

# COMMITTEE OF THE WHOLE ST. LOUIS COUNTY BOARD OF COMMISSIONERS

March 24, 2020

Location: St. Louis County Courthouse, Duluth, Minnesota

Present: Commissioners Jewell, Boyle, Olson, McDonald, Musolf, Nelson, and Chair Jugovich

Absent: None

Convened: Chair Jugovich called the meeting to order at 10:02 a.m.

Commissioners Patrick Boyle, Beth Olson, Paul McDonald, and Frank Jewell participated telephonically.

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## CONSENT AGENDA

Nelson/Olson moved to approve the consent agenda. A roll call vote was taken and the motion passed. (7-0)

- Minutes of March 10, 2020
- Duluth Farm to School Program [20-99]
- Agreement with the Minnesota Department of Transportation for Fund Swap on CSAH 7 (Cook County) [20-100]
- 2020 IT Standard Equipment Order: Computers, Tablets and Laptops [20-101]
- Re-conveyance of State Tax Forfeited Land from St. Louis County Ownership [20-102]
- Sale of Surplus Fee Land - That Part of the SW ¼ of NW ¼, Section 31, Township 50 North, Range 15 West, lying west of the Rocky Run Creek (Hermantown) [20-103]
- State Contract Purchase of Mack Dump Truck and Dump Box [20-104]
- Public Auction of Earthen Material on State Tax Forfeited Land (Gnesen Township) [20-105]
- Reclassification of State Tax Forfeited Lands to Non-Conservation [20-106]
- Special Sale to the Duluth Housing and Redevelopment Authority (HRA) for Housing [20-107]
- Authorization to Submit Proposal to the LCCMR for FY21 Minnesota Environmental & Natural Resources Trust Fund Grant for the Regional Landfill Leachate PFAS Reduction Pilot Project [20-108]

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## Establishment of Public Hearings

Nelson/Musolf moved to establish a public hearing on April 28, 2020, at 9:40 a.m., in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering the issuance of an Off-Sale Intoxicating Liquor License to Pike Lake Golf & Beach, LLC, d/b/a Pike Lake Golf & Beach Club. [20-109]. A roll call vote was taken and the motion passed. (7-0)

Commissioner Jewell indicated that he would like to pull down an item from the consent agenda. Nelson/Musolf moved to reconsider and approve the consent agenda. Item #9, Special Sale to the Duluth Housing and Redevelopment Authority (HRA) for Housing [20-107] was removed from the agenda for separate consideration. A roll call vote was taken and the motion passed. (7-0)

Musolf/Nelson moved to establish a public hearing on Tuesday, April 14, 2020, at 9:45 a.m. at the St. Louis County Courthouse, Duluth, Minnesota, so that the exchange process with Triple J Land Company can proceed according to Minnesota Statutes and Minnesota Department of Natural Resources Class B Land Exchange Guidelines. [20-110]. A roll call vote was taken and the motion passed. (7-0)

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### **Environment & Natural Resources Committee**

Jewell/Olson moved to approve the sale of state tax forfeited land, as described, to the Duluth Housing and Redevelopment Authority for the price of \$17,200 plus the following fees: 3% assurance fee of \$516, deed fee of \$25, deed tax of \$56.76, and recording fee of \$46, for a total of \$17,843.76, to be deposited into Fund 240 (Forfeited Tax Fund); and further, that the St. Louis County Auditor may offer for sale at public auction the state tax forfeited land described here if the Duluth Housing and Redevelopment Authority does not purchase the land by October 14, 2020. [20-107]. The Committee recessed at 10:15 a.m. At 10:21 a.m., the Committee reconvened with all members present. St. Louis County Land and Mineral Director Mark Weber said that the land is land locked and will be conveyed to HNH, LLC, for the construction of market rate single-family homes. Jill Keppers (participating via telephonically), of the Duluth Housing and Redevelopment Authority, said that NHN, LLC, will be granted an easement and that they are paying market price for the parcel. After further discussion, a roll call vote was taken and the motion passed. (7-0)

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### **Public Works & Transportation Committee**

McDonald/Jewell moved to award a bid to Utility Systems of America, Inc., Eveleth, MN, in the amount of \$3,034,555.75, for project CP 0155-338059, SAP 069-755-002, and Ely City project 17-344, Reconstruction and Utilities, located on County State Aid Highway (CSAH) 155 (James Street), between Central Avenue and 8th Avenue in Ely. [20-111]. St. Louis County Public Works Director Jim Foldesi provided a brief overview of the project. A roll call vote was taken and the motion passed. (7-0)

Jugovich/Nelson moved to award a bid to Century Fence Co., Forest Lake, MN, in the amount of \$838,492.10, for project CP 0000-369582, SAP 069-030-042, Pavement Markings, located throughout St. Louis County and Lake County. [20-112]. A roll call vote was taken and the motion passed. (7-0)

Nelson/Olson moved to award a bid to Mesabi Bituminous, Inc., Gilbert, MN, in the amount of \$110,775.00, for project CP 0000-524127, Grading, Aggregate Base, Bituminous Surfacing, located at 7820 Highway 135 (Land Department entrance) in Virginia. [20-113]. A roll call vote was taken and the motion passed. (7-0)

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### **Finance & Budget Committee**

Nelson/Jugovich moved to authorize the purchase of the additional 2020 fleet vehicles, in accordance with the bid specifications, inclusive of motor vehicles sales tax for a total amount of \$441,217.89. [20-114R]. St. Louis County Administrator Kevin Gray said that sales tax amounts to approximately \$27,000. Director Foldesi said that the fleet vehicle purchase will replace older county vehicles that have 150,000 to 200,000 miles. A roll call vote was taken and the motion passed. (7-0)

Olson/Musolf moved to authorize the appropriate county officials to enter into an agreement, and any amendments approved by the County Attorney, with the City of Duluth to partner on their application for an Advanced Assistance Hazard Mitigation Grant from the United States Department of Homeland Security. [20-115]. Director Foldesi said that a coastal infrastructure assessment of the shore of Lake

Superior will be performed. Director Foldesi noted that between the McQuade Safe Harbor and Lake County there are various points in which the shore erosion is up to the shoulder of Minnesota State Highway 61. After further discussion, a roll call vote was taken and the motion passed. (7-0)

Commissioner Nelson, supported by Commissioner Musolf, moved that the St. Louis County Board directs Administration to work with Auditor Nilsen to develop an application form for small businesswomen and men directly affected by Governor Tim Walz's order to receive an abatement of 25% of the county portion of property taxes due and payable in calendar year 2020; one-half on May 15, 2020, and the second half on October 15, 2020. County Administrator Kevin Gray noted that the resolution was added to the agenda this morning and read the resolution so that the listening public was aware of the resolution. Commissioner Nelson noted that this was only for businesses that were authorized to close due to Governor Walz's order. Commissioner Boyle requested that County Attorney Mark Rubin comment on the proposed resolution. Attorney Rubin commented that the Board has abatement authority by state statute; however, they do not have the ability to reduce taxes by a percentage across the board. After further discussion, the Committee recessed at 11:12 a.m. At 11:20 a.m., the Committee reconvened with all members present. County Auditor Nancy Nilsen (participating via phone) mentioned that due to the tax software, the Auditor's office would only be able to provide a list of commercial properties. Commissioner Jewell, supported by Commissioner Olson, moved to postpone consideration of the resolution until April 28, 2020. Attorney Rubin ruled that the motion to postpone was in order. After further discussion, a roll call vote was taken and the motion to postpone failed; three yeas (Jewell, Boyle, Olson), four nays (McDonald, Musolf, Nelson, Jugovich). Attorney Rubin ruled that a vote should be taken on any amendments; do not do a friendly amendment. Attorney Rubin also stated that there is a statutory requirement for abatements and this may not fit the statutory requirements. Commissioner Nelson moved to amend the resolution to add, "Resolved Further, any abatement plan shall come back to the St. Louis County Board for consideration." The motion died due to lack of support. Administrator Gray expressed concern regarding staff time necessary to develop an abatement process due to the COVID-19 pandemic. Auditor Nilsen (participating via phone) said that she was in support of small business; however, was concerned regarding the amount of data the Auditor's Office would be able to provide and suggested that the Assessor's Office may be able to provide additional data. Commissioner Jugovich, supported by Commissioner Musolf, moved to amend the resolution and add "up to 25%" language. The Committee recessed at 12:16 p.m. At 12:43 p.m., the Committee reconvened with all members present. Attorney Rubin cautioned the Board about moving too quickly since we are in the midst of an international pandemic. Attorney Rubin questioned the legality of an abatement process and cited concerns regarding potentially violating the Constitution, state law, and county policy. In addition, Attorney Rubin noted that abatements affect school districts and municipalities and expressed concern that this process could violate the State of Minnesota's Uniformity Clause. Attorney Rubin recommended that the Board send this to Administration for further review. Commissioner Jugovich withdrew his motion to amend the resolution. Commissioner Jewell made a motion to amend the original motion and replace the Therefore Be it Resolved wording with, "That the St. Louis County Board directs Administration to work with the departments to consider the best methods by which to support our business community, including up to 25% of possible abatements for small business." The motion died due to a lack of second. After further discussion, Commissioner Jugovich, supported by Commissioner Musolf, moved to amend the resolution and replace the Therefore Be it Resolved wording with, "That the St. Louis County Board directs Administration to work with Auditor Nilsen to develop an application form for small businesswomen and men directly affected by Governor Tim Walz's order." After further discussion, Commissioner Jugovich withdrew his motion. Commissioner Jugovich, supported by Commissioner McDonald, moved to amend the resolution and replace the Therefore Be it Resolved wording with, "That the St. Louis County Board directs Administration to work with Auditor Nilsen to develop an application form to receive an abatement for small businesswomen and men directly affected by Governor Tim Walz's order." The Committee

recessed at 1:14 p.m. At 1:26 p.m., the Committee reconvened with all members present. Commissioner McDonald withdrew his amendment. Commissioner Jugovich, supported by Commissioner Musolf, moved to amend the resolution and replace the Therefore Be it Resolved wording with, "That the St. Louis County Board directs Administration to pursue the potential for local property tax relief through abatement for small businesswomen and men directly affected by Governor Tim Walz's order." A roll call vote was taken and the amendment passed. (7-0). A roll call vote was taken and the motion as amended passed. (7-0).

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### **Central Management & Intergovernmental Committee**

Nelson/Jewell moved to authorize the appropriate county officials to enter into a professional services agreement with Stoel Rives, LLP, to conduct a comprehensive environmental assessment of the Voyageur Industrial Landfill in Canyon to determine if the landfill warrants further consideration as a critical component of the Department's long-range waste management plan at a cost of \$199,530. [20-116]. St. Louis County Environmental Services Director Mark St. Lawrence commented that the St. Louis County Regional Landfill capacity is projected to last another twenty years; the assessment will determine if the Voyageur Industrial Landfill in Canyon warrants further consideration to help fill the Department's long-range waste management plan. After further discussion, a roll call vote was taken and the motion passed. (7-0)

Jewell/McDonald moved to ratify the 2020-2022 Civil Service Basic Unit collective bargaining agreement and authorize county officials to execute a written agreement consistent with negotiations. [20-117]. Human Resources and Administration Director Jim Gottschald and St. Louis County Human Resources Manager Colleen Effinger (participating via phone) provided the Committee with an overview of the collective bargaining agreements. A roll call vote was taken and the motion passed. (7-0)

Jewell/Olson moved to ratify the 2020-2022 Merit System Basic Unit collective bargaining agreement and authorize county officials to execute a written agreement consistent with negotiations. [20-118]. A roll call vote was taken and the motion passed. (7-0)

Jewell/Olson moved to approve the Management Compensation Plan update and salary range adjustments. [20-119]. A roll call vote was taken and the motion passed. (7-0)

Jewell/McDonald moved to ratify the 2020-2022 Public Works Department Highway Maintenance Divisions collective bargaining agreement and Memorandum of Understanding (MOU), authorize the appropriate county officials to execute a written agreement consistent with negotiations, and approve the MOU which sunsets on December 31, 2022. [20-120]. A roll call vote was taken and the motion passed. (7-0)

Jewell/Olson moved to approve the updated Unrepresented Employees' Compensation Plan and updated salary range increases for 2020-2022. [20-121]. A roll call vote was taken and the motion passed. (7-0)

Jewell/Olson moved to declare a State of Local Emergency exists and will continue until such time that the Board determines that an emergency no longer exists; that the County Administrator or his designee(s) are directed to request and coordinate all necessary aid from local, state and federal government; that the County Board delegates to the County Administrator authority to exercise the emergency powers outlined in Minnesota Statutes § 12.37 for the duration of this Local Emergency; that all St. Louis County ordinances, rules, and policies that may inhibit or prevent prompt response to COVID-19 are suspended for the duration of the local emergency at the sole discretion of the St. Louis

County Administrator or Designee; and further, that pursuant to Minn. Stat. § 375.21, the County Administrator is hereby authorized to immediately enter into contracts as described thereto. [20-122]. Commissioner Nelson stepped out of the meeting from 2:20 p.m. to 2:22 p.m. A roll call vote was taken and the motion passed. (6-0, Nelson absent)

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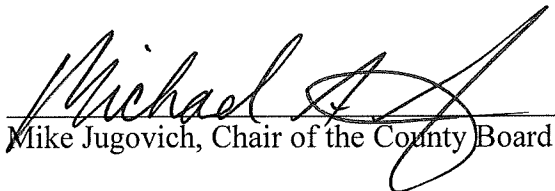
## COMMISSIONER DISCUSSION ITEMS AND REPORTS

Commissioner McDonald said that he had forwarded correspondence received from Team Rubicon to St. Louis Public Health and Human Services Director Linnea Mirsch. Team Rubicon is offering to assist vulnerable population during the COVID-19 pandemic.

Commissioner Boyle said that he was in contact with Representative Pete Stauber regarding a local business that would like to make Personal Protective Equipment (PPE); there is a portal open due to the National Defense Act. Commissioner Boyle said that the Government Service Centers (GSC) in Duluth, Virginia, Hibbing, and Ely are open with limited hours. The Duluth GSC is open from 9:00 a.m. to 10:30 on Mondays, Wednesdays and Fridays. The Virginia, Hibbing, and Ely GSC buildings are open from 9:00 a.m. to 10:30 on Tuesdays and Thursdays. All buildings will have drop boxes for paperwork or payments.

Commissioner Nelson commended the leadership of Director Mark St. Lawrence. Director St. Lawrence visited each canister site on Sunday to check on the attendants.

At 2:24 p.m., Commissioner Musolf, supported by Commissioner Nelson, moved to adjourn the Committee of the Whole meeting. A roll call vote was taken and the motion passed. (7-0)

  
Mike Jugovich, Chair of the County Board

  
Phil Chapman, Clerk of the County Board