



AMENDED (*)
COMMITTEE OF THE WHOLE AGENDA
Board of Commissioners, St. Louis County, Minnesota

September 14, 2021

Immediately following the Board Meeting, which begins at 9:30 A.M.
Large Training Room, Public Works, 7823 Hwy 135, Virginia, MN

CONSENT AGENDA:

All matters listed under the consent agenda are considered routine and/or non-controversial 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.

Minutes of September 7, 2021

Public Works & Transportation Committee, Commissioner McDonald, Chair

1. Acquisition of Highway Easements – County Road 167 (Ness Township) [21-407]

Central Management & Intergovernmental Committee, Commissioner Jewell, Chair

2. Reschedule Location for November 2 and December 14, 2021 County Board Meetings [21-408]

Public Safety & Corrections Committee, Commissioner Grimm, Chair

3. St. Louis County Community Wildfire Protection Plan Update [21-409]

ESTABLISHMENT OF PUBLIC HEARINGS:

Finance & Budget Committee, Commissioner Nelson, Chair

1. Establish Public Hearing to Consider Off-Sale Intoxicating Liquor License (Unorganized Township 60-18) (Tuesday, October 12, 2021, 9:35 a.m.) [21-410]
2. Establish Public Hearing to Amend Ordinance No. 51 (Tuesday, November 2, 2021, 9:35 a.m.) [21-411]

REGULAR AGENDA:

For items on the Regular Agenda, citizens will be allowed to address the Board at the time a motion is on the floor.

Public Works & Transportation Committee, Commissioner McDonald, Chair

1. **Professional Services Contract for a Public Works Countywide Improvements Construction Project** [21-412R]
Resolution authorizing a professional services contract with TKDA of Duluth, MN, for professional services for a Public Works countywide improvements construction project

Finance & Budget Committee, Commissioner Nelson, Chair

1. **Delegate Authority to the St. Louis County Liquor Licensing Committee to Appoint Hearing Officers to Adjudicate Violations of Ordinance No. 51** [21-413]
Resolution delegating the St. Louis County Liquor Licensing Committee the authority to appoint hearing officers, as needed, to adjudicate violations of St. Louis County Ordinance No. 51 effective January 1, 2022.

Central Management & Intergovernmental Committee, Commissioner Jewell, Chair

1. **New Policy – St. Louis County Mobile Work [21-414]**
Resolution approving the St. Louis County Mobile Work Policy.
2. **Revised Policy – St. Louis County Emergency Conditions Policy [21-415]**
Resolution approving the revised St. Louis County Emergency Conditions Policy.
3. **Closed Session**
The County Attorney has requested a closed session of the Committee of the Whole for litigation purposes. It is requested that the County Board convene a closed session immediately after the Committee of the Whole meeting adjourns.

COMMISSIONER DISCUSSION ITEMS AND REPORTS:

Commissioners may introduce items for future discussion, or report on past and upcoming activities.

ADJOURNED:

NEXT COMMITTEE OF THE WHOLE MEETING DATES:

September 28, 2021	Alborn Community Center, 6388 Hwy 7, Alborn, MN
October 5, 2021	Government Services Center, 320 W. 2nd St., Duluth, MN
October 12, 2021	Town of Ault, 1839 Brimson Road, Brimson, MN

BARRIER FREE: *All St. Louis County Board meetings are accessible to the handicapped. Attempts will be made to accommodate any other individual needs for special services. Please contact St. Louis County Administration (218-726-2450) early so necessary arrangements can be made.*

COMMITTEE OF THE WHOLE ST. LOUIS COUNTY BOARD OF COMMISSIONERS

September 7, 2021

Location: Government Services Center, Duluth, Minnesota

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

Absent: None

Convened: Chair Jugovich called the meeting to order at 10:06 a.m.

CONSENT AGENDA

Boyle/Musolf moved to approve the consent agenda The motion passed. (7-0)

- Minutes of August 10, 2021
- Semi-Independent Living Services Contracts for SFY 2022 and 2023 [21-364]
- Authorization to Convert the Family Services Collaborative Joint Powers Agreement to a Collaborative Interagency Agreement [21-365]
- Local Operational Research Assistance (OPERA) Program Grant for Remote Monitoring Camera Project [21-366]
- Professional Services Agreement with HDR, Inc. to Develop a Railroad Crossing Safety Plan for Railroad Crossings Located on County Roads in St. Louis County [21-367]
- Cooperative Construction Agreement with the Minnesota Department of Transportation to Construct Left-Turn Lanes on US 2 at the Intersection of CSAH 98 in Solway Township 21-368]
- Highway Right-of-Way Easements Across State Tax Forfeited Land Proposed for Auction [21-369]
- Acquisition of Right of Way-CSAH 13 Projects [21-370]
- Controlled Access Relocation CSAH 13 (Sandstrom Request) [21-371]
- Violation of St. Louis County Ordinance No. 28, (Unorganized Township 59-16) [21-372]
- Premise Permit Application for Lawful Gambling (Unorganized Township 59-21) [21-373]
- Abatement List for Board Approval [21-374]
- Cancellation of Forfeiture List for Board Approval [21-375]
- Authorization to Apply for Depot Foundation Grant for St. Louis County Heritage & Arts Center: Depot Lounge [21-376]
- 2021 HUD CDBG Entitlement Grant Increase and Mortgage Term Standardization [21-377]
- Professional Services Agreement with Dovetail Partners, Inc. [21-378]
- Application and Acceptance of the 2022 DWI Officer Grant Along with the Addition of 1.0 Deputy Sheriff FTE [21-379]
- Authorization to Apply for and Accept FY2022 MPCA SSTs Base Grant and Low-Income Fix-Up Grant Funding [21-380]
- Special Sale to the Duluth Housing and Redevelopment Authority (HRA) for Affordable Housing [21-381]
- Special Sale to the City of Proctor for Affordable Housing [21-382]

- Repurchase of State Tax Forfeited Land – Kacer (Homestead) [21-383]
- Cancellation of Contract for Purchase of State Tax Forfeited Land – Nicholas [21-384]
- Cancellation of Contract for Purchase of State Tax Forfeited Land – Sorg [21-385]
- Cancellation of Contract for Purchase of State Tax Forfeited Land – Koralia [21-386]
- Cancellation of Contract for Purchase of State Tax Forfeited Land – Walker [21-387]
- Cancellation of Contract for Purchase of State Tax Forfeited Land – Troumbly [21-388]
- Cancellation of Contract for Repurchase of State Tax Forfeited Land – Saice [21-389]
- Cancellation of Contract for Repurchase of State Tax Forfeited Land – Abel [21-390]

Establishment of Public Meetings

Nelson/Boyle moved that the St. Louis County Board establishes public meetings to gather comment on the proposed property tax levy and operating budget for year 2022 on Monday, November 22, 2021, 7:00 p.m., St. Louis County Courthouse, Virginia, MN, and Monday, November 29, 2021, 7:00 p.m., St. Louis County Government Services Center, Duluth, MN. [21-392]. The motion passed. (7-0)

Establishment of Public Hearings

Nelson/Jugovich moved that the St. Louis County Board will convene a public hearing on Tuesday, November 16, at 9:35 a.m., at the Industrial Town Hall, Saginaw, MN, to consider the adoption of the fee schedule for various county services for the year 2022. [21-391]. The motion passed. (7-0)

Public Works & Transportation Committee

McDonald/Nelson moved that the St. Louis County Board authorizes a cooperative agreement with the MnDOT to accept funding from the Local Road Improvement Program for the CSAH 138 (Giants Ridge Road) pavement replacement project scheduled to be completed in 2022; and further, that St. Louis County does hereby agree to the terms and conditions of the grant consistent with Minn. Stat. § 174.52 and will pay any additional amount by which the cost exceeds the estimate and will return to the Minnesota State Transportation Fund any amount appropriated for the project but not required. The County Board Chair, Public Works Director and the Assistant County Attorney are hereby authorized to execute the Local Road Improvement Program grant agreement and any amendments thereto for and on behalf of St. Louis County. Local Road Improvement Program funds will be receipted into Fund 220, Agency 220613, Object 521612. [21-393]. The motion passed. (7-0)

McDonald/Jugovich moved that the St. Louis County Board hereby requests, pursuant to Minn. Stat. § 282.04, Subd. 1a(e), a free conveyance of the state tax forfeited parcels 410-0022-00690, 410-0022-00700, and 410-0022-00850 for use as part of a Maintenance and Garage Facility project, with the \$250 application fee payable from Fund 200, Agency 203001. St. Louis County Public Works Director Jim Foldesi said that this facility will be a consolidation of the Embarrass and Tower facilities and noted that the acquisition of private parcels will minimize the wetland impact. [21-394]. The motion passed. (7-0)

McDonald/Jewell moved that the St. Louis County Board authorizes the Public Works Director to proceed with the acquisition of the necessary lands and temporary easements for County Project 0000-621901, and to execute the documents as may become necessary on behalf of the county. Acquisition of lands is payable from Fund 200, Agency 203001. The State of Minnesota Department of Transportation (MnDOT) is requested to sell said State of Minnesota owned lands for use as part of a Maintenance and Garage Facility project. Director Foldesi indicated that acquisition of the parcels could help accelerate the project because land could be cleared. [21-395]. The motion passed. (7-0)

A Point of Personal Privilege was requested at 10:23 a.m. At 10:39 a.m., the Board reconvened with all members present.

Time Specific Presentation

At 10:39 a.m., Dr. Peter Larsen, of the University of Minnesota, gave the Board a presentation regarding Chronic Wasting Disease (CWD) and Captive Deer Farms. Dr. Larsen said that CWD is caused by misfolded prion protein and not by a virus or a bacteria. CWD prions are not restricted to the brain and spinal cord and can be detected in muscles, skin, feces, urine, semen, etc. CWD is transmitted by bodily fluids via direct or indirect contact and can remain infectious in soil for years. To stop the spread of CDW prions, DNR surveillance combined with active hunting pressure is critical. In addition, new diagnostic tools for both wild and farmed heard are important. Craig Engwall, Executive Director of the Minnesota Deer Hunters Association, commented that every cervid farm animal that dies must be tested; however, a recent audit indicated that approximately 1/3 were not tested in Minnesota. Director Engwall spoke in favor of a moratorium on any new captive cervid farms and a buyout of existing captive cervid farms.

Finance & Budget Committee

Commissioner Boyle briefly exited the meeting from 11:58 a.m. to 12:01 p.m.

Nelson/McDonald moved that the St. Louis County Board approves the 2021 second quarter budget changes. [21-396]. The motion passed. (6-0, Boyle absent)

Nelson/McDonald moved that the St. Louis County Board, acting on behalf of unorganized townships for the purpose of road and bridge maintenance and construction, adopts and certifies a maximum levy of \$1,700,775.17 for the year 2022 to be levied only in such unorganized townships. [21-397]. Commissioner McDonald noted that property valued at \$100,000 would have a tax increase of approximately \$1.60. The motion passed. (7-0)

Nelson/Boyle moved that the St. Louis County Board certifies the St. Louis County Housing and Redevelopment Authority (HRA) maximum property tax levy for 2022 in the amount of \$230,228. [21-398]. The motion passed. (7-0)

Nelson/Jewell moved that the St. Louis County Board certifies the maximum property tax levy for 2022 in the amount of \$156,496,531.73. [21-399]. St. Louis County Administrator Kevin Gray gave the Committee an overview of the 2022 preliminary levy proposal and said that the levy increase was 5.94%. The impact to taxpayers will be approximately 1.69%, due to the approximate 4.25% increase in 2021 property tax base growth. The county portion of property taxes will increase by approximately \$4.57 for every \$50,000 of value. Commissioner Jewell briefly exited the meeting from 12:28 p.m. to 12:30 p.m. After further discussion, the motion passed without recommendation. (7-0)

Public Safety & Corrections Committee

Grimm/Boyle moved that the St. Louis County Board authorizes the County Attorney's Office to enter into a purchase agreement with Prosecutor by Karpel for a case management system and to purchase data migration services and SHIELD referral interface development from Equivant to migrate current

and historical data from the existing DAMION case management system to the Prosecutor by Karpel case management system for a total of \$548,640 with \$340,000 payable from Fund 100, Agency 113999, Object 634801, Grant 11309, Year 2020, and funds transferred from the Information Technology assigned fund balance, Fund 100, Object 311139 in the amount of \$208,640. [21-400]. St. Louis County Attorney Mark Rubin said that the current system was implemented before the internet and needs an upgrade. The upgrade will reduce clerical and attorney time spend on cases due to integration of research. The motion passed. (7-0)

Central Management & Intergovernmental Committee

Nelson/Jugovich moved that the St. Louis County Board hereby appoints Alan Stanaway, of Mt. Iron, to the Community Development Block Grant (CDBG) Citizen Advisory Committee with a term ending April 30, 2024. [21-401]. The motion passed. (7-0)

Jewell/McDonald moved that the St. Louis County Board appoint a St. Louis County Attorney upon Attorney Rubin's retirement and for the remainder of the applicable term, and until a successor qualifies. [21-402]. Administrator Gray commented that there was one finalist for the position, St. Louis County Assistant County Attorney Kim Maki. Commissioner Jewell noted that the county received two applications; however, one applicant withdrew from consideration because that person accepted a position with Anoka County. Assistant County Attorney Maki commented that she has worked with the county for ten years and is thrilled to continue working at St. Louis County. Nelson/Jewell moved to amend the motion and appoint Kimberly J. Maki to serve as St. Louis County Attorney upon Attorney Rubin's retirement and for the remainder of the applicable term, and until a successor qualifies. The annual salary for the appointed person for the remainder of calendar year 2021 shall be the amount associated with Step 5 of Grade 34E of Pay Plan AE in the St. Louis County Management Compensation Plan. After further discussion, the motion as amended passed without recommendation. (7-0)

A Point of Personal Privilege was requested at 1:12 p.m. At 1:32 p.m., the Board reconvened with all members present.

Environment & Natural Resources Committee

Musolf/Boyle moved that the St. Louis County Board calls upon the Minnesota Legislature to, as soon as possible, enact legislation prohibiting new captive cervid farms in the state, and further calls upon state agencies to immediately prohibit the transport of farmed cervids within the state and halt the registration of any new captive cervid farms until such time that the legislature enacts such legislation. For purposes of this issue only, the St. Louis County Board waives County Board Resolution No. 85-103 and related guidelines, and hereby sets a public hearing to occur on Tuesday, September 28, 2021, at 9:35 a.m., at the Alborn Community Center, 6388 Hwy. 7, Alborn, MN, 55702, to consider and receive public input in connection with an interim zoning ordinance placing a moratorium on any new captive cervid farms in St. Louis County until such time that the County Board is able to study and consider enacting a permanent ordinance. [21-403]. Craig Sterle, of the Izaak Walton League, spoke in favor of the moratorium and in favor of a buyout of existing captive cervid farms. After further discussion, the motion passed. (7-0)

Musolf/McDonald moved that the St. Louis County Board authorizes the appropriate county officials to enter into a Memorandum of Agreement with Local Government Units to collectively develop and adopt a coordinated watershed management plan for implementation consistent with the Board of Water and

Soil Resources Operating Procedures for One Watershed, One Plan for the Rainy River – Headwaters/Vermilion River Watershed. [21-404]. The motion passed. (7-0)

Nelson/Boyle moved that the St. Louis County Board appoints Commissioner McDonald as Policy Committee member and Commissioner Jugovich as an alternate to the Rainy River–Headwaters/Vermilion River One Watershed, One Plan Policy Committee. [21-405]. Planning Director Matt Johnson commented that having elected officials on the committee will be beneficial to planners who will continue to be part of the committee. After further discussion, the motion passed. (7-0)

McDonald/Nelson moved that the St. Louis County Board authorizes the appropriate county officials to execute a contract with Carleton Companies, Inc., for the demolition of the former V.L. Reishus High School and Natatorium located in Biwabik at the bid price of \$458,600.00 in accordance with the specifications of Bid No. 5735 and addendums, payable from the Economic Development Blight Project Fund 178, Agency 178005, and subject to approval of the County Attorney. [21-406]. Due to the large variance of the submitted bids, Commissioner Nelson requested that the Board be made aware of any change order over 5%. The motion passed. (7-0)

COMMISSIONER DISCUSSION ITEMS AND REPORTS

Commissioner Nelson commented regarding an anonymous letter that was sent to Commissioners and County Administration using county stationery and county postage. Commissioner Nelson said that taxpayer money/county resources should not be used for this type of correspondence and urged County Administration to address the situation with staff. Commissioner Nelson mentioned that the upcoming Wirtanen Farm Fall Festival proves how successful the festival is; approximately 1,500 people attend the annual festival. Commissioner Nelson has been involved with the Wirtanen Farm for over 22 years.

Commissioner McDonald said that the Wirtanen Farm Fall Festival will be held this Saturday (September 11, 2021) from 10:00 a.m. to 4:00 pm. Commissioner McDonald encouraged people to attend the event and said that there will be several new vendors this year and music entertainment will be provided by Jon Niemi and Steve Solkela.

Commissioner Jugovich noted that over the summer Youth in Action (YIA) has been actively holding events including the Redhead Trail Hike, Meet Up Chow Down, Races in the Park in Buhl, and the Buhl Beach Bash.

Commissioner Jewell noted a recent coffee event that was held at the Depot; 2,000 people attended the event. Commissioner Jewell acknowledged the work of Depot Director Mary Tennis and Kristin Johnson.

At 2:30 p.m., Nelson/Jewell moved to adjourn the Committee of the Whole meeting. The motion passed. (7-0)

Mike Jugovich, Chair of the County Board

Phil Chapman, Clerk of the County Board

BOARD LETTER NO. 21 – 407

PUBLIC WORKS & TRANSPORTATION COMMITTEE CONSENT NO. 1

BOARD AGENDA NO.

DATE: September 14, 2021 **RE:** Acquisition of Highway
Easements – County Road 167
(Ness Township)

FROM: Kevin Gray
County Administrator

James T. Foldesi
Public Works Director/Highway Engineer

RELATED DEPARTMENT GOAL:

To provide a safe, well-maintained road and bridge system.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize the County Auditor to grant permanent highway easements over that part of the County Road (CR) 167 (Richardson Road) now existing on tax forfeited land that is proposed for future sale.

BACKGROUND:

The St. Louis County Lands and Minerals Department is developing a stream restoration project on tax forfeited land in Ness Township. This project, known as the Spider Creek Restoration, will involve a parcel split of the property and a potential sale of part of that land. An existing county highway, CR 167 (Richardson Road), is in part located on this property. The existing right of way for the Richardson Road is only a prescriptive easement over the course of the county highway. It is in the best interests of the County to secure and to record permanent highway easements for this highway prior to any sale or other conveyance of the property into private ownership.

Minn. Stat. § 282.04, Subdivision 4, provides that the County Auditor may grant easements on tax forfeited land for highways, and that future sale or lease of the land affected by such easement would be subject to the easement. The following is a listing of the tax forfeited parcels overlain by the Richardson Road and affected by the proposed Spider Creek Restoration Project:

1. The Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4), Section 24, Township 52 North, Range 19 West.
(part of parcel ID No. 470-0010-03830)

2. The Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4),
Section 24, Township 52 North, Range 19 West.
(part of parcel ID No. 470-0010-03830)
3. The Southeast Quarter of the Northeast Quarter (SE 1/4 of NE 1/4),
Section 24, Township 52 North, Range 19 West.
(part of parcel ID No. 470-0010-03830)

There are no new costs associated with this request.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the County Auditor to grant the necessary easements over tax forfeited land.

Acquisition of Highway Easements – County Road 167 (Ness Township)

BY COMMISSIONER _____

WHEREAS, The St. Louis County Lands and Minerals Department is developing a stream restoration project on tax forfeited land in Ness Township; and

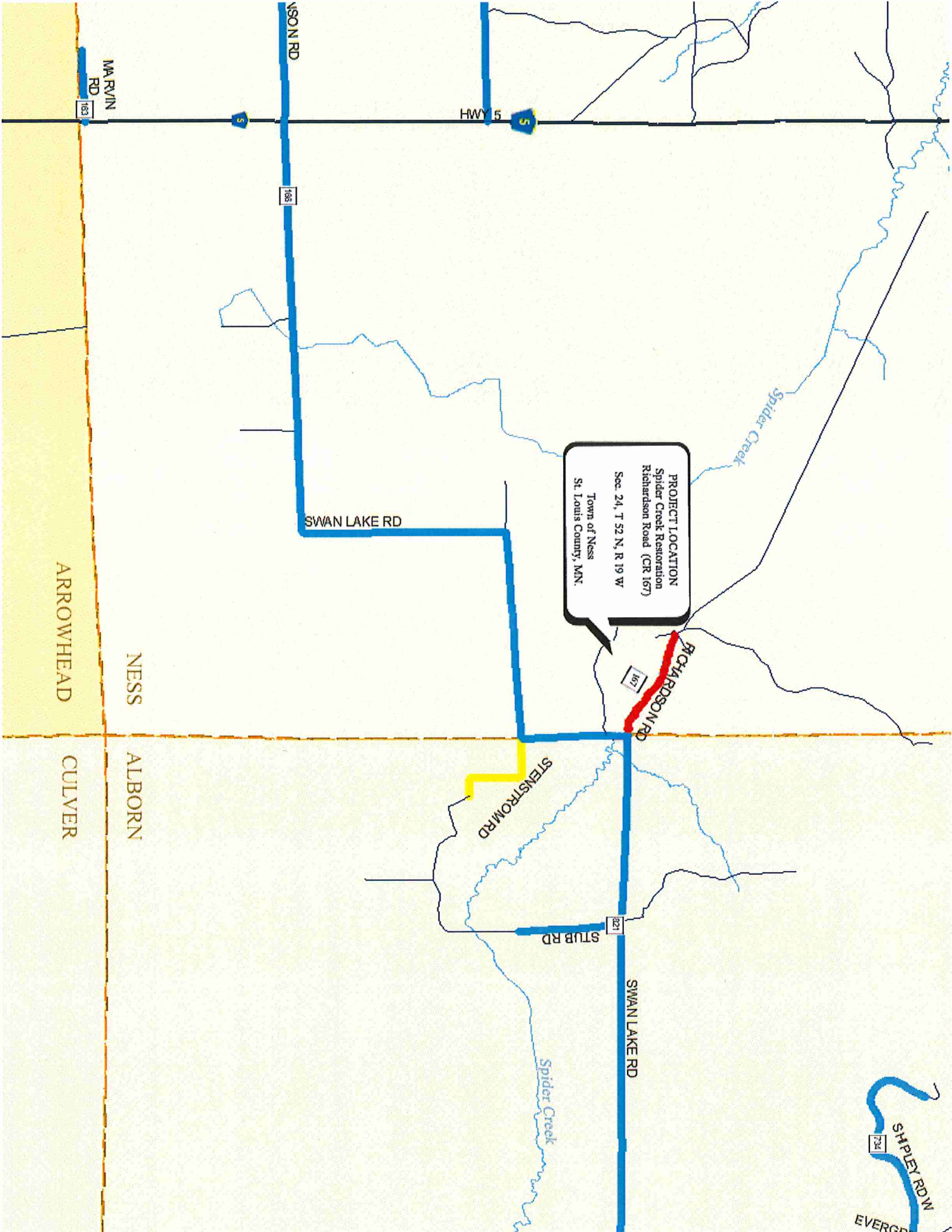
WHEREAS, This project, known as the Spider Creek Restoration, will involve a parcel split of the property and a potential sale of part of that land; and

WHEREAS, An existing County Highway, County Road 167 (Richardson Road), is in part located on this property and the existing right of way for the Richardson Road is only a prescriptive easement over the course of the county highway; and

WHEREAS, It is in the best interests of the County to secure and to record permanent highway easements for this highway prior to any sale or other conveyance of the property into private ownership.

THEREFORE, BE IT RESOLVED, That, pursuant to Minn. Stat. § 282.04, Subdivision 4, the St. Louis County Board hereby authorizes the County Auditor to grant the necessary easements for highway purposes over the following tax forfeited parcels:

1. The Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4), Section 24, Township 52 North, Range 19 West.
(part of parcel ID No. 470-0010-03830)
2. The Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4), Section 24, Township 52 North, Range 19 West.
(part of parcel ID No. 470-0010-03830)
3. The Southeast Quarter of the Northeast Quarter (SE 1/4 of NE 1/4), Section 24, Township 52 North, Range 19 West.
(part of parcel ID No. 470-0010-03830)



PROJECT LOCATION
Spider Creek Restoration
Richardson Road (CR 167)
Sec. 24, T 52 N, R 19 W
Town of Ness
St. Louis County, MN.

SHIPLEY RD
EVERGREEN

BOARD LETTER NO. 21 - 408

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE CONSENT NO. 2

BOARD AGENDA NO.

DATE: September 14, 2021

RE: Reschedule Location for
November 2 and December 14,
2021 County Board Meetings

FROM: Kevin Z. Gray
County Administrator

RELATED DEPARTMENT GOAL:

To provide effective and efficient government.

ACTION REQUESTED:

The St. Louis County Board is requested to reschedule the locations of the November 2 and December 14, 2021 County Board meetings.

BACKGROUND:

Due to pending construction/renovations taking place in the Duluth Courthouse Board room it is proposed that the November 2 and December 14, 2021 County Board meetings, including all public hearings scheduled on those days, be changed to the Government Services Center in Duluth (GSC). The meetings will begin at 9:30 a.m. as previously scheduled.

Recently, staff presented at a Board Workshop the concept of renovations to the Duluth Courthouse County Board Room. The Board subsequently indicated its support of the development of plans which would enhance technology, improve lighting and sound, and address the physical seating arrangements of the room. Staff will be presenting additional plans for the room at the September 21 Board Workshop and is recommending that the Board continue to meet in the GSC until the project is complete.

RECOMMENDATION:

Should the Board concur, Administration will take the necessary steps to reschedule the location of its November 2 and December 14, 2021 Board Meetings to the Government Services Center in Duluth.

**Reschedule Location for November 2 and December 14, 2021
County Board Meetings**

BY COMMISSIONER _____

WHEREAS, The County Board has previously indicated its support for the development of plans to renovate the County Board room located in the Duluth Courthouse in order to provide modern technology, improved lighting, improved acoustics and other enhancements; and

THEREFORE, BE IT RESOLVED, That the St. Louis County Board will adjust its 2021 Board Meeting schedule to reschedule the November 2 and December 14, 2021 meetings from the Duluth Courthouse to the Duluth Government Services Building.

ST. LOUIS COUNTY BOARD
2021 BOARD MEETING SCHEDULE
All meetings begin at 9:30 a.m.

BOARD MEETING DATE	MEETING LOCATION
January 5	Duluth Government Services Center, 320 W. 2 nd St, Duluth
January 12	Duluth Government Services Center, 320 W. 2 nd St, Duluth
January 26	Public Works, 7823 Hwy 135, Virginia
February 2	Duluth Government Services Center, 320 W. 2 nd St, Duluth
February 9	Public Works, 7823 Hwy 135, Virginia
February 23	Public Works, 7823 Hwy 135, Virginia
March 2	Duluth Government Services Center, 320 W. 2 nd St, Duluth
March 9	Duluth Government Services Center, 320 W. 2 nd St, Duluth
March 23	Public Works, 7823 Hwy 135, Virginia
April 6	Duluth Government Services Center, 320 W. 2 nd St, Duluth
April 13	Duluth Government Services Center, 320 W. 2 nd St, Duluth
April 27	Town of Morse, 911 S. Central Avenue, Ely
May 4	Duluth Government Services Center, 320 W. 2 nd St, Duluth
May 11	Rice Lake City Hall, 4107 Beyer Road, Rice Lake
May 25	Grand Lake Town Hall, 5297 Highway 53, Saginaw
June 1	Duluth Government Services Center, 320 W. 2 nd St, Duluth
June 8	Duluth Government Services Center, 320 W. 2 nd St, Duluth
June 22	Toivola Town Hall, 9063 Highway 5, Meadowlands
July 6	Duluth Government Services Center, 320 W. 2 nd St, Duluth
July 13	Bois Forte & Vermilion Lake Township, Fortune Bay, 1430 Bois Forte Road, Tower
July 27	Proctor City Hall, 100 Pionk Drive, Proctor
August 3	Duluth Government Services Center, 320 W. 2 nd St, Duluth
August 10	Virginia Government Services Center, 201 S. 3 rd Ave. W., Virginia
September 7	Duluth Government Services Center, 320 W. 2 nd St, Duluth
September 14	Public Works Training Room, 7823 Highway 135, Virginia
September 28	Alborn Community Center, 6388 Hwy 7, Alborn
October 5	Duluth Government Services Center, 320 W. 2 nd St, Duluth
October 12	Town of Ault, 1839 Brimson Road, Brimson
October 26	Brevator Town Hall, 7246 Morris Thomas Rd, Cloquet
November 2	Duluth Government Services Center, 320 W. 2 nd St, Duluth
November 16	Industrial Town Hall, 7519 Albert Road, Saginaw
November 30	Buhl Senior Center, 302 Frantz Street, Buhl
December 14	Duluth Government Services Center, 320 W. 2 nd St, Duluth

AMC Legislative Conference
NACo Legislative Conference
Duluth & SLC at the Capitol
NACo Annual Conference
AMC Annual Conference

Feb. 17-18, 2021, St. Paul
Feb. 20-24, 2021, Washington, DC
March 3-4, 2021, St. Paul
July 16-19, 2021, Austin, TX
December 6-8, 2021, Bloomington, MN

BOARD LETTER NO. 21 – 409

PUBLIC SAFETY & CORRECTIONS COMMITTEE

CONSENT NO. 3

BOARD AGENDA NO.

DATE: September 14, 2021
FROM: Kevin Z. Gray
County Administrator

Ross Litman
Sheriff

RE: St. Louis County Community
Wildfire Protection Plan Update

RELATED DEPARTMENT GOAL:

To enhance public safety.

ACTION REQUESTED:

The St. Louis County Board is requested to approve the 2021 St. Louis County Community Wildfire Protection Plan (CWPP).

BACKGROUND:

The St. Louis County Community Wildfire Protection Plan expired in 2018 and currently has grant funding available from the United States Forest Service Title III Program, referenced in Board Memo No. 20-35, to update the plan. The St. Louis County CWPP identifies and prioritizes wildland-urban interface (WUI) areas within St. Louis County (including state, county, federal and other lands) for hazardous fuels reduction treatments and recommends methods for achieving hazardous fuels reduction. The update conducted by Dovetail included a steering committee that consists of representatives from local fire departments, Minnesota Department of Natural Resources and the United States Forest Service. This newly updated plan focuses on our resilience and mitigation work in prioritized areas, specifically given the expanse of dead and dying trees (due to budworm) has increased significantly since the prior revision. Furthermore, the updated CWPP is consistent with the recently revised All-Hazard Mitigation, Resolution No. 20-216. The CWPP is a community-based plan and was developed collaboratively amongst individuals, local communities, businesses, and land management agencies working together to achieve a common goal. This guide is not a legal document, although recommendations contained here carefully conform to the Healthy Forest Restoration Act (HFRA) and the National Cohesive Wildland Fire Management Strategy.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the 2021 St. Louis County Community Wide Protection Plan.

St. Louis County Community Wildfire Protection Plan Update

BY COMMISSIONER _____

WHEREAS, St. Louis County had a Community Wildfire Protection Plan completed in 2008 and has since expired; and

WHEREAS, St. Louis County has Title III grant funding available, referenced in board memo 20-35, for this project; and

WHEREAS, Federal Emergency Management Agency now recommends the plan be reviewed and updated every five (5) years; and

WHEREAS, The plan, as part of the planning process, includes collaboration with stakeholders; and

WHEREAS, Execution by involved participants is required for the adoption of the plan; and

WHEREAS, The St. Louis County Board believes adoption of the Community Wildfire Protection Plan is in the best interest of the county.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approve and adopt the updated 2021 Community Wildfire Protection Plan.

BOARD LETTER NO. 21 - 410
ESTABLISHMENT OF PUBLIC HEARINGS
FINANCE & BUDGET COMMITTEE NO. 1

BOARD AGENDA NO.

DATE: September 14, 2021 **RE:** Establish Public Hearing to
Consider Off-Sale Intoxicating
Liquor License (Unorganized
Township 60-18)

FROM: Kevin Z. Gray
County Administrator

Nancy J. Nilsen
County Auditor/Treasurer

RELATED DEPARTMENT GOAL:

To provide mandated and discretionary licensing services in a timely manner.

ACTION REQUESTED:

The St. Louis County Board is requested to establish a public hearing to consider an Off-Sale Intoxicating Liquor License for an establishment located in Unorganized Township 60-18.

BACKGROUND:

AAKC Properties LLC has made an application for an Off-Sale Intoxicating Liquor License for the establishment known as The Oasis, Unorganized Township 60-18.

Minn. Stat. § 340A.405, Subdivision 2(d), relating to the issuance of off-sale intoxicating liquor licenses provides that "No license may be issued under this subdivision unless a public hearing is held on the issuance of the license. Notice must be given to all interested parties and to any city located within three miles of the premises to be licensed. At the hearing the county board shall consider testimony and exhibits presented by interested parties and may base its decision to issue or deny a license upon the nature of the business to be conducted and its impact upon any municipality, and the character and reputation of the applicant, and the propriety of the location."

The County Liquor Licensing Committee considered and approved the application and recommends Board approval. According to the St. Louis County Fee Schedule, this establishment is applying for an Off-Sale Intoxicating Liquor License located in Area 2 and the annual license fee is \$250.00.

RECOMMENDATION:

It is recommended that the St. Louis County Board establish a public hearing on Tuesday, October 12, 2021, at 9:35 a.m. in the Ault Township Hall, Brimson, MN, regarding the application for an Off-Sale Intoxicating Liquor License for AAKC Properties LLC dba The Oasis.

**Establish Public Hearing to Consider Off-Sale Intoxicating Liquor License
(Unorganized Township 60-18)**

BY COMMISSIONER _____

RESOLVED, That the St. Louis County Board establishes a public hearing at 9:35 a.m., on October 12, 2021, in the Ault Township Hall, Brimson, MN, for the purpose of considering the issuance of an Off-Sale Intoxicating Liquor License to AAKC Properties LLC dba The Oasis.

BOARD LETTER NO. 21 – 411

ESTABLISHMENT OF PUBLIC HEARINGS FINANCE & BUDGET COMMITTEE NO. 2

BOARD AGENDA NO.

DATE: September 14, 2021
FROM: Kevin Z. Gray
County Administrator

RE: Establish a Public Hearing to
Amend Ordinance No. 51

Nancy J. Nilsen
County Auditor/Treasurer

RELATED DEPARTMENT GOAL:

To effectively and efficiently administer county ordinance and state regulations pertaining to county tobacco licenses.

ACTION REQUESTED:

The St. Louis County Board is requested to establish a public hearing for the purpose of obtaining public comment on and amending County Ordinance No. 51, Rules and Regulations Governing the sale, possession, and use of tobacco and tobacco-related devices.

BACKGROUND:

On December 20, 2019, the President signed legislation to amend the Federal Food, Drug, and Cosmetic Act, and raise the federal minimum age of sale of tobacco products from 18 to 21 years. On that same day, the U.S. Food and Drug Administration declared that it was illegal for a retailer to sell any tobacco product – including cigarettes, cigars, and e-cigarettes – to anyone under the age of 21. On February 26, 2020, the St. Louis County Board amended Ordinance No. 51 to prohibit the sale of tobacco or tobacco-related products to any person under the age of 21.

During the 2020 Minnesota legislative session, state law was passed to change the minimum age of sales of tobacco products from 18 to 21 years. In addition, state legislation was passed to change administrative penalties and timeframes for persons found to violate state law regarding the sales of tobacco to persons under the age of 21.

The St. Louis County Liquor Licensing Committee met on September 7, 2021 and unanimously recommended that the St. Louis County Board amend Ordinance No. 51 to change the administrative penalties and timeframes for persons who have been found to violate County Ordinance No. 51 regarding the sales of tobacco or tobacco

related products to persons under the age of 21. In addition, clarifying language was added to the ordinance relating to the ages of the persons assisting the Sheriff's Office with compliance checks.

The St. Louis County Attorney's Office has indicated that a 30-day written notice to all license holders and 10-day published notice of intent to amend the ordinance is required. To ensure notice requirements are met, the resolution to amend the ordinance could be considered at the November 2, 2021 County Board meeting.

RECOMMENDATION:

It is recommended that the St. Louis County Board establish a public hearing for Tuesday, November 2, 2021 at 9:35 a.m., Duluth Courthouse, Duluth, MN, for the purpose of obtaining public comment and amending County Ordinance No. 51, Rules and Regulations Governing the sale, possession, and use of tobacco and tobacco-related devices.

Establish a Public Hearing to Amend Ordinance No. 51

BY COMMISSIONER _____

RESOLVED, That the St. Louis County Board will convene a public hearing on Tuesday, November 2, at 9:35 a.m., Duluth Courthouse, 100 N. 5th Ave. W, Duluth, MN, to obtain public comment and amend County Ordinance No. 51, Rules and Regulations Governing the sale, possession, and use of tobacco and tobacco-related devices.

BOARD LETTER NO. 21 – 412R

PUBLIC WORKS & TRANSPORTATION COMMITTEE NO. 1

BOARD AGENDA NO.

DATE: September 14, 2021 **RE:** Professional Services Contract
for a Public Works Countywide
Improvements Construction
Project

FROM: Kevin Gray
County Administrator

James T. Foldesi
Public Works Director/Highway Engineer

RELATED DEPARTMENT GOAL:

To provide a safe, well-maintained road and bridge system.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize a professional services contract with TKDA of Duluth, Minnesota, for the preplanning, planning/design, construction & bid documents, project administration, and project close out for the Public Works countywide improvements construction project.

BACKGROUND:

The Public Works Department has reviewed the needs and conditions of all existing garages, cold storage buildings and salt/sand domes to determine potential replacements and consolidations. On April 20, 2021, Public Works gave a detailed presentation at a Board Workshop on a project to replace a number of these facilities. The presentation proposed one (1) new campus in Kugler Township to replace the two (2) garages located in Tower and Embarrass, one (1) new campus near the Whiteface Reservoir to replace the two (2) garages located in Brimson and Town of White, and constructing (1) new campus in Culver Township to replace the existing Brookston garage. In addition to the new buildings, multiple storage buildings, domes and brine systems were proposed. The Board has initiated the issuance of bonds to finance the construction and the next step was to solicit proposals for architectural and engineering services to secure a firm early in the process. St Louis County Purchasing solicited for proposals on August 11, 2021 (RFP 5731) for the pre-design/design and contract management services portion of the construction project. Seven (7) Architectural & Engineering firms submitted proposals. They are as follows:

ARI Inc.	Hibbing, MN
Architecture Advantage	Duluth, MN
TKDA	Duluth, MN
LHB Corp.	Duluth, MN
DSGW Architects	Virginia, MN
Meyer Group Architecture	Duluth, MN
Wold Architects and Engineers.	St. Paul, MN

LHB Corp., DSGW Architects, Architecture Advantage and TKDA were chosen as the most qualified firms by a committee and were given a final interview. The committee agreed on TKDA as the successful proposing firm.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize a professional service contract with TKDA of Duluth, Minnesota, for all phases of the Public Works countywide improvements construction project in an amount of \$648,000.00 with funding available from Fund 450, Agency 450002, Object 626600.

**Professional Services Contract for a Public Works Countywide Improvements
Construction Project**

BY COMMISSIONER _____

WHEREAS, The Public Works Department has reviewed the needs and conditions of the existing garages, cold storage buildings and salt/sand domes to determine potential replacements and consolidations; and

WHEREAS, Public Works is proposing to construct three new campuses to replace five old garages with failing utilities and inadequate space needs which are energy inefficient, and do not meet code requirements; and

WHEREAS, Public Works is also proposing to replace multiple storage buildings, domes and brine systems at a number of locations; and

WHEREAS, St Louis County Purchasing solicited for proposals on August 11, 2021, for the pre-design/design and contract management services portion of the construction project with seven (7) Architectural & Engineering firms submitting proposals and TKDA being the successful proposing firm.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorize the appropriate County officials to enter into a professional service contract with TKDA of Duluth, Minnesota, and any amendments approved by the County Attorney, for all phases of the Public Works Countywide Improvements construction project in the amount of \$648,000.00, with funding available from Fund 450, Agency 450002, Object 626600.

BOARD LETTER NO. 21 - 413

FINANCE & BUDGET COMMITTEE NO. 1

BOARD AGENDA NO.

DATE: September 14, 2021

RE: Delegate Authority to the St. Louis County Liquor Licensing Committee to Appoint Hearing Officers to Adjudicate Alleged Violations of Ordinance No. 51

FROM: Kevin Z. Gray
County Administrator

Nancy J. Nilsen
County Auditor/Treasurer

RELATED DEPARTMENT GOAL:

To provide mandated and discretionary licensing services.

ACTION REQUESTED:

The St. Louis County Board is requested to delegate to the St. Louis County Liquor Licensing Committee, the authority to adjudicate or appoint hearing officers to adjudicate contested alleged violations of Ordinance No. 51, St Louis County's Tobacco Ordinance.

BACKGROUND:

St. Louis County Tobacco Ordinance, Ordinance No. 51, Section 1100, Subd. 3, grants the St. Louis County Board the authority to appoint hearing officers to adjudicate alleged violations of Ordinance No. 51.

Since 1998, the authority to appoint hearing officers to adjudicate alleged violations of Ordinance No. 51 was delegated to Public Health and Human Services. No violation of Ordinance No. 51 has been contested since 2012.

The St. Louis County Liquor Licensing Committee met on September 7, 2021 and deems it appropriate to reassign the authority to appoint Ordinance No. 51 hearing officers to the St. Louis County Liquor Licensing Committee. This will expedite the adjudication of any contested allegations of violations of Ordinance No. 51, and provide due process to all parties.

RECOMMENDATION:

It is recommended that the St. Louis County Board delegate to the St. Louis County

Liquor Licensing Committee authority to appoint hearing officers to adjudicate alleged violations of St. Louis County Ordinance No. 51 and to align with the tobacco licensing period, the Liquor Licensing Committee recommends that effective date of the change be January 1, 2022. It is further recommended to ensure that there is a minimum of two Commissioners as part of the hearing process, that the County Board appoint an alternate Commissioner to the Liquor Licensing Committee at its January 4, 2022, Organizational meeting.

**Delegate Authority to the St. Louis County Liquor Licensing Committee to
Appoint Hearing Officers to Adjudicate Violations of Ordinance No. 51**

BY COMMISSIONER _____

WHEREAS, The St. Louis County Board, in 1998, delegated authority to appoint hearing officers to adjudicate alleged violations of Ordinance No. 51 to Public Health and Human Services; and

WHEREAS, Public Health and Human Services has not had occasion to adjudicate a contested violation of Ordinance 51 since 2012; and

WHEREAS, The St. Louis County Liquor Licensing Committee has the willingness and capability to identify and appoint hearing officers, as necessary, to hear and adjudicate contested hearings of alleged violations of St. Louis County Ordinance No. 51.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board delegates to the St. Louis County Liquor Licensing Committee the authority to appoint hearing officers, as needed, to adjudicate alleged violations of St Louis County Ordinance No. 51.

RESOLVED FURTHER, That the effective date of the change in delegation is January 1, 2022.

RESOLVED FURTHER, That the St. Louis County Board will appoint an alternate St. Louis County Commissioner to the Liquor Licensing Committee at its January 4, 2022, Organizational meeting.

BOARD LETTER NO. 21 - 414

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO. 1

BOARD AGENDA NO.

DATE: September 14, 2021

RE: New Policy – St. Louis County
Mobile Work Policy

FROM: Kevin Z. Gray
County Administrator

James R. Gottschald, Director
Human Resources & Administration

RELATED DEPARTMENT GOAL:

To develop and implement the broad policy directives for St. Louis County through the Board of Commissioners; a strong county infrastructure through innovation, responsible stewardship of county resources, and cost-effective and efficient programs.

ACTION REQUESTED:

The St. Louis County Board is requested to approve the proposed Mobile Work Policy.

BACKGROUND:

St. Louis County has traditionally delivered services to constituents in-person, and this has largely been done from our county facilities and within the communities we serve. The COVID-19 public health crisis and subsequent Minnesota Governor executive orders from early 2020 to mid-2021 required employees who could, to work from home. This sudden change in workforce and service delivery methodology compelled the county to reimagine its customer service model as many constituents requested new ways to access needed services during the public health crisis. The success which the county experienced with approximately 800 employees working remotely from March 2020 through June 2021 has resulted in this mode of service delivery being considered as a longer-term alternate work arrangement for the future of the county.

Implementation of a Mobile Work Policy will not change or diminish constituent access to receiving in-person services in county facilities or in community settings. Rather it will supplement in-person services with expanded off-site service delivery leveraging established technology platforms. Mobile work is anticipated to become part of the county's business strategy to address an evolving work environment, will provide flexibility for the employer and employees and will help attract and retain a diverse and talented workforce while meeting and exceeding customer service expectations.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the proposed Mobile Work Policy and direct County Administration to develop and implement a Mobile Work Agreement form, guidance documents and training materials for implementation. It is further recommended that the Telecommuting Pilot, initiated in 2000, be rescinded as the new Mobile Work Policy will supersede this former telecommuting pilot.

New Policy – St. Louis County Mobile Work Policy

BY COMMISSIONER: _____

WHEREAS, St. Louis County desires to improve flexibility for itself as an employer and for employees while attracting and retaining a diverse and talented workforce; and

WHEREAS, Implementation of a Mobile Work Policy will not change or diminish constituent access to receiving in-person services in county facilities or in community settings as a result of supplementing in-person services by expanding off-site mobile work service delivery via established technology platforms.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the Mobile Work Policy as contained in Board File No. _____.

RESOLVED FURTHER, That the County Board directs County Administration to develop and implement a Mobile Work Agreement form, guidance documents and training materials necessary for implementation of the Mobile Work Policy.

RESOLVED FURTHER, That County Board Resolution No. 214 adopted on March 28, 2000, and the resulting St. Louis County Telecommuting Pilot Program, are hereby rescinded.

St. Louis County Mobile Work Policy

Policy

St. Louis County supports mobile work as a complementary option to in-office and field/community service delivery. When properly implemented, mobile work can positively impact productivity and morale, and continue to meet or exceed customer service expectations. This policy will not change or diminish access to receiving in-person services in county facilities, field or community settings.

Mobile work is part of the county's strategy to address an evolving work environment, provide flexibility for the employer and employees, attract and retain a diverse and talented workforce, reduce costs, improve employee productivity, support employee wellness, and minimize impact to the environment.

Scope

This policy applies to all county employees to the extent it is not in conflict with state or federal law. Some provisions of this policy may not apply when employees have supervisory approval to mobile work on a case-by-case, situational, and temporary basis (not lasting longer than one cumulative month in a calendar year) to meet a business need(s) of the county.

Some provisions of this policy may not apply when an employee works at home as a reasonable accommodation under the Americans with Disabilities Act as Amended (ADAAA). Requests to mobile work as a part of an ADAAA accommodation should be directed to the designated Human Resources (HR) staff.

Definitions

Employee: Any person appointed or employed by St. Louis County.

Supervisor: Any person who has the authority to undertake a majority of the following supervisory functions in the interests of the employer: hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other employees, direction of the work of other employees, or adjustment of other employees' grievances on behalf of the employer.

Mobile Worker: An employee who is approved to work at an alternate work location in addition to a county work location.

County Work Location: A location at a county facility designated for county employees to work. This could be a workspace dedicated to a single employee, a workspace that is shared with multiple designated employees, or a workspace that is available to multiple employees but not designated to specific employees. All work performed by an employee is deemed to be from the county work location unless otherwise designated by the employee's supervisor or department head.

Alternate Work Location: A location other than a county work location that a supervisor has approved for mobile work. This may include a home office and/or another location that meets the requirements of mobile work and is an extension of the county workplace.

Eligibility

Mobile work is voluntary, subject to supervisory approval, and is not an entitlement or contractual benefit. Not every position is eligible for mobile work and some employees will not be well-suited for

mobile work. Mobile work determinations remain a management right. Whether or not an employee is approved to mobile work or if a mobile work arrangement is discontinued, these decisions are not subject to a grievance process under any applicable collective bargaining agreement or appeal under the county's Civil Service Rules.

Certain criteria must be considered when determining whether an employee can be approved for or permitted to continue to mobile work. Any approved mobile work arrangement must comply with all applicable federal and state employment laws, including but not limited to the Fair Labor Standards Act (FLSA) and St. Louis County Civil Service Employment Law, and not conflict with applicable collective bargaining agreements. Mobile work needs to be consistent with the type and level of work performed at a county work location. It must meet or exceed customer service expectations and not negatively impact the quality or timeliness of work performance, service delivery, and/or office coverage.

To assess the effectiveness of mobile work, any approved mobile work agreement should have clearly defined objectives, tasks and deliverables, and time frames.

The duties of an employee approved for mobile work should be able to be performed remotely without close supervision and without unreasonable reliance on other employees at the county work location. While mobile working, an employee's work duties cannot require frequent direct face-to face contact with others in a county facility or regular access to special equipment only available at a county work location.

Any employee interested in being considered for mobile work must submit a written request to their supervisor. It is important that an employee requesting mobile work presents a request that doesn't unreasonably burden their work group, have sufficient job knowledge, have demonstrated their dependability and ability to work and participate in training independently, and meet or exceed expectations for quality and quantity of work. Prospective mobile workers must have an adequate mobile work location, including sufficient internet service and equipment as outlined in the Mobile Work Bandwidth Guidance addendum and be available to travel to and perform work at the county work location upon request by the supervisor as necessary. If approved for mobile work, the employee must complete the mobile work e-learning module prior to mobile working and annually thereafter.

Responsibilities

Department Heads

Department heads set department direction for mobile work based on the mission, vision, values, workspace availability, department work plan, job duties, available resources, and needs of the department. This may include determinations of positions eligible for mobile work, mobile work schedules, and space configuration. Planning for mobile work must consider department needs for service delivery, customer needs, and space availability. Preparing a work unit for a mobile work environment includes, but is not limited to, the following: completing required training, setting employee expectations, establishing employee schedules/hours, assigning workspace, and setting expectations for meeting structure and attendance.

A Mobile Work Agreement Form between the employee and supervisor must be approved by the department head (or designee) and submitted to Human Resources in order for a mobile work arrangement to be approved, modified, or terminated.

Managers and Supervisors

Once an employee requests mobile work, supervisors will make the determination as to whether to approve mobile work for the employee based on an analysis of job duties and employee needs for success. If the supervisor approves mobile work, the supervisor will also determine the number of

hours and/or days per pay period employees will mobile work. The supervisor must objectively evaluate, document, and approve mobile work eligibility based on job-related criteria, including but not limited to, office needs, job duties, adequate resources, workspace availability, and staffing/scheduling considerations. Managers and supervisors should assess the effectiveness, appropriateness, and impact of employee mobile work arrangements on an ongoing basis.

The supervisor will work with the mobile worker to develop a work plan, including emergency and backup plans with necessary phone numbers and messaging plan and a plan for the creation, accessibility, storage, retention, and disposal of data.

Mobile work requires effective workload management and cannot have a negative impact on customers, public perception, or the department's operations. There should be clear expectations set for responding to emails and phone calls during the mobile workday and for maintaining regular communications with the mobile worker. This should include timely availability and reasonable response times to both their county work location and to any field-based or community work locations. The supervisor may require the employee to attend meetings in-person and may adjust the mobile work schedule to meet business needs. When feasible, the supervisor should communicate planned in-person meetings in advance to afford mobile workers reasonable opportunity to adjust their work schedule and work location accordingly.

Supervisors are responsible for effectively managing and creating cohesive teams whether employees mobile work or work on-site, and must engage employees, stakeholders, and customers as required to meet business needs.

Supervisors may deny a request to mobile work or revoke the ability to mobile work for a variety of reasons and without cause. While circumstances may dictate that revoking a mobile work arrangement may happen with little advance notice, when feasible, supervisors should provide reasonable advance notice of their decision to revoke mobile work. Examples of reasons to revoke or deny mobile work include, but are not limited to negative impact on customers, the department's operations, the mobile worker's supervisors, co-workers, or other stakeholders; changes in job duties to include more duties that cannot be performed through mobile work; unacceptable work output or employee performance; employee noncompliance with county policies, procedures, guidelines, or agreements; cost ineffectiveness; and a lack of necessary resources, connectivity, equipment, or system access.

Employees

To be approved for mobile work or be permitted to continue to mobile work, an employee's alternate work location must meet certain requirements. The alternate work location must be free from hazards that could affect the equipment or the mobile worker, accommodate any required equipment needed to effectively mobile work, and must provide privacy and be free of distractions and interruptions.

The mobile worker is responsible for ensuring that the furniture and equipment needed at the alternate work location is ergonomically appropriate and meets county standards as defined in the St. Louis County Mobile Work Ergonomics Program. Office supplies are available at the mobile worker's county work location and should be obtained there. Written supervisory approval is required for the purchase of office supplies not obtained from the employee's county work location.

To be approved to mobile work or be permitted to continue to mobile work, an employee must consistently demonstrate adequate work performance. Mobile workers must maintain a level of work performance and accessibility consistent with or better than what they would provide in the workplace (e.g., phone calls, texts, and emails answered and returned timely, ability to be physically present on-site or in field/community settings to perform time sensitive duties when necessary). Mobile workers must attend meetings as required by their supervisor(s), both in-person and virtually. In-person work meetings or

training with other staff or clients are not permitted in an employee's home. Video should be turned on consistent with the use of video by other meeting participants and/or as directed by the supervisor or conference organizer. When an employee is participating in a video conference, they must comply with supervisory expectations regarding appropriate work attire and their background must be professional and consistent with county and departmental policies and practices or must be a county approved virtual background.

Mobile workers must keep their supervisor(s) informed of their current mobile work location to assist in contacting them if necessary and for safety reasons. Mobile workers shall coordinate with their supervisors and co-workers to provide appropriate office coverage. Employees are to notify their supervisor(s) in the event they are not able to perform mobile work for a period lasting 15 minutes or more in duration (e.g., power/internet outages, family commitments, and/or other unplanned disruptions) and communicate issues that may be negatively impacting work performance to IT and/or their supervisor(s) for timely resolution.

A mobile worker who is scheduled to work at their alternate work location on a day when an emergency declaration has been issued may choose to work their normally scheduled hours unless the emergency condition has caused a situation where mobile work cannot be performed in a manner consistent with this policy (i.e., power or internet outage, children who are not self-sufficient at the alternate work location, unsafe conditions). In those situations, mobile workers must follow their normal procedure for notifying their supervisor. Regardless of their mobile work status, employees identified as emergency employees in the Emergency Conditions Policy may be required to report to a county work location pursuant to that policy.

Employees approved to mobile work must comply with the approved work schedule and accurately record their work time (e.g., start times, end times, lunch breaks). Earnings associated with mobile work may be allocated to the state in which the work is deemed to be performed and taxed according to all current, applicable tax laws. Mobile workers are responsible for determining federal and state tax implications of mobile working and for complying with all applicable tax laws.

Employees are not permitted to undertake personal tasks or duties of other employment during county work hours. If the activity would not be performed at the county work location, it should not be performed at the alternate work location. Mobile work hours are regular hours and may not be used to perform personal activities. Mobile workers may not perform work outside of designated work hours. Just as with regular work hours performed at the county work location, mobile workers are expected to follow policies and procedures for requesting time off to engage in non-work activities and obtain advance supervisory approval for the use of paid leave as well as overtime.

Mobile work may not be used as an arrangement for dependent care (child, adult and/or elder) or an accommodation for personal, business, or other non-county endeavors. Mobile workers may only have dependents (child, adult, and/or elder) at home during working hours if those dependents are self-sufficient or are being cared for by another person. (In emergency or exigent circumstances, limited exceptions may be approved by a supervisor to meet a critical business need.)

The county work location for an employee approved to mobile work continues to be their permanent work location. Drive time to the county work location from the alternate work location is considered commute time, which is not work time and is not compensable regardless of the time of day of the commute and regardless of the mobile work schedule. Likewise, mileage between the alternate work location and the county work location is always considered commuting mileage and is not subject to reimbursement regardless of the time of day of the commute and regardless of the mobile work schedule.

Travel time and reimbursable mileage from an alternate work location to perform work in the field, shall be compensated from either the alternate location or county work location to the field work location, whichever is shorter in distance and duration. Mobile workers must have and maintain a permanent home address in the state of Minnesota or Wisconsin and be ready and available to work at their county work location within a reasonable period of time as established by their supervisor, which will depend on the duties of the position and/or needs of the office (e.g., 15 minutes plus drive time from their alternate work location).

Employees approved to mobile work should not expect or anticipate special parking considerations for times they need to be present at a county work location (e.g., designated mobile worker spaces, shared spaces, or reduced parking fees).

Technology Considerations

To be approved for or be permitted to continue to mobile work, employees must have sufficient technology resources. Alternate work locations must have reliable internet as outlined in the Mobile Work Bandwidth Guidance document. Mobile workers are responsible for obtaining and paying for necessary internet services at their alternate work location. The IT Department does not support any employee-owned network and/or internet service provider equipment and does not provide on-site support at an alternate work location.

In order to facilitate portability between an alternate work location and a county work location, the mobile worker will be provided with a county laptop, tablet, or equivalent mobile technology to be used in both the alternate work location and the county work location. It is the mobile worker's responsibility to safely and securely transport equipment back and forth to the office. The mobile worker must take precautions to ensure all equipment integrity. The mobile worker is responsible for all county-equipment assigned to them and must report any damage immediately. Additional technology (e.g., computer dock, monitor, keyboard, mouse, print devices) will be made available for mobile workers at a county work location. In limited cases, other equipment (e.g., phone, scanner, printer) may be provided to a mobile worker to use in their alternate work location upon the approval of both the mobile worker's supervisor and the IT Department based on business need. The mobile worker's supervisor will work with the IT Department to maintain a record of county-owned software, hardware, and other property located at an alternate work location.

Mobile workers are responsible for setup and use of technology equipment in consultation with the IT Department when necessary. The mobile worker must be sufficiently proficient with technology in order to be able to establish connectivity with the county's network, troubleshoot simple problems, and work through issues with the aid of IT Department staff. The county is responsible for repairing county-owned equipment and issues related to county-owned equipment are to be reported to the IT Service Desk. If an issue is unable to be resolved from the alternate work location, the mobile worker will be directed to bring the county-owned equipment into the county work location to further troubleshoot the issue(s).

No software may be run on county-owned equipment that is not approved by the IT Department. The county may inspect any county-owned equipment and its contents, or any equipment used for mobile working. The use of hardware, software, data, and supplies provided by the county at the alternate work location is limited to authorized persons and for purposes related only to county business.

All county-owned equipment must be returned immediately to the county upon request, if mobile work is discontinued, or upon separation from county employment. Employee will be charged the value of the county-owned equipment if not returned to the county within 3 days of request unless the supervisor approves another arrangement. These costs may be recovered through payroll deduction.

Mobile workers will be required to utilize multi-factor authentication and the St. Louis County Virtual Private Network (VPN) software to connect their computer equipment to the county's network. Mobile workers who connect county-owned equipment to a personal wireless network at the alternate work location are required to ensure that the wireless network location is password protected. All county documents are considered the property of the county, whether working at a county or alternate work location.

Miscellaneous Considerations

Mobile workers must continue to comply with the provisions of the Minnesota Government Data Practices Act, Health Insurance Portability and Accountability Act (HIPAA), other data privacy legislation including laws regarding the protection of private data, federal tax information (FTI), and adhere to security, software, and licensing requirements. An FTI inspection (which may be conducted virtually) of the alternate work location may be required for mobile work to be approved or continued.

Mobile workers are required to carry a homeowner's or renter's insurance policy, at their own expense, for the duration of the time they are mobile working. The county is not responsible for loss, damage, or wear of employee-owned equipment, furniture, etc. This includes but is not limited to wear on home furnishings, damage resulting from installation of additional telephone lines, or accidental damage due to the failure of county equipment.

The county's workers' compensation and employer's liability coverage will continue to exist while the mobile worker is performing work on behalf of the county. For workers' compensation purposes, the alternate work location shall be considered an extension of the county workplace only during time when mobile workers are performing work on behalf of the county. The county is not responsible for injuries to others at the employee's alternate work location. Any work-related injury must be reported to the mobile worker's supervisor immediately using the county's standard injury reporting process.

Compliance with County Policies

New employees will receive a copy of this policy as part of their New Employee Orientation. Current employees and supervisors will receive a copy of this policy via county-wide email or via their supervisor (for employees without email access). A copy of this policy will be posted on the Human Resources Department intranet site with other county personnel policies.

All county policies remain in effect for county employees participating in a mobile work arrangement. All individuals covered by this policy are expected to become familiar with this and other St. Louis County and departmental policies and procedures and comply with them. Violation of this or any other county policy may result in the discontinuation of mobile work and/or disciplinary action up to and including termination from county employment. Violations may also result in criminal or civil charges.

Mobile Work Policy

RESOLUTION NO. 21-XXX
Month Day, 2021

BOARD LETTER NO. 21 - 415

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO. 2

BOARD AGENDA NO.

DATE: September 14, 2021 **RE:** Revised Policy - St. Louis
County Emergency Conditions
Policy

FROM: Kevin Z. Gray
County Administrator

James R. Gottschald, Director
Human Resources and Administration

RELATED DEPARTMENT GOAL:

To develop and implement the broad policy directives for St. Louis County through the Board of Commissioners; to provide county employees with a work environment that is as free as practical from recognized hazards and to develop emergency contingency plans.

ACTION REQUESTED:

The St. Louis County Board is requested to approve a revised St. Louis County Emergency Conditions Policy.

BACKGROUND:

The St. Louis County Emergency Conditions Policy was previously amended in 2005, 2007, and most recently on November 12, 2013, to update its application to emergency conditions. With the development of a proposed Mobile Work Policy, revisions to the Emergency Conditions Policy are also being proposed, and contain the following suggested changes:

- Addition of a Policy statement at the beginning of the document explaining the purpose of the Emergency Conditions Policy
- Further clarification of emergency conditions covered by the Policy
- Transition to generic references of the use of an electronic messaging system rather than references to the Amerilert (now using Everbridge) mass messaging system for 24-hour dissemination of emergency information
- Inclusion of a new work status option (identified as new option 2) when an emergency condition is declared, which allows employees to mobile work if they

are able to effectively work from an alternate location in accord with the county's Mobile Work Policy, once approved and implemented

- An updated list of emergency employees, (identified as Addendum A) who are required to work during an emergency conditions declaration
- Other minor changes designed to make the Policy more readable.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the revised St. Louis County Emergency Conditions Policy. It is further recommended that the Board direct County Administration to review and update the list of job classes identified as Emergency Employees in Addendum A annually without the need for additional Board action moving forward specific to updates to that addendum.

Revised Policy - St. Louis County Emergency Conditions Policy

BY COMMISSIONER _____

RESOLVED, That the revised St. Louis County Emergency Conditions Policy, a copy of which is on file in County Board File No. _____, is approved.

RESOLVED FURTHER, That the Board directs County Administration to review and update the list of job classes identified as Emergency Employees in Addendum A annually.

RESOLVED FURTHER, That County Board Resolution No. 13-701 adopted on November 12, 2013, and all previous Board resolutions amending the County's Emergency Conditions Policy are hereby rescinded.

St. Louis County
~~EMERGENCY CONDITIONS POLICY~~Emergency Conditions Policy

Policy

It is the policy of St. Louis County to remain open for the delivery of services to residents during most incidents of inclement weather and during brief periods of outages or other disruptions to service delivery in the workplace. Where extraordinary circumstances warrant, the county may close one or more facilities as deemed necessary in the interest of employee and visitor safety.

Certain circumstances may warrant the declaration of an Emergency Condition, during which non-emergency employees will be given the flexibility to choose to work or use accrued paid leave.

EMERGENCY CONDITIONS DEFINEDEmergency Conditions Defined

~~This Policy may be implemented for emergency conditions within St. Louis County.~~ Procedures for responding to emergency ~~conditions~~situations at ~~County-county~~ owned and/or operated buildings are defined in facility specific Emergency Response and Evacuation Plans. These plans include general instructions for employees in the facility and information concerning the lines of authority during impending emergency and dangerous situations that may require immediate evacuation or response by on-site personnel.

Department specific alternate worksites shall be identified by each department head in advance of an Emergency Conditions Declaration.

Emergency conditions covered by this Policy ~~shall~~ include:

1. **Severe Weather:** ~~Weather~~ Conditions which threaten the health/safety of employees and/or visitors at ~~their~~ work locations or create conditions hazardous to the safety of the public in travel. Examples include, but are not limited to, tornadoes or excessive winds; severe blizzard conditions creating visibility near zero; road impasses caused by severe icing or excessive accumulation of snow; or any other hazardous weather conditions which may cause the cancellation of public transportation.
2. **~~Power-System~~ Failures:** Any major failure of a mechanical or electrical system, such as power, water, ~~or~~ heating or cooling within a ~~County-county~~ building or a building containing ~~County-county~~ employee work sites, when the failure is expected to last more than three (3) hours and/or employee/visitor health or safety may be jeopardized by the inability to maintain a functioning work environment.
3. **Hazardous Circumstances:** Conditions occurring in or near a ~~County-county~~ building or place of employment which ~~could~~endangers the safety of employees or visitors. Examples include but are not limited to, bomb threats, terrorist threats, fire, explosion or imminent explosion, toxic substance spills or leakage, accidental and severe damage to a building, and other similar circumstances.
4. **Other Situations:** Other unforeseen and sudden circumstances of an emergency nature similar to those listed above that significantly affect the health or safety of employees.

Separate procedures found in the “Emergency Response and Evacuation Plan” exist for certain ~~County~~ county owned and/or operated facilities. These plans provide greater detail regarding evacuation of a building, or such other action as may be necessary, in the event of an impending emergency or other situation presenting imminent danger.

~~RESPONSIBILITY FOR DECLARING AN EMERGENCY CONDITION~~Responsibility for Declaring an Emergency Condition

Declaring an emergency condition shall be the joint responsibility of the Chair or Vice-Chair of the County Board, and the County Administrator, or their designees. Determination of the emergency condition will also be made in consultation with the Commissioner(s) representing the district(s) in which the emergency condition exists if this is practical.

~~NOTIFICATION OF EMERGENCY CONDITION~~Notification of Emergency Condition

Upon determination that an emergency condition exists, the County Administrator or his/her designee shall convey notice of the condition to ~~County-county~~ employees as follows:

If an emergency condition is declared prior to the start of the normal business day, notification shall be made by 6:30 a.m. or as soon thereafter as possible via St. Louis County’s ~~Everbridge~~ designated mass electronic messaging and notification system, hereinafter referred to as “notification system”. Employees should also access the county’s web page for public announcements specific to conditions (www.stlouiscountymn.gov). Notification shall also be made to the department heads or supervisors impacted by the decision.

It is each individual employee’s responsibility to sign into the ~~Everbridge~~ notification system and to keep their contact information in the system current. During times of severe weather, the ~~Everbridge~~ notification system will be used to notify employees if an emergency condition is declared prior to the start of a workday. Additionally, local media ~~may~~ will be notified should an emergency condition be declared that impacts the delivery of county services. With regard to other emergency conditions, department heads or supervisors shall notify the employees in their departments of the emergency condition as soon as reasonably possible.

If an emergency condition is declared after the start, but prior to the end of a normal business day, notice shall be conveyed ~~to the media,~~ to the department heads or supervisors impacted by the decision via email or other means practical, and/or to impacted employees through the ~~Everbridge~~ notification system. Department heads or supervisors shall notify the employees in their departments of the emergency condition as soon as reasonably possible.

~~NON-EMERGENCY EMPLOYEES~~Non-Emergency Employees

For the purpose of this Policy, the term “non-emergency employees” shall include all ~~County-county~~ employees except those employees defined herein as “emergency employees.”

~~EMERGENCY EMPLOYEES~~Emergency Employees

Department heads shall determine the number of employees designated as emergency employees for their respective departments. Emergency employees must appear at designated work sites during an emergency condition. For purposes of this Policy, the term “emergency employees” shall include those employees working in certain job classes, as set forth in the ~~attachment-addendum~~ to this Policy (which

shall be reviewed and updated as deemed necessary by County Administration), ~~in the following departments:~~

A. ~~Sheriff's Office including 9-1-1 Communications, Law Enforcement,~~
Emergency Management and Jail Division

B. ~~Property Management Department~~

C. ~~Public Works Department~~

~~EMPLOYMENT STATUS WHEN EMERGENCY CONDITION IS DECLARED~~Employment Status When Emergency Condition Is Declared

Except in rare circumstances, as determined jointly by the Chair or Vice-Chair of the County Board, and the County Administrator, or their designees, ~~County-county~~ offices and work sites will remain open when an emergency condition has been declared.

If an emergency condition is declared prior to the start of the normal business day, all St. Louis County offices will open. However, non-emergency employees may choose to: (1) report for work at their regularly scheduled time and location; (2) perform mobile work if they are able to effectively work from an alternative location in accord with the county's Mobile Work Policy; or (3) ~~or (2)~~ remain at home and use accrued vacation, personal leave, or compensatory time for their designated work-day. For the purposes of this Emergency Conditions Policy, employees are able to perform mobile work if they have supervisory approval and access to their county-issued technology and can perform meaningful work, similar to what they would be doing if working from their primary or alternate work location, on behalf of the county.

If an emergency condition is declared after the start of the normal business day, all St. Louis County offices will remain open, except in rare circumstances as dictated by event specific details (e.g., condition of building mechanical system, potential impact and probability of -pending hazards or threats etc.). However, non-emergency employees may choose to (1) remain at work; (2) perform mobile work if they are able to effectively work from an alternative location in accord with the county's Mobile Work Policy; or (3) ~~or (2)~~ go home early and use accrued vacation, personal leave, or compensatory time for the remainder of their designated work-day.

Emergency employees are required to appear at their designated work sites at their normally scheduled times during emergency conditions. Emergency employees must also report to work if they are called out to work during emergency conditions. Any emergency employee who fails to report for work without good cause may be subject to discipline.

In the rare instance when emergency conditions require the closing of a ~~County-county~~ office or work site, emergency employees will be notified of the location of an alternative work site to which they must report. Alternative work sites shall be identified by department heads and shall be located as near to the employees' designated work site as is reasonably possible.

~~EMPLOYEE COMPENSATION~~Employee Compensation

If an emergency condition is declared prior to the start of a business day, non-emergency employees who do not report to their work sites or perform mobile work will not be paid for their normal work hours during that day, except by using accrued vacation, personal leave, or accrued compensatory time. Non-emergency employees who report for work will receive their regular wages.

If an emergency condition is declared during regular work hours, all employees will be notified of that determination as soon as reasonably possible. Non-emergency employees will then have the option of (1) remaining at work; ~~or~~ (2) performing mobile work if they are able to effectively work from an alternative location in accord with the county's Mobile Work Policy; or (3) leaving the work site and using accrued vacation, personal leave, or compensatory time. Non-emergency employees who remain at work will receive their regular wages.

If the emergency condition is such that the decision is made to "close" St. Louis County offices and/or other work sites **prior to the start of a business day**, non-emergency employees will not be paid for their normal work hours during that day except by using accrued vacation, personal leave, or accrued compensatory time. Employees who have no accrued paid leave hours available on their payroll record will be authorized advance credit of vacation hours to be used for the emergency closure event, and these credited hours shall be repaid in full, from the employee's vacation earnings in the immediately following pay periods.

If the emergency condition is such that the decision is made to "close" St. Louis County offices and/or other work sites **during regular working hours**, all non-emergency employees will be released and paid their regular wages for the entire remainder of their work-day. Emergency employees shall report to their normal work sites, or to a designated alternative work site, for their scheduled shifts. Any emergency employee not reporting for work as scheduled or as otherwise required, shall not receive compensation for the day. However, a department head may authorize the use of vacation pay, personal leave, or accrued compensatory time by an emergency employee unable to report to work during an emergency situation, for good cause shown by the employee, on a case-by-case basis, after review by the County Administrator.

Employees on sick leave status on the work-day prior to the emergency condition may use sick leave benefits on the day of the emergency condition, if the employee can show that absence from work would have been required, regardless of the emergency condition, because of continuing need for sick leave use. If, because of severe weather, any emergency or non-emergency employees choose to remain at County county offices or other work site after a decision to close the offices, they shall not receive overtime compensation or compensatory time off unless their department head ordered them to remain on site specifically to work during the emergency condition.

Emergency Conditions Policy
RESOLUTION NO. 21-XXX
Month Day, 2021

Addendum A

EMERGENCY EMPLOYEES (~~revised 2017~~Updated 2021)

Sheriff's Office 9-1-1 Communications

~~Assistant Emergency~~ Communications Center
Supervisor
Lead Emergency Communications
Specialist
Emergency Communications Specialist
Communications Technical Supervisor
Lead Electronic Systems Technician
Electronic Systems Technician

Sheriff's Office Law Enforcement

Deputy Sheriff
Deputy Sheriff-Investigator
Deputy Sheriff-Sergeant
Deputy Sheriff Lieutenant
Supervising Deputy Sheriff

Sheriff's Office Emergency Management

Emergency ~~Services-Operations~~ Manager
~~Planner -~~ Emergency Management ~~Coordinator~~

Sheriff's Office Jail Division

Deputy Sheriff-Corrections Officer
Deputy Sheriff Sergeant-Corrections
Assistant Administrator-Operations
Assistant Administrator-Security
Jail Administrator
Cook
Cook-Lead
Jail Program Operations Coordinator

Property Management

~~Facilities Supervisor~~ —
Head Janitor ~~Designated Property Management Staff~~
~~Designated Property Management Staff~~

Public Works

Highway Engineer/Public Works Director
— Deputy Public Works Director
Public Works Maintenance Manager
— Highway Division Superintendent
— Highway Maintenance Supervisor
— Shop Supervisor
— Sign Supervisor
~~Principle-Principal~~ Engineer (Bridge Division)
— Bridge Supervisor
— Bridge Superintendent
— Bridge Worker
— Bridge Worker Senior
— Equipment Operator Junior
— Equipment Operator Senior
— Heavy Equipment Mechanic
~~Principle-Principal~~ Engineer (Traffic Division)
— Sign Technician
— ~~Principle-Principal~~ Engineer (Maintenance Division)
— Fleet/Property Manager

**Resolution for Closed Session of the
Committee of the Whole for Litigation Purposes**

BY COMMISSIONER _____

WHEREAS, Pursuant to Minn. Stat. § 13D.05, subd. 3(b), the Committee of the Whole may close a meeting as permitted by the attorney-client privilege; and

WHEREAS, The County Attorney requires candid and open discussion to provide legal advice to the Committee of the Whole with respect to proposed settlements and litigation strategy relating to two matters – *Grasto v. Spicer*, Case No. 69DU-CV-20-2102, and a property-damage claim asserted by the Embarrass Region Fair Association relating to the parking lot at the Embarrass Timber Hall – in a closed session of the Committee of the Whole; and

WHEREAS, A closed session would benefit the public because potential financial liability could result in the expenditure of public funds;

THEREFORE, BE IT RESOLVED, That the Committee of the Whole will convene a closed session on September 14, 2021, for the purpose of discussing the proposed settlements and litigation strategy relating to *Grasto v. Spicer*, Case No. 69DU-CV-20-2102, and the property-damage claim asserted by the Embarrass Region Fair Association relating to the parking lot at the Embarrass Timber Hall in accord with Minn. Stat. § 13D.05, subd. 3(b).

RESOLVED FURTHER, That no other pending public business will be discussed at this closed session.