



AGENDA
REGULAR MEETING
OF THE BOARD OF COMMISSIONERS OF
ST. LOUIS COUNTY, MINNESOTA

Tuesday, July 6, 2021, 9:30 A.M.

Government Services Center
Lake Superior Room
320 West 2nd Street
Duluth, Minnesota

NOTE: Due to the COVID-19 pandemic, this meeting is being conducted in accordance with Minnesota Statutes § 13D.021, which provides that members of the St. Louis County Board may attend the meeting by telephone or other electronic means. This statute also provides that, if telephone or other electronic means are used to conduct a meeting, to the extent practical, the county shall allow a person to monitor the meeting electronically from a remote locate. For information on how to view or participate in the County Board meeting, please visit the county website at www.stlouiscountymn.gov, scroll to the County Board Meeting section, and click on the meeting date.

FRANK JEWELL
First District

PATRICK BOYLE
Second District

ASHLEY GRIMM
Third District

PAUL McDONALD –
VICE-CHAIR
Fourth District

KEITH MUSOLF
Fifth District

KEITH NELSON
Sixth District

MIKE JUGOVICH -
CHAIR
Seventh District

County Auditor
Nancy Nilsen

County Administrator
Kevin Gray

County Attorney
Mark Rubin

Clerk of the Board
Phil Chapman

The St. Louis County Board of Commissioners welcomes you to this meeting. This agenda contains a brief description of each item to be considered. The Board encourages your participation. Citizens can either appear at the meeting in person or submit comments for the public comment portion or for specific Board agenda items prior to the meeting by e-mailing them to publiccomment@stlouiscountymn.gov. Except as otherwise provided by the Standing Rules of the County Board, no action shall be taken on any item not appearing in the agenda.

Comments to individual Commissioners or staff are not permitted. The St. Louis County Board promotes adherence to civility in conducting the business of the County. Civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issue before the Board. Tools of civility include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility [County Board Resolution No. 560, adopted on September 9, 2003]. Speakers will be limited to five (5) minutes.

****In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the Administration Department 72 hours prior to the meeting at (218)726-2450.****

All supporting documentation is available for public review in the County Auditor's Office, 100 North 5th Avenue West - Room No. 214, St. Louis County Courthouse, Duluth, MN, during regular business hours 8:00 A.M. - 4:30 P.M., Monday through Friday. Agenda is also available on our website at <http://www.stlouiscountymn.gov/GOVERNMENT/BoardofCommissioners.aspx>

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9:30 A.M. Moment of Silence
 Pledge of Allegiance
 Roll Call

AT THIS TIME CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD ON ITEMS NOT ON THE AGENDA. [Speakers will be limited to 5 minutes each.]

FOR ITEMS LISTED ON THE BOARD AGENDA OR COMMITTEE OF THE WHOLE AGENDA, CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD AT THE TIME A MOTION IS ON THE FLOOR.

CONSENT AGENDA

Approval of business submitted on the consent agenda.

REGULAR AGENDA

Central Management & Intergovernmental Committee – Commissioner Jewell, Chair

1. Bruckelmeyer settlement agreement. {21-290}
2. Termination of Local Emergency relative to the COVID-19 pandemic. {21-291} [Has not been to committee; requires consent of the Board for consideration.]

Finance & Budget Committee – Commissioner Nelson, Chair

3. Suspension of the Procurement Card Policy. {21-303} [Has not been to committee; requires consent of the Board for consideration.]

ADJOURNED:

NOTE: At the conclusion of the County Board meeting, the St. Louis County Housing and Redevelopment Authority (HRA) will convene.

BOARD LETTER NO. 21 – 290

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE

JULY 6, 2021 BOARD AGENDA NO. 1

DATE: July 6, 2021

RE: Jennifer and Chad
Bruckelmyer Settlement
Agreement

FROM: Kevin Z. Gray
County Administrator

Mark S. Rubin
County Attorney

RELATED DEPARTMENT GOAL:

To resolve claims against St. Louis County.

ACTION REQUESTED:

The St. Louis County Board is requested to approve a proposed settlement of *Bruckelmeyer v. St. Louis County*, Case No. 69DU-CV-21-256, a state-court action brought by Jennifer and Chad Bruckelmyer against St. Louis County.

BACKGROUND:

In September 2017, an accident involving a vehicle operated by Ms. Bruckelmyer and a vehicle owned by St. Louis County and operated by an employee of St. Louis County occurred at the intersection of Lismore Road and Ryan Road in Duluth Township. In September 2020, the Bruckelmyers commenced an action against St. Louis County arising from the accident. The Bruckelmyers and St. Louis County have agreed to a proposed settlement of the action that is subject to the approval of the St. Louis County Board. Under the proposed settlement, the Bruckelmyers will release their claims against St. Louis County and its officers, employees, and agents, and St. Louis County will make a settlement payment in the amount of \$18,000.00. The settlement amount is reasonable given the facts and circumstances giving rise to the action, and the proposed settlement will allow St. Louis County to avoid the risk and expense associated with further litigation.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the proposed settlement and authorize 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 \$18,000.00.

Jennifer and Chad Bruckelmyer Settlement Agreement

BY COMMISSIONER _____

WHEREAS, In September 2020, Jennifer and Chad Bruckelmyer commenced *Bruckelmeyer v. St. Louis County*, Case No. 69DU-CV-21-256, a state-court action against St. Louis County arising from a motor-vehicle accident that occurred in September 2017 at the intersection of Lismore Road and Ryan Road in Duluth Township; and

WHEREAS, The Bruckelmyers and St. Louis County have agreed to a proposed settlement of the action that is subject to the approval of the St. Louis County Board; and

WHEREAS, Under the proposed settlement, the Bruckelmyers will release their claims against St. Louis County and its officers, employees, and agents, and St. Louis County will make a settlement payment in the amount of \$18,000.00; and

WHEREAS, The St. Louis County Board wishes to approve the proposed settlement to avoid the expense and risk associated with 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 \$18,000.00, payable from Fund 720, Agency 720001, Expense Code 636200.

BOARD LETTER NO. 21 – 291

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE

July 6, 2021 BOARD AGENDA NO. 2

DATE: July 6, 2021

RE: Termination of Local
Emergency Relative to the
COVID-19 Pandemic

FROM: Kevin Z. Gray
County Administrator

RELATED DEPARTMENT GOAL:

To efficiently and effectively conduct county duties, obligations, and activities.

ACTION REQUESTED:

It is requested that the St. Louis County Board terminate the local emergency order relating to the COVID-19 pandemic that was first declared on March 18, 2020.

BACKGROUND:

The St. Louis County Board met in a special meeting to declare a state of local emergency on March 18, 2020. This action was ratified and continued at the Board's next regular meeting on March 24, 2020. In addition to declaring a state of local emergency, the Board directed the County Administrator and his designees to request and coordinate all necessary aid from local, state, and federal governments, delegated the authority to exercise emergency powers set forth in Minn. Stat. § 12.37 to the County Administrator, suspended all ordinances, rules, and policies that would inhibit or prevent the county's prompt response to the pandemic, and authorized the County Administrator and designees to enter contracts pursuant to Minn. Stat. § 375.21.

In November of 2020, the Board confirmed its declaration of a state of local emergency and further delegated the authority to exercise emergency powers set forth in Minn. Stat. § 12.37 to the Deputy County Administrator and/or the Director of Human Resources & Administration.

In April 2021, the Board again confirmed its declaration of a state of local emergency but ceased its delegation of authority to the County Administrator, Deputy County Administrator, and Director of Human Resources & Administration to exercise the emergency powers set forth in Minn. Stat. § 12.37.

Given the widespread availability of the COVID-19 vaccine in Minnesota, the recent steady decrease in COVID-19 infections and deaths, and Governor Walz's termination of the statewide emergency order on July 1, 2021, it is now appropriate for the Board to determine that a state of local emergency no longer exists relative to the COVID-19 pandemic and to terminate all emergency actions and authorizations that were implemented by the Board from March 18, 2020, through the present.

RECOMMENDATION:

It is recommended that the St. Louis County Board determine that a state of local emergency no longer exists and terminate all emergency actions and authorizations that were implemented in response to the COVID-19 pandemic by the Board from March 18, 2020, through the present.

Termination of Local Emergency Relative to the COVID-19 Pandemic

BY COMMISSIONER_____

WHEREAS, Throughout the COVID-19 pandemic, the County Board adopted several resolutions declaring and confirming a state of local emergency; and

WHEREAS, In these resolutions, the County Board directed the County Administrator to request and coordinate all necessary aid from local, state, and federal governments, delegated the authority to exercise emergency powers set forth in Minn. Stat. § 12.37 to the County Administrator, Deputy County Administrator and/or the Director of Human Resources & Administration, suspended all ordinances, rules, and policies that would inhibit or prevent the county's prompt response to the pandemic, and authorized the County Administrator and designees to enter contracts pursuant to Minn. Stat. § 375.21; and

WHEREAS, Given the widespread availability of the COVID-19 vaccine in Minnesota, the recent steady decrease in COVID-19 infections and deaths, and Governor Walz's termination of the statewide emergency order on July 1, 2021, it is now appropriate for the Board to terminate the local emergency and all emergency actions and authorizations that were implemented by the Board from March 18, 2020, through the present.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board hereby terminates the local state of emergency relative to the COVID-19 pandemic.

RESOLVED FURTHER, That all emergency actions and authorizations that were implemented by the Board from March 18, 2020, through the present relating to the COVID-19 local emergency are hereby terminated.

RESOLVED FURTHER, That, pursuant to Minn. Stat. § 12.29, this resolution declaring the termination of the COVID-19 local emergency shall be given prompt and general publicity and be filed promptly by the St. Louis County Auditor.

BOARD LETTER NO. 21 - 303

FINANCE & BUDGET COMMITTEE

JULY 6, 2021 BOARD AGENDA NO. 3

DATE: July 6, 2021

**RE: Suspension of the Procurement
Card Policy**

FROM: Kevin Z. Gray
County Administrator

Donna Viskoe
Purchasing Director

RELATED DEPARTMENT GOAL:

To provide effective and efficient government.

ACTION REQUESTED:

The St. Louis County Board is requested to suspend the procurement card policy prohibiting procurement card usage associated with client needs until such time that the state or federal government designates COVID-19 and associated variants a non-quarantinable disease.

BACKGROUND:

On March 11, 2020 the World Health Organization deemed COVID-19 to be a pandemic. On March 18, 2020 the St. Louis County Board declared a local emergency, pursuant Minn. Stat § 12.29 which invoked St. Louis County disaster plans, including response and recovery aspects, and authorized aid and assistance under those plans. The Board also gave the County Administrator the discretion to suspend all ordinances, rules, and policies that would inhibit the County's response to the pandemic.

The St. Louis County Procurement Card Program Policies and Procedures, adopted January 25, 2013, prohibits the use of procurement cards to make purchases on behalf of Public Health and Human Services clients. However, in order to fulfill the County's obligation to provide isolation and quarantine services for clients in a timely fashion, Public Health and Human Services (PHHS) and the Purchasing Division, after the County Administrator approved the suspension of such policy, issued procurement cards to select essential service volunteers to purchase items for PHHS clients.

On July 1, 2021, the State of Minnesota rescinded its peacetime emergency order. Though this order is no longer active, the Centers for Disease Control and Prevention still lists COVID-19 and associated variants as a communicable disease requiring those infected to isolate and quarantine. Under this mandate, PHHS is required to provide

essential services to impacted clients. County staff has determined that the use of a county procurement card is the most efficient and effective way to procure necessary client items on a case-by-case basis.

The Purchasing Division was notified that, due to the state terminating its peacetime emergency order, the County Board may be terminating its local emergency resolution as early as July 6, 2021. Because the described client needs are immediate and ongoing, it is requested that the Board consider this proposal in order to ensure there is no interruption in PHHS's ability to meet client obligations.

RECOMMENDATION:

The St. Louis County Board is requested to suspend the procurement card policy prohibiting procurement card usage associated with PHHS client needs until such time that the state or federal government designates COVID-19 and associated variants a non-quarantinable disease.

Suspension of the Procurement Card Policy

BY COMMISSIONER: _____

WHEREAS, The County Administrator was authorized to suspend County policies during the COVID-19 pandemic if he determined such policies would inhibit the County's response to the pandemic; and

WHEREAS, Upon receiving approval from the County Administrator to act in contravention of the requirements of the St. Louis County Procurement Card Program Policies and Procedures, Public Health and Human Services (PHHS) and the Purchasing Division issued procurement cards to select essential service volunteers to purchase items for PHHS clients in need of isolation or quarantine; and

WHEREAS, Despite statewide and local emergencies being terminated, COVID-19 and associated variants are still characterized as a communicable disease requiring those infected to isolate and quarantine; and

WHEREAS, While isolation and quarantine requirements are in place, PHHS must provide isolation and quarantine services to its clients; and

WHEREAS, County staff has determined that the use of County procurement cards is the most efficient and effective way to procure client items necessary for the County's isolation/quarantine obligations; and

WHEREAS, To allow for the continued use of procurement cards in this fashion, the Board must suspend the St. Louis County Procurement Card Program Policies and Procedures prohibition on using procurement cards to purchase PHHS client items.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board hereby suspends the procurement card policy prohibiting procurement card usage associated with PHHS client needs until such time that the state or federal government designates COVID-19 and associated variants a non-quarantinable disease.