

## AGENDA

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



**Tuesday, March 3, 2009, 9:30 A.M.**

**County Board Room, Second Floor  
St. Louis County Courthouse  
100 N. 5th Avenue West  
Duluth, Minnesota**

**DENNIS FINK, Chair  
First District**

**STEVE O'NEIL  
Second District**

**CHRIS DAHLBERG  
Third District**

**MIKE FORSMAN  
Fourth District**

**PEG SWEENEY  
Fifth District**

**KEITH NELSON  
Sixth District**

**STEVE RAUKAR, Vice-Chair  
Seventh District**

County Auditor  
Don Dicklich

County Administrator  
Alan Mitchell

County Attorney  
Melanie Ford

Clerk of the Board  
Paul Tynjala

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. If you wish to speak on an item contained in the agenda, you will be allowed to address the Board when a motion is on the floor. If you wish to speak on a matter which does not appear on the agenda, you may do so during the public comment period at the beginning of the meeting. 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.

When addressing the Board, please sign in at the podium and state your name and address for the record. Please address the Board as a whole through the Chair. 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 Administrator's Office 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.co.st-louis.mn/us/slcportal>

**AGENDA**  
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9:30 A.M. Pledge of Allegiance  
Roll Call

9:30 A.M. Public hearing, pursuant to Resolution No. 68, adopted February 17, 2009, to consider termination of the application of Minn. Stats. § 273.1115, Aggregate Resource Preservation Property Tax Law. **{09-58}**

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 ON THE 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.

**REPORTS OF BOARDS AND COMMITTEES**

**Environment & Natural Resources Committee – Commissioner Forsman, Chair**

1. Approving a Joint Powers Agreement with Kabetogama Township and Crane Lake Water and Sanitary District to initiate planning for a comprehensive sanitary sewage treatment system for the Namakan Basin area; appointing Commissioners Keith Nelson and Mike Forsman, and Katy Ebel with Steve Weiber (as alternate) to the Joint Powers Board; and authorizing submission of a grant application to Iron Range Resources for the initiative planning funds and the immediate expenditure of the \$100,000 County funding for this project. **[WITHOUT RECOMMENDATION] {09-56}**

**Public Safety & Corrections Committee – Commissioner Sweeney, Chair**

2. Authorizing the St. Louis County Sheriff to apply for and accept the 2008 Homeland Security Northern Border funding for Interoperable Communications equipment in the amount of \$1,000,000, to be accounted for in Fund 100, Agency 129999, Grant 12940, Year 2009, and for St. Louis County to act as fiscal agent on behalf of the seven county Northern Border region. **{09-57}**

**Central Management & Inter-Governmental Committee – Commissioner O’Neil, Chair**

3. Authorizing the execution of the County Administrator Employment Agreement with Kevin Zane Gray. **{09-51}**

# BOARD LETTER NO. 09 - 58

## CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE

MARCH 3, 2009 BOARD AGENDA 9:35 A.M.  
PUBLIC HEARING

**DATE:** March 3, 2009                      **RE:** Public Hearing to Consider the  
Aggregate Resource  
Preservation Property Tax Law

**FROM:** Alan L. Mitchell  
County Administrator

David Sipila  
County Assessor

### **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 through 273.

### **ACTION REQUESTED:**

The St. Louis County Board is requested to consider opting-out of the Aggregate Resource Preservation Property Tax Law passed by the 2008 Minnesota Legislature.

### **BACKGROUND:**

The 3rd omnibus tax bill of 2008 included the Aggregate Resource Preservation Property Tax Law that values properties containing aggregate (gravel) at their value as agricultural property rather than residential or commercial/industrial property. This provides property tax relief to aggregate properties, while redistributing the tax burden to other property classifications. The bill allows each County to opt-out of the legislation through Board action.

The Association of Minnesota Counties (AMC) has strongly recommended that all counties opt-out of the law, regardless of how many or how few aggregate deposits might be identified in each county. Opting out now will allow counties to take time in the future to deliberate this issue, and make a decision in their own time-frame rather than the arbitrary two-year period set forth in the law. Counties have until 60 days from the receipt of their first request for enrollment in the program, or May 30, 2010, to opt-out from this law. Counties which opt-out may reauthorize this law at anytime in the future if they initially opt-out of the legislation.

The process of opting out of the law requires that counties establish a public hearing on the matter, and after conducting the hearing, approve a resolution terminating their participating in the Aggregate Resource Preservation Property Tax Law.

**RECOMMENDATION:**

It is recommended that the St. Louis County Board opt-out of participation in the Aggregate Resource Preservation Property Tax Law.

**BY COMMISSIONER** \_\_\_\_\_

**WHEREAS**, the provisions of Minn. Stat. §. 273.1115, Aggregate Resource Preservation Property Tax Law, grants special and unique treatment to owners of land containing aggregate deposits, in comparison with other property in the County; and

**WHEREAS**, the provisions of Minn. Stat. § 273.1115, Aggregate Resource Preservation Property Tax Law, subject a county to the legislation unless it acts to terminate application of this law; and

**WHEREAS**, the County Board is required to hold a public hearing as part of the process to terminate application of this law.

**WHEREAS**, said public hearing was held on March 3, 2009.

**NOW, THEREFORE, BE IT RESOLVED**, that the St. Louis County Board of Commissioners hereby elects to opt-out of the Aggregate Resource Preservation Property Tax Law in St. Louis County.

# BOARD LETTER NO. 09 - 56

## ENVIRONMENTAL & NATURAL RESOURCES COMMITTEE NO. 1

MARCH 3, 2009 BOARD AGENDA NO. 1

**DATE:** February 24, 2009                      **RE:** Namakan Basin Sewer System Initiative

**FROM:** Alan L. Mitchell  
County Administrator

### **RELATED DEPARTMENT GOAL:**

To ensure the policy direction set by the St. Louis County Board of Commissioners is implemented in as effective and efficient manner as possible.

### **ACTION REQUESTED:**

The St. Louis County Board is requested to approve a Joint Powers Agreement (JPA) with Kabetogama Township and Crane Lake Water and Sanitary District for the Namakan Basin Sewer System Initiative, to appoint Board members to the JPA Board, and to authorize submission of a grant application to the Iron Range Resources Board (IRR) for planning funds.

### **BACKGROUND:**

On July 1, 2008, the St. Louis County Board heard a presentation on the Namakan Basin Sewer System Initiative. In response to that presentation, on July 8, 2008 the St. Louis County Board authorized funding of \$100,000 for initial planning for the Initiative. This was contingent upon "a matching grant from the Iron Range Resources Board, and is authorized as a "dollar for dollar" match up to a \$100,000 maximum".

Subsequent to the above action, St. Louis County (representing the unorganized area of Ash River), Kabetogama Township, and the Crane Lake Water and Sanitary District discussed implementation of the project and funding. A grant application was submitted by Kabetogama Township to IRR that resulted in a grant of \$50,000. This left a \$50,000 gap in the funding required by the resolution approved by the St. Louis County Board. The parties also discussed a JPA so there would be oversight and direction for the planning process. This has resulted in an agreement that the Kabetogama Township Board and the Crane Lake Water and Sanitary District have approved and executed. The JPA Board will have two County Commissioners and one representative from the Ash River area. The JPA established that St. Louis County would be the fiscal agent for the Board and would accept and disburse funds on behalf of the Board. Kabetogama Township then withdrew its request to IRR for a grant so that St. Louis County could apply and receive the funding directly from IRR.

Administration has prepared a grant application to IRR for \$100,000 which it is asking for authority to submit. It is likely that St. Louis County will only receive \$50,000 that was previously awarded to Kabetogama Township. It is possible to submit a second

grant application for this project after July 1, and the parties are hopeful that the additional \$50,000 will be approved. Under this scenario, however, the previous resolution of the Board requiring an IRR grant of a dollar for dollar match with the County funding limits the project from moving forward at this time.

**RECOMMENDATION:**

It is recommended that the St. Louis County Board approve the JPA with Kabetogama Township and Crane Lake Water and Sanitary District to initiate planning for a comprehensive sanitary sewage treatment system for the Namakan Basin area; appoint two County Commissioners and one representative from the unorganized area of Ash River to the Joint Powers Board; and authorize submission of a grant application to IRR for the initiative and authorize the immediate expenditure of the \$100,000 County funding for this project.

**BY COMMISSIONER \_\_\_\_\_**

**WHEREAS**, the Namakan Basin Sewer System Initiative is proposed to build a comprehensive sanitary sewage treatment system for the housing, recreational, and resort developments surrounding the Voyageurs National Park to address water quality issues affecting the ecology of the nation's only water based national park; and

**WHEREAS**, the St. Louis County Board has received and approved a funding request of \$100,000 to serve as initial planning funds for a potential \$28 million project; and

**WHEREAS**, St. Louis County (representing the unorganized area of Ash River), Kabetogama Township, and the Crane Lake Water and Sanitary District have proposed a Joint Powers Agreement for the purpose of initiating planning for this project; and

**WHEREAS**, the Iron Range Resources Board (IRR) has indicated a willingness to consider a grant to assist in this project.

**NOW THEREFORE, BE IT RESOLVED**, that the St. Louis County Board approves the Joint Powers Agreement with Kabetogama Township and Crane Lake Water and Sanitary District to initiate planning for a comprehensive sanitary sewage treatment system for the Namakan Basin area, and appoints Commissioners Keith Nelson and Mike Forsman, and Katy Ebel with Steve Weiber, an alternate, to the Joint Powers Board.

**RESOLVED FURTHER**, that the St. Louis County Board authorizes submission of a grant application to IRR for initiative planning funds and authorizes the immediate expenditure of the \$100,000 County funding for this project.

# BOARD LETTER NO. 09 - 57

## PUBLIC SAFETY & CORRECTIONS COMMITTEE NO. 1

### MARCH 3, 2009 BOARD AGENDA NO. 2

**DATE:** February 24, 2009                      **RE:** 2008 Homeland Security Grant  
for Northern Border  
Interoperable Communications  
Equipment

**FROM:** Alan L. Mitchell  
County Administrator

Ross Litman  
Sheriff

#### **RELATED DEPARTMENT GOAL:**

To protect lives, property and environment from natural and/or manmade disasters through preparation, mitigation, response and recovery.

#### **ACTION REQUESTED:**

The St. Louis County Board is requested to authorize the application and acceptance of the Minnesota Department of Public Safety, Homeland Security and Emergency Management Division, 2008 Northern Border Interoperable Communications grant. -

#### **BACKGROUND:**

St. Louis County is one of seven Minnesota counties along with Cook, Lake, Koochiching, Lake of the Woods, Roseau, and Kittson Counties that share an International border with Canada. The Northern Border counties have received Homeland Security funding in 2005 and 2007 to fund previous phases of this communications project. In the 2008 Homeland Security funding process, the seven International border counties were allocated funding for interoperable communications equipment to work on completing a secure communications link along the international border. This funding is made available through the 2008 Law Enforcement Terrorism Prevention Program and is administered by the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management. This grant consists of \$1,000,000 for St. Louis County to act on behalf of the seven border counties to purchase Interoperable Communications Equipment that will complete a portion of the secure linked communication system. The term of this grant ends September 30, 2010, and there is no local match required.

#### **RECOMMENDATION:**

It is recommended that the St. Louis County Board authorize the St. Louis County Sheriff to apply for and accept the 2008 Homeland Security Northern Border funding for Interoperable Communications equipment in the amount of \$1,000,000, to be accounted for in Fund 100, Agency 129999, Grant 12940, Year 2009, and for St. Louis County to act as fiscal agent on behalf of the seven county Northern Border region.

**BY COMMISSIONER \_\_\_\_\_**

**WHEREAS**, the State of Minnesota Department of Public Safety, through the Homeland Security and Emergency Management Division, has allocated \$1,000,000 in funding from the Law Enforcement Terrorism Prevention Program for Interoperable Communications equipment for the seven county Northern Border Region; and

**WHEREAS**, the funding will allow for the purchase of additional interoperable communications equipment for St. Louis County and the other counties in the Northern Border Region to work on completing a secure communications link along the international border.

**NOW THEREFORE, BE IT RESOLVED**, that the St. Louis County Board authorizes the St. Louis County Sheriff to apply for and accept the 2008 Homeland Security Northern Border funding for Interoperable Communications equipment in the amount of \$1,000,000, to be accounted for in Fund 100, Agency 129999, Grant 12940, Year 2009, and for St. Louis County to act as fiscal agent on behalf of the seven county Northern Border region.

# BOARD LETTER NO. 09 - 51

## CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO. 1

MARCH 3, 2009 BOARD AGENDA NO. 3

**DATE:** February 24, 2009  
February 17, 2009

**RE:** County Administrator  
Proposed Employment  
Agreement

**FROM:** Alan L. Mitchell  
County Administrator

Martha J. Watson  
Employee Relations Director

**RELATED DEPARTMENT GOAL:**

Efficient, effective government.

**ACTION REQUESTED:**

The St. Louis County Board is requested to enter into an employment agreement with Kevin Zane Gray, appointing him as St. Louis County Administrator.

**BACKGROUND:**

The County Board conducted an extensive recruitment and assessment process to fill its County Administrator position. On February 3, 2009, the County Board directed the Director of Employee Relations and a subcommittee of three County Commissioners to offer the position to Kevin Zane Gray and to negotiate with him on behalf of the County. A tentative agreement has been reached with Mr. Gray and a draft employment agreement has been prepared.

**RECOMMENDATION:**

It is recommended that the St. Louis County Board authorize execution of the County Administrator Employment Agreement with Kevin Zane Gray.

**BY COMMISSIONER** \_\_\_\_\_

**WHEREAS**, the County has conducted an extensive recruitment and assessment process to fill the position of County Administrator; and

**WHEREAS**, Kevin Zane Gray has met the qualifications for the position and has been selected by the County Board to fill the position; and

**WHEREAS**, Mr. Gray has indicated a willingness to accept the position on the basis of the terms and conditions as set forth in the Employment Agreement.

**NOW THEREFORE, BE IT RESOLVED**, that the St. Louis County Board authorizes execution of the County Administrator Employment Agreement as contained in County Board File No. \_\_\_\_\_.