	617700	80-070	June Ulvi	PTD	8/15/2020	8/28/2020	723.00	2.0	1,446.00
90459	730	730001	617700	02-096	Rebecca Williams	PTD	8/15/2020	8/28/2020	338.62	2.0	677.24
<u>Property Management</u>											
017518	730	730001	617700	13-9768	Pamela Ruthford	TTD	8/15/2020	8/28/2020	457.81	2.0	915.62
<u>Public Works - Motor Pool</u>											
103036	730	730001	617700	20-6595	David Wilson	TTD	8/24/2020	8/28/2020	371.50	1.0	371.50
<u>Public Works - Division #4</u>											
48776	730	730001	617700	19-6127	Rickey Lokken*	TTD	8/15/2020	8/23/2020	983.36	1.0	983.36
45646	730	730001	617700	19-6648	Bruce Markovich*	TTD	8/15/2020	8/25/2020	321.60	1.5	482.40
<u>Public Works - Division #5</u>											
102429	730	730001	617700	20-0096	Dwain Ecklund	TTD	8/24/2020	8/28/2020	853.80	1.0	853.80
24589	730	730001	617700	91-286	Donald Fossum	PTD	8/15/2020	8/28/2020	723.00	2.0	1,446.00
73238	730	730001	617700	91-283	James Sandwick	PTD	8/15/2020	8/28/2020	717.11	2.0	1,434.22
101677	730	730001	617700	19-3558	Scott Sunnarborg	TTD	8/15/2020	8/28/2020	721.13	2.0	1,442.26
90799	730	730001	617700	90-076	Richard Windsor	PTD	8/15/2020	8/28/2020	723.00	2.0	1,446.00

<u>Public Works - Division #6</u>										
91876	730	730001	617700	93-463 Daniel Zaitz	PTD	8/15/2020	8/28/2020	689.84	2.0	1,379.68
<u>Public Works - Division #13</u>										
06925	730	730001	617700	85-124 Emmett Berens	PTD	8/15/2020	8/28/2020	723.00	2.0	1,446.00
<u>Sheriff/Jail</u>										
100021	730	730001	617700	19-7933 Troy Fralich	TTD	8/15/2020	8/28/2020	904.98	2.0	1,755.51
00031990	730	730001	653000	19-7933 MN Child Support Payment Center Identifier #001508682301		8/15/2020	8/28/2020		2.0	54.45
19717	730	730001	617700	79-159 James Larson	PTD	8/15/2020	8/28/2020	723.00	2.0	1,446.00
53247	730	730001	617700	20-9830 Michael McDougall	TTD	8/15/2020	8/28/2020	1,113.80	2.0	2,227.60
064043	730	730001	617700	14-8375 Ryan Paulson	TTD	8/15/2020	8/28/2020	928.78	2.0	1,540.26
00031990	730	730001	653000	14-8375 MN Child Support Payment Center Identifier #001022193501		8/15/2020	8/28/2020		2.0	317.30
000494	730	730001	617700	19-1989 Claire Wagner	TTD	8/15/2020	8/28/2020	1,098.54	2.0	2,197.08

* INDICATES FINAL PAYMENT

GRAND TOTAL: \$35,947.30

TO BALANCE: \$35,947.30

WORKERS' COMPENSATION PAYMENTS
ADDENDUM

VENDOR	FUND	AGENCY	OBJECT	FILE #	NAME	BEN	PAY PERIOD		COMP RATE	#WKS	TOTAL	SLC	SUPP
							FROM DATE	TO DATE				BENEFITS	BENEFITS
<u>Public Works - Div. 5</u>													
102429	730	730001	617700	20-0096	Dwain Ecklund	TTD	8/18/2020	8/23/2020	853.80	0.75	640.35	640.35	
							GRAND TO1GRAND TOTAL:				\$ 640.35	640.35	0.00

*Indicates full and final payment