

**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON NOVEMBER 15, 2022**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 15th day of November 2022, at 9:36 a.m., at the McDavitt Town Hall, Forbes, Minnesota, with the following members present: Commissioners Frank Jewell, Patrick Boyle, Ashley Grimm, Keith Nelson, Mike Jugovich and Chair Paul McDonald -6. Absent: Commissioner Keith Musolf - 1.

Chair McDonald asked for a moment of silence in remembrance of all victims of violence, foreign and domestic; followed by the pledge of allegiance.

McDavitt Township Supervisor Jim Fisher welcomed the Board to the Town of McDavitt and commented that the town was founded in 1894 and serves over 400 people.

Chair McDonald opened the meeting to persons who wish to address the Board concerning issues not on the agenda. Jim Ray, Fredenberg Township Board Chair, commented on a letter that the township sent to all Commissioners. Mr. Ray said that the gravel pit inspections conducted by the county were timely, proper, and thorough. The inspections identified minimal or no issues relating to gravel pits in Fredenberg Township. Greg and Julie Michalski, of Eveleth, discussed concerns they had regarding operation of heavy equipment near their property. Clayton Cich, of the Fredenberg Township Board, commented that there has been unequal treatment of gravel pit operators and the county refuses to inspect the McKeever gravel pit. Melissa Bell, of Duluth, said the Conditional Use Permit issued to 6464 Fredenberg Lake Road is null and void. Ms. Bell questioned how the person who issued the permit could write the Administrative Determination, and requested a sit-down meeting with the Planning Department.

At 10:02 a.m., a public hearing was conducted, pursuant to Resolution No. 22-497, adopted September 13, 2022, to consider the adoption of the Fee Schedule for various county services for the year 2023. Breann Graber, St. Louis County Budget and Business Improvement Manager, gave the Board an overview of proposed fee changes. Public Works fee adjustments are due to increased material costs and the fee changes for plowing of private driveways and road association roads are due to higher fuel costs. Ms. Graber noted that last year the county lost approximately \$50,000 providing these services. Chair McDonald asked if there were any other governmental entities, opponents or citizens who wished to speak regarding the proposed action; no one requested the opportunity to speak. At 10:08 a.m., Commissioner Nelson, supported by Commissioner Grimm, moved to close the public hearing. The motion passed; six yeas, zero nays, one absent (Musolf).

Commissioner Nelson, supported by Commissioner Jewell, moved that the St. Louis County Board adopts the 2023 Fee Schedule. The motion passed; six yeas, zero nays, one absent (Musolf). Resolution No. 22-596.

At 10:10 a.m., a public hearing (continuation of the October 11, 2022 public hearing) was conducted, pursuant to Resolution No. 22-470, adopted August 9, 2022, to receive public comment on the proposed expansion of the "Joint Powers Agreement for the Collection and Administration of a Local Lodging Tax in the Ely Area" to include unorganized territories 61-12, 61-14, 63-14, 63-15,

64-14, 65-14, 66-12, 66-13, 66-14, 67-13, 67-14 and 68-14. St. Louis County Deputy Administrator Brian Fritsinger commented that the current agreement includes five unorganized territories; the resolution would bring the number to thirteen unorganized territories. Deputy Administrator Fritsinger noted that the City of Babbitt was not in support of the expansion; however, the city did not provide a reason or explanation as to why they were not in support of the expansion. Terry Soderberg, Chair of the Morse Town Board and Ely Lodging Board, said that the City of Babbitt opposed the inclusion of unorganized townships 61-13 and 61-12. Mr. Soderberg commented that unorganized township 61-13 has always been included in the agreement and the inclusion of 61-13 is supported by Ron Rykken, owner of Timber Bay Lodge. Mr. Soderberg also requested that the Board remove unorganized territory 63-15. Chair McDonald asked if there were any other governmental entities, opponents or citizens who wished to speak regarding the proposed action; no one requested the opportunity to speak. At 10:21 a.m., Commissioner Boyle, supported by Commissioner Jugovich, moved to close the public hearing. The motion passed; six yeas, zero nays, one absent (Musolf).

Commissioner Nelson, supported by Commissioner Jewell, moved that the St. Louis County Board determines that the proposed tax is in the public interest and authorizes the imposition of a local lodging tax of three percent (3%) in the following unorganized townships: 61-12, 61-14, 63-14, 64-14, 65-14, 66-12, 66-13, 66-14, 67-13, 67-14 and 68-14; and further, that as to each affected unorganized territory, if no valid petition is timely filed in accordance with the statute, or if such petition is timely filed, this resolution is approved by the voters in a reverse referendum in accordance with the statute, then the appropriate County official(s) are authorized to enter into any necessary and proper amendment(s) to the Agreement pursuant to the statute. The motion passed; six yeas, zero nays, one absent (Musolf). Resolution No. 22-597.

Commissioner Jewell temporarily stepped out of the meeting from 10:22 a.m. to 10:23 a.m.

At 10:22 a.m., a public hearing was conducted, pursuant to Resolution No. 22-576, adopted November 1, 2022, to consider the issuance of an Off-Sale Intoxicating Liquor License to Happy Hour, Inc., dba Trapline Liquor & C-Store, Embarrass Township. Assistant St. Louis County Attorney Nick Campanario 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 Kellieann Frank, of Happy Hour, Inc., if she had read all liquor license requirements and if she will abide by them; the applicant responded yes. Chair McDonald asked if there were any governmental entities, supporters or opponents, or citizens who wished to speak regarding the proposed action; no one requested the opportunity to speak. At 10:25 a.m., Commissioner Jewell, supported by Commissioner Grimm, moved to close the public hearing. The motion passed; six yeas, zero nays, one absent (Musolf).

Commissioner McDonald, supported by Commissioner Jugovich, moved that an Off-Sale Intoxicating Liquor –Exclusive Liquor License shall be issued to Happy Hour, Inc. dba Trapline Liquor & C-Store, Embarrass Township, located in Area 2, and in accordance with the St. Louis County Fee Schedule the annual fee is \$500.00; that the liquor license shall be effective through June 30, 2023, and is approved contingent upon payment of real estate taxes when due; and 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. The motion passed; six yeas, zero nays, one absent (Musolf). Resolution No. 22-598.

Commissioner Boyle, supported by Commissioner Nelson, moved to approve the consent agenda. The motion passed; six yeas, zero nays, one absent (Musolf).

Commissioner Jugovich, supported by Commissioner Boyle, moved that the St. Louis County Board approves commencement of termination of the contracts for purchase or repurchase of state tax forfeited lands listed and described in County Board File No. 61686, according to the provisions of Minn. Stat. §§ 282.01, subd. 5, 282.40, and 559.21, subds. 2a – 4; and further, that the St. Louis County Auditor is authorized to sell or dispose of any abandoned personal property left remaining on the parcels described herein after making reasonable effort to provide at least 28 days' notice to the former owner, taxpayer, or any current occupants. St. Louis County Land and Minerals Director Julie Marinucci said both contracts are in default and the county has not received any repayment agreements from the contract holders. Approval by the Board will start the cancellation process. Lee Branville, of Eveleth, spoke regarding contract C22180059. Mr. Branville discussed financial issues he has been experiencing as a result of the Internal Revenue Service (IRS) garnishing his wages due to issues that a non-profit organization was experiencing. Mr. Branville commented that he has hired legal assistance and is asking for an extension because he believes once the situation is resolved, he will be able to cure his default. Brian Knutson, of Duluth, spoke regarding contract C22180088. Mr. Knutson said that at 6:00 a.m. this morning, he emailed a repayment plan to the county; he would pay \$500 a month and have the default cured within a year. Commissioner Nelson, supported by Commissioner McDonald, moved to amend the resolution. With respect to contract number C22180059, the appropriate County official(s) are authorized to enter into a written agreement with the contract holder providing that the contract holder must pay all amounts due under the contract, including, without limitation, all overdue installments, delinquent property taxes, and interest, no later than December 1, 2023; that the contract holder must provide to the Director of the St. Louis County Department of Land and Minerals a monthly written update on the status of the contract holder's plans for paying all amounts due under the contract, with the first update due in December 2022; and further, that if the contract holder fails to comply with the agreement in any respect, the contract is subject to termination pursuant to Minn. Stat. § 282.40 and Minn. Stat. § 559.21 upon authorization of the St. Louis County Board. The amendment passed; six yeas, zero nays, one absent (Musolf). Commissioner Grimm, supported by Commissioner Boyle, moved to amend the resolution. With respect to contract number C22180088, the appropriate County official(s) are authorized to enter into a written agreement providing that the contract holder must pay all amounts due under the contract, including, without limitation, all overdue installments, delinquent property taxes, and interest, no later than the end of May 2023; that the contract holder must make monthly payments, with the first payment due in December 2022; and further, that if the contract holder fails to make any monthly payment or otherwise fails to comply with the agreement in any respect, the contract is subject to termination pursuant to Minn. Stat. § 282.40 and Minn. Stat. § 559.21 upon authorization of the St. Louis County Board. The amendment passed; six yeas, zero nays, one absent (Musolf). A vote was taken and the resolution as amended passed; six yeas, zero nays, one absent (Musolf). Resolution No. 22-599.

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

Kevin Gray, County Administrator, and Mary Tennis, St. Louis County Heritage & Arts Center (the Depot) Director, submitting Board Letter No. 22-466, Authorization to Apply and Accept Depot Foundation Grant for St. Louis County Heritage & Arts Center: Replacement of Theatre Equipment.—61822

Kevin Gray, County Administrator, and Nancy Nilsen, County Auditor/Treasurer, submitting Board Letter No. 22-474, St. Louis County Capital Improvement Plan (CIP) for 2023-2027 Amendment.—61823

Kevin Gray, County Administrator, and John Ongaro, Intergovernmental Relations Director, submitting Board Letter No. 22-467, Arrowhead Counties Association Lobbying Services Agreement.—61824

Agreement for Services between the County of St. Louis and Braun Intertec Corporation, Duluth, MN, for Engineering Services for geotechnical investigations/evaluations, asbestos testing, and materials testing during the period January 1, 2023, through December 31, 2024.—22-425

Agreement for the Renewal of County State Aid Highway (CSAH) 137 between St. Louis County and Wisconsin Central, Ltd., for improvements at the CSAH 137 at-grade railroad crossing in conjunction with a mill and overlay project.—22-426

Cooperative Agreement between the County of St. Louis and City of Duluth for the 2023 6” Wet Reflective Edgeline Pavement Marking Project (SP 069-070-051, CP 0000-458863).—22-427

Upon motion by Commissioner Boyle, supported by Commissioner Nelson, resolutions numbered 22-582 through 22-595, 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 November 1, 2022, are hereby approved.

Adopted November 15, 2022. No. 22-582

WHEREAS, The Public Health and Human Services Department (PHHS) has a significant training investment in new Financial Workers due to State and local training needed to operate complex eligibility systems and provide customer service necessary to meet needs; and

WHEREAS, PHHS has analyzed the workload increase ahead to ensure healthcare renewals can be processed in a timely manner while maintaining all other unit expectations; and

WHEREAS, Due to the backlog created in renewals that did not require paperwork and verifications during the three-plus year period of the Federal Public Health Emergency, no paperwork was processed for the 54,000 individuals covered by Medical Assistance in St. Louis County; and

WHEREAS, The current METS systems for processing healthcare renewals is inadequate modern technology and requires a significant level of county staffing and manual workarounds and automatic renewals will not be guaranteed possible during this special renewal period due to system deficiencies; and

WHEREAS, PHHS will be hiring a large training cohort this November/December to begin

the nine-month training program; and

WHEREAS, PHHS is proposing to temporarily increase its FTE complement by 3.0 FTE Financial Workers and is not proposing to increase the levy for these positions due to current staff turnover and resulting vacancy factor considerations.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes PHHS to temporarily increase its FTE complement by 3.0 FTE Financial Workers.

RESOLVED FURTHER, That these positions will be paid out of Fund 230, Agency 23200x, and 50% is reimbursed by State/Federal sources.

RESOLVED FURTHER, That PHHS will eliminate 3.0 FTE Financial Workers through attrition at the end of the twelve-month calendar year in which renewals restarted post-end of the Federal Public Health Emergency and report back to the County Board.

Adopted November 15, 2022. No. 22-583

WHEREAS, The Public Health and Human Services Department (PHHS), Human Development Center (HDC) and Center for Alcohol and Drug Treatment (CADT) are part of a collaborative Assertive Community Treatment (ACT) program; and

WHEREAS, ACT and Transition Assertive Community Treatment (TACT) partners have requested that the County hire Case Manager Social Worker/Licensed Alcohol and Drug Counselor (LADC) positions due to challenges experienced and vacancies that impact the team and people served; and

WHEREAS, PHHS submitted the positions to the County Human Resources Department and the positions were allocated to a Social Worker with an LADC.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the increase of a 1.0 FTE Social Worker position for the Assertive Community Treatment program and the increase of a 1.0 FTE Social Worker position for the Transition Assertive Community Treatment program in the Public Health and Human Services Department to be funded through the rate setting process set by the Minnesota Department of Human Services.

RESOLVED FURTHER, That PHHS will adjust the Assertive Community Treatment contracts with CADT in accordance with these changes.

BUDGET REFERENCE:

230-232003-610100-99999-23010000-9999

230-232003-610100-99999-23015000-9999

230-232003-527500-99999-23010000-9999

230-232003-527500-99999-23015000-9999

Adopted November 15, 2022. No. 22-584

WHEREAS, The Minnesota Department of Transportation (MnDOT) State Aid Division administers the Local Partnership Program (LPP) which provides opportunities for local agencies to partner with MnDOT to construct mutually beneficial improvements on the Trunk Highway system that are not currently programmed; and

WHEREAS, The Public Works Department submitted a LPP funding request to construct left-turn lanes on MNTH 194 at the intersection with County State Aid Highway (CSAH) 98 (Canosia Road) located in Solway Township in the year 2023; and

WHEREAS, St. Louis County was awarded \$1,100,000 in LPP funding for this project (SAP 069-698-016, CP 0098-599317); and

WHEREAS, The Public Works Department will lead this project which work includes design engineering, bidding and construction engineering/administration; and

WHEREAS, MnDOT will share in the construction cost of this project in accordance with a cooperative construction agreement.

THEREFORE, IT IS RESOLVED, That St. Louis County enters into MnDOT Agreement No. 1051790 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County of the State's share of the costs of the left-turn lane construction, and other associated construction to be performed upon, along, and adjacent to Trunk Highway No. 194 at the junction of County State Aid Highway No. 98 (Canosia Road) under State Project No. 6932-17 (T.H. 194=008).

RESOLVED FURTHER, That the County Board Chair, Public Works Director and the Assistant County Attorney are authorized to execute the Agreement and any amendments to the Agreement.

RESOLVED FURTHER, That State funds will be receipted into Fund 220, Agency 220640, Object 532304.

Adopted November 15, 2022. No. 22-585

WHEREAS, Bids have been received electronically by the St. Louis County Public Works Department for a bridge construction project located on Township Road 7992 over Pelican River (CP 7992-398713, SAP 069-599-049); and

WHEREAS, Bids were opened in the Richard H. Hansen Transportation and Public Works Complex, Duluth, MN, on October 27, 2022, and the low responsible bid was determined.

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

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Redstone Construction, LLC	P.O. Box 218 Mora, MN 55051	\$974,529.50

RESOLVED FURTHER, That the appropriate county officials are authorized to approve the contractor's performance bonds and to execute the bonds and contract for the above listed project payable from:

Fund 220, Agency 220690, Object 652700 – Town Bridge and Leiding Township - \$969,529.50

Fund 200, Agency 203645, Object 652800 – Local St. Louis County - \$5,000

With additional revenue budgeted for expense:

Leiding Township, Fund 220, Agency 220690, Object 551626 - \$5,000

Adopted November 15, 2022. No. 22-586

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. 61635.

Adopted November 15, 2022. No. 22-587

WHEREAS, The Depot Foundation awards grant funding to entities housed within the St. Louis County Heritage and Arts Center (the Depot), or those that hold events at the Depot; and

WHEREAS, The St. Louis County Heritage and Arts Director would like to apply for and accept a funding request of \$128,251.33 to replace theatre equipment at the Depot; and

WHEREAS, The Depot Foundation notified the Depot management office that grant funding was available; and

WHEREAS, The St. Louis County Heritage and Arts Center has been awarded \$128,251.33 in funding from this grant.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the application and acceptance of a Depot Foundation grant in the amount of \$128,251.33 for the St. Louis County Heritage and Arts Center (the Depot) to replace theatre equipment.

Adopted November 15, 2022. No. 22-588

WHEREAS, The Depot's exterior envelope and mechanical, electrical, and plumbing infrastructure systems are in poor condition at a level where systems redesign, repairs and replacements are necessary to meet current/future building codes, life/safety standards and preservation of the asset value of the building; and

WHEREAS, In 2016, 2018, and 2020, St. Louis County applied for state general obligation bond funding of approximately \$4 million for assistance in design and construction of needed building system repairs and replacements; and

WHEREAS, These applications required matching county funds as part of the submittal requirements; and

WHEREAS, No state funding was appropriated during the regular sessions of the legislature in the three annual periods; and

WHEREAS, In the November 2020 Special Legislative session, state bond funding of \$1.5 million was granted to the county for exterior envelope and life/safety system improvements with no county match requirement; and

WHEREAS, The county continues to pursue an additional \$3.825 million in state capital appropriation funding with county matching funds of \$3.825 million to also be applied to this renovation project; and

WHEREAS, The County Purchasing Division solicited proposals by RFP #1000021 for qualified architectural and engineering services, with Architecture Advantage, LLC of Duluth, MN, providing the best overall proposal, presentation and price.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board accepts the proposal from and authorizes a service agreement with Architecture Advantage, LLC of Duluth, MN, in the amount of \$599,875 for the planning, analysis, predesign, design, preparation of construction bid documents, project administration, project commissioning and close-out for the Depot mechanical, electrical, plumbing infrastructure improvement project, payable from Fund 400, Agency 400024, with funds transferred from Fund 403, Agency 403001.

RESOLVED FURTHER, That the St. Louis County Board authorizes the appropriate County officials to enter into and execute any funding agreement(s) and associated documents with Architecture Advantage, LLC of Duluth, MN.

Adopted November 15, 2022. No. 22-589

WHEREAS, All increases in original governmental funds revenue and expenditure budgets require County Board approval; and

WHEREAS, Departments anticipate being notified of additional revenues throughout the year and need approval to increase revenue and expenditure budgets; and

WHEREAS, Proposed budget adjustments are levy neutral.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the following budget changes:

GRANT BUDGET CHANGE

1. Increase Sheriff revenue and expense budget in the 2019 Justice Assistance Grant to include funding for the dedicated recipients (\$2,384.00).

USE OF AN EXISTING FUND BALANCE

2. Use of Economic Development Film Incentive Program fund balance for current year reimbursement requests (\$250,000.00).
3. Use of Sheriff's Enhanced 911 fund balance for unbudgeted expenses (\$60,000.00).
4. Use of Public Health & Human Services Human Service Conference fund balance for professional services associated with new software (\$15,000.00).
5. Use of Environmental Services fund balance for annual depreciation expense on capital equipment purchase (\$24,000.00).
6. Use of Environmental Services fund balance for lobbying and other professional service expenses associated with the Canyon Development and Regional Landfill projects (\$16,700.00).
7. Use of Environmental Services 919 Fees fund balance to fund leachate monitoring costs (\$200,000.00).

EXPENSE BUDGET INCREASE

8. Increase Sheriff revenue and expense budget to account for additional state training reimbursements (\$20,000.00).
9. Increase Sheriff's Enhanced 911 fund revenue and expense, which will allow an increase in the monthly allocation from the state to be used for an annual service contract and to purchase new computers for the Emergency Communications call center (\$105,247.00).
10. Increase Public Health & Human Services revenue and expense budget for the Food Stamp Employment and Training allocation (\$32,266.00).
11. Increase the pandemic fund revenue and expense budget to account for actual year-to-date investment earnings (\$127,774.30).
12. Increase the revenue and expense budget in 2020A capital improvement bond (\$9,442.29) and 2021A capital improvement bond (\$34,241.04) to match actual amount of year-to-date investment earnings.
13. Increase the Workers Compensation revenue and expense budget to include a surplus distribution from the Workers' Compensation Reinsurance Association and carry the unspent amount forward into each new budget year until all the funds have been spent (\$718,223.07).

BUDGET TRANSFER

14. Transfer Camp Esquagama assigned fund balance from the general fund to capital projects for a furnace and related electrical work (\$31,700.00).
15. Transfer funds from Public Health & Human Services to capital projects for the design costs associated with a remodel of the Duluth Government Services Center first floor family and children services area (\$47,000.00).
16. Increase Land & Minerals Department to account for higher than anticipated land sales (\$463,861.38), and a transfer a portion of that to capital projects to fund the Land & Minerals Pike Lake remodel project (\$461,000.00).

Fund	Agency	Object	Grant	Year	Expense Budget	Transfer Out	Accumulation of Fund Balance	Revenue Budget	Transfers In	Use of Fund Balance
GRANT BUDGET CHANGE										
1	100	129999	540504	12915	2019			(2,384.00)		
	100	129999	629900	12915	2019	2,384.00				
USE OF AN EXISTING FUND BALANCE										
2	178	999999	311451							(250,000.00)

	178	178007	629900	250,000.00		
3	179	179001	634800	60,000.00		
	179	999999	311015			(60,000.00)
4	238	999999	311010			(15,000.00)
	238	238001	629900	15,000.00		
5	600	602100	635600	24,000.00		
	600	999999	311200			(24,000.00)
6	600	999999	311200			(16,700.00)
	600	608001	629900	15,000.00		
	600	608001	660268	1,700.00		
7	615	999999	311200			(200,000.00)
	615	615001	697700	200,000.00		
	600	607001	590500		(200,000.00)	
	600	999999	311200		200,000.00	
REVENUE AND EXPENSE BUDGET INCREASE						
8	100	129006	530901		(20,000.00)	
	100	129006	633200	5,000.00		
	100	129006	624200	10,000.00		
	100	129006	633900	5,000.00		
9	179	179001	521301		(105,247.00)	
	179	179001	634802	105,247.00		
10	230	231007	628200	32,266.00		
	230	231007	540101		(32,266.00)	
11	239	239097	571000		(127,774.30)	
	239	239097	637900	127,774.30		
12	449	449001	571000		(9,442.29)	
	449	449001	629900	9,442.29		
	450	450001	629900	34,241.04		
	450	450001	571000		(34,241.04)	
13	730	730002	642200	718,223.07		
	730	730002	583100		(718,223.07)	
BUDGET TRANSFER						
14	100	100001	697600	31,700.00		
	100	999999	311424			(31,700.00)
	403	403005	590100		(31,700.00)	
	403	403005	663100	31,700.00		
15	230	230011	629900	(47,000.00)		
	230	230011	697600	47,000.00		
	400	400006	590100		(47,000.00)	
	400	400006	660265	47,000.00		
16	240	240001	580210		(463,861.38)	
	240	241008	630900	2,861.38		
	240	241008	697600	461,000.00		
	400	400044	661100	461,000.00		
	400	400044	590100		(461,000.00)	

Adopted November 15, 2022. No. 22-590

WHEREAS, A Capital Improvement Plan is a 5-year plan that identifies major county-wide projects such as upgrades to county facilities, road construction and maintenance, technology and equipment purchase, and other items; and

WHEREAS, A Capital Improvement Plan is used as a dynamic and flexible document to assist with the financial planning efforts of the County to prepare a budget for its future capital needs; and

WHEREAS, The Capital Improvement Plan is an important tool to provide guidance to staff in terms of the County's capital priorities; and

WHEREAS, The St. Louis County Board, pursuant to Minn. Stat. § 373.40, has previously approved a Capital Improvement Plan; and

WHEREAS, The County has identified a goal of reviewing and updating its Capital Improvement Plan as part of its annual budget process; and

WHEREAS, The Board has reviewed the Capital Improvement Plan and has considered the following for each project described in the proposed amendment and the overall plan:

1. The condition of the county's existing infrastructure, including the projected need for repair or replacement;
2. The likely demand for the improvement;
3. The estimated cost of the improvement;
4. The available public resources;
5. The level of overlapping debt in the county;
6. The relative benefits and costs of alternative uses of the funds;
7. Operating costs of the proposed improvements; and
8. The alternatives for providing services more efficiently through shared facilities with other cities or local government units.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board, based on the considerations set forth in the amendment and overall plan and as set forth herein, approves the Capital Improvement Plan, as amended for the years 2023 through 2027, on file with the County Auditor as County Board File No. 61823.

Adopted November 15, 2022. No. 22-591

WHEREAS, On March 11, 2021, the President of the United States signed into law the \$1.9 Trillion American Rescue Plan Act (ARPA) to provide continued relief from the impact of COVID-19 pandemic; and

WHEREAS, Approximately \$350 billion of the ARPA funding was allotted to assist state, local tribal, and territory governments in responding to the COVID-19 pandemic; and

WHEREAS, Funds received are required to be used in accordance with the Coronavirus Local Fiscal Recovery Fund (CLFRF) requirements as provided within the guidance issued by the United States Treasury:

- To respond to the public health emergency
- To address its negative economic impacts
- To serve the hardest hit
- To make necessary investments in water, sewer, or broadband infrastructure; and

WHEREAS, St. Louis County has been awarded \$54,536,596 in ARPA funds to be used in accordance with the above requirements; and

WHEREAS, County Board Resolution No. 22-532 identified \$3,500,000 of funding for Covid Response of which this project is proposed to be funded; and

WHEREAS, A staffing gap exists between the Department of Human Services timeline for updating the County's Cost Neutral Transfer which provides funding for staffing for the additional shelter needs countywide; Churches United in Ministry (CHUM) does not have any remaining funds from their 2022 budget to utilize.

THEREFORE, BE IT RESOLVED, That after an initial review, the project proposed has been determined to be eligible as it is considered Services to Disproportionately Impacted Communities; Housing Support: Services for Unhoused Persons.

RESOLVED FURTHER, That the St. Louis County Board approves the use of \$247,200 of ARPA funding to ensure appropriate staffing for the Warming Shelters by funding the gap for CHUM staffing.

RESOLVED FURTHER, That CHUM shall comply and submit all necessary information, documentation and reporting materials required by the County, State or US Treasury to ensure that the project meets any and all conditions as required under the American Rescue Plan Act or by the County.

RESOLVED FURTHER, That the above project be payable from Fund 239, American Rescue Plan Act.

Adopted November 15, 2022. No. 22-592

RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to execute the lobbying services agreement with Arrowhead Counties Association, on file in County Board File No. 61824, which would use the services of St. Louis County's Director of Intergovernmental Relations to further the Arrowhead Counties Association's lobbying activities at the State Legislature during the 2023 Legislative Session, not to exceed \$17,000 to be deposited into Fund 100, Agency 105001, Intergovernmental Affairs.

Adopted November 15, 2022. No. 22-593

WHEREAS, Lake Country Power has requested three (3) above ground utility easements across state tax-forfeited lands; and

WHEREAS, Exercising the easements will not cause significant adverse environmental or natural resource management impacts; and

WHEREAS, Minn. Stat. § 282.04, subd. 4, authorizes the St. Louis County Auditor to grant easements across state tax-forfeited lands for such purposes.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the St. Louis County Auditor to grant non-exclusive utility easements to Lake Country Power across state tax-forfeited lands as described in County Board File No. 61633.

RESOLVED FURTHER, That the granting of this easement is conditioned upon receipt of payment of a \$2,130 land use fee, a \$150 administration fee, plus a \$46 recording fee, for a total amount of \$2,326, all to be deposited into Fund 240 (Tax-Forfeited Land Fund).

Adopted November 15, 2022. No. 22-594

WHEREAS, St. Louis County has operated a comprehensive recycling collection and processing program that currently includes recycling roll-off collection at sixty (60) locations within the County's Solid Waste Management Area and Fall Lake Township (through a joint powers agreement); and

WHEREAS, The County also supports curbside recycling programs in three (3) range cities (Eveleth, Mountain Iron and Virginia) and a staffed recyclables collection site (Hibbing) by funding the processing and marketing of the cities' recycled materials; and

WHEREAS, The County constructed the St. Louis County Recyclables Processing Facility (Facility) near the Regional Landfill in 2000 to process and market recyclables from the roll-off and curbside programs; and

WHEREAS, The Facility's recyclable materials baler is original and almost 23 years old; and

WHEREAS, Through proper maintenance and infrequent repairs, the County has extended the life of the baler by almost twofold based on industry standards; and

WHEREAS, A recent maintenance check identified issues with the baler that makes the cost of repairs unjustified and warrants the purchase of a new baler; and

WHEREAS, A Request for Proposals for a new baler was developed and issued by the Purchasing Division; and

WHEREAS, Two (2) proposals were received with the following results:

Apex Equipment, LLC, Mound, MN \$372,634.00

Recovery Systems Company, Inc., Hopkins, MN \$372,925.00; and

WHEREAS, After review of the proposals, Environmental Services recommends purchase of the baler proposed by Apex Equipment, LLC.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to enter into an agreement with Apex Equipment, LLC, Mound, MN, for the purchase and installation of an Excel Model 2R9D Two Ram Baler w/Soft Start for the Facility at a cost of \$372,634.00, which includes a trade-in value of \$25,000 for the Facility's current baler, payable from Fund 600, Agency 601004 (Recycling).

Adopted November 15, 2022. No. 22-595

BY COMMISSIONER NELSON:

WHEREAS, The St. Louis County Board held a public hearing at 9:35 a.m. on Tuesday, November 15, 2022, at the McDavitt Town Hall, Zim, MN, to receive comment and consider the adoption of the Fee Schedule for various county services for the year 2023.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board adopts the 2023 Fee Schedule on file in County Board File No. 61791.

Unanimously adopted November 15, 2022. No. 22-596

BY COMMISSIONER NELSON:

WHEREAS, Minn. Stat. § 469.190 provides for imposition of a local lodging tax of up to three percent (3%) on the gross receipts from the furnishing for consideration of lodging at a hotel, motel, rooming house, tourist court, or resort, other than the renting or leasing of it for a continuous period of 30 days or more; and

WHEREAS, St. Louis County has received a request from representatives of the tourism and lodging industry located in the Ely area asking to expand the "Joint Powers Agreement (JPA) for the Collection and Administration of a Local Lodging Tax in the Ely area" (hereinafter, the "Agreement") to include certain unorganized territory; and

WHEREAS, On August 9, 2022, the St. Louis County Board adopted Resolution No. 22-470 making an initial determination that the proposed tax is in the public interest establishing a public hearing on the proposed tax pursuant to the statute; and

WHEREAS, The resolution and a notice fixing the date for the public hearing were published for two successive weeks in a newspaper of general circulation within the affected unorganized territory in accordance with the statute; and

WHEREAS, On October 11, 2022, and November 15, 2022, the St. Louis County Board held the public hearing.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board determines that the proposed tax is in the public interest and authorizes the imposition of a local lodging tax of three (3%) in the following unorganized townships:

➤ 61-12, 61-14, 63-14, 64-14, 65-14, 66-12, 66-13, 66-14, 67-13, 67-14 and 68-14.

RESOLVED FURTHER, That, as to each affected unorganized territory, if no valid petition is timely filed in accordance with the statute, or if such petition is timely filed, this resolution is approved by the voters in a reverse referendum in accordance with the statute, then the appropriate County official(s) are authorized to enter into any necessary and proper amendment(s) to the Agreement pursuant to the statute.

Unanimously adopted November 15, 2022. No. 22-597

BY COMMISSIONER McDONALD:

WHEREAS, Happy Hour, Inc. dba Trapline Liquor & C-Store, Embarrass Township, St. Louis County, Minnesota, has applied for an Off-Sale Intoxicating Liquor – Exclusive Liquor Store 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 November 15, 2022, at 9:45 a.m., in the McDavitt Town Hall, 9042 Zim Road, Zim, MN, for the purpose of considering the granting of the Off-Sale Intoxicating Liquor License; and

WHEREAS, With regard to the application for said license, Happy Hour, Inc. 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 – Exclusive Liquor License shall be issued to Happy Hour, Inc. dba Trapline Liquor & C-Store, Embarrass Township, located in Area 2, and in accordance with the St. Louis County Fee Schedule the annual fee is \$500.00.

RESOLVED FURTHER, That said liquor license shall be effective through June 30, 2023.

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

RESOLVED FURTHER, That if 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 November 15, 2022. No. 22-598

BY COMMISSIONER JUGOVICH:

WHEREAS, The contracts for purchase or repurchase of state tax-forfeited lands listed and legally described in County Board File No. 61686 are in default for failure to pay the required installments and/or real estate taxes; and

WHEREAS, At its meeting on November 15, 2022, the St. Louis County Board considered commencement of termination of those contracts; and

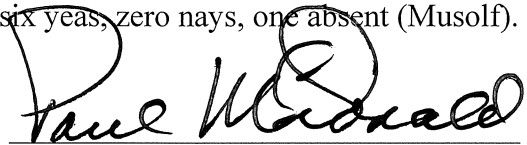
WHEREAS, The St. Louis County Board considered verbal testimony from contract holders regarding contract numbers C22180059 and C22180088 and determined that a time extension to develop a solution to cure default(s) for failure to pay the required installments and/or real estate taxes was appropriate.

THEREFORE, BE IT RESOLVED, That, with respect to contract number C22180059, the appropriate County official(s) are authorized to enter into a written agreement with the contract holder providing that the contract holder must pay all amounts due under the contract, including, without limitation, all overdue installments, delinquent property taxes, and interest, no later than December 1, 2023; that the contract holder must provide to the Director of the St. Louis County Department of Land and Minerals a monthly written update on the status of the contract holder's plans for paying all amounts due under the contract, with the first update due in December 2022; and that, if the contract holder fails to comply with the agreement in any respect, the contract is subject to termination pursuant to Minn. Stat. § 282.40 and Minn. Stat. § 559.21 upon authorization of the St. Louis County Board.

RESOLVED FURTHER, That, with respect to contract number C22180088, the appropriate County official(s) are authorized to enter into a written agreement providing that the contract holder must pay all amounts due under the contract, including, without limitation, all overdue installments, delinquent property taxes, and interest, no later than the end of May 2023; that the contract holder must make monthly payments, with the first payment due in December 2022; and that, if the contract holder fails to make any monthly payment or otherwise fails to comply with the agreement in any respect, the contract is subject to termination pursuant to Minn. Stat. § 282.40 and Minn. Stat. § 559.21 upon authorization of the St. Louis County Board.

Unanimously adopted November 15, 2022. No. 22-599

At 11:01 a.m., November 15, 2022, Commissioner Jugovich, supported by Commissioner Nelson, moved to adjourn the meeting. The amendment passed; ~~six yeas, zero nays, one absent (Musolf).~~



Paul McDonald, 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)