

**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON SEPTEMBER 27, 2016**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 27th day of September 2016, at 9:38 a.m., at the Ely City Hall, Ely, Minnesota, with the following members present: Commissioners Patrick Boyle, Chris Dahlberg, Tom Rukavina, Pete Stauber, Keith Nelson, and Vice-Chair Frank Jewell - 6. Absent: Chair Steve Raukar - 1.

Vice-Chair Jewell asked for a moment of silence to honor all those serving overseas, law enforcement, others who protect us at home, and for all innocent victims of war and conflict, followed by the pledge of allegiance.

Commissioner Dahlberg offered his “Words of Wisdom” by reading quotes from Senator Sam Solon and Theodore Roosevelt. (Board File No. 60292)

Vice-Chair Jewell then opened the meeting to persons who wanted to address the Board concerning issues not on the agenda. Will Sandstrom, of Hibbing, discussed various challenges he encountered while trying to discover his ancestry. Dick Zahn, of Ely, provided the Board with an update on the Ely Area Veterans Memorial and thanked the Board for their support.

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

Commissioner Jewell, supported by Commissioner Rukavina, moved to appoint David Anderson, of Ault Township, to the Planning Commission with a term expiring December 31, 2018. David Anderson, of Ault Township, provided the Board with an overview of his qualifications and work history. After further discussion, the motion passed; six yeas, zero nays, one absent (Raukar). Resolution No. 16-599

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

Kevin Gray, County Administrator, Mark Weber, Land and Minerals Director, and Donald Dicklich, County Auditor/Treasurer, submitting Board Letter No. 16-408, Request for Free Conveyance of State Tax Forfeited Land to the City of Hermantown.—60457

Kevin Gray, County Administrator, Mark Weber, Land and Minerals Director, and Donald Dicklich, County Auditor/Treasurer, submitting Board Letter No. 16-409, Request for Free Conveyance of State Tax Forfeited Land to the City of Hibbing – Maple Hill Park.—60458

Kevin Gray, County Administrator, and Barbara Hayden, Planning and Community Development Director, submitting Board Letter No. 16-418, Committee Vacancy – Appointment to the Planning Commission.—60459

Purchase of Service Agreement, Contract No. 15861, between the St. Louis County Board of Commissioners and Daniel Wiswell, Aurora, MN, for chore services during the period July 1, 2016 to June 30, 2017.—16-832

Purchase of Service Agreement, Contract No. 15862, between the St. Louis County Board of Commissioners and Daniel Wiswell, Aurora, MN, for chore services during the period July 1, 2016 to June 30, 2017.—16-833

Purchase of Service Agreement, Contract No. 15863, between the St. Louis County Board of Commissioners and Daniel Wiswell, Aurora, MN, for chore services during the period July 1, 2016 to June 30, 2017.—16-834

Purchase of Service Agreement, Contract No. 15864, between the St. Louis County Board of Commissioners and Daniel Wiswell, Aurora, MN, for chore services during the period July 1, 2016 to June 30, 2017.—16-835

Purchase of Service Agreement, Contract No. 15869, between the St. Louis County Board of Commissioners and Daniel Wiswell, Aurora, MN, for chore services during the period July 1, 2016 to June 30, 2017.—16-836

Purchase of Service Agreement, Contract No. 15870, between the St. Louis County Board of Commissioners and Daniel Wiswell, Aurora, MN, for chore services during the period July 1, 2016 to June 30, 2017.—16-837

Purchase of Service Agreement, Contract No. 15872, between the St. Louis County Board of Commissioners and Daniel Wiswell, Aurora, MN, for chore services during the period July 1, 2016 to June 30, 2017.—16-838

Purchase of Service Agreement, Contract No. 15886, between the St. Louis County Board of Commissioners and Sean Johnson, Virginia, MN, for chore services during the period July 1, 2016 to June 30, 2017.—16-839

Purchase of Service Agreement, Contract No. 15887, between the St. Louis County Board of Commissioners and Tim Ellison, Chisholm, MN, for chore services during the period July 1, 2016 to June 30, 2017.—16-840

Purchase of Service Agreement, Contract No. 15889, between the St. Louis County Board of Commissioners and Matt Tuchel, Soudan, MN, for chore services during the period October 1, 2016 to June 30, 2017.—16-841

St. Louis County Safety & Risk Management Training Contract between St. Louis County and Chainsaw Safety Specialists, LLC, Fence, WI, for *Chainsaw Training* on September 20, 21, and 22, 2016.—16-842

Purchase of Service Agreement, Contract No. 15826, between the St. Louis County Board of Commissioners and Tim Schmalz, Hibbing, MN, for Chore Services during the period May 1, 2016 to June 30, 2016.—16-843

Purchase of Service Agreement, Contract No. 15850, between the St. Louis County Board of Commissioners and Tim Ellison, Chisholm, MN, for Chore Services during the period July 1, 2016 to June 30, 2017.—16-844

Purchase of Service Agreement, Contract No. 15859, between the St. Louis County Board of Commissioners and Tim Schmalz, Hibbing, MN, for Chore Services during the period July 1, 2016 to June 30, 2017.—16-845

Purchase of Service Agreement, Contract No. 15890, between the St. Louis County Board of Commissioners and Lowell Erickson, Babbitt, MN, for Chore Services during the period October 1, 2016 to June 30, 2017.—16-846

Purchase of Service Agreement, Contract No. 15891, between the St. Louis County Board of Commissioners and Jeremy Powell, Virginia, MN, for Chore Services during the period October 1, 2016 to June 30, 2017.—16-847

Purchase of Service Agreement, Contract No. 15897, between the St. Louis County Board of Commissioners and Floodwood Services and Training, Inc., Chore Program, Floodwood, MN, for Chore Services during the period July 1, 2016 to June 30, 2017.—16-848

Purchase of Service Agreement, Contract No. 15898, between the St. Louis County Board of Commissioners and Great Lakes Excavating, Duluth, MN, for Chore Services during the period October 1, 2016 to June 30, 2017.—16-849

Group Residential Housing Agreement – Group Settings, Contract No. 53172, between St. Louis County and Northland Assisted Living, LLC, Duluth, MN, during State Fiscal Year 2016.—16-850

Group Residential Housing Agreement – Group Settings, Contract No. 53243, between St. Louis County and Carlson Hall, Inc., Duluth, MN, during State Fiscal Year 2016.—16-851

Group Residential Housing Agreement – Group Settings, Contract No. 53247, between St. Louis County and Myles Home, Floodwood, MN, during State Fiscal Year 2016.—16-852

Group Residential Housing Agreement – Group Settings, Contract No. 53248, between St. Louis County and KC Companies d/b/a Golden Horizons Assisted Living, Tower, MN, during State Fiscal Year 2016.—16-853

Group Residential Housing Agreement – Group Settings, Contract No. 53249, between St. Louis County and Cotton Country Manor, Cotton, MN, during State Fiscal Year 2016.—16-854

Amendment to Professional Services Agreement, DAMION No. 2016-010149, between the County of St. Louis and CR-Building Performance Specialists, Inc., for additional services for the Duluth Depot Asset and Energy Management Program.—16-855

Upon motion by Commissioner Dahlberg, supported by Commissioner Boyle, resolutions numbered 16-585 through 16-598, as submitted on the consent agenda, were unanimously adopted as follows:

BY COMMISSIONER DAHLBERG:

RESOLVED, That the official proceedings of the St. Louis County Board of Commissioners for the meeting of September 13, 2016, are hereby approved.

Adopted September 27, 2016. No. 16-585

WHEREAS, The Duluth Housing and Redevelopment Authority (HRA) has requested to purchase the following described state tax forfeited land for the market value of \$8,500, plus fees, for the purpose of economic development:

Legal: City of Duluth

TRACT C RLS NO. 50

Parcel Code: 010-3907-00030

LDKey: 117270; 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, This parcel has been classified as non-conservation land pursuant to Minn. Stat. § 282.01;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the reclassification and sale of state tax forfeited land, as described, to the Duluth HRA for the market value of \$8,500 plus the following fees: 3% assurance fee of \$255, deed fee of \$25, deed tax of \$28.05, recording fee of \$46 and appraisal fee of \$800, for a total of \$9,654.05 to be deposited into Fund 240 (Forfeited Tax Fund);

RESOLVED FURTHER, That the 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 December 31, 2016;

RESOLVED FURTHER, That St. Louis County Board Resolution No. 15-479, dated August 4, 2015, is hereby rescinded.

Adopted September 27, 2016. No. 16-586

WHEREAS, Pursuant to Minn. Stat. § 282.01, Subd. 1(a), upon recommendation of the County Board, the Commissioner of Revenue may convey state tax forfeited land to another governmental subdivision for an authorized public use; and

WHEREAS, Pursuant to Laws of Minnesota, 2010, Chapter 389, Article 9, all property conveyed under a conditional use deed by the Commissioner of Revenue is released from the use restriction and the possibility of reversion 30 years from the date the deed is acknowledged; and

WHEREAS, The City of Hermantown has requested a free conveyance of state tax forfeited land for public park and trail purposes, legally described as:

CITY OF HERMANTOWN

W 418.91 FT, LOT 1, BLOCK 16, DUL HOMESTEADS SUBD PLAT
HERMANTOWN

Parcel Code: 395-0070-00852

5 Acres

LDKey: 110881

THEREFORE, BE IT RESOLVED, That the St. Louis County Board recommends that the Commissioner of Revenue convey the above described state tax forfeited land to the City of Hermantown for public park and trail purposes upon payment of \$250 administrative fee, \$250 Department of Revenue fee, \$25 deed fee, \$1.65 deed tax, and \$66 recording fee, for a total of \$592.65 to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted September 27, 2016. No. 16-587

WHEREAS, Pursuant to Minn. Stat. § 282.01, Subd. 1(a), upon recommendation of the County Board, the Commissioner of Revenue may convey state tax forfeited land to another governmental subdivision for an authorized public use; and

WHEREAS, Pursuant to Laws of Minnesota, 2010, Chapter 389, Article 9, all property conveyed under a conditional use deed by the Commissioner of Revenue is released from the use restriction and the possibility of reversion 30 years from the date the deed is acknowledged; and

WHEREAS, The City of Hibbing has requested a free conveyance of state tax forfeited land for public park and trail purposes, legally described as:

Legal: CITY OF HIBBING

PART OF SW1/4 OF SE1/4 LYING N OF SLY 433 FT

Section 36, Township 57 North, Range 21 West

Parcel Code: 141-0050-07345

Acres: 27.70

LDKey: 106048

THEREFORE, BE IT RESOLVED, That the St. Louis County Board recommends that the Commissioner of Revenue convey the above described state tax forfeited land to the City of Hibbing to be used for public park and trail purposes, upon payment of the following fees: \$250 administrative fee, \$250 Department of Revenue fee, \$1.65 deed tax, \$25 deed fee, and \$46 recording fee, for a total of \$572.65 to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted September 27, 2016. No. 16-588

WHEREAS, The state tax forfeited parcels described in County Board File No. 60349 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 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. 60349 shall be withdrawn from Pelican Lake, Island Lake, Lake Vermilion and Lake Upham Forests.

Adopted September 27, 2016. No. 16-589

WHEREAS, Minnesota Session Laws 2016, Chapter 154, authorizes the public and private sale of state tax forfeited land bordering public water subject to the establishment of permanent conservation easements to provide riparian protection and access for anglers and for future restoration work; and

WHEREAS, Minn. Stat. § 282.37 authorizes the Commissioner of Revenue, upon recommendation from a county board, to grant permanent easements on state tax forfeited lands bordering lakes and streams to be held in the name of the State Department of Natural Resources;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the Commissioner of Revenue to grant the following permanent easements to the State Department of Natural Resources to provide riparian protection and angler access:

1. That part of the easterly 260 feet of Lot 1 lying South of the Whiteface River, Town of Cotton, Section 12, Township 54 North, Range 17 West. The easement shall be 75 feet in width, lying southerly from the water's edge.
2. Lot 1, except the southerly 1,120 feet, Town of Cotton, Section 13, Township 54 North, Range 17 West. The easement shall be 75 feet in width, lying southerly from the water's edge.

Adopted September 27, 2016. No. 16-590

WHEREAS, Gerald and Jean Fitzsimmons have requested an access easement across state tax forfeited land; and

WHEREAS, There are no reasonable alternatives to obtain access to the property; and

WHEREAS, Exercising the easement will not cause significant adverse environmental or natural resource management impacts and will not conflict with public use of land; and

WHEREAS, Minn. Stat. § 282.04, Subd. 4a, 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 non-exclusive access easement to Gerald and Jean Fitzsimmons across state tax forfeited lands as described in County Board File No. 60294;

RESOLVED FURTHER, That granting of this easement is conditioned upon payment of \$680 land use fee, \$50 timber damages, \$100 administration fee, and \$46 recording fee, for a total of \$876 to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted September 27, 2016. No. 16-591

RESOLVED, That the appraisal reports for the sale of timber, numbered Tracts 1 and 2 (totaling \$5,685.00), as submitted by the Land Commissioner, on file in the office of the County Auditor, identified as County Board File No. 60295, are approved and the County Auditor is authorized to carry out the recommendations as listed in said appraisal reports.

Adopted September 27, 2016. No. 16-592

WHEREAS, The St. Louis County Public Works Department is planning a reclaim and overlay project over 4.7 miles of County State Aid Highway (CSAH) 5 within French and Morcom Townships; and

WHEREAS, The project begins near the Minnesota DNR Forestry Station in Section 16, Township 60 North, Range 21 West, and ends 2.5 miles north of the intersection of CSAH 5 and Township Road No. 7151 (Snake Trail) in Section 27, Township 61 North, Range 21 West; and

WHEREAS, The improvement consists of grading and ditching along portions of the roadway as determined necessary to provide for the safety and convenience of the traveling public; and

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

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the Public Works Director to proceed with the acquisition of the necessary lands and temporary easements, payable from Fund 200, Agency 203001;

RESOLVED FURTHER, That the State of Minnesota Department of Natural Resources is requested to provide St. Louis County with an easement across State of Minnesota lands located in Section 16, Township 60 North, Range 21 West of the Fourth Principal Meridian, more or less, adjacent to the existing centerline of CSAH 5. A complete description of the easement area will be provided to the State of Minnesota when the survey of the same is completed prior to formal easement application.

Adopted September 27, 2016. No. 16-593

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

CP 0059-229537, SAP 69-659-002 Bridge 69A35 (County Bridge 388) and Approach Grading on CSAH 59 (Melrude Road) 0.7 mile west of Junction CR 322; and

WHEREAS, Bids were opened in the Richard H. Hansen Transportation & Public Works Complex, Duluth, MN, on September 8, 2016, 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>
Northland Constructors, LLC	4843 Rice Lake Road Duluth, MN 55803	\$1,061,338.67

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 220329, Object 652700.

Adopted September 27, 2016. No. 16-594

WHEREAS, The St. Louis County Liquor Licensing Committee met on August 2, 2016, to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation, sale to minor, on July 15, 2016, against Tucheck, Inc., d/b/a Bear River Viking Bar, Morcom 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 (1) year with no same or similar violations during that year, and recommended that the County Attorney's Office propose this penalty to Tucheck, Inc.; and

WHEREAS, Tucheck, 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 Combination On/Off-Sale and Sunday On-Sale Intoxicating Liquor License No. 17-CTCMBS-00240 issued to Tucheck, Inc., d/b/a Bear River Viking Bar, Morcom 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 has no same or similar violations during that year;

RESOLVED FURTHER, That the date of suspension of the liquor license will be October 3, 2016;

RESOLVED FURTHER, That a new violation within the next year (ending September 27, 2017) 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 September 27, 2016. No. 16-595

WHEREAS, The St. Louis County Liquor Licensing Committee met on August 2, 2016, to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation, sale to minor, on July 15, 2016, against MSO & ALS L. L. C. d/b/a The Landing, Beatty 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 (1) year with no same or similar violations during that year, and recommended that the County Attorney's Office propose this penalty to MSO & ALS L. L. C.; and

WHEREAS, MSO & ALS L. L. C. 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 Combination On/Off-Sale and Sunday On-Sale Intoxicating Liquor License No. 17-CTCMBS-00268 issued to MSO & ALS L. L. C. d/b/a The Landing, Beatty 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 has no same or similar violations during that year;

RESOLVED FURTHER, That the date of suspension of the liquor license will be October 3, 2016;

RESOLVED FURTHER, That a new violation within the next year (ending September 27, 2017) 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 September 27, 2016. No. 16-596

WHEREAS, The St. Louis County Courthouse-Virginia, including the lock-up section of the facility, has HVAC equipment that dates back to the mid-1970's and is well past its useful life, and the roof is 30 years old and in need of replacement; and

WHEREAS, Architectural Resources Incorporated of Hibbing, MN, designed the HVAC system in the recent courthouse addition and will design the remaining courthouse HVAC systems and roof to be compatible and achieve infrastructure standardization;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to enter into a professional services agreement with Architectural Resources Incorporated of Hibbing, MN, for the system investigation/analysis, design, bid documents, project administration, and project close out for the St. Louis County Courthouse-Virginia HVAC and roof replacement project, in the amount of \$81,000, payable from Fund 402, Agency 402011.

Adopted September 27, 2016. No. 16-597

RESOLVED, That the workers' compensation report of claims by employees for work-related injuries, dated September 15, 2016, on file in the office of the County Auditor, identified as County Board File No. 60274, is hereby received and ratified as payable from Fund 730, Agency 730001.

Adopted September 27, 2016. No. 16-598

BY COMMISSIONER JEWELL:

WHEREAS, The St. Louis County Board of Commissioners appoints citizens to serve on the St. Louis County Planning Commission; and

WHEREAS, Five individuals have submitted applications for this vacancy:

David Anderson - Ault Township

Mark Drobac - Greenwood Township

Julia Maki - Embarrass Township

Lee Peterson - Greenwood Township

Charles Prudhomme - Meadowlands Township

THEREFORE, BE IT RESOLVED, That the St. Louis County Board appoints David Anderson to the Planning Commission with a term expiring December 31, 2018.

Unanimously Adopted September 27, 2016. No. 16-599

At 10:17 a.m., September 27, 2016, Commissioner Nelson, supported by Commissioner Boyle, moved to adjourn the meeting. The motion passed; six yeas, zero nays, one absent (Raukar).


Steve Raukar, 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)