



COMMITTEE OF THE WHOLE AGENDA
Board of Commissioners, St. Louis County, Minnesota

November 27, 2012

Immediately following the Board Meeting, which begins at 9:30 A.M.
Hibbing City Hall, City Council Chambers, 401 East 21st Street, Hibbing, MN

CONSENT AGENDA:

All matters listed under the consent agenda are considered routine and/or non-controversial and will be enacted by one unanimous motion. If a commissioner requests, or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

Minutes of November 13, 2012

Environment & Natural Resources Committee – Commissioner Dahlberg, Chair

1. Reinstatement of Contract for Repurchase of State Tax Forfeited Land – Johnson [12-453]
2. Repurchase of State Tax Forfeited Land - Huseby and Collelo [12-454]
3. Special Sale to the Duluth Housing and Redevelopment Authority [12-455]
4. Special Sale to the State of Minnesota [12-456]

Public Works & Transportation Committee – Commissioner Forsman, Chair

5. Acquisition of Right of Way for Reconstruction of CSAH 89 – Highland Street/57th Avenue West (Duluth) [12-457]
6. Acquisition of Right of Way for the Reconstruction of CSAH 146 and 147 – Jones Street (Eveleth) [12-458]
7. Authorization to Apply for a Minnesota Lake Superior Coastal Program Fund Grant – Culvert Survey, Phase I [12-459]
8. Revised Master Partnership Agreement with the Minnesota Department of Transportation [12-460]
9. Acceptance of Flood Grant for Reconstruction of Bridge 69A06 – Jean Duluth Road (Lakewood Township) [12-461]

Finance & Budget Committee – Commissioner Raukar, Chair

10. Office Furniture Purchase – Virginia Courthouse Project [12-462]

ESTABLISHMENT OF PUBLIC HEARINGS:

Finance & Budget Committee – Commissioner Raukar, Chair

11. Establish Public Hearing for Suspension/Revocation of Liquor Licenses for Property Tax Non-Payment – January 15, 2012, 9:40 a.m., St. Louis County Courthouse, Duluth [12-463]

REGULAR AGENDA:

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

Central Management & Inter-Governmental Committee – Commissioner Jewell, Chair

1. **Appointment to Arrowhead Library System Governing Board [12-464]**
Resolution to appoint one member to the Arrowhead Library System Governing Board.
2. **Joint Powers Agreement with the City of Duluth for Assessment Services [12-465]**
Resolution to authorize a Joint Powers Agreement with the City of Duluth for property assessments.
3. **2013 Proposed Legislative Agenda [12-466]**
The St. Louis County Board is requested to approve its agenda for the 2013 Legislative Session.

Finance & Budget Committee – Commissioner Raukar, Chair

1. 2013 Budget Resolution (*Information to follow*)

Review 2013 budget resolution draft to be considered at the December 11th County Board meeting.

COMMISSIONER DISCUSSION ITEMS AND REPORTS:

At this time, Commissioners may introduce items for discussion or report on past and future activities.

ADJOURNED:

NEXT COMMITTEE OF THE WHOLE MEETING DATES:

December 11, 2012 Commissioners' Conference Room, Courthouse, Duluth, MN

December 18, 2012 Morse Town Hall, Ely, MN

January 8, 2013 Commissioners' Conference Room, Courthouse, Duluth, MN

BARRIER FREE: *All St. Louis County Board meetings are accessible to the handicapped. Attempts will be made to accommodate any other individual needs for special services. Please contact St. Louis County Property Management (218-725-5085) early so necessary arrangements can be made.*

**COMMITTEE OF THE WHOLE
ST. LOUIS COUNTY BOARD OF COMMISSIONERS**

Tuesday, November 13, 2012

Location: Commissioner's Conference Room, St. Louis County Courthouse, Duluth, MN

Present: Commissioners Jewell, Dahlberg, Sweeney, Forsman, O'Neil, Raukar, and Chair Nelson

Absent: None

Convened: Chair Nelson called the meeting to order at 1:46 p.m.

CONSENT AGENDA

Jewell/O'Neil moved to approve the consent agenda. (7-0)

- Minutes of November 6, 2012
- Agreement for Design Services for Bridge 707 (Unorganized Township 63-21) [12-442]
- Agreement for Design Services for Bridge 488 (White Township) [12-443]
- Agreement for Design Services for Bridge 641 (Sturgeon Township) [12-444]
- Acceptance of Grant for Culvert Replacement, Reclaim and Overlay Project, Salo and Hilltop Roads (City of Embarrass) [12-445]
- Abatement List for Board Approval [12-446]
- Lawful Gambling Applications (Unorganized Township 60-18 and Northland Township) [12-447]
- Reappointment to Cook-Orr Healthcare District Board of Directors [12-448]
- Toward Zero Deaths Agreement with City of Duluth [12-449]
- Approval of St. Louis County Emergency Operations Plan [12-450]

Finance & Budget Committee

Forsman/Raukar moved to approve **Tobacco Products License Application (Fayal Township) [12-451]**, authorizing the renewal of a tobacco license in Fayal Township. (6-0, Commissioner Nelson abstained.)

Commissioner Discussion Items and Reports

Commissioner Sweeney reported that she spoke at a government class at the University for Seniors Program on November 9, 2012. On November 10, 2012, Commissioner Sweeney stated that she attended the Railroad Museum volunteer appreciation dinner at The Depot.

Chair Nelson said that the fourth and final installment of the County Board "Listening Sessions" is scheduled for Tuesday, November 20, 2012 at the Mt. Iron Community Center at 3:30 p.m.

At 1:53 p.m., Forsman/O'Neil moved to adjourn. (7-0)

Keith Nelson, Chair of the County Board

Roberta A. Museta, Clerk of County Board

BOARD LETTER NO. 12 - 453

ENVIRONMENT & NATURAL RESOURCES COMMITTEE CONSENT NO. 1

BOARD AGENDA NO.

DATE: November 27, 2012 **RE:** Reinstatement of Contract for
Repurchase of State Tax
Forfeited Land - Johnson

FROM: Kevin Z. Gray
County Administrator

Robert Krepps, Land Commissioner
Land and Minerals

RELATED DEPARTMENT GOAL:

To provide financial return to the county and taxing districts.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize reinstatement of a contract for deed to repurchase state tax forfeited land.

BACKGROUND:

Minn. Stat. § 282.341 Subd. 1 provides for reinstatement of a contract for deed subject to payment equivalent to the delinquent installments, taxes, assessments, penalties, costs, and interest. Terry and Mary Johnson of Virginia, MN, have requested to reinstate their contract to repurchase state tax forfeited land. Less than 50 percent of the basic sale price was paid prior to cancellation; therefore, reinstatement requires county board approval (Minn. Stat. § 282.341 Subd. 1). Payment and fees required to reinstate the contract have been paid.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the reinstatement of this contract with Terry and Mary Johnson of Virginia, MN for repurchase of state tax forfeited land in the amount of \$6,780.54, to be deposited into Fund 240 (Forfeited Tax Fund).

Terry and Mary Johnson, Virginia, MN

Address of Property	623 S 13 th Street Virginia, MN 55792
Legal Description	CITY OF VIRGINIA LOT: 0019 BLOCK: 005 VIRGINIA/RAINY LAKE COS ADDN TO VIRGINIA Parcel Code: 090-0160-00830
Date of Cancellation and Resolution Number	07/24/2012 Reso 12-432
Amount Needed to Reinstate	\$6,780.54
Date Paid	11/07/2012
Cancelled Contract Number	C22080333
New Contract Number	C22120131

Reinstatement of Contract for Repurchase of State Tax Forfeited Land - Johnson

BY COMMISSIONER _____

WHEREAS, under the provisions of Minn. Stat. § 282.341 Subd. 1, a contract for deed to repurchase state tax forfeited land previously cancelled may be reinstated by the previous contract holder subject to payment of installments, taxes, assessments, penalties, interest, and costs; and

WHEREAS, less than 50 percent of the basic sale price was paid prior to cancellation; therefore, County Board approval is required for reinstatement; and

WHEREAS, Terry and Mary Johnson of Virginia, MN, have requested to reinstate Contract C22080333, having been cancelled on 7/24/2012, under new Contract C22120131 for property described as:

CITY OF VIRGINIA

LOT: 0019 BLOCK: 005

VIRGINIA/RAINY LAKE COS ADDN TO VIRGINIA

Parcel Code: 090-0160-00830

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the reinstatement of Contract C22120131 by Terry and Mary Johnson of Virginia, MN, in the amount \$6,780.54, to be deposited into Fund 240 (Forfeited Tax Fund).



St. Louis County Land Department Tax Forfeited Land Sales

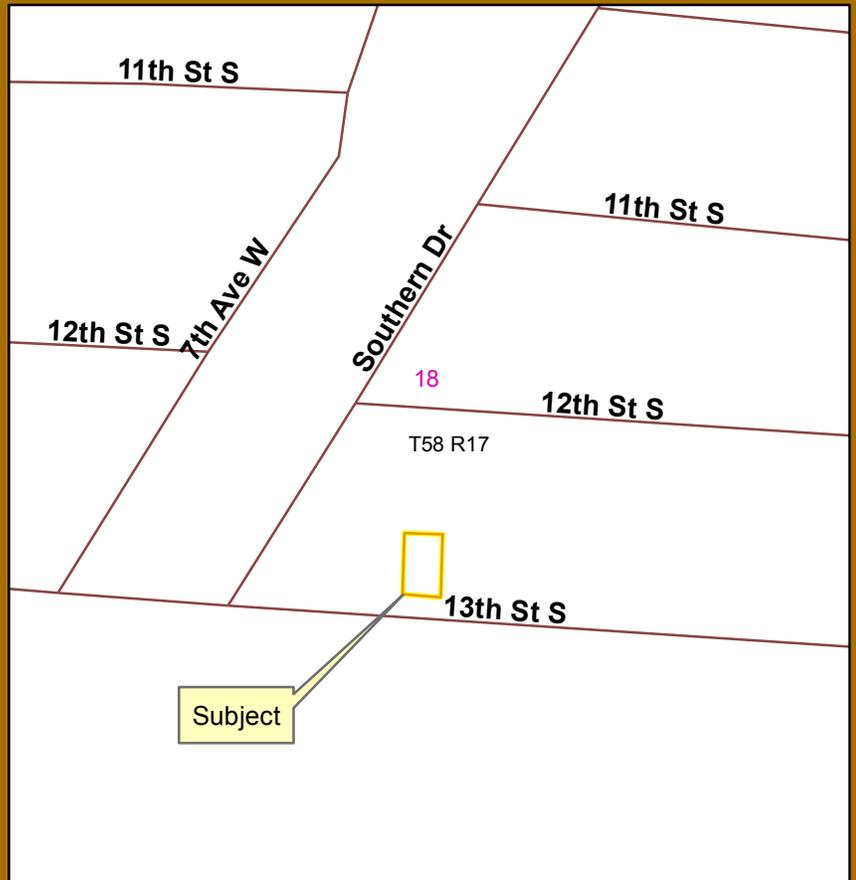
Reinstatement of Contract

Legal : CITY OF VIRGINIA
LOT: 0019 BLOCK:005
VIRGINIA/RAINY LAKE COS ADDN
TO VIRGINIA

Parcel Code : 090-0160-00830

LDKEY : 62532

Address: 623 S 13TH ST
Virginia, MN 55792

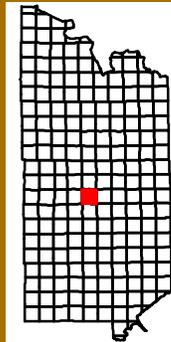


City of Virginia

Sec: 18 Twp: 58 Rng: 17

Commissioner District # 6

- State Tax Forfeited Land
- Water
- Road
- Area of Interest
- Tract



St. Louis County, Minnesota

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St. Louis County
Land Department

November 2012



2008 NAIP Photo

Jane and Russ Huseby, Tower, MN

Parcel Code	570-0038-00150
Taxes and Assessments	\$1,956.39
Service Fees	\$114.00
Deed Tax	\$6.46
Deed Fee	\$25.00
Recording Fee	\$46.00
Total Consideration	\$2,147.85

Timothy G. Collelo, Cloquet, MN

Parcel Code	010-1350-04130
Taxes and Assessments	\$40,394.72
Service Fees	\$114.00
Deed Tax	\$133.30
Deed Fee	\$25.00
Recording Fee	\$46.00
Total Consideration	\$40,713.02

Repurchase of State Tax Forfeited land - Huseby

BY COMMISSIONER: _____

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, Jane and Russ Huseby of Tower, MN, have applied to repurchase state tax forfeited land legally described as:

TOWN OF WHITE

LOT: 0015 BLOCK: 000

BEISES MIDWAY ADDITION TOWN OF WHITE

Parcel Code: 570-0038-00150

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.

NOW, THEREFORE, BE IT RESOLVED, that the St Louis County Board approves the repurchase application by Jane and Russ Huseby of Tower, MN, on file in County Board File No. _____, subject to payments including total taxes and assessments of \$1,956.39, service fee of \$114, deed tax of \$6.46, deed fee of \$25, and recording fee of \$46; for a total of \$2,147.85, to be deposited into Fund 240 (Forfeited Tax Fund).

APPLICATION FOR REPURCHASE OF TAX FORFEITED LANDS

Pursuant to Minnesota Statutes 1986, Section 282.241, as amended by Chapter 268, Laws of 1987.

TO THE COUNTY BOARD AND COUNTY AUDITOR OF ST. LOUIS COUNTY, MINNESOTA:

The undersigned, Jane and Russ Huseby, hereby makes application to repurchase from the State of Minnesota the following described land, pursuant to Minnesota Statutes 1987, Section 282.241, as amended; said land is situated in St. Louis County, Minnesota, and more particularly described as follows:

TOWN OF WHITE, LOT 15, BEISES MIDWAY ADDITION

Applicant states and shows that at the time of the forfeiture to the State, he/she was (please check one)

- the owner
- heir(s) of the owner
- the representative of the owner
- the person to whom the right to pay taxes is given by statute, to wit:
- designating under what claim of right, whether as mortgage or otherwise the right is exercised

That such taxes became delinquent in 2005 and remained delinquent and unpaid for the subsequent years of: 2006, 2010, 2011

That pursuant to Minnesota Statutes, the total cost of repurchase \$2,147.85 which is the greater value of all delinquent taxes and assessments computed under Section 282.241, together with all accrued interest and penalties, including fees. **Please contact our office at 218-726-2606 for the current amount due which increases monthly.**

That a hardship would result to the petitioner unless said repurchase is allowed, for the reason that:

applicant to state reasons why taxes were not paid.

we B purchased the land 7-21-05 Taxes were supposed to be paid through the year 2005 we are checking into 2006 looking for check stubs we think I was paid 2006 I had a neck surgery in 2007 and 15 more surgeries after that untill my last one in 9-2011 it did not work for 5 yrs! But

Please check the appropriate box below:

I started working 4-21-12

- There are one or more wells on this property (See enclosed well disclosure information sheet)
- No change since last well certificate
- Well disclosure completed - \$50.00 enclosed
- There are no wells on this property

APPLICANT REQUESTS THAT REPURCHASE BE MADE IN THE NAME OF:

Name (s): Russ Huseby and Jane Huseby

Are you currently in active military service? _____

If you have been discharged within the last 6 months, provide discharge date _____ and documentation.

Applicant offers to pay upon such repurchase, by check or money order, as directed by the St. Louis County Board, the full price of repurchase as stated above, the terms of which will be stated by the contract and required by law.

Dated: 10-31 2012

By: Russ Huseby
(Signature)

Address: 5874 Echo Point Rd
City: Tower State: MN Zip: 55790
Phone: 218 220-0342 / 210-2205



St. Louis County Land Department Tax Forfeited Land Sales

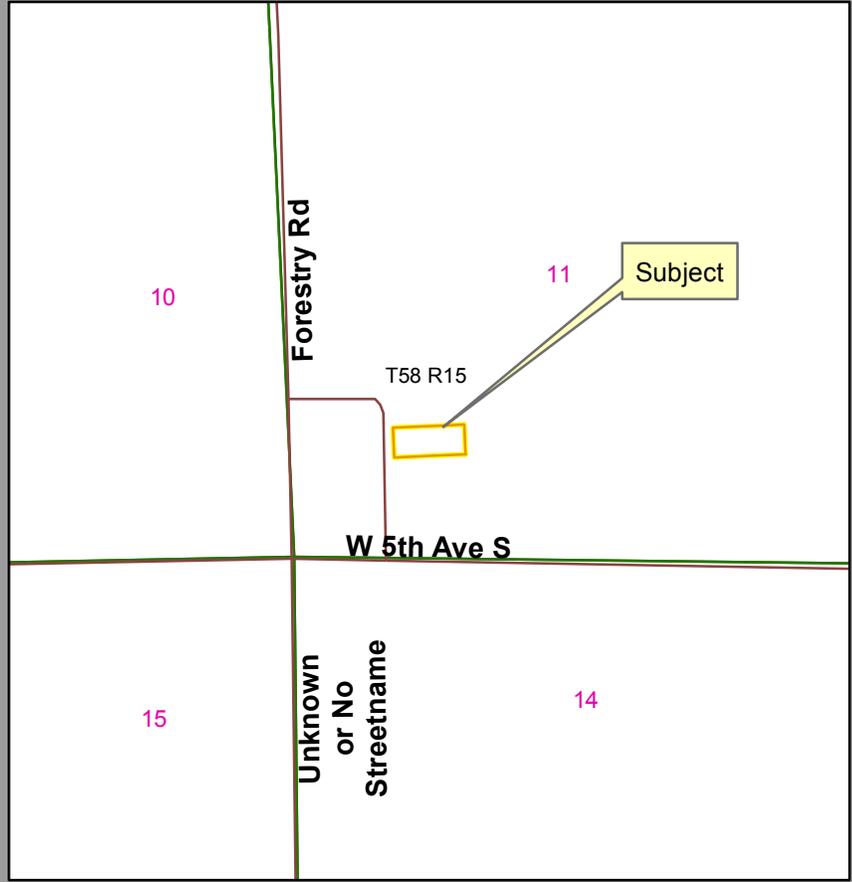
Repurchase of Property

Legal : TOWN OF WHITE
LOT: 0015 BLOCK:000
BEISES MIDWAY ADDITION TOWN OF WHITE

Parcel Code : 570-0038-00150

LDKEY : 71711

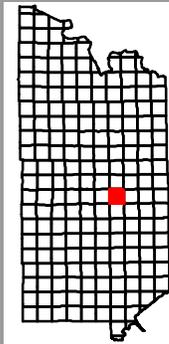
Address: 5518 LOOP 50A
AURORA MN 55705



Town of White Sec: 11 Twp: 58 Rng: 15

Commissioner District # 4

-  State Tax Forfeited Land
-  Water
-  Road
-  Area of Interest
-  Tract



St. Louis County, Minnesota

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**St. Louis County
Land Department**

November 2012



2003 NAIP Photo

Repurchase of State Tax Forfeited land - Collelo

BY COMMISSIONER: _____

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, Timothy G. Collelo of Cloquet, MN, has applied to repurchase state tax forfeited land legally described as:

CITY OF DULUTH
LOTS 165 AND 167, BLOCK 105
DULUTH PROPER THIRD DIVISION
Parcel Code: 010-1350-04130

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.

NOW, THEREFORE, BE IT RESOLVED, that the St Louis County Board approves the repurchase application by Timothy G. Collelo of Cloquet, MN, on file in County Board File No. _____, subject to payments including total taxes and assessments of \$40,394.72, service fee of \$114, deed tax of \$133.30, deed fee of \$25, and recording fee of \$46; for a total of \$40,713.02, to be deposited into Fund 240 (Forfeited Tax Fund).

APPLICATION FOR REPURCHASE OF TAX FORFEITED LANDS

Pursuant to Minnesota Statutes 1986, Section 282.241, as amended by Chapter 268, Laws of 1987.

TO THE COUNTY BOARD AND COUNTY AUDITOR OF ST. LOUIS COUNTY, MINNESOTA:

The undersigned, Timothy Collelo, hereby makes application to repurchase from the State of Minnesota the following described land, pursuant to Minnesota Statutes 1987, Section 282.241, as amended; said land is situated in St. Louis County, Minnesota, and more particularly described as follows:
CITY OF DULUTH, LOTS 165 AND 167, BLOCK 105, DULUTH PROPER THIRD DIVISION

Applicant states and shows that at the time of the forfeiture to the State, he/she was (please check one)

- the owner
- heir(s) of the owner
- the representative of the owner
- the person to whom the right to pay taxes is given by statute, to wit:
- designating under what claim of right, whether mortgage or otherwise the right is exercised

That such taxes became delinquent in 2007 and remained delinquent and unpaid for the subsequent years of:
2008, 2009, 2010, 2011

That pursuant to Minnesota Statutes, the total cost of repurchase \$40,713.02 which is the greater value of all delinquent taxes and assessments computed under Section 282.241, together with all accrued interest and penalties, including fees. Please contact our office at **218-726-2606** for the current amount due which increases monthly.

That a hardship would result to the petitioner unless said repurchase is allowed, for the reason that:
applicant to state reasons why taxes were not paid.

See Attached

Please check the appropriate box below:

- There are one or more wells on this property (See enclosed well disclosure information sheet)
- No change since last well certificate Well disclosure completed - \$50.00 enclosed
- There are no wells on this property

APPLICANT REQUESTS THAT REPURCHASE BE MADE IN THE NAME OF:

Name (s): Timothy Collelo

Are you currently in active military service? NO

If you have been discharged within the last 6 months, provide discharge date _____ and documentation.

Applicant offers to pay upon such repurchase, by check or money order, as directed by the St. Louis County Board, the full price of repurchase as stated above, the terms of which will be stated by the contract and required by law.

Dated: 11-1 2012

By: *Timothy Collelo*
(Signature)

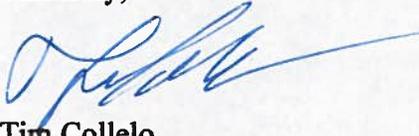
Address: 1427 1/2 Cloquet Ave.
City: Cloquet State: MN Zip: 55720
Phone: 218-591-7100

To whom it may concern:

I was unaware that the taxes were not paid for the first two years. When I was aware of it they were too much for me to pay to get caught up and I did not know that I could have set up a payment arrangement. I was not making as much money as I was before after the economy dropped and I just could not come up with that much money. I am in a much better situation now and will be able to purchase the property back with no problems. I am planning to pay this up within the next few years. Please call with any questions you might have.

Thank you,

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Collelo', with a long horizontal flourish extending to the right.

11-1-2012

Tim Collelo
218-591-7100



St. Louis County Land Department Tax Forfeited Land Sales

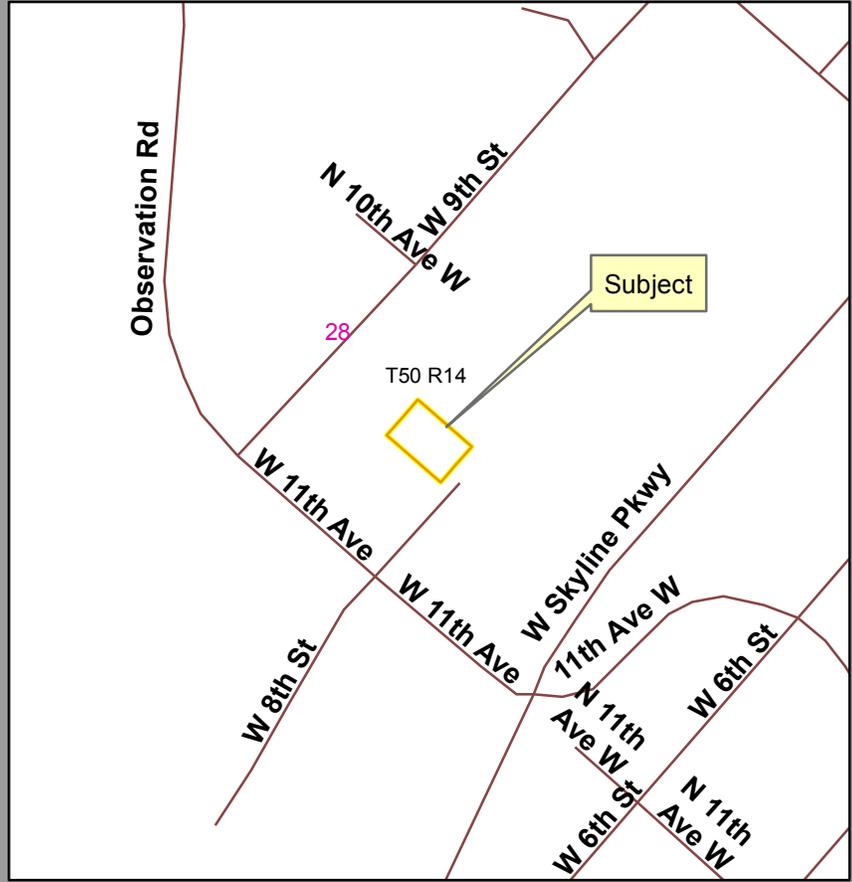
Repurchase of Property

Legal : CITY OF DULUTH
LOTS 165 AND 167, BLOCK 105
DULUTH PROPER THIRD DIVISION

Parcel Code : 010-1350-04130

LDKEY : 27735

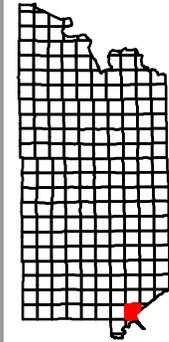
Address: 1011 W 8TH ST
DULUTH MN 55806



City of Duluth Sec: 28 Twp: 50 Rng: 14

Commissioner District # 1

-  State Tax Forfeited Land
-  Water
-  Road
-  Area of Interest
-  Tract



St. Louis County, Minnesota

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**St. Louis County
Land Department**

November 2012



© 2003 NAIP Photo

Special Sale to Duluth Housing and Redevelopment Authority

BY COMMISSIONER _____

WHEREAS, the Duluth Housing and Redevelopment Authority (HRA) has requested to purchase the following described state tax forfeited land for the value of \$5,500, plus fees, for the purpose of a housing development:

Legal: Nly 55 ft of Lot 31 Duluth Proper 1st Division (West Fourth St)
Parcel Code: 010-1000-00220
Size: 0.06 acres / 2,750 sq. ft.
LDKEY: 54736

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, this lot has been classified as non-conservation land pursuant to Minnesota Statutes Section 282.01; and

WHEREAS, this lot 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

NOW, 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 the appraised value of \$5,500, plus the following fees: 3% assurance fee of \$165, deed fee of \$25, deed tax of \$18.15, recording fee of \$46, and publication fee of \$185.71; for a total of \$5,939.86, 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 Duluth HRA does not purchase the land by December 31, 2012.



St. Louis County Land Department Tax Forfeited Land Sales

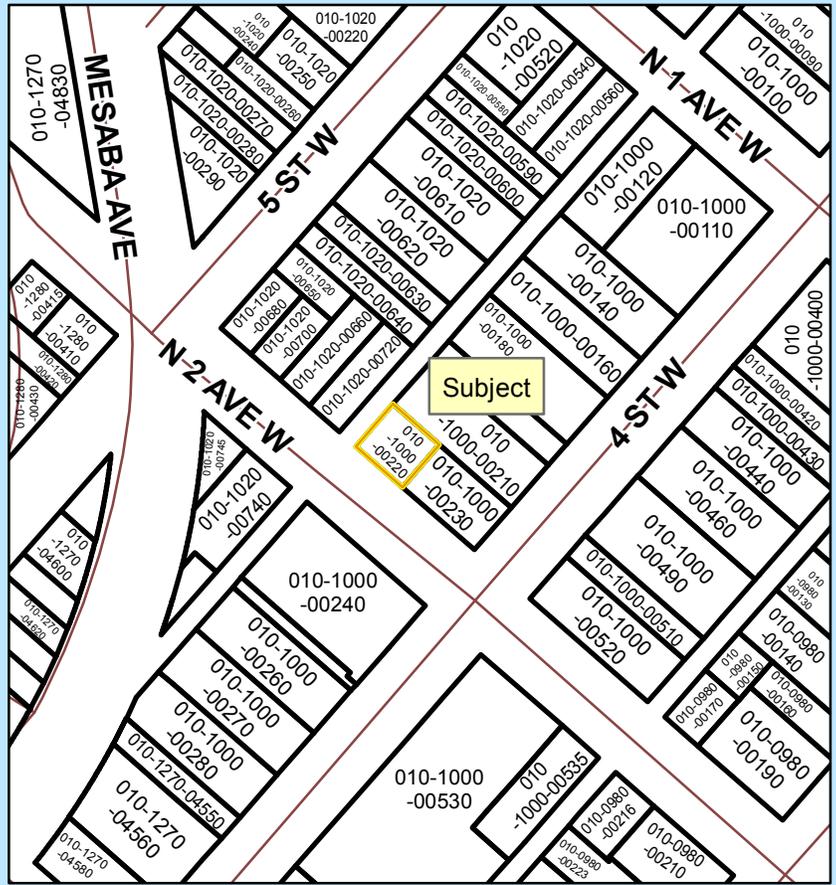
Special Sale Parcel

Legal : Nly 55ft of Lot 31
Duluth Proper 1st Division (West Fourth St)

Parcel Code : 010-1000-00220

0.06 Acres / 2,750 sq. ft.

LDKEY : 54736

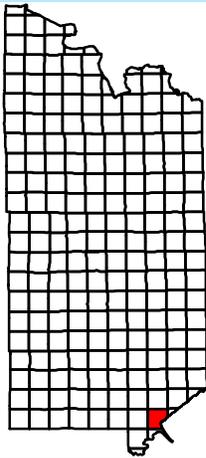


City of Duluth

Section: 27 Township: 50 Range: 14

Commissioner District # 1

- State Tax Forfeited
- Water
- Road
- Parcel Aerial
- Parcel Plat
- Township-Range

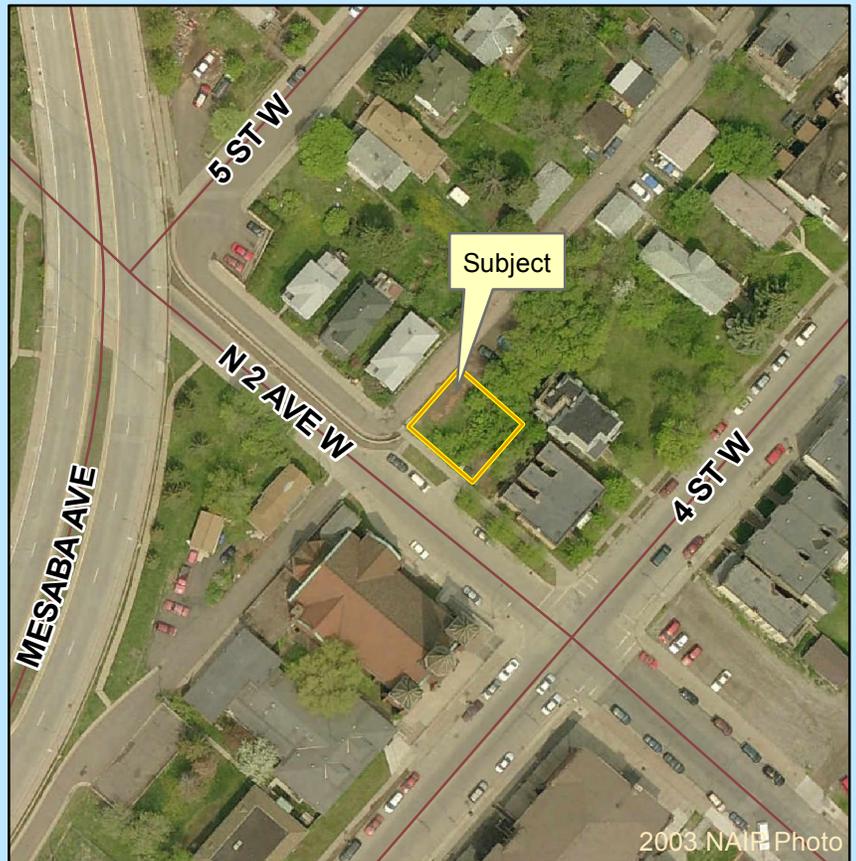


St. Louis County
Minnesota

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**St. Louis County
Land Department**

November 27, 2012



2003 NAI Photo

Special Sale to the State of Minnesota

BY COMMISSIONER _____

WHEREAS, the State of Minnesota, through the Department of Transportation, has requested to purchase the following described state tax forfeited land for the improvement of Trunk Highway 61:

LESTER PARK 1ST DIVISION DULUTH
LOT: 12 BLOCK: 4
PARCEL: 010-2830-00770

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, this parcel has been classified as non-conservation land pursuant to Minn. Stat. § 282.01; and

WHEREAS, this parcel 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.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the sale of state tax forfeited land to the State of Minnesota for the appraised value of \$17,500 plus the following fees: administration fee of \$100, 3% assurance fee of \$525, deed fee of \$25, deed tax of \$57.75, recording fee of \$46; for a total of \$18,253.75, to be deposited into Fund 240 (Forfeited Tax Fund).

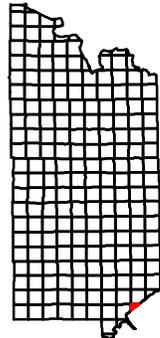


LESTER PARK 1ST DIVISION DULUTH
LOT: 0012 BLOCK:004
PARCEL: 010-2830-00770



Commissioner District # 2

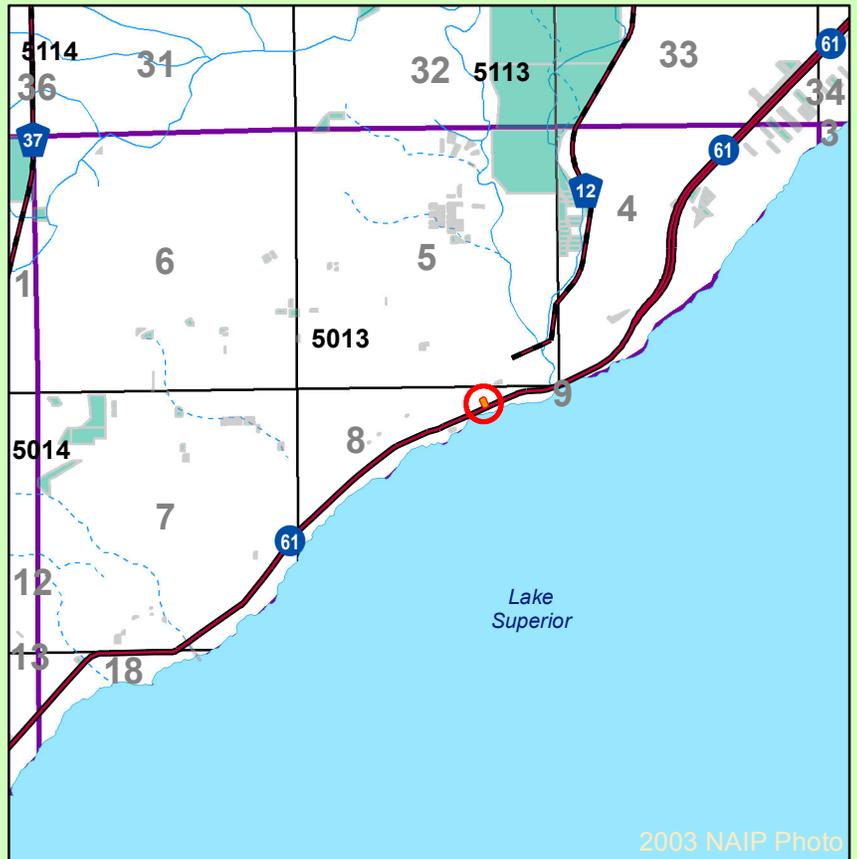
-  State Tax Forfeited Land
-  Water
-  Road
-  Area of Interest
-  Tract



St. Louis County, Minnesota

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St. Louis County Land and Minerals Department



2003 NAIP Photo

BOARD LETTER NO. 12 - 457

PUBLIC WORKS & TRANSPORTATION COMMITTEE CONSENT NO. 5

BOARD AGENDA NO.

DATE: November 27, 2012 **RE:** Acquisition of Right of Way for
Reconstruction of CSAH 89 –
Highland Street/57th Avenue West
(Duluth)

FROM: Kevin Z. Gray
County Administrator

James T. Foldesi
Public Works Director/Highway Engineer

RELATED DEPARTMENT GOAL:

Provide a safe, well-maintained road and bridge system.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize the Public Works Department to proceed with right of way acquisition for the reconstruction of a portion of County State Aid Highway (CSAH) 89 (Highland Street/57th Avenue West), Duluth (County Project 176509) and to authorize the County Auditor to grant permanent highway easements across tax forfeited lands and temporary construction easements.

BACKGROUND:

The Public Works Department plans to reconstruct a portion of CSAH 89 in Duluth. The reconstruction is approximately 1.6 miles in length, which includes the construction of a new bridge. The project begins at the intersection of 57th Avenue West and Cody Street, then proceeds north along 57th Avenue West to Highland Street. It will then proceed west and north along Highland Street to the intersection of Skyline Parkway and Vinland Street. At that intersection, the reconstruction would encompass a radius of 750' in each direction. This is a State Aid funded project.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the Public Works Department to acquire the right of way necessary for County Project 176509 and to authorize the County Auditor to grant permanent highway easements across tax forfeited lands and temporary construction easements for the project. Right of way acquisition is payable from Fund 225, Agency 176509.

**Acquisition of Right of Way for Reconstruction of CSAH 89 –
Highland Street/57th Avenue West (Duluth)**

BY COMMISSIONER _____

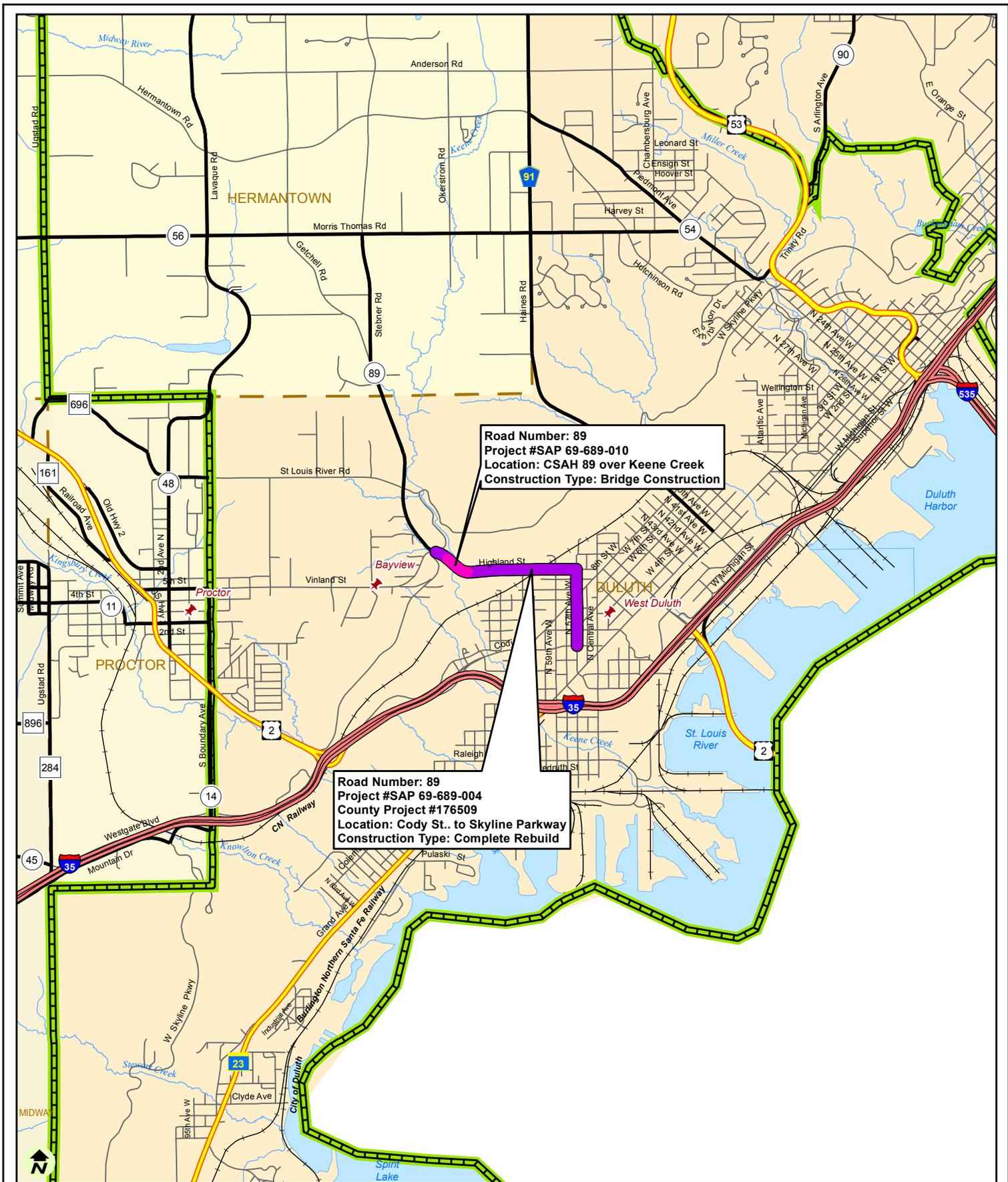
WHEREAS, the St. Louis County Public Works Department plans to reconstruct a portion of County State Aid Highway 89 (Highland St./ 57th Ave. W.) within the City of Duluth; and

WHEREAS, the improvement consists of widening and reconstructing 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 the construction, together with temporary construction easements.

NOW, 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 225, Agency 176509.

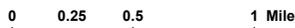
RESOLVED FURTHER, that pursuant to Minn. Stat. 282.04, Subdivision 4, the St. Louis County Board authorizes the County Auditor to grant highway easements across tax forfeited lands for the necessary permanent highway easements across tax forfeited lands and temporary construction easements for the project.



Road Number: 89
Project #SAP 69-689-010
Location: CSAH 89 over Keene Creek
Construction Type: Bridge Construction

Road Number: 89
Project #SAP 69-689-004
County Project #176509
Location: Cody St.. to Skyline Parkway
Construction Type: Complete Rebuild

St. Louis County 2013 Road & Bridge Construction



Map Components

2013 Road & Bridge Construction

- Bridge Construction
- Complete Rebuild
- Interstate Highway
- U.S./State Highway
- County Road - Paved
- County Road - Gravel
- Local Road/City Street
- Railroad
- Commissioner District
- Township Boundary
- City/Town
- Lake
- River/Stream

BOARD LETTER NO. 12 - 458

PUBLIC WORKS & TRANSPORTATION COMMITTEE
CONSENT NO. 6

BOARD AGENDA NO.

DATE: November 27, 2012 **RE:** Acquisition of Right of Way for the
Reconstruction of CSAH 146 and
147 – Jones Street (Eveleth)

FROM: Kevin Z. Gray
County Administrator

James T. Foldesi
Public Works Director/Highway Engineer

RELATED DEPARTMENT GOAL:

Provide a safe, well maintained road and bridge system.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize the acquisition of the remaining necessary right of way for the reconstruction of County State Aid Highway (CSAH) 146 and 147 (Jones Street) in Eveleth (County Projects 8297 and 8298, SAPs 069-746-001 and 069-747-001), through eminent domain/condemnation proceedings.

BACKGROUND:

The Public Works Department plans to reconstruct 1.03 miles of CSAH 146 and 147 (Jones Street) within the City of Eveleth, beginning at Douglas Avenue and ending at Hat Trick Avenue. Acquisition of the necessary land for this project was authorized by County Board Resolution No. 12-353 dated June 26, 2012. Part of the right of way necessary for this project has not yet been acquired by negotiation and direct purchase. Acquiring the additional right of way by condemnation will allow for the timely construction of this project.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the County Attorney to acquire the right of way necessary for the project through condemnation proceedings payable from Fund 200, Agency 203001.

**Acquisition of Right of Way for the Reconstruction of CSAH 146 and 147 –
Jones Street (Eveleth)**

BY COMMISSIONER _____

WHEREAS, the St. Louis County Public Works Department plans to reconstruct 1.03 miles of County State Aid Highways (CSAH) 146 and 147 (Jones Street), (County Projects 8297 and 8298, SAP 069-746-001 and 069-747-001), within the City of Eveleth, beginning at Douglas Avenue and ending at Hat Trick Avenue; and

WHEREAS, the acquisition of the additional highway right of way needed to complete this road reconstruction was authorized by County Board Resolution No. 12-353, dated June 26, 2012; 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:

William P. Perko and Maxine Perko, husband and wife

as Joint Tenants
400 North Van Buren Avenue
Eveleth, MN 55734

The Miners National Bank of Eveleth

as Mortgagee
401 Grant Avenue
Eveleth, MN 55734

First Bank Minnesota

as Mortgagee
230 1st Street South
Virginia, MN 55792

FBS Mortgage Corporation, A Nevada Corporation

as Mortgagee
P.O. Box 1199
Minneapolis, MN 55440

Property Legal Description:

Lot Thirteen (13), Block Eight (8), FIRST DIVISION, EASTVIEW ADDITION TO EVELETH, according to the original plat thereof on file and of record in the office of the Register of Deeds, St. Louis County, Minnesota, excepting minerals.

Parcel Identification Number 040-0085-01140
(abstract property)

Rights to be acquired:

A PERMANENT EASEMENT for highway purposes over, under, and across all that part of the above described property lying southerly of a line drawn

parallel to, and 33 feet distant to the left of, the following described highway centerline:

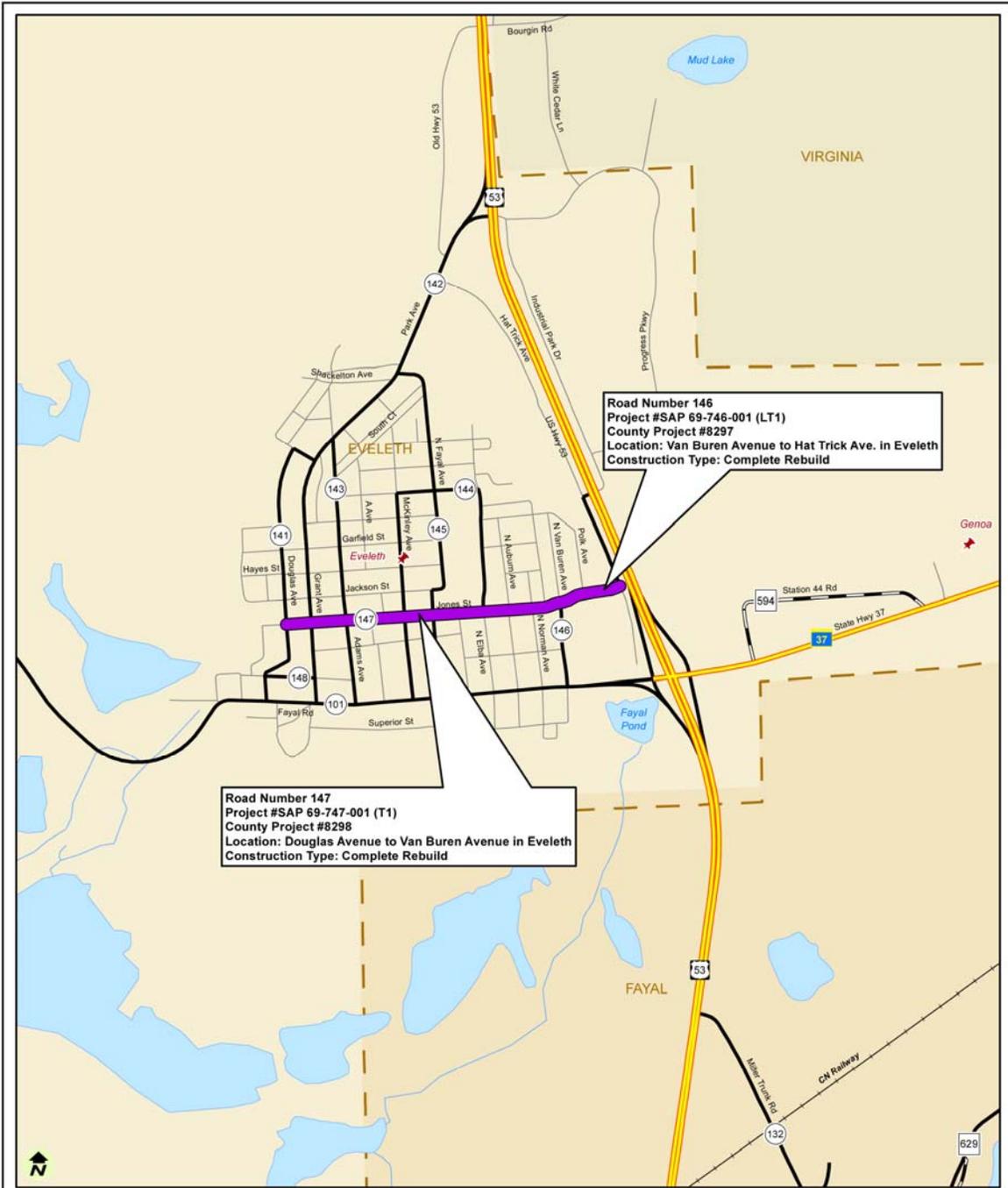
Commencing at the southwest corner of Lot 15, Block 7, First Division, Eastview Addition of Eveleth; thence South 07 degrees 24 minutes 59 seconds East assumed bearing along the prolongation of the westerly lot line of said Lot 15 a distance of 21.24 feet to the point of beginning; thence northeasterly along a curve, concave to the north and tangential with the center line of Jones Street, with central angle of 19 degrees 19 minutes 32 seconds and radius of 1081.26 feet a distance of 337.30 feet and there terminating.

Described easement area contains approximately 735 square feet.

TOGETHER with a TEMPORARY CONSTRUCTION EASEMENT over a strip of land 10.0 feet in width northerly of and adjoining the above described permanent easement and lying between lines drawn perpendicular to the highway centerline at Engineer's Stations 56+97 and 58+10.

Described temporary easement area totals approximately 1130 square feet and shall expire on December 31, 2015

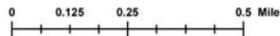
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board, pursuant to Minn. Stat. Chapter 163.02 et.al., authorizes the County Attorney to proceed under Minn. Stat. Chapter 117.02 et. al., to acquire the necessary highway right of way by condemnation proceedings, payable from Fund 200, Agency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



Road Number 146
 Project #SAP 69-746-001 (LT1)
 County Project #8297
 Location: Van Buren Avenue to Hat Trick Ave. in Eveleth
 Construction Type: Complete Rebuild

Road Number 147
 Project #SAP 69-747-001 (T1)
 County Project #8298
 Location: Douglas Avenue to Van Buren Avenue in Eveleth
 Construction Type: Complete Rebuild

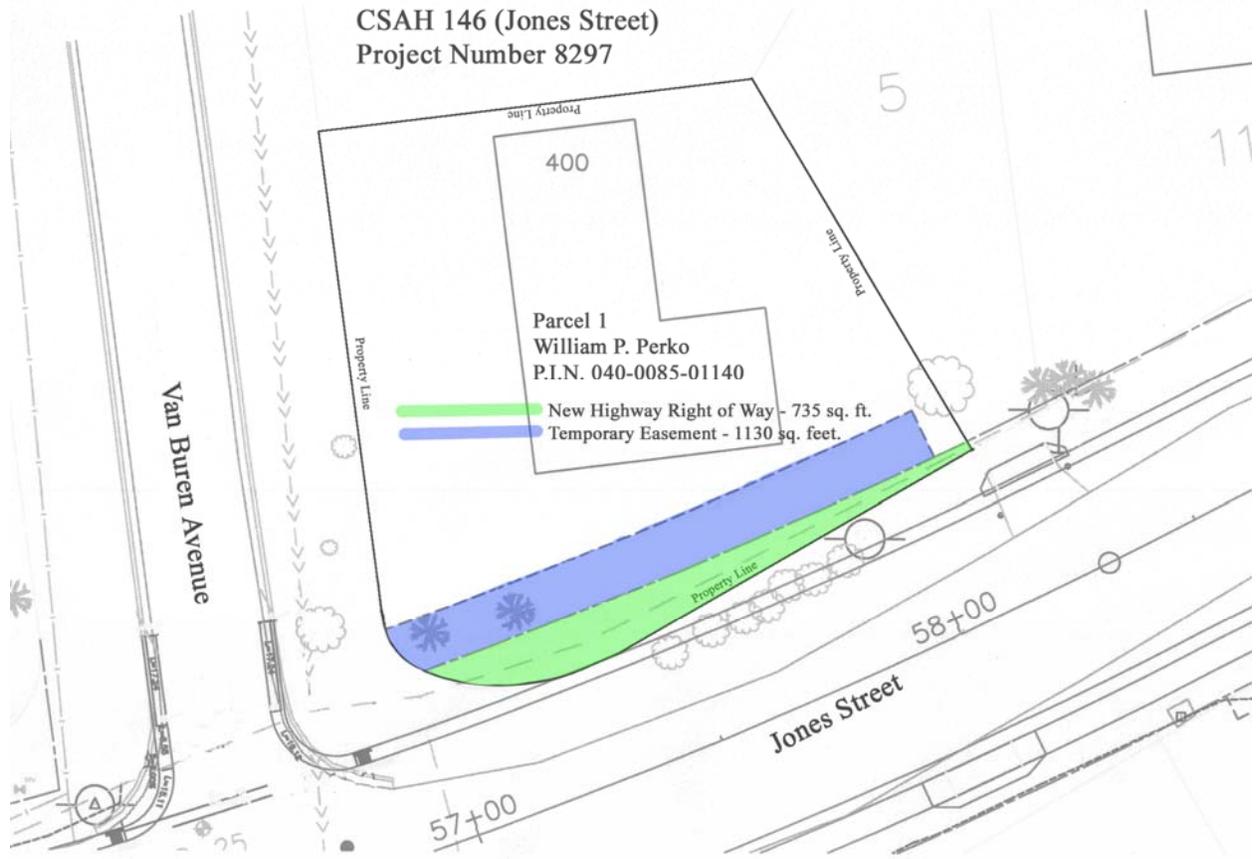
St. Louis County 2013 Road & Bridge Construction



Map Components	
County Road - Paved	Township Boundary
Complete Rebuild	City/Town
Interstate Highway	Lake
U.S./State Highway	River/Stream
Railroad	Commissioner District

EXHIBIT B

CSAH 146 (Jones Street)
Project Number 8297



BOARD LETTER NO. 12 - 459

PUBLIC WORKS & TRANSPORTATION COMMITTEE CONSENT NO. 7

BOARD AGENDA NO.

DATE: November 27, 2012

RE: Authorization to Apply for a
Minnesota Lake Superior Coastal
Program Fund Grant – Culvert
Survey, Phase I

FROM: Kevin Z. Gray
County Administrator

James T. Foldesi
Public Works Director/Highway Engineer

RELATED DEPARTMENT GOAL:

Provide a safe, well maintained road and bridge system.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize an application for a Minnesota Lake Superior Coastal Program Fund grant and commit to use local funds to pay for that portion of the cost of the culvert survey project which exceeds the grant amount.

BACKGROUND:

The Public Works Department plans to apply for a Minnesota Lake Superior Coastal Program Grant to perform a culvert inventory survey in the area outlined in the attached map (Phase 1). The grant program is a federal program through the National Oceanic and Atmospheric Administration and is administered in the State of Minnesota by the Minnesota Department of Natural Resources. Projects must request no more than \$100,000 and a 50% local match is required. Each grant application is required to have a resolution of authorization passed by the governing body of the applicant.

The Public Works Department is requesting authorization to apply for the grant and to pay for the 50% local match using funds from Fund 200 (Public Works). The total project cost is estimated at \$74,542. St. Louis County will hire a consultant for survey data collection and processing into a Geographic Information Systems (GIS) database. These costs are included in the total estimated cost and will be considered an in-kind match from St. Louis County. The total amount required from Fund 200 for the local match is expected not to exceed \$38,000.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the Public Works Department to apply for a Minnesota Lake Superior Coastal Program Grant and to obligate the funds for the local match in the event that the grant application is successful.

**Authorization to Apply for a Minnesota Lake Superior Coastal
Program Fund Grant – Culvert Survey, Phase I**

BY COMMISSIONER _____

WHEREAS, the St. Louis County Public Works Department plans to have a Culvert Survey project performed in the southeast part of the county along the border with Lake County for inventory and future anticipated regulatory needs; and

WHEREAS, the State of Minnesota, through the Minnesota Department of Natural Resources-Division of Ecological and Water Resources, administers financial assistance for coastal management purposes, through Minnesota's Lake Superior Coastal Program; and

WHEREAS, St. Louis County desires financial assistance under Minnesota's Lake Superior Coastal Program.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves filing an application to Minnesota's Lake Superior Coastal Program; and

RESOLVED FURTHER, that the Public Works Director/Highway Engineer is authorized and directed to execute and file an application with the Minnesota Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance; and

RESOLVED FURTHER, that the Board Chair, County Auditor, Public Works Director/Highway Engineer, and Assistant County Attorney have signatory authority to enter into an agreement with the State of Minnesota; and

RESOLVED FURTHER, that the St. Louis County Board does agree to act as legal sponsor and obligate funds from Fund 200, Agency 200008, Object 626600, in the amount not to exceed \$38,000 to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the Minnesota's Lake Superior Coastal Program.

BOARD LETTER NO. 12 - 460

PUBLIC WORKS & TRANSPORTATION COMMITTEE
CONSENT NO. 8

BOARD AGENDA NO.

DATE: November 27, 2012 **RE:** Revised Master Partnership
Agreement with the Minnesota
Department of Transportation

FROM: Kevin Z. Gray
County Administrator

James T. Foldesi
Public Works Director/Highway Engineer

RELATED DEPARTMENT GOAL:

Provide a safe, well-maintained road and bridge system.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize a revised Master Partnership Agreement with the Minnesota Department of Transportation (MnDOT) to provide technical and transportation-related services on various projects in the county.

BACKGROUND:

St. Louis County has a number of construction projects in which the MnDOT has provided technical and certain transportation-related services. MnDOT has requested that the county enter into a revised Master Partnership Agreement to allow the state to continue to provide services and allow for cooperation on state and county projects.

RECOMMENDATION:

It is recommended the St. Louis County Board authorize a revised Master Partnership Agreement with the Minnesota Department of Transportation.

**Revised Master Partnership Agreement with the
Minnesota Department of Transportation**

BY COMMISSIONER _____

WHEREAS, the Minnesota Department of Transportation (MnDOT) wishes to cooperate closely with local units of government to coordinate the delivery of transportation services and maximize the efficient delivery of such services at all levels of government; and

WHEREAS, MnDOT and local governments are authorized by Minn. Stat. sections 471.59, 174.02, and 161.20, to undertake collaborative efforts for the design, construction, maintenance and operation of state and local roads; and

WHEREAS, the parties wish to be able to respond quickly and efficiently to such opportunities for collaboration, and have determined that having the ability to write “work orders” against a master contract would provide the greatest speed and flexibility in responding to identified needs.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes revised Master Partnership Agreement No. 02466 with the State of Minnesota, Department of Transportation, a copy of which was before the Board, identified in County Board File No. _____.

RESOLVED FURTHER, that the proper county officials are authorized to execute such agreement, and any amendments thereto.

RESOLVED FURTHER, the Public Works Director/Highway Engineer is authorized to negotiate work order contracts pursuant to the Master Agreement, which work order contracts may provide for payment to or from MnDOT, and that the Public Works Director/Highway Engineer may execute such work order contracts on behalf of the county without further approval by this Board.

BOARD LETTER NO. 12 - 461

PUBLIC WORKS & TRANSPORTATION COMMITTEE
CONSENT NO. 9

BOARD AGENDA NO.

DATE: November 27, 2012 **RE:** Acceptance of Flood Grant for
Reconstruction of Bridge 69A06 –
Jean Duluth Road (Lakewood
Township)

FROM: Kevin Z. Gray
County Administrator

James T. Foldesi
Public Works Director/Highway Engineer

RELATED DEPARTMENT GOAL:

Provide a safe, well maintained road and bridge system.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize an agreement accepting a Minnesota State Transportation Flood grant and commit to use federal funds to pay for that portion of the cost of bridge replacement which exceeds the grant amount for County Project 161399, SP 69-637-022.

BACKGROUND:

Bids for the reconstruction of State Bridge 69A06 spanning the Lester River on Jean Duluth Road (Lakewood Township) were let on October 8 and awarded to Redstone Construction Co., Inc. for the low bid of \$985,126.75. Tentative approval of a grant for bridge replacement from the Minnesota State Transportation Flood Bond was received on September 17, 2012, with final approval received on November 8, 2012 based on the bid amount. The grant will offset \$197,025.35 in State Aid Funds for construction, and \$41,000.00 in State Aid Funds for design engineering.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize an agreement with the Minnesota Department of Transportation to accept Flood Bond funds and commit to use federal funds for costs which exceed the grant amounts.

**Acceptance of Flood Grant for Reconstruction of Bridge 69A06 –
Jean Duluth Road (Lakewood Township)**

BY COMMISSIONER _____

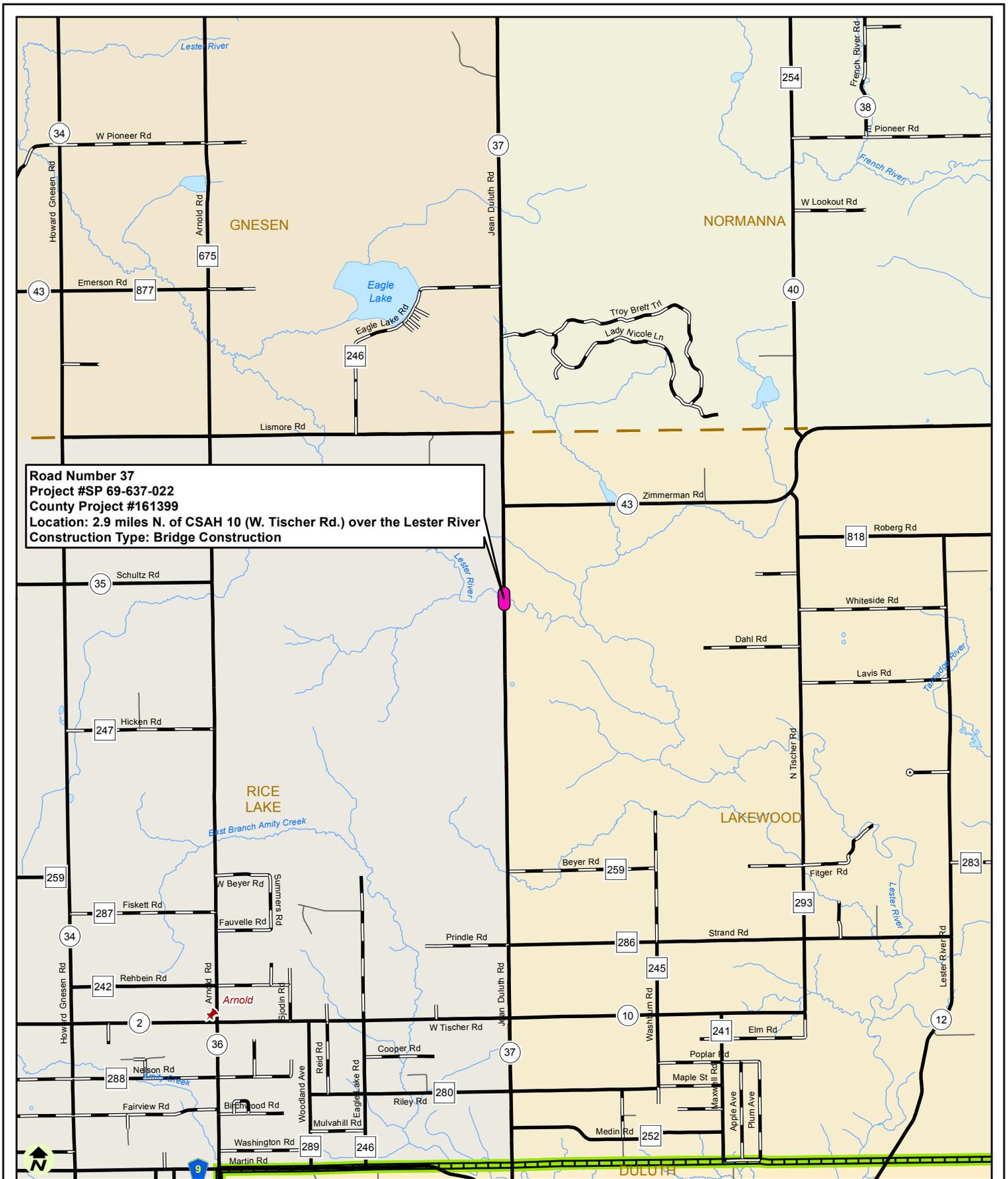
WHEREAS, St. Louis County has applied to the Minnesota Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for the construction of project SP 69-637-022, State Bridge 69A06 on County State Aid Highway 37 (Jean Duluth Road) in Lakewood Township; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this bridge is available; and

WHEREAS, the amount of the grant has been determined to be \$197,025.35 for construction and \$41,000.00 for design engineering for a total of \$238,025.35.

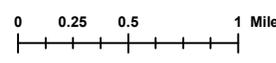
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board agrees to the terms and conditions of the grant consistent with Minn. Stat., Section 174.50, Subd. 5, (3), and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required. The appropriate county officials are authorized to execute a grant agreement with the Minnesota Commissioner of Transportation concerning the above-referenced grant.

Acct 266 Flood Bond Funds	\$197,025.35 Construction \$ 41,000.00 Design Engineering
SLC Federal Funds	\$788,101.40
Total Project:	\$985,126.75 Construction \$ 41,000.00 Design Engineering



Road Number 37
Project #SP 69-637-022
County Project #161399
Location: 2.9 miles N. of CSAH 10 (W. Tischer Rd.) over the Lester River
Construction Type: Bridge Construction

St. Louis County 2012 Road & Bridge Construction



Map Components		
	2012 Road & Bridge Construction	County Road - Paved
	Bridge Construction	County Road - Gravel
	Interstate Highway	Local Road/City Street
	U.S./State Highway	Railroad
	Commissioner District	Township Boundary
	City/Town	Lake
	River/Stream	

Office Furniture Purchase – Virginia Courthouse Project

BY COMMISSIONER _____

WHEREAS, the Virginia Courthouse remodeling project includes renovation of the County Attorney's staff area and requires the purchase of new office furniture; and

WHEREAS, Northern Business Products, Hibbing, Minnesota has provided the county with quotes for office furniture totaling \$62,345.84, with pricing listed at the State of Minnesota shared contract.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board authorizes the purchase of office furniture under State of Minnesota contract pricing in an amount of \$62,345.84 for the Virginia Courthouse remodeling project from Northern Business Products of Hibbing Minnesota payable as follows:

\$39,971.25 - Fund 400, Agency 400033, Object 662100

\$22,374.59 - Fund 100, Agency 113002, Object 640300

**Establish Public Hearing for Suspension/Revocation
of Liquor Licenses for Property Tax Non-Payment**

BY COMMISSIONER _____

RESOLVED, that a public hearing will be held at 9:40 a.m., on Tuesday, January 15, 2013, in the St. Louis County Courthouse, Duluth, Minnesota, 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.

BOARD LETTER NO. 12 - 464

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO. 1

BOARD AGENDA NO.

DATE: November 27, 2012 **RE:** Appointment to Arrowhead
Library System Governing
Board

FROM: Kevin Z. Gray
County Administrator

RELATED DEPARTMENT GOAL:

To provide effective, efficient government.

ACTION REQUESTED:

The St. Louis County Board is requested to appoint one new member to the Arrowhead Library System Governing Board.

BACKGROUND:

County Board Resolution No. 12-526, dated October 2, 2012, authorized the advertisement for one vacancy on the Arrowhead Library System Governing Board, replacing Ms. Teresa Dawson of Duluth, Minnesota. County Board Memo No. 12-36, dated October 30, 2012, provided commissioners with a copy of the sole application received from Jane Brissett of Duluth, Minnesota.

With the expiration of Teresa Dawson's term on December 31, 2012, the County Board must appoint a replacement. The new appointee will serve a three year term from January 1, 2013 through December 31, 2015. Arrowhead Library System bylaws stipulate that the seat held by Ms. Dawson must be filled with a Duluth resident.

RECOMMENDATION:

It is recommended that the St. Louis County Board appoint Jane Brissett of Duluth, Minnesota to the Arrowhead Library System Governing Board for a three year term from January 1, 2013 through December 31, 2015.

Appointment to Arrowhead Library System Governing Board

BY COMMISSIONER _____

RESOLVED, that the St. Louis County Board appoints Jane Brissett of Duluth, Minnesota to the Arrowhead Library System Governing Board for a three year term beginning January 1, 2013 and ending December 31, 2015.



Revised 1-2006
APP-CACCB

Application

Citizen Advisory Committee, Commission, or Board
St. Louis County

Return Application to:

Clerk of the County Board
100 N. 5th Avenue West, #214
Duluth, MN 55802-1293

OR e-mail at: larsonb@stlouiscountymn.gov

Note: Please mail or deliver your completed application to the Clerk of the Board at the adjacent address. Your application will be on file for approximately one year.

Application For:

Arrowhead Library System Board of Governors

Please list the committee, commission, or board for which you are applying

Applicant Name:

Brissett, Jane E.

Mr. Mrs. Ms.

Last Name First Name Middle Initial

Home Address:

4025 Pitt St.

Street

Duluth, MN 55804

City

State

Zip

Telephone/Fax/
E-Mail:

(218) 525-6965, janebrissett@gmail.com

Home

Work

Fax

E-mail Address

1. How long have you lived in St. Louis County? 38 years

2. List other community groups, boards, committees, or commissions for which you are, or have been a member?

Boards of Arrowhead Library System (budget, Legacy, and reorganization committees), Duluth Public Library, Habitat for Humanity (family selection and public relations committees), PTAs and many of their committees. Ten years as Reading Partner volunteer at Grant and Nettleton schools in Duluth. Church session and numerous church committees. Sunday School superintendent. Local Society of Professional Journalists. Friends of the Duluth Public Library.

3. What interests you about becoming a member of the committee, commission or board for which you are applying?

Having spent years as a professional writer and as a reading volunteer, I know how important libraries are to everyone in the community. I served one term on the Arrowhead Library System board as the Duluth Public Library representative but due to a reorganization, the Duluth library no longer has a representative on the board. I would like to continue my service to ALS by representing the city of Duluth.

4. Please describe your education, employment, areas of interest, and expertise.

B.A. in journalism, University of Minnesota and some postgraduate work. Employed as a reporter and editor at Sun Newspapers in Twin Cities, Birmingham News in Alabama, Duluth News Tribune, and as a freelance writer. I am the Duluth Public Library's One Book, One Community coordinator. My interests and expertise are in the written word, freedom of the press, and making information available to everyone.

5. Please provide additional information you believe is important in considering your application?

As an ALS board member, I spent many hours working on behalf of libraries of our region and helped streamline the organization so that more money could go toward services to libraries. It would be an honor to serve on the board again as Duluth's representative as I have the energy, enthusiasm, and time to be an effective voice for Duluth in that capacity. Because I have history with the organization, it won't take long to become reacquainted with board business.

6. Please list two references including name, address, and telephone number.

Carla Powers, 520 W. Superior St., Duluth, MN 55802 (218) 730-4225

Jim Weikum, 5528 Emerald Ave., Mountain Iron, MN 55768, (218) 741-3840

I have sufficient time to devote to this responsibility and will attend the required meetings if appointed.

Signature:

Jane Bruisett

Date

October 8, 2012

THANK YOU!

Page 2 of 2

Office Use Only

Date Received

Appointment Date

Date Entered

Term End Date

Commissioner District

Retention Date

Appointed: Yes No

Committee/Board/Commission:

BOARD LETTER 12 – 465

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO. 2

BOARD AGENDA NO.

DATE: November 27, 2012 **RE:** Joint Powers Agreement with
the City of Duluth for
Assessment Services

FROM: Kevin Z. Gray
County Administrator

Mark Monacelli, Director
Public Records and Property Valuation

RELATED DEPARTMENT GOAL:

The County Assessor will meet all state mandates for classifying and valuing taxable parcels for property tax purposes as outlined in Minn. Stat. § 270-273, and continually improve assessment efficiency, county wide.

ACTION REQUESTED:

The St. Louis County Board is requested to approve a joint exercise of powers agreement between St. Louis County and the City of Duluth to provide assessment services for all real property located within the city.

BACKGROUND:

In keeping with the February 2012 findings of the county's "Blue Ribbon Assessment Practices Review Panel", St. Louis County and the City of Duluth have negotiated an agreement to consolidate assessment offices under county management. This merger will streamline service delivery and create efficiencies for property assessment services by providing a more equitable method of conducting property assessments that follows a uniform set of standards and expectations. As part of the agreement, the city has agreed to pay \$375,000 for the 2013 assessment service. Additionally, up to six current appraisal staff employed by the City of Duluth will be provided the assurance of positions as county employees within the Assessor's Office. Specifics with respect to salaries and benefits will be determined through "effects bargaining" between the appropriate bargaining group representatives, the city and the county.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the appropriate county officials to enter into a joint powers agreement with the City of Duluth for the purpose of providing real property assessment services beginning January 1, 2013.

Joint Powers Agreement with the City of Duluth for Assessment Services

BY COMMISSIONER _____

WHEREAS, pursuant to Minn. Stat. Chap. 273 St. Louis County, through the County Assessor, is generally charged with assessing all real property in the county for real estate tax purposes, except as otherwise provided; and

WHEREAS, pursuant to Minn. Stat. § 273.063, such assessment services within cities of the first class, including the City of Duluth, are to be performed by a City Assessor, and, pursuant to that authority, Duluth has historically maintained a City Assessor's Office which has assessed all real property in the city for real estate tax purposes; and

WHEREAS, Minn. Stat. § 471.59 allows two governmental units, by agreement entered through action of their governing bodies, to jointly exercise any power common to the contracting governmental units; and

WHEREAS, St. Louis County and the City of Duluth have determined it is mutually beneficial to both parties and to the taxpayers within Duluth and the county to combine the assessment functions of the city and the county, and to have these functions performed by the County Assessor's Office; and

WHEREAS, Minn. Stat. § 273.072 authorizes the city and the county to enter into a Joint Powers Agreement under Minn. Stat. § 471.59 for the county to provide assessment services to the city for all real property located within the jurisdiction of the City of Duluth.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to enter into a joint powers agreement with the City of Duluth (County Board File No. _____) for the purpose of providing real property assessment services, at a cost of \$375,000 for the year beginning on January 1, 2013, payment to be deposited in Fund 118001, Agency 552504.

JOINT EXERCISE OF POWERS AGREEMENT

ASSESSMENT SERVICES

City of Duluth & St. Louis County

This JOINT POWERS AGREEMENT, effective as of the date of attestation thereto by the City Clerk as hereinafter set forth, between the CITY OF DULUTH, a municipal corporation under the laws of the State of Minnesota, hereinafter referred to as “City”, and ST. LOUIS COUNTY, a county under the laws of the State of Minnesota, hereinafter referred to as “County”.

WHEREAS, pursuant to Minnesota Statutes Chapter 273 the County, through the County Assessor, is generally charged with assessing all real property in the County for real estate tax purposes, except as otherwise provided; and

WHEREAS, pursuant to Minnesota Statutes Section 273.063, such assessment services within cities of the first class, including the city of Duluth, are to be performed by a City Assessor and pursuant to said authority the City has historically maintained a City Assessor’s Office which has assessed all real property in the City for real estate tax purposes; and

WHEREAS, Minnesota Statutes Section 273.072 authorized the City and the County to enter into a Joint Powers Agreement under Minnesota Statutes Section 471.59 for the County to provide assessment services to the City for all real property located in the City; and

WHEREAS, City and County have determined that it will be mutually beneficial to both parties and to the taxpayers of the City and the County to combine the assessment functions of the City and the County and to have said functions performed by the County Assessor’s Office.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties hereto hereby agree as follows:

1. Definitions:
For the purposes of this Agreement, the following terms and phrases shall have the meanings hereinafter ascribed to them:
 - A. Assessment Law: shall mean Minnesota Statutes Chapters 272, 273 and 274 and regulations related thereto, and the requirements of the Commissioner of the Minnesota Department of Revenue.
 - B. Chief Administrative Officer or CAO: shall mean the Chief Administrative Officer of the City or his or her designee.

	10/10/12 (1) REA
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- C. City Appraisers: shall mean those persons employed in the position of appraisers in the City Assessor's Office as of the effective date of this Agreement, which persons are listed on Exhibit A attached hereto and made a part hereof.
- D. County Assessor: shall mean collectively the St. Louis County Assessor appointed pursuant to Minnesota Statutes Chapter 273 and the office of the County Assessor and all employees thereof.
- E. Operative Date: shall mean January 1, 2013.

2. Purpose and Authority

The purpose of this Agreement is to have the County Assessor perform all functions and services related to the assessment of real property located in the City of Duluth for property tax purposes in conformance with the requirements of Assessment Law. This Agreement is being entered into pursuant to the authorization of Minnesota Statutes Section 272.072 and Minnesota Statutes Section 471.59.

3. Assessment Services

As of the Operative Date of this Agreement and for the Term hereof, and except as hereinafter set forth in Paragraph 8. below, City and County agree that County shall provide all real and personal property assessment services required by Assessment Law for all real and personal property located in the City of Duluth in accordance with and subject to the terms and conditions of this Agreement for the term hereof. For business planning purposes, the County agrees to maintain a cooperative dialogue with the City regarding value determination of tax increment real property as defined in Minnesota Statutes Section 469.177. All such services shall be performed in accordance with the Assessment Law by appraisers qualified and licensed in accordance with the requirements of Minnesota Statutes Sections 270.41, 270.48 and 270.50 and with Minnesota Rules Chapter 1950. Said services shall be performed in accordance with the standards for appraisal services established by the foregoing statutes and regulations and by the Society of Real Estate Appraisers.

4. City Appraisers

As of the Operative Date of this Agreement, County agrees to accept as employees and to employ as County appraisers the City Appraisers. Upon request of AFSCME Council 5, the County shall engage in good faith effects bargaining with AFSCME relative to the transition. The City Appraisers that become County employees shall be subject to the terms and conditions of employment set forth in the Civil Service Basic bargaining agreement negotiated between St. Louis County and AFSCME Council 5.

5. Payments by City

It is understood between City and County that the consideration to be received by County for the provision of services under this Agreement shall be in the form of the increased efficiencies of having all assessment services provided by the County Assessor and the benefits to the taxpayers of the County resulting therefrom.

	10/10/12 (1) REA
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- A. Therefore, except as provided for in Paragraph 7 or 11, or Subparagraph B. below, notwithstanding any other law, statute or regulation to the contrary, it is agreed that County shall not be entitled to any additional remuneration, fee, charge or consideration of any kind whatsoever, other than those revenues derived from the County's general levy against all of the real property in the County, for the provision of the assessment services provided by County under this Agreement.
- B. Notwithstanding the provisions of Subparagraph A. above, City agrees to make transition assistance payments to County in the amount of Ninety-three Thousand, Seven Hundred Fifty Dollars (\$93,750) on February 1, 2013, May 1, 2013, August 1, 2013 and November 1, 2013 for a total amount of Three Hundred, Seventy-five Thousand Dollars (\$375,000), payable from Fund _____.

6. Office Facilities

As of the Operative Date of this Agreement, it shall be the responsibility of County to provide all required office facilities, furnishings, computer equipment and vehicles necessary for the employment of the City Appraisers.

7. Term

Unless sooner terminated as hereinafter provided for, the term of this Agreement shall be for Ten (10) Years from the effective date hereof. Thereafter, this Agreement shall continue indefinitely as allowed by law, including Minnesota Statutes Section 273.072.

8. Records and Inspections

A. Establishment and Maintenance of Records

Records shall be maintained by County in accordance with requirements of the Assessment Law and with respect to all matters covered by this Agreement for such time period as shall be required by applicable law. City shall transfer to County any and all Assessment Services records for continuity and historical value purposes. County will cooperate with City to allow examination of the records covered by this Agreement.

B. Reports and Information

County shall be responsible for providing access to City records, data and information as City may require pertaining to matters covered by this Agreement.

C. Ownership of Data

Copies of all information, notes, reports, special studies, records and other data prepared under this Agreement shall be made available to City upon completion or termination of the services of County.

9. Independent Parties

It is agreed that nothing herein contained is intended or shall be construed in any manner as creating or establishing a relationship of co-partners between the parties hereto or of constituting County as an agent, representative or employee of City for any purpose or in any manner whatsoever. County and any officers or employees thereof shall not be considered an

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employee of City, and any and all claims that may or might arise under the Workers' Compensation Act of the State of Minnesota on behalf of County while so engaged and any and all claims whatsoever on behalf of County arising out of employment or alleged employment, including without limitation, claims of discrimination against City, its officers, agents, contractors or employees shall in no way be the responsibility of City. County and its officers, agents, contractors and employees shall not be entitled to any compensation or rights or benefits of any hospital care, sick leave and vacation pay, Workers' Compensation, Unemployment Insurance, disability pay or severance pay. Furthermore, City shall not, in any way, be responsible to defend, indemnify or save harmless County from liability or judgments arising out of the intentional or negligent acts or omissions of County while performing the work specified by this Agreement.

It is agreed that nothing herein contained is intended or shall be construed in any manner as creating or establishing a relationship of co-partners between the parties hereto or of constituting City as an agent, representative or employee of County for any purpose or in any manner whatsoever. City and any officers or employees thereof shall not be considered employees of County, and any and all claims that have accrued or might arise under the Workers' Compensation Act of the State of Minnesota on behalf of City while so engaged, and any and all claims whatsoever on behalf of City arising out of employment or alleged employment, including without limitation, claims of discrimination against County, its officers, agents, contractors or employees shall in no way be the responsibility of County. City and its officers, agents, contractors and employees shall not be entitled to any compensation or rights or benefits of any hospital care, sick leave and vacation pay, Workers' Compensation, Unemployment Insurance, disability pay or severance pay. Furthermore, County shall not, in any way, be responsible to defend, indemnify or save harmless City from liability or judgments arising out of the intentional or negligent acts or omissions of City while performing the obligations specified by this Agreement.

10. Indemnity

County agrees on behalf of itself that it shall defend, indemnify and save harmless, City and its officers, agents, servants and employees from and against any and all claims, demands, suits, judgments, costs and expenses asserted by any person or persons, including agents or employees of City or of County, by reason of the death of or injury to person or persons or the loss of or damage to property arising out of County's performance of its obligations under this Agreement. On ten (10) days' written notice from any of City, County will appear and defend all lawsuits against City growing out of such injuries or damages.

City agrees on behalf of itself that it shall defend, indemnify and save harmless, County and its officers, agents, servants and employees from and against any and all claims, demands, suits, judgments, costs and expenses asserted by any person or persons, including agents or employees of City or of County, by reason of the death of or injury to person or persons or the loss of or damage to property arising out of City's performance of its obligations under this

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Agreement. On ten (10) days' written notice from any employee or agent of County, City will appear and defend all lawsuits against County growing out of such injuries or damages.

11. Default, Termination and Effects of Termination

In the event that County shall fail to perform any of its obligations hereunder in conformance with the terms and conditions of this Agreement, County may be deemed to be in default hereof. In the event of a default by County, City shall have the right to send notice to County thereof as provided for in Paragraph 14. below and to demand that County cure the same. If County shall not have cured any such default within Twenty (20) days of the sending of notice thereof or, in the event that cure is not possible within said Twenty (20) day period, shall not have commenced said cure within said Twenty (20) day period and diligently have prosecuted said cure to completion as soon as practically possible, City shall have the right to terminate this Agreement. In the event of such termination, City shall have the right to immediately undertake the assessment of real property in the City of Duluth and City shall be immediately entitled to all records and other information used or useful in the assessment of such property available to County, whether or not in County's possession. In addition, City shall be entitled to recover from County its costs of re-establishing a City Assessor's Office, including but not limited to the cost of securing qualified personnel to perform the assessment functions and the physical costs associated with re-establishing the office. Any waiver by City of any default by County hereunder shall not constitute a continuing waiver of that our any subsequent default.

In the event this agreement is terminated by the City during the first five years following the Operative Date, absent a default by the County, the City shall pay to the County Fifty Thousand Dollars (\$50,000.00) plus actual costs incurred by the County in the transition to/from employing the City Appraisers, such as the costs of office reconfiguration, unemployment benefits, employee training/retraining and other expenditures directly resulting from such transition.

12. Civil Rights Assurances

Both parties and their officers, agents, servants and employees as part of the consideration under this Agreement, do hereby covenant and agree that:

- A. No person on the grounds of race, color, creed, religion, national origin, ancestry, age, sex, marital status, status with respect to public assistance, sexual orientation and/or disability shall be excluded from any participation in, denied any benefits of or otherwise subjected to discrimination with regard to the work to be done pursuant to this Agreement.
- B. That all activities to be conducted pursuant to this Agreement shall be conducted in accordance with the Minnesota Human Rights Act of 1974, as amended (Chapter 363), Title 7 of the U.S. Code and any regulations and executive orders which may be affected with regard thereto.

13. Rules and Regulations

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Each party agrees to observe and comply with all laws, ordinances, rules and regulations of the United States of America, the State of Minnesota and City and their respective agencies which are applicable to its activities under this Agreement.

14. Notices

Notice to City or County provided for herein shall be sufficient if sent by the regular United States mail, postage prepaid, addressed to the parties at the addresses hereinafter set forth or to such other respective persons or addresses as the parties may designate to each other in writing from time to time:

City: City of Duluth
Office of the Chief Administrative Officer
Room 402 City Hall
Duluth, MN 55802

County: St. Louis County
Public Records and Property Valuation Director
100 North 5th Avenue West.
Room 101
Duluth, MN 55802

15. Waiver

Any waiver by either party of any provision of this Agreement shall not imply a subsequent waiver of that or any other provision.

16. Applicable Law

This Agreement, together with all of its paragraphs, terms and provisions is made in the State of Minnesota and shall be construed and interpreted in accordance with the laws of the State of Minnesota.

17. Severability

In the event any provision herein shall be deemed invalid or unenforceable, the remaining provisions shall continue in full force and effect and shall be binding upon the parties to this Agreement.

18. Workers' Compensation

Any claims from the City Appraisers under the Minnesota Workers' Compensation Act relating to incidents, events or conditions prior to the Operative Date shall remain the responsibility of the City.

19. Entire Agreement

It is understood and agreed that the entire agreement of the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating

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to the subject matter hereof. Any amendment to this Agreement shall be in writing and shall be executed by the same parties who executed the original agreement or their successors in office.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and date first above shown.

City Of Duluth, a Minnesota
municipal corporation

St. Louis County, a Minnesota County

By: _____
Mayor

By: _____
Its County Board Chair

Attest:

By: _____
Its _____

By: _____
City Clerk

Countersigned:

Donald Dicklich
Its: County Auditor

Approved:

Assistant City Attorney

Approved as to form and Execution:

Countersigned:

Assistant County Attorney

City Auditor

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2013 Proposed Legislative Agenda

BY COMMISSIONER _____

WHEREAS, the County Board was presented with a draft of legislative priorities for the 2013 Legislative Session at its Committee of the Whole meeting on November 27, 2012; and

WHEREAS, Intergovernmental Relations Director John Ongaro discussed each item with commissioners and received input in finalizing the list of priorities.

NOW THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the "2013 St. Louis County Legislative Priorities" as found in County Board File No. _____, and directs its Intergovernmental Relations Director to work to achieve these outcomes during the 2013 Legislative Session.

St. Louis County's Top Legislative Priorities

New items for the 2013 Legislative Session:

- **Limits to Large State Conservation Easements**

Four Counties in NE MN are currently embroiled in a tax court case over the Blandin Conservation Easement which was granted to for 187,000 acres of land by the State and the Lessard-Sams Outdoor Heritage Council. Although Blandin (through its parent company in Finland) was paid \$43 million to surrender some of its “bundle of rights” and thereby agreed that the highest and best use of this land would now be for forestry and recreation purposes only, Blandin has now asked for a property tax reduction State Tax Court. Blandin claims the conservation easements limits its full use of the land and, therefore, it deserves an across the board property value reduction. We contend that Blandin has already been prepaid for losing its “bundle of rights” via the \$43 million and that most of the highest and best use of these lands has always been for forestry and recreation purposes.

We propose to include a stipulation that the land is assessed “at fee simple estate” in all future large state-sponsored conservation easement property transactions. Thus, the land owners will be walking into their desired conservation easement with eyes wide open. They will be fully aware that the easement granted and the cash given is done so with the understanding that the land will be assessed as if the full “bundle of rights” were still present. If Blandin is successful in tax court, St. Louis County will have to pay abatement costs of \$313,000 for 2011 and 2012. It would also reduce future income by \$175,000 per year. Itasca County is much more severely impacted- \$2 million over the next two years. Some Itasca County townships would witness astronomical property tax increases.

- **Increased Greater MN Park and Trail Funding**

The County Board passed a resolution in August to support efforts to obtain more funding for Greater MN from the voter approved 3/8 cent sales tax increase for the Legacy Amendment. One of the four areas of dedicated funding which gets to share of the \$250 million annually generated from this sales tax is Parks and Trails. So far, the metropolitan area and the DNR have been receiving a disproportionate percentage of the Parks & Trails funding (43% Metro, 37% DNR and only 20% to Greater MN). Greater Minnesotans pay a significant share of state sales taxes and already host many times more DNR parks than the Metro area. Greater MN counties deserve their fair share of funding to carry out the State Parks and Trails Legacy Plan and the corresponding public sentiment for high quality projects.

- **Amend Mine Inspector Statute**

Minnesota has a Mine Inspector law that has barely been touched since 1905. Most of the changes we propose making will be to update archaic language in this law. For example, the mine inspector's salary is capped at \$7,500 and the qualifications for holding the position are equally outdated. Finally, we want full flexibility to appoint the Mining Inspector beyond emergency situations such as filling a sudden vacancy. Significant outreach to stakeholders, such as the Steelworker Safety Committees has occurred and they are supportive of these proposed changes.

- **County Concerns for Tax Reform**

The Dayton Administration has promised major Tax Reform Legislation this coming Session. When it comes to reforms in the area of property taxes, counties have serious concerns that our interests

could be overlooked in any serious reform effort. Included in our list of concerns are: City-centric focus of property tax relief, i.e., LGA doesn't address comprehensive property tax reform; Counties levy the largest portion of property taxes as well as administer the program; Counties administer a number of programs on behalf of the state and thus the state has certain fiscal obligations to counties relating to these programs.

- **Seek Other Legislation Related to Minerals Management**

This includes ensuring timely information sharing by Minnesota Department of Natural Resources minerals group; providing for a change in accounting for taconite royalties and taxation; and explore with the Iron Range Legislative Delegation various taxation options which would enhance county revenues from Scram Mining operation and also the Taconite Production Tax.

- **Annual Tax Forfeit/Riparian Lands Bill**

St. Louis County usually has between 20-30 Tax forfeited parcels included in this bill.

- **Protect Disparity Reduction Aid, County Program Aid and Taconite Tax**

The property tax increases that would accompany the elimination of these programs would be absolutely devastating to our citizens. Two years ago, all three of these programs were targeted for substantial reductions during the debate of the 2012-13 Biennial Budget.

- **Oppose Cost Shifts to Counties**

Recently, counties have been hit with cost shifts (from state funding) to local property taxes. Sex Offender Civil Commits, Chemical Dependency Treatment, and nursing home care costs for adults under age 55 have been the most costly shifts which we've had to endure.

- **Payment In Lieu of Taxes (PILT)**

Both our State and Federal PILT funding have recently become "front burner" issues. Focusing on our State PILT, all year, I have been sitting on a legislatively mandated, Special Statewide PILT Task Force which is charged with studying ways to better administer the Program and to reduce its escalating cost. Attached, is a quick history of State PILT and a highlighting of the major issues and recommendations which the PILT Task Force is seriously considering. (See PILT Attachments)

- **Bonding Bill**

Normally there is not a bonding bill in odd numbered years, because of the focus needed to produce a new biennial budget. However, with continuing difficult economic times, there may be an emergency bonding bill next Session. Last Session we were successful in getting bonding dollars for NERCC, but not for the \$3 million "Minerals Economic Development Corridor" outside of Hoyt Lakes. This project currently is not eligible for state or federal aid, since it is a local county road. Provided it is designated as a route of "Regional Significance," state G.O. Bonding can apply. Finally, Highland Street (CSAH 89) located in West Duluth might also be another project we wish to have funded through Local Road Improvement Program bonding dollars, if sufficient FHWA dollars are not provided).

- **Unresolved & New Flood-related Issues**
Still pending. Further discussions with Department Heads and other Regional partners are needed. Flood impacted jurisdictions have fixed what could be seen, but subsurface damage is only now becoming evident. Additional bridge repairs are also necessary.
- **Monitor Efforts to Restore the Homestead Market Value Credit**
Many candidates for the legislature are running on a platform that includes restoration of the Homestead Market Value Credit.

Carry-over items from 2012 Legislative Session:

- **Pursue ARMER Sales Tax Exemption on Equipment**
All other regions in the state (that have implemented this mandate) have thus far received this exemption, so this is a simple question of fairness. Our alternative proposal is to tap the 9-1-1 State Account (surplus) to help fund these costs for the remaining counties who have not yet implemented ARMER. (See Draft Legislation Attached)
- **Change Legislation Stipulating Interest and Penalty Calculations Associated with Delinquent Property Tax Payments**
Given the current real estate and economic situation, this change would be more in line with the ability for a delinquent property owner to catch up with a payment plan. The P&I in current law has not been adjusted since 1991 when the Prime Rate was at 10% and today it is below 4%. There was a Fiscal Note which scored this legislation as costing school districts, statewide, just over \$2 million. Not taken into consideration, however, was the offsetting loss of income if the property ends up going into tax forfeiture. (See Draft Legislation Attached)
- **Intermediate Auction (IA) Sales**
Pursue in conjunction with the other 13 forested counties, an amendment to current state law (limiting IA sales to state timber contracts only) and grant counties the “flexibility” to also conduct such sales. Many of our fellow counties already conduct IA sales, but do so under their own rules and regulations, including the threshold of employees a logging company must have in order to qualify for participation in an IA. (See Draft Legislation Attached)

Other Possible Priorities for the 2013 Legislative Session:

- MN Choices & Olmstead Decision.
- Wetland Conservation Act.
- Sustainable Forestry Investment Act.
- Housekeeping provisions/County Assessment within City of Duluth
- Vulnerable Adult and Children’s Act Formula.
- Pilot a few Recreational Land Sales
- M.A. Expansion for Jails/Incarcerated.
- PERA Issues.
- Non-emergency medical transportation
- Support efforts to repeal statutes that discriminate against Minnesota’s GLBT population.