

**OFFICIAL PROCEEDINGS OF THE MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. LOUIS, MINNESOTA,
HELD ON NOVEMBER 1, 2016**

The Board of County Commissioners of the County of St. Louis, Minnesota, met this 1st day of November 2016, at 9:38 a.m., at the Cotton Town Hall, Cotton, Minnesota, with the following members present: Commissioners Frank Jewell, Patrick Boyle, Chris Dahlberg, Tom Rukavina, Pete Stauber, Keith Nelson, and Steve Raukar - 7. Absent: None - 0.

Chair Raukar asked for a moment of silence to honor U.S. troops, their families, and for all innocent victims of war and conflict, with the hope that world leaders realize that our commonalities outweigh our differences, followed by the pledge of allegiance.

Chair Raukar then opened the meeting to persons who wanted to address the Board concerning issues not on the agenda. Todd Youngberg, of Duluth, discussed various concerns relating to property issues he had during 2015.

Commissioner Nelson offered his "Words of Wisdom" by reading a quote from Congressman Jim Oberstar. (Board File No. 60292)

Commissioner Nelson, supported by Commissioner Boyle, moved to approve the consent agenda. The motion passed; seven yeas, zero nays.

Commissioner Nelson, supported by Commissioner Jewell, moved to approve the 2016 third quarter budget changes. Commissioner Stauber stepped out of the meeting from 8:56 a.m. to 8:57 a.m. St. Louis County Auditor Don Dicklich said Item #17, Increase Public Health & Human Services revenue and expense budget was necessary due to an accounting change by the State Auditor requiring the funds to pass through St. Louis County. Commissioner Rukavina questioned various budget change items. Auditor Dicklich indicated that Item #21, Increase Forest Resources revenue and expense budget to fund appraisal costs for leased lots, which are recovered when the lots are sold, was a budget resolution passed several years ago by the Board. After further discussion, the motion passed; six yeas, one nay (Rukavina). Resolution No. 16-675.

Commissioner Rukavina, supported by Commissioner Jewell, moved to approve a grant application of up to \$5,000 to the Arrowhead Regional Arts Council for partial funding of a mural depicting "The Hill of Three Waters" to be installed in one of the courtrooms of the St. Louis County Courthouse in Hibbing, MN; and further, that St. Louis County commits to be the fiscal agent for the administration of this grant and any other grants that may be received to accomplish the funding of this project. After further discussion, the motion passed; seven yeas, zero nays. Resolution No. 16-676.

Commissioner Boyle, supported by Commissioner Jewell, moved to consider a resolution to appoint Linnea Mirsch as Public Health and Human Services Director; the item has not been to Committee of the Whole. The motion passed; seven yeas, zero nays.

Commissioner Boyle, supported by Commissioner Jewell, moved to appoint Linnea Mirsch as the St. Louis County Public Health and Human Services Director effective November 1, 2016, at the annual salary rate of \$136,323. Director Mirsch thanked the Board for the opportunity. The motion passed; seven yeas, zero nays. Resolution No. 16-677.

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

Kevin Gray, County Administrator, and Linnea Mirsch, Public Health and Human Services Interim Director, submitting Board Letter No. 16-465, Amendment to the Arrowhead Health Alliance Joint Powers Agreement.—60475

Kevin Gray, County Administrator, Mark Weber, Land and Minerals Director, and Mark Rubin, County Attorney, submitting Board Letter No. 16-480, Alternative Treatment for Repurchase of Non-Homestead Tax Forfeit Property.—60476

Kevin Gray, County Administrator, and James Foldesi, Public Works Director/Highway Engineer, submitting Board Letter No. 16-474, Acquisition of Right of Way by Condemnation Proceedings for Bridge Replacement on CSAH 99 (White Township).—60477

Kevin Gray, County Administrator, and Barbara Hayden, Planning and Economic Development Director, submitting Board Letter No. 16-477, Authorization to Apply to the IRRRB – Commercial Redevelopment Grant Program (Chisholm Structure).—60478

Kevin Gray, County Administrator, and Barbara Hayden, Planning and Economic Development Director, submitting Board Letter No. 16-478, Authorization to Apply to the IRRRB – Commercial Redevelopment Grant Program (Eveleth Structures).—60479

Kevin Gray, County Administrator, Mark Rubin, County Attorney, Donald Dicklich, County Auditor/Treasurer, and Linnea Mirsch, Public Health and Human Services Interim Director, submitting Board Letter No. 16-482, Health Insurance Portability and Accountability Act (HIPAA) Policy.—60480

Kevin Gray, County Administrator, and Donald Dicklich, County Auditor/Treasurer, submitting Board Letter No. 16-481, 2016 Third Quarter Budget Changes.—60481

Kevin Gray, County Administrator, submitting Board Letter No. 16-483, Application for Grant Funding from Arrowhead Regional Arts Council.—60482

Kevin Gray, County Administrator, and James Gottschald, Human Resources Director, submitting Board Letter No. 16-491, Public Health & Human Services Director Appointment.—60483

Fire Protection and First Responder Services Agreement between the County of St. Louis and the City of Babbitt for services in Unorganized Townships 61-12 and 61-13 during Calendar Year (CY) 2017.—16-909

Fire Protection Services Agreement between the County of St. Louis and Central Lakes Volunteer Fire Department, Inc., Eveleth, MN, for services in Unorganized Township 56-17 during CY

2017.—16-910

Fire Protection Services Agreement between the County of St. Louis and the City of Chisholm for services in Unorganized Township 59-21 except that part described as all the addresses beginning with 13041 Memory Lane through 13099 Memory Lane, during CY 2017.—16-911

Fire Protection and First Responder Services Agreement between the County of St. Louis and Colvin Volunteer Fire Department, Inc., Makinen, MN, for services in Unorganized Township 55-15 during CY 2017.—16-912

Fire Protection Services Agreement between the County of St. Louis and the City of Cook for services in Unorganized Townships 62-17 and 63-17 during CY 2017.—16-913

Fire Protection Services Agreement between the County of St. Louis and Evergreen Volunteer Fire Department, Inc., for services in Unorganized Townships 60-19 and 60-20 during CY 2017.—16-914

Fire Protection and First Responder Services Agreement between the County of St. Louis and French Township, Inc., Side Lake, MN, for services in Unorganized Township 59-21 during CY 2017.—16-915

Fire Protection Services Agreement between the County of St. Louis and Greenwood Township Volunteer Fire Department, Inc., Tower, MN, for services in Unorganized Township 63-15 during CY 2017.—16-916

Fire Protection Services Agreement between the County of St. Louis and Lakeland Volunteer Fire Department, Inc., Gilbert, MN, for services in Unorganized Township 57-16 during CY 2017.—16-917

Fire Protection Services Agreement between the County of St. Louis and the City of Orr for services in Unorganized Townships 63-19 and 66-20 during CY 2017.—16-918

Fire Protection and First Responder Services Agreement between the County of St. Louis and the Palo Regional Volunteer Fire Department, Inc., Aurora, MN, for services in Unorganized Townships 56-14, 57-14 and 58-14 (Sections 25-36) during CY 2017.—16-919

Fire Protection Services Agreement between the County of St. Louis and Pike-Sandy-Britt Volunteer Fire Department, Inc., Virginia, MN, for services in Unorganized Townships 59-16 and 60-18 during CY 2017.—16-920

Fire Protection Services Agreement between the County of St. Louis and the Silica Volunteer Fire Department, Inc., Hibbing, MN, for services in Unorganized Township 55-21 during CY 2017.—16-921

Fire Protection Services Agreement between the County of St. Louis and Bearville Township Volunteer Fire Department, Cook, MN, for services in Unorganized Township 62-21 during CY 2017.—16-922

Fire Protection Services Agreement between the County of St. Louis and Lake Kabetogama Area Fire Department, Kabetogama, MN, for services in Unorganized Townships 68-19, 69-19, 67-20, 67-21 and 68-21 during CY 2017.—16-923

Amendment to Purchase of Services Agreement, Contract No. 15448B, between the St. Louis County Board of Commissioners and Community Action Duluth, Duluth, MN, for 2014 Minnesota Family Investment Program (MFIP) Innovation Fund Grant – Racial and Ethnic Disparities in Employment Outcomes.—16-924

Amendment No. 1, Original Damion 2016-10597, between the County of St. Louis and American Engineering Testing, Inc., Duluth, MN, for 18 asbestos and regulated waste assessments.—16-925

Agreement between the City of Duluth and the County of St. Louis for the reconstruction of Commonwealth Avenue (CP 0000-305083/SAP 069-600-045).—16-926

Purchase of Service Agreement, Contract No. 15896, between the St. Louis County Board of Commissioners and Duluth Regional Care Center, Inc., Duluth, MN, for Respite Services for Individuals with Autism during the period July 1, 2016 through June 30, 2018.—16-927

Agreement for Professional Services between St. Louis County and Wayne Wilmot for high level technical oversight and mentoring of the Engineering Technician Principals to compile, review and reconcile project documentation for large scale, highly complex project close-outs (finalized) during the period October 17, 2016 through April 13, 2018.—16-928

Upon motion by Commissioner Nelson, supported by Commissioner Boyle, resolutions numbered 16-655 through 16-674, as submitted on the consent agenda, were unanimously adopted as follows:

BY COMMISSIONER NELSON:

RESOLVED, That the official proceedings of the St. Louis County Board of Commissioners for the meeting of October 25, 2016, are hereby approved.

Adopted November 1, 2016. No. 16-655

WHEREAS, The Minnesota Department of Health has provided a four (4) year Community Wellness Grant (CWG) in the amount of \$652,000 per year to the Carlton-Cook-Lake-St. Louis Community Health Board (CHB) to implement active living and healthy lifestyle activities with the goal of decreasing obesity and chronic disease rates; and

WHEREAS, Through Resolution No. 16-50, the County Board accepted \$97,657 to implement CWG activities during the grant period ending September 2016; and

WHEREAS, The CHB wishes to enter into a contract with the St. Louis County Public Health and Human Services Department (PHHS) for the period September 30, 2016 through September 29, 2018, with funding available from the Minnesota Department of Health Community Wellness Grant for the period ending September 29, 2017; and

WHEREAS, The CHB has awarded PHHS up to \$258,000 for the period September 30, 2016 through September 29, 2017 as the county's portion of the CWG grant; and

WHEREAS, PHHS has been asked to perform eligible grant activities through the hiring of a

1.0 FTE Public Health Nurse and continuing a current grant-supported position of a 1.0 FTE Public Health Educator; and

WHEREAS, The Human Resources Department has reviewed the assigned duties and agreed that the Public Health Nurse classification is appropriate; and

WHEREAS, St. Louis County is requested to authorize a sub-contract with up to \$80,000 of these grant funds for Community Action Duluth to implement grant activities;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the Public Health and Human Services Department to contract with the Carlton-Cook-Lake-St. Louis Community Health Board for the period September 30, 2016 through September 29, 2018 in order to accept additional Community Wellness Grant funds up to the amount of \$206,891 for the period September 30, 2016 through September 29, 2017 (there is \$51,109 in the anticipated 2017 budget for a total of \$258,000);

RESOLVED FURTHER, That the Board maintains the grant-supported 1.0 FTE Public Health Educator and increases the staffing complement of a 1.0 FTE Public Health Nurse for the period September 29, 2016 through September 30, 2017, with the understanding that if the grant funding is eliminated, the positions will also be eliminated;

RESOLVED FURTHER, That the Board authorizes the appropriate county officials to enter into a contract with Community Action Duluth to implement grant activities, specifically the Bikes Plus program and the hiring of a Community Health Worker with up to \$80,000 of the \$258,000 CWG funds;

RESOLVED FURTHER, That the PHHS budgeted revenues and expenditures are increased for budget year 2016 and 2017 with any remaining unspent funds at the end of 2016 to be included in the 2017 budget.

Budget references:

Fund 230, Agency 233999, Grant 23328, Object 541231, Grant Year 2016

Fund 230, Agency 233999, Grant 23328, Object 610100, Grant Year 2016

Fund 230, Agency 233999, Grant 23328, Object 629900, Grant Year 2016

Fund 230, Agency 233999, Grant 23328, Object 637900, Grant Year 2016

Fund 230, Agency 233999, Grant 23328, Object 633100, Grant Year 2016

Adopted November 1, 2016. No. 16-656

WHEREAS, The Arrowhead Health Alliance (AHA) was formed in 2007 as a way to integrate health care and human services in Carlton, Cook, Koochiching and Lake Counties; and

WHEREAS, The St. Louis County Board authorized St. Louis County to join the Alliance and execute a Joint Powers Agreement in 2012; and

WHEREAS, The Joint Powers Agreement requires updates to clarify the relationship between Arrowhead Health Alliance and the Region 3 Adult Mental Health Initiative, as well as provide clarity on Board quorum and voting rules; and

WHEREAS, The Joint Powers Agreement, proposed by the AHA, was approved by that Board on October 12, 2016 and has been reviewed by the St. Louis County Attorney's Office;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to execute the 3rd amended Arrowhead Health Alliance Joint Powers Agreement, as contained in County Board File No. 60475.

Adopted November 1, 2016. No. 16-657

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, plus penalties, costs, and interest; and

WHEREAS, The applicant, the Estate of Thomas Bussey of Pengilly, MN, has applied to repurchase state tax forfeited land legally described as:

CITY OF HIBBING
LOTS 22, 23 AND 24, BLOCK 14
KOSKIVILLE HIBBING
Parcel Code: 140-0130-03780; 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 the Estate of Thomas Bussey of Pengilly, MN, on file in County Board File No. 60327, subject to payments including total taxes and assessments of \$3,758.52, service fee of \$114, deed tax of \$12.40, deed fee of \$25, recording fee of \$46, court costs of \$379, locks & hasps cost of \$56, and maintenance fee of \$52.04, for a total of \$4,442.96 to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted November 1, 2016. No. 16-658

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 applicant, John D. Byers, Jr., of Hibbing, MN, has applied to repurchase state tax forfeited land legally described as:

CITY OF HIBBING
SW 1/4 OF SE 1/4
SECTION 16, TOWNSHIP 57 NORTH, RANGE 20 WEST
Parcel Code: 141-0020-02340; 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 John D. Byers, Jr., of Hibbing, MN on file in County Board File No. 60327, subject to payments including total taxes and assessments of \$5,307.26, service fee of \$114, deed tax of \$17.51, deed fee of \$25, and recording fee of \$46, for a total of \$5,509.77 to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted November 1, 2016. No. 16-659

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, plus penalties, costs, and interest; and

WHEREAS, The applicant, Darren Wagner of Duluth, MN, has applied to repurchase state

tax forfeited land legally described as:

CITY OF DULUTH
N 40 FT OF S 70 FT OF LOTS 430 AND 432, BLOCK 115
DULUTH PROPER SECOND DIVISION
Parcel Code: 010-1180-02390; and

WHEREAS, The applicant was the heir to 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 Darren Wagner of Duluth, MN, on file in County Board File No. 60327, subject to payments including total taxes and assessments of \$4,943.27, service fee of \$114, deed tax of \$16.31, deed fee of \$25, recording fee of \$46, eviction costs of \$322, writ cost of \$57, hasp and locks cost of \$54, and mowing cost of \$210, for a total of \$5,787.58 to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted November 1, 2016. No. 16-660

WHEREAS, The St. Louis County Purchasing Division solicited bids to furnish and deliver containerized tree seedlings for planting on tax forfeited land in the years 2018 and 2019; and

WHEREAS, The offering was divided into 12 sections with the award of bid going to the low bidder of each section; and

WHEREAS, PRT, USA (Victoria, Canada) submitted the low bid for sections 1 thru 6 and 11 thru 12 of the contract in the amount of \$294,275; and

WHEREAS, North Central Reforestation (Evansville, MN) submitted the low bid for sections 7 thru 10 of the contract in the amount of \$13,108.50;

THEREFORE BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to execute a contract with PRT, USA (Victoria, Canada) for sections 1 thru 6 and 11 thru 12 of Bid No. 5341 in the amount of \$294,275, and with North Central Reforestation (Evansville, MN) for sections 7 thru 10 of Bid No. 5341 in the amount of \$13,108.50, for containerized tree seedling delivery in spring of 2018 and 2019, in accordance with the specifications of Bid No. 5341, payable from Fund 290, Agency 290001, subject to approval by the County Attorney.

Adopted November 1, 2016. No. 16-661

WHEREAS, The Duluth Economic Development Authority (DEDA) has requested to purchase the following described state tax forfeited land for the market value of \$14,000, plus fees, for the purpose of economic development:

Legal: City of Duluth
LOT: 0264 BLOCK: 033, DULUTH PROPER SECOND DIVISION
Parcel Code: 010-1120-02240
LDKey: 118170; and

WHEREAS, Minn. Stat. § 282.01, Subd. 1a, 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, This parcel of land has 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 sale of state tax forfeited land, as described, to the Duluth Economic Development Authority (DEDA) for the market value \$14,000 plus the following fees: 3% assurance fee of \$420, deed fee of \$25, deed tax of \$46.20, recording fee of \$46 and appraisal fee of \$350, for a total of \$14,887.20 to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, That the St. Louis County Auditor may offer for sale at public auction the state tax forfeited land described here if DEDA does not purchase the land by April 25, 2017.

Adopted November 1, 2016. No. 16-662

WHEREAS, The Duluth Economic Development Authority (DEDA) has requested to purchase the following described state tax forfeited land for the market value of \$16,250, plus fees, for the purpose of economic development:

Legal: City of Duluth

ELY 45 FT of LOT 5, BLOCK 19, HAZELWOOD ADDITION TO ONEOTA

Parcel Code: 010-2120-01300

LDKey: 118161; and

WHEREAS, Minn. Stat. § 282.01, Subd. 1a, 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, This parcel of land has 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 sale of state tax forfeited land, as described, to the Duluth Economic Development Authority (DEDA) for the market value of \$16,250 plus the following fees: 3% assurance fee of \$487.50, deed fee of \$25, deed tax of \$53.63, recording fee of \$46 and appraisal fee of \$350, for a total of \$17,212.13 to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, That the St. Louis County Auditor may offer for sale at public auction the state tax forfeited land described here if DEDA does not purchase the land by April 25, 2017.

Adopted November 1, 2016. No. 16-663

WHEREAS, St. Louis and Lake Counties Regional Rail Authority has requested a non-exclusive easement across state tax forfeited land for the Mesabi Trail; 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. 4, authorizes the St. Louis 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 easement to St. Louis and Lake Counties Regional Rail Authority 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 \$5,923 land use fee, \$300 administration fee and \$152 recording fee, for a total of \$6,375 to be deposited into Fund 240 (Forfeited Tax Fund).

Adopted November 1, 2016. No. 16-664

WHEREAS, At the County Board Workshop held on October 18, 2016, the Land and Minerals Department presented proposed guidelines for the purchase and repurchase of tax forfeit properties that are designed to expedite the return of these properties to the tax rolls and to reduce the proliferation of blighted tax forfeit properties in cities and townships throughout the county; and

WHEREAS, An integral component of this proposal was a recommendation that the St. Louis County Board adopt an alternative treatment for the repurchase of non-homestead tax forfeit properties; and

WHEREAS, According to Minnesota statutes, “non-homestead property” means all property except that which is classified for property tax purposes as non-homestead property at the time that the repurchase application is approved; and

WHEREAS; The St. Louis County Board wishes to provide for an alternative treatment for the purchase of non-homestead tax forfeit property, according to Minn. Stat. § 282.261, Subd. 3., changing the current manner in which non-homestead tax forfeit properties are made available for repurchase;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board adopts the alternative treatment for the repurchase of non-homestead tax forfeit property as provided for in Minn. Stat. § 282.261, Subd. 3., allowing a “minimum down payment of 20 percent of the repurchase price and the balance to be paid in four (4) equal annual installments,” effective November 19, 2016.

RESOLVED FURTHER, That since the statute requires the “resolution to remain in force for at least one year after approval and shall be applied uniformly to all non-homestead property in the county,” the Land and Minerals Department is directed to provide the County Board with an evaluation of this policy change at the end of the one year period, which will include a report on the experience of selling tax forfeit lands using the guidelines for the purchase and repurchase of tax forfeit properties, as presented on October 18, 2016 (County Board File. No. 60476).

Adopted November 1, 2016. No. 16-665

WHEREAS, The St. Louis County Public Works Department plans to reconstruct a small segment of County State Aid Highway (CSAH) 99 and replace County Bridge 460/State Bridge 88611 spanning the Water Hen Creek in White Township; and

WHEREAS, The following described parcel of needed right of way has not been acquired by negotiation and direct purchase:

Parcel 1

Owners and Interests:

Jack Ralph Niemi, a single person, fee owner.
P.O. Box 1582
Homer, Alaska 99603

Property Legal Description

The Southerly 240 feet (15 rods) of the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) Section 34, Township 57 North, Range 15 West; EXCEPT 2.28 acres for County Highway 16 right of way.

Abstract property

Parcel ID# 570-0012-04880

Property Physical Address:

Highway 99, Aurora, MN 55765 (Town of White)

Rights to be acquired:

All that part of the above described property lying east of a line 50.00 feet west of, and parallel with, the following described line:

Commencing at the Southeast corner of Section 34, Township 57 North, Range 15 West; thence North 00 degrees 36 minutes 42 seconds West, assumed bearing, along the east line of said Section 34 a distance of 80.00 feet to a point; thence South 89 degrees 55 minutes 02 seconds West a distance of 0.82 feet to the point of beginning of the line to be described; thence North 00 degrees 40 minutes 40 seconds West a distance of 321.65 feet and there terminating.

Described easement contains approximately 0.38 acre, of which, 0.25 acre is existing roadway and 0.13 acre is new highway right of way.

TOGETHER with a TEMPORARY Construction Easement over the above described property, 50.00 feet in width, west of and adjacent to the above described permanent easement and lying between the north right of way line of CSAH 16 and a line drawn perpendicular to the CSAH 99 center line from engineer's station 3+00.

Described temporary easement contains approximately 0.25 acre and shall expire on December 31 2019;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board, pursuant to Minn. Stat. Chapter 163.02, et. al., authorizes the County Attorney to proceed under Minn. Stat. Chapter 117.02, et. al., to acquire the remaining necessary highway right of way by condemnation proceedings for County Project 0099-287573, payable from Fund 200, Agency 203001, Objects 636500, 636600, and 637500.

Adopted November 1, 2016. No. 16-666

WHEREAS, The City of Duluth and St. Louis County have determined it is necessary to repave County State Aid Highway (CSAH) 34/Kenwood Avenue starting at West Arrowhead Road and continuing north for 1,700 feet; and

WHEREAS, It was determined that additional milling and bituminous pavement is needed to provide a longer service life of the pavement; and

WHEREAS, The actual unit price of the bituminous pavement was higher than the estimated unit price; and

WHEREAS, The original cost participation of St. Louis County for this project was \$75,000 and Amendment No. 1 increased the total cost participation to \$135,000, and Amendment No. 2 will increase the total cost participation to \$210,000;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to approve Amendment No. 2 of the Cooperative Agreement (Damion No. 2016-10112) with the City of Duluth to cover the additional cost of the project on CSAH 34/Kenwood Avenue at the intersection with West Arrowhead Road, resulting in a total cost participation of \$210,000. This project is identified as CP 0034-278317, payable from Fund 200, Agency 203421.

Adopted November 1, 2016. No. 16-667

WHEREAS, The St. Louis County Liquor Licensing Committee met on October 4, 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 August 26, 2016, against The Pines of Kabetogama, LLC d/b/a The Pines of Kabetogama Resort, Kabetogama 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 The Pines of Kabetogama, LLC; and

WHEREAS, The Pines of Kabetogama, LLC 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 Off-Sale Intoxicating Liquor License No. 17-CTOFSL-00200 issued to The Pines of Kabetogama, LLC d/b/a The Pines of Kabetogama Resort, Kabetogama 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 November 7, 2016;

RESOLVED FURTHER, That a new violation within the next year (ending November 7, 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 November 1, 2016. No. 16-668

WHEREAS, The Iron Range Resources and Rehabilitation Board (IRRRB) has a Commercial Redevelopment Grant Program and St. Louis County is an eligible applicant for the program; and

WHEREAS, The Sabin-O'Neil Hotel and Bar located at 2 Lake Street West (PIN# 020-0010-03150) in Chisholm is a tax forfeit commercial structure determined to be blighted and not suitable for rehabilitation; and

WHEREAS, The St. Louis County Board authorized the demolition of these structures in Board Resolution No. 16-558; and

WHEREAS, The City of Chisholm supports the demolition and has expressed interest in acquisition of the site after demolition and clearance has been accomplished for redevelopment; and

WHEREAS, The IRRRB funding is proposed to be matched with St. Louis County funding resources to expand the county's capability to deal with blighted tax forfeit structures;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the Planning and Economic Development Department to apply for up to \$125,000 in grant funding from the Iron Range Resources and Rehabilitation Board – Commercial Redevelopment Grant Program for demolition and clearance of the Sabin-O'Neil Hotel and Bar site in Chisholm, MN;

RESOLVED FURTHER, That the County Board authorizes matching funds for the IRRRB Grant from funds budgeted in the Planning and Economic Development Department for addressing blight and authorizes the Planning and Economic Development Director to execute the application documents related thereto.

Adopted November 1, 2016. No. 16-669

WHEREAS, The Iron Range Resources and Rehabilitation Board (IRRRB) has a Commercial Redevelopment Grant Program and St. Louis County is an eligible applicant for the program; and

WHEREAS, The Tuna's Bar at 507 Grant Avenue, Eveleth, MN (PIN# 040-0010-00250) and Bill's TV and Audio at 511 Grant Avenue, Eveleth, MN (PIN# 040-0010-00240, 040-0030-00010, 040-0030-00130) are tax forfeit commercial structures determined to be blighted and not suitable for rehabilitation; and

WHEREAS, The St. Louis County Board authorized the demolition of these structures in Board Resolution No. 16-558; and

WHEREAS, The City of Eveleth supports the demolition and has expressed interest in acquisition of the sites after demolition and clearance has been accomplished for redevelopment; and

WHEREAS, The IRRRB funding is proposed to be matched with St. Louis County funding resources to expand the county's capability to deal with blighted tax forfeit structures;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the Planning and Economic Development Department to apply for up to \$100,000 in grant funding from the Iron Range Resources and Rehabilitation Board – Commercial Redevelopment Grant Program for demolition and clearance of the Tuna's Bar at 507 Grant Avenue, Eveleth, MN and Bill's TV and Audio at 511 Grant Avenue, Eveleth, MN;

RESOLVED FURTHER, That the County Board authorizes matching funds for the IRRRB Grant from funds budgeted in the Planning and Economic Development Department for addressing blight and authorizes the Planning and Economic Development Director to execute the application documents related thereto.

Adopted November 1, 2016. No. 16-670

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. 60288.

Adopted November 1, 2016. No. 16-671

RESOLVED, That pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products at retail, on file in the office of the County Auditor, identified as County Board File No. 60372, are hereby approved and the County Auditor is authorized to issue the licenses to the following establishments:

Hi Banks Resort, Inc., d/b/a Hi Banks Resort, Fredenberg Township;
SKF Friendly Liquors, Inc., d/b/a SKF Friendly Liquors, City of Hoyt Lakes.

RESOLVED FURTHER, That if a 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 November 1, 2016. No. 16-672

RESOLVED, That pursuant to St. Louis County Ordinance No. 51, the applications for license to sell tobacco products at retail, on file in the office of the County Auditor, identified as County Board File No. 60372, are hereby approved and the County Auditor is authorized to issue the licenses to the establishments listed below. The following license holders were issued a tobacco violation citation on the dates as stated:

Wieber & Associates, Inc., d/b/a Ash Trail Lodge, Unorganized Township 68-19, August 16, 2003;
Caywood Country Store, LLC, d/b/a Caywood Country Store, LLC, Brevator Township, September 27, 2016;
Belo Enterprises, Inc., d/b/a Crossroads Convenience/Liquor Store, Clinton Township, December 10, 2002, November 15, 2007, and December 16, 2010;
Stutzman Group, Inc., d/b/a Hoyt Lakes IGA, City of Hoyt Lakes, December 16, 2010;
Inter City Oil Co., Inc., d/b/a Inter City Oil Co., Inc., Cotton Township, November 6, 2012, October 5, 2013, and November 8, 2014;
Susan/Patrick Carey d/b/a Lakeland Store, Biwabik Township, December 15, 2002, and August 11, 2015;
Leon Polley d/b/a Polley's Resort, Unorganized Township 63-17, September 13, 1998, and December 13, 2014;
DM Stokke, Inc., d/b/a Stokke's Lakewood Market, Lakewood Township, November 14, 2012, and November 8, 2014;
Miner's Incorporated d/b/a Super One Foods, Canosia Township, October 30, 2012, and October 25, 2015.

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 November 1, 2016. No. 16-673

WHEREAS, The St. Louis County Health Insurance Portability and Accountability Act (HIPAA) Compliance Committee has completed a comprehensive review of its policy and compliance with the federal Health Insurance Portability and Accountability Act (HIPAA) to ensure appropriate safeguards are in place to protect the privacy and security of protected health information; and

WHEREAS, The County has reaffirmed its designation as a "hybrid entity" for purposes of HIPAA implementation; and

WHEREAS, The Administrator's Office has worked with the HIPAA Compliance Committee to conduct a thorough assessment of current practice and policy updates, and

WHEREAS, St. Louis County will make all reasonable efforts to comply fully and

consistently with all applicable laws and regulations relating to the privacy and security of protected health information;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the adoption of the Policy on Compliance with the Health Insurance Portability and Accountability Act (HIPAA) as contained in County Board File No. 60480.

RESOLVED FURTHER, That St. Louis County is designated as a “hybrid entity” for purposes of HIPAA compliance and the County Administrator or designee shall be the St. Louis County HIPAA Coordinator.

RESOLVED FURTHER, That the St. Louis County Board rescinds the previous HIPAA policy contained in County Board File No. 58050.

Adopted November 1, 2016. No. 16-674

BY COMMISSIONER NELSON:

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

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

WHEREAS, Proposed budget adjustments are levy neutral;

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

1. Transfer Planning budget from personnel to operating in the Natural Resources Block Grant to allow an increase to the contract with the North Soil & Water Conservation District (\$1,000.00).
2. Change account coding for the purchase of parcels from the City of Virginia to Property Management, Agency 128025, Object 660100, with funds transferred from general fund parking assigned fund balance, Fund 100, Object 311105 (Resolution No. 16-524) (\$118,846.50).
3. Increase Sheriff’s Office Federal Boat & Water Supplemental Grant revenue and expense budget to account for a grant award larger than originally estimated in the 2016 adopted budget (Resolution No. 15-766) (\$21,000.00).
4. Increase Sheriff’s Office State Boat & Water Grant revenue and expense budget due to a vendor refund for unacceptable boat repair, which was then returned to the state (\$2,000.00).
5. Change account coding for the tax abatement financing for City of Duluth – The District at Miller Hill to Fund 178, Agency 178001 (Resolution No. 16-467) (\$250,000.00).
6. Use of Attorney Forfeitures fund balance for donations to St. Louis County North and South Drug Courts, Life House, and First Witness Child Advocacy Center (\$26,095.69).
7. Use of fund balance to spend down Boundary Waters-Forfeiture fund due to Boundary Waters Drug Task Force joining Lake Superior Task Force (\$113,149.47).
8. Increase Economic Development revenue and expense budget to account for a Minnesota Investment Funds loan payoff from the City of Buhl, which will allow the funds to be reinvested in other eligible economic development project(s) (\$53,352.42).
9. Use of ditching fund balance to pay filing fee for legal proceeding (\$327.00).
10. Reimburse ditching fund balance (County Drainage Authority Resolution No. 15-02) due to lower than anticipated professional services expense (\$7,907.00).

11. Use of City/County Communications fund balance to replace a generator (\$23,000.00).
12. Correct funding source for Public Works project SP 69-604-073 (Sidewalk Project on CSAH 4/Rice Lake Road, Resolution No. 16-408) to be partially funded by transportation sales tax (\$562,700.98).
13. Increase Public Works revenue and expense budget to account for revenue received from Carlton County and Canosia Township for CP 0005-287158 (\$149,470.03).
14. Increase Public Works revenue and expense budget to account for Canosia Township's portion of overage expense on SAP 69-607-051 (Chip Seal Project, Resolution No. 16-184) (\$4,139.49).
15. Increase Public Health & Human Services pass-through revenue and expense budget for Supplemental Nutrition Assistance Program (SNAP) Employment and Training allocation from the MN Department of Human Services (\$74,670.25).
16. Use of Public Health & Human Services technology improvements assigned fund balance for the mobility project in the Children's Service Division (\$39,852.00).
17. Increase Public Health & Human Services revenue and expense budget to reflect a change in accounting for collaboratives (\$726,944.00).
18. Reduce Public Health & Human Services adopted use of Innovation assigned fund balance due to a Public Health Educator position being vacant for the first quarter of 2016 (\$16,275.80).
19. Use of Public Health & Human Services technology assigned fund balance to purchase computers for new hires and life cycle replacement (\$273,425.00).
20. Increase Public Health & Human Services revenue and expense budgets due to an increase in the MIECHV (Maternal, Infant, and Early Childhood Home Visiting) allocation from Community Health Board (\$7,500.00).
21. Increase Forest Resources revenue and expense budget to fund appraisal costs for leased lots, which are recovered when the lots are sold (\$250,000.00).
22. Close out 2013A Capital Improvement Bond budget to debt service fund to repay the debt (\$657,942.31).
23. Increase Capital Projects fund revenue and expense budget for a Conservation Improvement Program rebate received from Virginia Public Utilities (\$7,560.37).
24. Transfer funds from Public Works building construction fund to Capital Projects for its portion of a parking lot paving project in Virginia (\$40,365.25).
25. Increase 2015C Capital Improvement Bond interest revenue budget to match actual revenue received (\$14,406.29).
26. Transfer forgivable septic loan funds from the Onsite Wastewater fund to new special revenue septic loan funds (\$396,030.00).

	Fund	Agency	Object	Grant	Year	Expense Budget	Transfer Out	Accumulation of Fund Balance	Revenue Budget	Transfers In	Use of Fund Balance
1	100	109999	629900	10902	2016	1,000.00					
	100	109999	610000	10902	2016	(1,000.00)					
2	100	128025	660100			118,846.50					
	100	999999	311105								(118,846.50)
3	100	129999	642900	12936	2016	21,000.00					
	100	129999	540906	12936	2016				(21,000.00)		

4	100	130999	695100	13001	2015	2,000.00		
	100	130999	583100	13001	2015		(2,000.00)	
5	100	100001	500900				(250,000.00)	
	178	178001	500900				250,000.00	
6	167	167001	624900			26,095.69		
	167	999999	311200					(26,095.69)
7	170	999999	311031					(113,149.47)
	170	170001	666200			70,000.00		
	170	170001	695100			8,958.16		
	170	170001	642800			34,191.31		
8	176	176001	545131				(53,352.42)	
	176	176001	629900			53,352.42		
9	178	999999	311037					(327.00)
	178	178002	637900			327.00		
10	178	178002	626600			(7,907.00)		
	178	999999	311037				7,907.00	
11	183	183001	665900			23,000.00		
	183	999999	311200					(23,000.00)
12	220	220398	652700			(562,700.88)		
	204	204060	652806			562,700.88		
13	200	203425	551506				(139,158.03)	
	200	203425	652800			139,158.03		
	200	203425	551511				(10,312.00)	
	200	203425	652800			10,312.00		
14	220	220389	551511				(4,139.49)	
	220	220389	652700			4,139.49		
15	230	231007	628200			74,670.25		
	230	231007	540101				(74,670.25)	
16	230	999999	311401					(39,852.00)
	230	230038	634802			21,609.00		
	230	230038	623700			18,243.00		
17	230	237001	540235				(354,108.00)	
	230	237001	540236				(372,836.00)	
	230	237001	696400			363,472.00		
	230	237001	696700			363,472.00		
18	230	233001	612100			(16,275.80)		
	230	999999	311405				16,275.80	

19	230	230038	640400			273,425.00		
	230	999999	311401					(273,425.00)
20	230	233999	541222	23321	2016			(7,500.00)
	230	233999	629900	23321	2016	7,500.00		
21	290	290003	629900			250,000.00		
	290	290003	583100					(250,000.00)
22	318	999999	311200				657,942.31	
	318	318001	590100					(657,942.31)
	440	440002	697600			657,942.31		
	440	440001	663100					(233,105.35)
	440	440002	629900					(410,699.29)
	440	440003	629900					(13,400.75)
	440	440003	660265					(736.92)
23	400	400015	545117					(7,560.37)
	400	400015	663100			7,560.37		
24	405	405077	630900					(40,365.25)
	400	400039	590500					(40,365.25)
	405	405077	697700			40,365.25		
	400	400039	660600			40,365.25		
25	444	444001	571000					(14,406.29)
	444	444001	629900			14,406.29		
26	285	285999	590100	28501	2014			(17,402.00)
	285	999999	311200				17,402.00	
	286	286999	590100	28601	2012			(173,462.00)
	286	999999	311200				173,462.00	
	287	287999	590100	28701	2014			(155,304.00)
	287	287999	590100	28701	2012			(49,862.00)
	287	999999	311200				205,166.00	
	616	616999	697600	61602	2012	112,610.00		
	616	616999	697600	61602	2014	270,287.00		
	616	616999	697600	61602	2015	13,133.00		
	616	999999	311200					(396,030.00)

Yeas – Commissioners Jewell, Boyle, Dahlberg, Stauber, Nelson and Chair Raukar – 6
Nays – Commissioner Rukavina – 1
Adopted November 1, 2016. No. 16-675

BY COMMISSIONER RUKAVINA:

WHEREAS, “The Hill of Three Waters” is a rare water feature known as a triple divide where three major watersheds diverge, located north of the overlook on Hibbing Taconite property, resulting in water running in three directions - toward the Gulf of Mexico, the Gulf of St. Lawrence

and Hudson Bay; and

WHEREAS, St. Louis County Commissioner Steve Raukar has requested that the County Board approve a grant application to the Arrowhead Regional Arts Council for partial funding of a mural depicting "The Hill of Three Waters," which has particular significance to the Anishinaabe Indian Tribes of the region, to be installed in the courtroom assigned to Minnesota Sixth Judicial District Judge David E. Ackerson in the Hibbing Courthouse;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves a grant application of up to \$5,000 to the Arrowhead Regional Arts Council for partial funding of a mural depicting "The Hill of Three Waters" to be installed in one of the courtrooms of the St. Louis County Courthouse in Hibbing, MN.

RESOLVED FURTHER, That St. Louis County commits to be the fiscal agent for the administration of this grant and any others that may be received to accomplish the funding of this project.

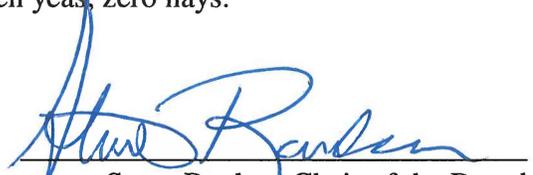
Unanimously adopted November 1, 2016. No. 16-676

BY COMMISSIONER BOYLE:

RESOLVED, That the St. Louis County Board appoints Linnea Mirsch as the St. Louis County Public Health and Human Services Director effective November 1, 2016, at the annual salary rate of \$136,323 (Pay Plan A1, Grade 32/Step M3 of the St. Louis County Management Compensation Plan), with benefits as provided by the Management Compensation Plan, payable from Fund 230, Agency 600001.

Unanimously adopted November 1, 2016. No. 16-677

At 10:38 a.m., November 1, 2016, Commissioner Jewell, supported by Commissioner Rukavina, moved to adjourn the meeting. The motion passed; seven yeas, zero nays.


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)