

**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON DECEMBER 1, 2015**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 1st day of December 2015, at 9:39 a.m., at the Aurora Community Center, Aurora, Minnesota, with the following members present: Commissioners Frank Jewell, Patrick Boyle, Chris Dahlberg, Tom Rukavina, Keith Nelson, Steve Raukar, and Chair Pete Stauber - 7. Absent: None.

Chair Stauber asked for a moment of silence to pray for the safety of service men and women, their families, and for all innocent victims of war and acts of terrorism, followed by the pledge of allegiance.

City of Aurora Mayor Mary Hess welcomed the Board to Aurora and discussed the lack of jobs in the area.

The Board recognized the service of recently retired St. Louis County Administrative Assistant Ginny Anderson.

The Board recessed at 9:48 a.m. and reconvened at 10:01 a.m. with all members present.

Chair Stauber then opened the meeting to persons who wanted to address the Board concerning issues not on the agenda. Hoyt Lakes Mayor Mark Skelton discussed job shortages in the area and spoke in favor of Polymet mining. Chisolm School Board Member Robert Vicari provided the Board a handout and discussed safety concerns as a result of the proposed re-routing of Highway 5. Dave Lislegard, of Aurora, spoke in favor of mining.

Commissioner Nelson, supported by Commissioner Rukavina, moved to direct Chair Stauber to draft a letter, on behalf of the St. Louis County Board of Commissioners, to the Minnesota Department of Natural Resources in support of the Polymet Environmental Impact Statement (EIS). The motion passed; seven yeas, zero nays.

Commissioner Raukar, supported by Commissioner Nelson, moved to approve the consent agenda without item #7, Bid award to Parsons Electric, Duluth, MN, in the amount of \$391,692 for a mainline dynamic warning system project at seven (7) rural intersections in St. Louis County (CP 0000-187068R, SP 69-070-017R) [15-515] and without item #20, Authorize the provision of prosecution resources to assist the City of Duluth and the Program For Aid to Victims of Sexual Assault (PAVSA) in the National Sexual Assault Kit Initiative (SAKI) grant and the receipt of funding from the United States Department of Justice, Bureau of Justice Assistance SAKI grant, through the City of Duluth in the amount of \$263, 766, representing the costs of a half-time senior prosecutor, a part-time victim/witness coordinator and related secretarial support during the grant period of October 1, 2015 – September 30, 2018. [15-522]. The motion passed; seven yeas, zero nays.

Commissioner Boyle, supported by Commissioner Jewell, moved to approve the sale of state tax forfeited land, as described in Board Letter 15-469, to the Duluth Housing and Redevelopment Authority (HRA) for \$40,000 plus the following fees: 3% assurance fee of \$1,200, deed fee of \$25, deed tax of \$132, recording fee of \$46, for a total of \$41,403 to be deposited into Fund 240 (Forfeited Tax Fund); and further, that the St. Louis County Auditor shall offer for sale at public auction the state tax forfeited land described here if the Duluth HRA does not purchase the land by March 31, 2016. After further discussion, the motion passed; five yeas, two nays (Dahlberg, Nelson). Resolution No. 15-734.

Commissioner Rukavina, supported by Commissioner Nelson, moved to support the proposed sale of state tax forfeited land to the Fond du Lac Band of Lake Superior Chippewa and authorizes the Land and Minerals Department to proceed with an appraisal of all lands in accordance with State of Minnesota Land Acquisition Reporting Procedures. Commissioner Boyle stated that he was abstaining from the vote due to his working relationship with the Fond du Lac Band. The motion passed; six yeas, zero nays, one abstention (Boyle). Resolution No. 15-735.

Commissioner Jewell, supported by Commissioner Boyle, moved to approve a proposed settlement in Heglund v. Aitkin County, Case No. 0:14-cv-00296-ADM-LIB, an action brought by Jennifer Rae Heglund and Jamie Lee Heglund against St. Louis County and eight employees of St. Louis County; and further, that the St. Louis County Board authorizes the appropriate county officials to negotiate and execute appropriate settlement documents and to make the settlement payment contemplated by the proposed settlement in the amount of \$112,500. The motion passed; seven yeas, zero nays. Resolution No. 15-736.

Commissioner Dahlberg, supported by Commissioner Nelson, moved to consider a resolution to authorize the expenditure of the 2014 Port Security Grant for P25 ISSI Gateway; the item has not been to Committee of the Whole. The motion passed; seven yeas, zero nays.

Commissioner Dahlberg, supported by Commissioner Nelson, moved to authorize the expenditure of the 2014 Port Security Grant in the amount of \$130,000 for purchase of the ISSI 8000 P25 ISSI Gateway from Motorola, Schaumburg, IL, with \$97,500 to be accounted for in Fund 100, Agency 129999, Grant 12938, Year 2014 and a 25% match in the amount of \$32,500; and further, that the appropriate county officials are authorized to execute all agreements and contracts necessary to purchase and install the ISSI 8000 P25 ISSI Gateway. Commissioner Nelson stepped out of the meeting from 11:05 a.m. to 11:07 a.m. The motion passed; seven yeas, zero nays. Resolution No. 15-737.

Commissioner Dahlberg, supported by Commissioner Nelson, moved to authorize the provision of prosecution resources to assist the City of Duluth and the Program For Aid to Victims of Sexual Assault (PAVSA) in the National Sexual Assault Kit Initiative (SAKI) grant and the receipt of funding from the United States Department of Justice, Bureau of Justice Assistance SAKI grant, through the City of Duluth in the amount of \$263, 766, representing the costs of a half-time senior prosecutor, a part-time victim/witness coordinator and related secretarial support during the grant period of October 1, 2015 – September 30, 2018. St. Louis County Attorney Mark Rubin discussed the program. The motion passed; seven yeas, zero nays. Resolution No. 15-733.

Commissioner Raukar, supported by Commissioner Nelson, moved to award a bid to Parsons Electric, Duluth, MN, in the amount of \$391,692 for a mainline dynamic warning system project at seven (7) rural intersections in St. Louis County (CP 0000-187068R, SP 69-070-017R). Commissioner Boyle stepped out of the meeting from 11:15 a.m. to 11:17 a.m. Commissioner Jewell stepped out of the meeting from 11:18 a.m. to 11:20 a.m. The motion passed; six yeas, one nays (Rukavina). Resolution No. 15-716.

The following Board and contract files were created resulting from documents received at this Board meeting:

Kevin Gray, County Administrator, Mark Weber, Land and Minerals Director, and Donald Dicklich, County Auditor/Treasurer, submitting Board Letter No. 15-509, Public Sale of State Tax Forfeited Properties on February 11, 2016.—60249

Kevin Gray, County Administrator, Mark Weber, Land and Minerals Director, and Donald Dicklich, County Auditor/Treasurer, submitting Board Letter No. 15-510, Public Sale of Shoreland Lease Lots.—60250

Kevin Gray, County Administrator, Donald Dicklich, County Auditor/Treasurer, and Mark Rubin, County Attorney, submitting Board Letter No. 15-520, Violation of St. Louis County Ordinance No. 28 – Pine Point Lodge & Resort, Inc. (Crane Lake Township)—60251

Kevin Gray, County Administrator, and Donald Dicklich, County Auditor/Treasurer, submitting Board Letter No. 15-523, Establish Public Hearing for Suspension/Revocation of Liquor Licenses for Property Tax Non-Payment—60252

Kevin Gray, County Administrator, Mark Weber, Land and Minerals Director, and Donald Dicklich, County Auditor/Treasurer, submitting Board Letter No. 15-524, Fond du Lac Band Request to Purchase State Tax Forfeited Land.—60253

Kevin Gray, County Administrator, and Mark Rubin, County Attorney, submitting Board Letter No. 15-528, Heglund Settlement Agreement.—60254

Kevin Gray, County Administrator, and Ross Litman, Sheriff, submitting Board Letter No. 15-529, Authorization to Expend the 2014 Port Security Grant for P25 ISSI Gateway.—60255

Robert Vicari, Chisholm School Board Member, submitting maps, statistics, concerns and discussion points regarding the proposed re-routing of Highway 5.—60256

Service contract between the County of St. Louis and EPC Engineering & Testing, Duluth, MN, for Parking Lot Materials Testing and Inspection for the A. P. Cook Building Remodeling Project.—15-1089

Upon motion by Commissioner Raukar, supported by Commissioner Nelson, resolutions numbered 15-708 through 15-715 and 15-717 through 15-732, as submitted on the consent agenda, were unanimously adopted as follows:

BY COMMISSIONER RAUKAR:

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

WHEREAS, The parcels as described in County Board File No. 60043 have been classified as non-conservation as provided for in Minn. Stat. Chapter 282.01; and

WHEREAS, These parcels are not withdrawn from sale pursuant to Minn. Stat. §§ 85.012, 92.461, 282.01, Subd. 8, and 282.018, and other statutes that require the withholding of state tax forfeited lands from sale; and

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

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the County Auditor to offer these lands at public sale for not less than the basic sale price in accordance with terms set forth in the Land and Minerals Department policy and in a manner provided for by law, on Thursday, February 11, 2016, at 10:00 a.m. at the Public Safety Building, 2030 N. Arlington Ave., Duluth, MN. Funds from the auction are to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted December 1, 2015. No. 15-708

WHEREAS, Minnesota Session Laws, 2012, Chapter 236, Section 28, authorizes St. Louis County to sell state tax forfeited shoreland lots currently under lease; and

WHEREAS, If a leaseholder chooses not to purchase a lot or continue leasing, the county may offer the lands for sale at public auction under the provisions of Minn. Stat. § 282.01, subdivision 3; and

WHEREAS, The parcels described in County Board File No. 60250 have not been purchased or leased by leaseholders;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the County Auditor to offer these lands at public sale at not less than the basic sale price in accordance with the provisions in Minnesota Session Laws, 2012, Chapter 236, Section 28. Net proceeds from the auction are to be deposited into Fund 500, Agency 500001 (Environmental Trust Fund).

Adopted December 1, 2015. No. 15-709

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

WHEREAS, The applicant, Mark Jacobs of Yigo, Guam, has applied to repurchase state tax forfeited land legally described as:

CITY OF HERMANTOWN
N1/2 OF SW1/4 OF NW1/4 EX PART PLATTED AS RIO VISTA
SECTION 23, TOWNSHIP 50 NORTH, RANGE 15 WEST
Parcel Code: 395-0010-06210; and

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

WHEREAS, Approving the repurchase will correct undue hardship and promote the use of lands that will best serve the public interest;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the

repurchase application by Mark Jacobs of Yigo, Guam, on file in County Board File No. 60090, subject to payments including total taxes and assessments of \$13,959.74, service fee of \$114, deed tax of \$46.07, deed fee of \$25, and recording fee of \$46, for a total of \$14,190.81 to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted December 1, 2015. No. 15-710

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

WHEREAS, The applicants, Kevin & Shirley Burritt of Mt. Iron, MN, have applied to repurchase state tax forfeited land legally described as:

CITY OF VIRGINIA

LOTS 20 AND 21, BLOCK 28

VIRGINIA

Parcel Code: 090-0010-06690; and

WHEREAS, The applicants were the owners of record at the time of forfeiture and are eligible to repurchase the property; and

WHEREAS, Approving the repurchase will correct undue hardship and promote the use of lands that will best serve the public interest;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the repurchase application by Kevin & Shirley Burritt of Mt. Iron, MN, on file in County Board File No. 60090, subject to payments including total taxes and assessments of \$5,044.04, service fee of \$114, deed tax of \$16.65, deed fee of \$25, and recording fee of \$46, for a total of \$5,245.69 to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted December 1, 2015. No. 15-711

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

WHEREAS, The applicants, Tom & Sally Schlotec of Duluth, MN, have applied to repurchase state tax forfeited land legally described as:

CITY OF DULUTH

LOTS 25, 26 & 27 INC PART OF VAC ALLEY ADJ, BLOCK 32

GARY FIRST DIVISION DULUTH

Parcel Code: 010-1800-07970; and

WHEREAS, The applicants were the owners of record at the time of forfeiture and are eligible to repurchase the property; and

WHEREAS, Approving the repurchase will correct undue hardship and promote the use of lands that will best serve the public interest;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the repurchase application by Tom & Sally Schlotec of Duluth, MN, on file in County Board File No. 60090, subject to payments including total taxes and assessments of \$3,482.17, service fee of \$114, deed tax of \$11.49, deed fee of \$25, and recording fee of \$46, for a total of \$3,678.66 to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted December 1, 2015. No. 15-712

WHEREAS, St. Louis County Board Resolution No. 15-454, dated July 28, 2015, canceled a contract with Joshua Beyer for the repurchase of state tax forfeited land; and

WHEREAS, The contract holder has cured the default;

THEREFORE, BE IT RESOLVED, That St. Louis County Board Resolution No. 15-454, dated July 28, 2015 is rescinded.

Adopted December 1, 2015. No. 15-713

WHEREAS, Lake Country Power has requested a utility easement across state tax forfeited land to install a permanent underground electrical line; and

WHEREAS, Exercising the easement will not conflict with public use of land; and

WHEREAS, Minn. Stat. § 282.04, Subd. 4, authorizes the County Auditor to grant easements across state tax forfeited land for such purposes;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the County Auditor to grant a utility easement to Lake Country Power over, under and across state tax forfeited lands as described in County Board File No. 60012;

RESOLVED FURTHER, That granting of this easement is conditioned upon payment of \$320 land use fee, \$100 administration fee, \$50 timber damages, and \$46 recording fee, for a total of \$516 to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted December 1, 2015. No. 15-714

WHEREAS, The state tax forfeited parcels described here are currently included in an established memorial forest; and

WHEREAS, Pursuant to Minn. Stat. § 459.06, Subd. 3, state tax forfeited land which has been included in an established memorial forest and found more suitable for other purposes may, by resolution of the County Board, be withdrawn from the forest for disposal if the Commissioner of Natural Resources approves the sale of such land; and

WHEREAS, The state tax forfeited parcels described here are more suitable for purposes other than forest management;

THEREFORE, BE IT RESOLVED, That the state tax forfeited parcels described in County Board File No. 60043 shall be withdrawn from Central Lakes, Lake Upham, Pelican Lake, and Whiteface Memorial Forests.

Adopted December 1, 2015. No. 15-715

WHEREAS, The St. Louis County Public Works Department began a project to study the implementation of adaptive signal control technology to traffic signals within the Miller Hill area of Duluth and Hermantown; and

WHEREAS, The outcome of this study recommended the need to update the traffic signal timing plans; and

WHEREAS, The project team was led by St. Louis County and included representation from the Minnesota Department of Transportation, City of Duluth and City of Hermantown; and

WHEREAS, The project team recommended including additional traffic signals on the US-53/Miller Trunk Highway and MN Trunk Highway 194/Central Entrance corridors in this project identified as SAP 069-030-041, CP 0000-259405; and

WHEREAS, The project costs estimated at \$90,000 will be shared by the Minnesota Department of Transportation, St. Louis County, City of Duluth and City of Hermantown and a cooperative agreement between the cities is required; and

WHEREAS, St. Louis County will process a separate work order to the standing Master Agreement between St. Louis County and the Minnesota Department of Transportation to account for the Minnesota Department of Transportation's 40 percent cost share;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to enter into a cooperative agreement with the City of Duluth and the City of Hermantown to complete the traffic signal timing plan update project, with the county's portion of the cost payable from Fund 220, Agency 220368.

Adopted December 1, 2015. No. 15-717

WHEREAS, The St. Louis County Public Works Department began a project to study the implementation of adaptive signal control technology to traffic signals within the Miller Hill area of Duluth and Hermantown; and

WHEREAS, The outcome of this study recommended the need to update the traffic signal timing plans; and

WHEREAS, The project team was led by St. Louis County and included representation from the Minnesota Department of Transportation, City of Duluth and City of Hermantown; and

WHEREAS, The project team also recommended including additional traffic signals on the US-53/Miller Trunk Highway and MN Trunk Highway 194/Central Entrance corridors in this project, identified as SAP 069-030-041, CP 0000-259405; and

WHEREAS, The project cost will be shared by the Minnesota Department of Transportation, St. Louis County, City of Duluth and City of Hermantown;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to enter into an amendment to the professional services agreement with Alliant Engineering, Inc., of Minneapolis, MN, to perform the traffic signal timing plan update project;

RESOLVED FURTHER, That the project cost of \$90,000 is to be paid by the Minnesota Department of Transportation, Cities of Duluth and Hermantown and St. Louis County as outlined in the agreement, with the county portion to be paid from Fund 220, Agency 220368.

Adopted December 1, 2015. No. 15-718

RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to enter into an agreement, and any amendments approved by the County Attorney, with the City of Proctor and City of Duluth for the pavement rehabilitation on Boundary Avenue, CP 0000-279948, whereby the City of Proctor and City of Duluth will pay the "City Non-Participating" local share items listed in the plan. The funds from the City of Proctor and City of Duluth will be receipted into: Fund 200, Object 551502 (Proctor revenue) and Object 551501 (Duluth revenue)

Adopted December 1, 2015. No. 15-719

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

CP 0014-94576 TST, SAP 069-614-016 (Low): CSAH 14 (Thompson Hill Road) from 532' WSW of CR 898 to CSAH 14 (West Skyline Parkway);

CP 0982-248043 TST (Tied): CR 982 (Old Miller Trunk) from CSAH 13 (Midway Road) to CSAH 15 (Munger Shaw Road);

CP 0483-276897 (Tied): CR 483 (South Pike Lake Road) from East Junction CR 982 (Old Miller Trunk) to West Junction CR 982 (Old Miller Trunk); and

WHEREAS, Bids were opened in the Richard H. Hansen Transportation & Public Works Complex, Duluth, MN, on November 19, 2015, and the low responsible bid determined;

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

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Ulland Brothers, Inc.	P.O. Box 340 Cloquet, MN 55720	\$2,053,219.34

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:

CP 0014-94576 TST,		
SAP 069-614-016 (Low)	Fund 444, Agency 444045, Object 652806	\$ 579,126.07
CP 0982-248043 TST (Tied)	Fund 444, Agency 444029, Object 652806	\$1,327,198.63
CP 0483-276897 (Tied)	Fund 200, Agency 203399, Object 652800	\$ 146,894.64

Adopted December 1, 2015. No. 15-720

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

CP 0024-216090 TST, SAP 069-624-022 (Low): CSAH 24 (Crane Lake Road) from CSAH 23 (Orr Buyck Road) to Crane Lake;

CP 0024-272429 TST (Tied): CSAH 24 (Crane Lake Road) from CSAH 23 (Orr Buyck Road) to Crane Lake; and

WHEREAS, Bids were opened in the Richard H. Hansen Transportation & Public Works Complex, Duluth, MN, on November 19, 2015, and the low responsible bid determined;

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

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
KGM Contractors, Inc.	9211 Hwy. 53 Angora, MN 55703	\$3,357,452.96

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:

CP 0024-216090 TST,		
SAP 069-624-022 (Low)	Fund 444, Agency 444052, Object 652806	\$2,991,723.92
CP 0024-272429 TST (Tied)	Fund 444, Agency 444046, Object 652806	\$ 365,729.04

Adopted December 1, 2015. No. 15-721

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

CP 0447-153451 TST (Low): CR 447 (Tamminen Road) from TH 37 to CR 452 (Iron Junction Road);

CP 0447-269850 TST (Tied): CR 447 (Tamminen Road) from TH 37 to CR 452 (Iron Junction Road);

CP 0452-153452 TST (Tied): CR 452 (Iron Junction Road) from CSAH 25 (Hwy 25) to CSAH 137 (Spirit Lake Road);

CP 0452-269852 TST (Tied): CR 452 (Iron Junction Road) from CSAH 25 (Hwy 25) to CSAH 137 (Spirit Lake Road); and

WHEREAS, Bids were opened in the Richard H. Hansen Transportation & Public Works Complex, Duluth, MN, on November 19, 2015, and the low responsible bid determined;

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

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Ulland Brothers, Inc.	P.O. Box 340 Cloquet, MN 55720	\$823,629.15

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:

CP 0447-153451 TST (Low)	Fund 444, Agency 444048, Object 652806	\$253,085.70
CP 0447-269850 TST (Tied)	Fund 444, Agency 444049, Object 652806	\$ 35,146.70
CP 0452-153452 TST (Tied)	Fund 444, Agency 444050, Object 652806	\$472,272.70
CP 0452-269852 TST (Tied)	Fund 444, Agency 444051, Object 652806	\$ 63,124.05

Adopted December 1, 2015. No. 15-722

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

CP 0180-213069 TST, Bridge 69A34 on CR 180 between TH 53 and CR 601; and

WHEREAS, Bids were opened in the Richard H. Hansen Transportation & Public Works Complex, Duluth, MN, on November 19, 2015, and the low responsible bid determined;

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

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Redstone Construction, LLC	2183 Hwy. 65 N. Mora, MN 55051	\$859,352.75

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 444, Agency 444047, Object 652806.

Adopted December 1, 2015. No. 15-723

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

CP 0082-215031 TST, SAP 069-682-003, Bridge 69K37 on CSAH 82 (Heino Road) between TH 73 and CR 491 (Roini Road) over Gilmore Creek; and

WHEREAS, Bids were opened in the Richard H. Hansen Transportation & Public Works Complex, Duluth, MN, on November 19, 2015, and the low responsible bid determined;

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

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
KGM Contractors, Inc.	9211 Hwy. 53 Angora, MN 55703	\$457,774.91

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 444, Agency 444053, Object 652806.

Adopted December 1, 2015. No. 15-724

RESOLVED, That the St. Louis County Board approves the applications for abatements, correction of assessed valuations and taxes plus penalty and interest, and any additional accrual, identified in County Board File No. 60032.

Adopted December 1, 2015. No. 15-725

WHEREAS, The St. Louis County Liquor Licensing Committee met on November 3, 2015, to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation, sale to minor, on September 26, 2015, against Pine Point Lodge & Resort, Inc., d/b/a Pine Point Lodge & Resort, Crane Lake Township; and

WHEREAS, The Liquor Licensing Committee recommended a ten (10) day suspension and \$1,000 civil penalty, with nine (9) days of the suspension and \$1,000 of the civil penalty stayed for one year with no same or similar violations during that year, and recommended that the County Attorney's Office propose this penalty to Pine Point Lodge & Resort, Inc.; and

WHEREAS, Pine Point Lodge & Resort, Inc., has agreed to accept the proposal if approved by the County Board;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to execute an agreement suspending the On/Off-Sale 3.2 Percent Malt Liquor License No. 16-CT3.2CMBN-00077 issued to Pine Point Lodge & Resort, Inc., d/b/a Pine Point Lodge & Resort, Crane Lake Township, for ten (10) days and \$1,000 civil penalty, with nine (9) days and \$1,000 of the civil penalty stayed for one (1) year on the condition that the licensee have no same or similar violations during that year;

RESOLVED FURTHER, That the date of suspension of the liquor license will be December 7, 2015;

RESOLVED FURTHER, That a new violation within the next year (ending December 1, 2016) will result in the imposition of the remainder of the suspension and civil penalty, and may also be cause for additional action against the liquor license of the licensee pursuant to St. Louis County Ordinance Number 28, Section 13.

Adopted December 1, 2015. No. 15-726

RESOLVED, That a public hearing will be held at 9:50 a.m. on Tuesday, December 15, 2015, in the St. Louis County Courthouse, Duluth, MN, for the purpose of considering the suspension/revocation of liquor licenses for failure to pay real estate or personal property taxes when due, pursuant to St. Louis County Ordinance No. 28.

Adopted December 1, 2015. No. 15-727

RESOLVED, That pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products at retail, on file in the office of the County Auditor, identified as County Board File No. 60058, is hereby approved and the County Auditor is authorized to issue the license to the establishment listed below.

The following license holder was issued a tobacco violation citation on the date as stated:

The Clip Joint Tavern, Inc., d/b/a The Clip Joint Tavern, Inc., Alborn Township,
November 8, 2014, renewal and change of officers;

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

Adopted December 1, 2015. No. 15-728

RESOLVED, That pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products at retail, on file in the office of the County Auditor, identified as County Board File No. 60058, is hereby approved and the County Auditor is authorized to issue the license to the following establishment:

Back Country Bar, Inc., d/b/a Hugo's, Ault Township;

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

Adopted December 1, 2015. No. 15-729

RESOLVED, That pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products at retail, on file in the office of the County Auditor, identified as County Board File No. 60058, is hereby approved and the County Auditor is authorized to issue the license to the establishment listed below.

The following license holder was issued a tobacco violation citation on the date as stated:

Oveson KAB-CON, Inc., d/b/a Kettle Falls Hotel, Unorganized Township 70-18, August 14, 2015;

RESOLVED FURTHER, That if named license holders sell their licensed 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 the license fee to the license holder.

Adopted December 1, 2015. No. 15-730

WHEREAS, Minnesota's counties are mandated by the state to provide essential services in many program areas including human services, public safety, and transportation; and

WHEREAS, Counties depend on County Program Aid (CPA) for the financial sustainability of these state-mandated, county-administered services; and

WHEREAS, The current structure of the CPA formula, pursuant to Minn. Stat. Chapter 447A.0124, creates considerable volatility in the fund's distribution, interfering with counties' abilities to accurately budget for essential services; and

WHEREAS, The current formula's inadequacies have also resulted in the dramatic reduction of funding for one-third of Minnesota counties that have lost at least 50 percent of their funding since 2005; and

WHEREAS, Despite fluctuations over the past ten years, the state appropriation to the 2015 CPA is equal to the 2005 appropriation making it greatly depressed in terms of inflation; and

WHEREAS, A revised CPA formula in conjunction with additional funding will enable counties to continue to provide quality services that may also translate into reductions in county levies, decreasing the tax burden of Minnesota residents; and

WHEREAS, In October 2014, the Association of Minnesota Counties (AMC) assembled the CPA Work Group including leadership from twenty counties and representatives from the Metropolitan Inter-County Association and the Minnesota Rural Counties Caucus to analyze and develop a CPA formula that reflects the pressing needs of Minnesota's counties; and

WHEREAS, The CPA Work Group unanimously approved a revised CPA formula that

benefits all Minnesota counties by reducing volatility and ensuring a fair distribution of CPA; and

WHEREAS, St. Louis County also endorses \$17 million in new state funding for a state takeover of the county costs associated with funding the non-federal share of the Indian Child Welfare Act (ICWA); and

WHEREAS, The Board of Directors of the Association of Minnesota Counties that represents the diverse interests of Minnesota's 87 counties, voted to support the proposed CPA formula revisions;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board of Commissioners endorses the revised County Program Aid formula as crafted by the AMC County Program Aid Work Group with the following revisions to the Minnesota County Program Aid formula:

- A funding increase of \$40 million;
- The creation of a funding floor that guarantees each county \$350,000 in tax base equalization aid (TBEA);
- Adjustments to the TBEA formula factors to slow down counties loss of TBEA funding, including: an increase of the per capita factor to \$190 and a decrease of the county adjusted net tax capacity (ANTC) factor to 9 percent;
- The elimination of special funds and transition aid; and
- The creation of a 5% cap on annual CPA losses ensuring no county will lose more than 5% of its funding each year;

RESOLVED FURTHER, That the St. Louis County Board of Commissioners, consistent with the provisions above, also endorses \$17 million in new state funding for a state takeover of the county costs associated with funding the non-federal share of the Indian Child Welfare Act.

Adopted December 1, 2015. No. 15-731

WHEREAS, The St. Louis County Board supports the sharing of criminal justice information and systems throughout the region and in sharing the costs of providing those systems among the subscribing agencies in the region; and

WHEREAS, The Northeastern Minnesota Enforcement and Safety Information System (NEMESIS) continues to be developed and implemented in support of these efforts; and

WHEREAS, Ms. Angie VanDeHey, Advance! Training and Consulting, is able to provide the training and development services needed as the NEMESIS system evolves;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes a contract with Angie VanDeHey, Advance! Training and Consulting, for the period January 1, 2016 through December 31, 2016, not to exceed \$70,000, payable from NEMESIS subscriber fees – Fund 150, Agency 150001, Object 629900.

Adopted December 1, 2015. No. 15-732

BY COMMISSIONER BOYLE:

WHEREAS, The Duluth Housing and Redevelopment Authority (HRA) has requested to purchase state tax forfeited lands for the price of \$40,000, plus fees, for the purpose of a low income housing development as described in County Board File No. 60098; and

WHEREAS, Minn. Stat. § 282.01, Subd. 1(a), authorizes the sale of state tax forfeited land to an organized governmental subdivision for any public purpose for which the subdivision is authorized to acquire property; and

WHEREAS, These parcels of land have not been withdrawn from sale pursuant to Minn.

Stat. §§ 85.012, 92.461, 282.01, Subd. 8, and 282.018, and other statutes that require the withholding of state tax forfeited lands from sale; and

WHEREAS, These parcels of land have been classified as non-conservation land pursuant to Minnesota Stat. § 282.01; and

WHEREAS, Minn. Stat. § 282.01, Subd. 1a.(d), allows for non-conservation tax forfeited land to be sold to a governmental subdivision for less than market value if a reduced price is necessary to provide an incentive to correct blighted conditions or will lead to the development of affordable housing;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the sale of state tax forfeited land, as described, to the Duluth HRA for \$40,000 plus the following fees: 3% assurance fee of \$1,200, deed fee of \$25, deed tax of \$132, recording fee of \$46, for a total of \$41,403 to be deposited into Fund 240 (Forfeited Tax Fund);

RESOLVED FURTHER, That the St. Louis County Auditor shall offer for sale at public auction the state tax forfeited land described here if the Duluth HRA does not purchase the land by March 31, 2016.

Yeas – Commissioners Jewell, Boyle, Rukavina, Raukar and Chair Stauber – 5

Nays – Commissioners Dahlberg and Nelson – 2

Adopted December 1, 2015. No. 15-734

BY COMMISSIONER RUKAVINA:

WHEREAS, The Fond du Lac Band of Lake Superior Chippewa has requested to purchase several hundred acres of state tax forfeited land located within the Fond du Lac Reservation located in St. Louis County, Minnesota; and

WHEREAS, Acquisition of the land is made possible as a result of an appropriation from the Minnesota Outdoor Heritage Fund pursuant to a recommendation of the Lessard-Sams Outdoor Heritage Council according to Minn. Stat. 97A.056, subd. 3; and

WHEREAS, An interest in real property that is acquired with money appropriated from the Outdoor Heritage Fund must be used in perpetuity for the purpose for which the appropriation was made. The ownership of the interest in real property transfers to the state if: (1) the holder of the interest in real property fails to comply with the terms and conditions of the grant agreement or accomplishment plan; or (2) restrictions are placed on the land that preclude its use for the intended purpose as specified in the appropriation; and

WHEREAS, The parcels acquired by the Band shall be maintained to prevent forest fragmentation and to protect and restore lake and stream habitat and shall remain open to the public for recreational purposes in perpetuity and, with the exception of wolf hunting, shall remain open for hunting and fishing by non-Band members in accordance with Minnesota game and fish regulations; and

WHEREAS, The parcels acquired by the Band shall not be developed, sold, transferred, pledged, or otherwise disposed of or further encumbered; and

WHEREAS, It is the intent of the Band to make an application for the fee title to the property be accepted into trust by the United States of America pursuant to the authority of the Indian Reorganization Act of 1934, or any other applicable law pertaining to the placement of land in trust at the request of the tribal authority; and

WHEREAS, The 1985 legislature passed into law Chapter 138, Section 5, which gives the Fond du Lac Band of Lake Superior Chippewa the first opportunity to purchase any tax forfeited land

to be sold within the reservation, and County Board Resolution No. 86-77, adopted on January 29, 1986, ratified and approved all provisions of that statute; and

WHEREAS, The high-priority parcels requested by the Band are not crucial to the Land and Minerals Department's forest management program and were targeted for liquidation in the past;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board supports the proposed sale of state tax forfeited land to the Fond du Lac Band of Lake Superior Chippewa and authorizes the Land and Minerals Department to proceed with an appraisal of all lands in accordance with State of Minnesota Land Acquisition Reporting Procedures.

Yeas – Commissioners Jewell, Dahlberg, Rukavina, Nelson, Raukar and Chair Stauber – 6

Nays – None

Abstained – Commissioner Boyle – 1

Adopted December 1, 2015. No. 15-735

BY COMMISSIONER JEWELL:

WHEREAS, In January 2013, Jennifer Rae Heglund and Jamie Lee Heglund commenced an action against St. Louis County; and

WHEREAS, In April 2015, the Heglunds filed an amended complaint naming eight employees of St. Louis County as additional defendants in the action; and

WHEREAS, The action, captioned Heglund v. Aitkin County, Case No. 0:14-cv-00296-ADM-LIB, is pending before the United States District Court for the District of Minnesota in Minneapolis, Minnesota; and

WHEREAS, The Heglunds and St. Louis County have reached an agreement on a proposed settlement that is subject to the approval of the St. Louis County Board; and

WHEREAS, Under the proposed settlement, the Heglunds will release certain claims against the defendants and St. Louis County will make a settlement payment in the amount of \$112,500 with no admission of fault or liability; and

WHEREAS, The St. Louis County Board wishes to approve the proposed settlement to avoid the expense and risk associated with further litigation;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the proposed settlement and authorizes the appropriate county officials to negotiate and execute appropriate settlement documents and to make the settlement payment contemplated by the proposed settlement in the amount of \$112,500, payable from Fund 720, Agency 720001, Expense Code 636200.

Unanimously adopted December 1, 2015. No. 15-736

BY COMMISSIONER DAHLBERG:

WHEREAS, The Department of Homeland Security has made funding available to the Port of Duluth/Superior under the FY 2014 Port Security Grant Program; and

WHEREAS, The Sheriff's Office and other public safety responders in St. Louis County and the City of Duluth have transitioned to ARMER, a Motorola P25 800 MHz Trunked radio system, and Douglas County and the City of Superior, WI, have transitioned to WISCOM, an EFJ P25 VHF Trunked radio system; and

WHEREAS, The emergency responders in the Duluth-Superior Port area, including the U.S. Coast Guard, do not have seamless interoperable communications; and

WHEREAS, Motorola, of Schaumburg, IL, sells a P25 Inter RF Subsystem Interface (ISSI

Gateway) to interconnect disparate P25 Trunked Radio systems called ISSI 8000; and

WHEREAS, The State of Wisconsin has purchased the EFJ equivalent ISSI Gateway for the WISCOM System; and

WHEREAS, The Sheriff's Office has worked with Motorola to save the county \$65,565;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the expenditure of the 2014 Port Security Grant in the amount of \$130,000 for purchase of the ISSI 8000 P25 ISSI Gateway from Motorola, Schaumburg, IL, with \$97,500 to be accounted for in Fund 100, Agency 129999, Grant 12938, Year 2014 and a 25% match in the amount of \$32,500 to be accounted for in Fund 100, Agency 136001, Object 659900;

RESOLVED FURTHER, That the appropriate county officials are authorized to execute all agreements and contracts necessary to purchase and install the ISSI 8000 P25 ISSI Gateway.

Unanimously adopted December 1, 2015. No. 15-737

BY COMMISSIONER DAHLBERG:

WHEREAS, The United States Department of Justice, Bureau of Justice Assistance (BJA), awards grant funds as part of the National Sexual Assault Kit Initiative (SAKI); and

WHEREAS, The City of Duluth has received funding from the BJA to create a coordinated community response to ensure just resolution to unsubmitted sexual assault kit cases, whenever possible, through a victim-centered approach; and

WHEREAS, The St. Louis County Attorney's Office's continuing efforts to improve community response to sexual assault, and participation with the City of Duluth and the Program for Victims of Sexual Assault (PAVSA) to accomplish the goals of the grant, is essential;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the provision of prosecution resources to assist the City of Duluth and PAVSA in the National Sexual Assault Kit Initiative and the receipt of funding from the SAKI grant, through the City of Duluth in the amount of \$263,766, representing the costs of a half-time senior prosecutor, a part-time victim/witness coordinator and related secretarial support over the life of the October 1, 2015 – September 30, 2018 grant;

RESOLVED FURTHER, That the appropriate county officials are authorized to execute the required agreements, and any amendments approved by the County Attorney, to provide services and receive funds which shall be deposited into Fund 100, Agency 113002, Object 550001.

Unanimously adopted December 1, 2015. No. 15-733

BY COMMISSIONER RAUKAR:

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

CP 0000-187068R, SP 69-070-017R located on seven (7) rural intersections in St. Louis County; and

WHEREAS, Bids were opened in the Richard H. Hansen Transportation & Public Works Complex, Duluth, MN, on October 22, 2015, and the low responsible bid determined;

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

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Parsons Electric	4615 Grand Avenue	\$391,692

Duluth, MN 55807

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 220366, Object 652700.

With additional revenue budgeted for expense:

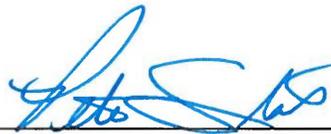
State of Minnesota (MnDOT) Fund 220, Agency 220366, Rev. Obj. 532304 \$75,000

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

Nays – Commissioner Rukavina – 1

Adopted December 1, 2015. No. 15-716

At 11:26 a.m., December 1, 2015, Commissioner Raukar, supported by Commissioner Dahlberg, moved to adjourn the meeting. The motion passed; seven yeas, zero nays.



Pete Stauber, Chair of the Board
of County Commissioners

Attest:



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

(Seal of the County Auditor)