
October 9, 2012

REGULAR BOARD MEETING AGENDA

Notice is hereby given that the Board of Commissioners of Roseau County will meet in session on October 9, 2012 at 8:30 a.m. in the Roseau County Courthouse, Room 110, Roseau, MN, at which time the following matters will come before the Board:

8:30 Call to Order

1. Presentation of Colors
2. Approve Agenda
3. Comments and Announcements
4. Approve Bills

8:45 Delegations/Board Appointments/Public Comments*

1. Todd Sellers - Lake of the Woods Water Sustainability Foundation

2. Colleen Hoffman – Hoffman, Dale and Swenson

9:30 Consent Agenda

1. September 25, 2012 Proceedings
2. DEED Small Cities Grant Pre-Proposal
3. Jail HVAC Project

9:45 BREAK

10:00 Department Reports

1. Auditor's Office
 - a. State of Minnesota Joint Powers Agreement for Deputy Recount Official
 - b. Tax Forfeited Land Sale Resolution
2. Assessor's Office
 - a. Assessor Position Appointment
 - b. Roseau River Watershed Taxable Status
 - c. Roseau County Trailblazers Taxable Status
3. Highway Department
 - a. Ditch 69 Discussion
 - b. Ditch 20 Discussion
 - c. Ditch 91 Options
4. Environmental Office
 - a. 2013 Solid Waste Market Price

10:45 County Board Items

1. Commissioner Committee Reports

11:15 Unfinished Business

11:15 Adjourn

***Limited to five minutes**

ITEM # Appointment 1
REQUEST FOR BOARD ACTION
 * Required Fields



*Person Responsible for Request	*Department	*Board Meeting Date
Todd Sellers		Oct 9 2012

Amount of time being requested:

***Subject Title (As it will appear on the agenda):**
 Lake of the Woods Water Sustainability Foundation - Progress Update

***Background (Provide sufficient detail of the subject):**
 Information - Update Presentation by the LOWWSF- Since 2005, LOWWSF has been working towards international coordination of research and management of water quality on Lake of the Woods. This has been a big year for our lake with progress on research and international coordination with the USA and Canada requesting the International Joint Commission to establish an international watershed board for the lake, to include water quality on Lake of the Woods - outcomes of previous Roseau County Board Resolution No. 08-12-01 and a bill signed by Governor Pawlenty May 25, 2010 and similar actions in Canada. Foundation Executive Director Todd Sellers and Board Director Joan Richardson will present an update on research and international coordination activities in place and planned for the future.

***Financial Consideration:**
 None

***Legal Consideration:**
 None

***Other Consideration:**
 None

***Resolution (Wording should reflect the intent of the Board vote):**
 None

Coordinator's Office Use (Do Not Write Below)

Date Received:	Comments:

Board Action:

Comm.	Motion (First)	Motion (Second)	Vote			Vote Result
			Yes	No	Abstain	
Swanson						Passed
Phillipe						
Foldesi						Failed
Falk						
Walker						Tabled

ATTEST: Jeff Pelowski, Interim Coordinator

ITEM # Appt 2
REQUEST FOR BOARD ACTION
 * Required Fields



*Person Responsible for Request	*Department	*Board Meeting Date
Colleen Hoffman ▼	Hoffman, Dale and Swenson ▼	Oct ▼ 9 ▼ 2012 ▼

Amount of time being requested:

***Subject Title (As it will appear on the agenda):**
 2011 Audit Review

***Background (Provide sufficient detail of the subject):**
 Hoffman, Dale and Swenson Manager Colleen Hoffman, will meet with the Board to review the County's 2011 Government Audit.

***Financial Consideration:**

***Legal Consideration:**

***Other Consideration:**

***Resolution (Wording should reflect the intent of the Board vote):**

Coordinator's Office Use (Do Not Write Below)

Date Received:	Comments:

Board Action:

Comm.	Motion (First)	Motion (Second)	Vote			Vote Result
			Yes	No	Abstain	
Swanson						Passed
Phillipe						
Foldesi						Failed
Falk						
Walker						Tabled

ATTEST: Jeff Pelowski, Interim Coordinator

ITEM # Consent 1
REQUEST FOR BOARD ACTION
 * Required Fields



*Person Responsible for Request	*Department	*Board Meeting Date		
Miller, Ann Marie ▼	Administrative Assistant ▼	Oct ▼	9 ▼	2012 ▼

Amount of time being requested:

***Subject Title (As it will appear on the agenda):**
 Proceedings

***Background (Provide sufficient detail of the subject):**
 Proceedings from the September 25, 2012 Board meeting are being submitted for Board review and approval.

***Financial Consideration:**

***Legal Consideration:**

***Other Consideration:**

***Resolution (Wording should reflect the intent of the Board vote):**

Coordinator's Office Use (Do Not Write Below)

Date Received:	Comments:

Board Action:

Comm.	Motion (First)	Motion (Second)	Vote			Vote Result
			Yes	No	Abstain	
Swanson						Passed
Phillipe						
Foldesi						Failed
Falk						
Walker						Tabled

ATTEST: Jeff Pelowski, Interim Coordinator

PROCEEDINGS OF THE ROSEAU COUNTY BOARD OF COMMISSIONERS

September 25, 2012

The Board of Commissioners of Roseau County, Minnesota met in the Courthouse in the City of Roseau, on Tuesday, September 25, 2012.

CALL TO ORDER – ROLL CALL – ESTABLISHMENT OF A QUORUM

The meeting was called to order at 8:30 a.m. by Board Chair Russell Walker. The Pledge of Allegiance was recited. Commissioners present were Roger Falk, Mark Foldesi, Glenda Phillipe, Jack Swanson and Russell Walker.

APPROVAL OF AGENDA

Authorization to advertise for a Social Services Accounting Technician, a Highway Department final (forthwith) payment and the Curt's Lock and Key Confidentiality Agreement were added to the Consent Agenda. The payment of a forthwith claim was added to the payment of bills. A motion to approve the revised agenda was made by Commissioner Swanson, seconded by Commissioner Falk and carried unanimously.

COMMENTS AND ANNOUNCEMENTS

Representative Dan Fabian was in attendance and shared his comments on the Voter ID Constitutional Amendment issue to be voted on in the November 6, 2012 election. Fabian noted his support for the Amendment stating that it will protect the integrity of the voting process.

Interim Coordinator Pelowski informed the Board of the Minnesota Heartland Tourism Association's Annual Meeting to be held on October 11, 2012.

Auditor Monsrud gave a brief summary of the LEAN training that she recently attended with Recorder Pam Grand and Treasurer Diane Gregerson.

APPROVE BILLS

A motion was made by Commissioner Phillipe, seconded by Commissioner Foldesi and carried unanimously to approve the payment of the following bills:

Warrants Approved For Payment 9/13/2012

Vendor Name	Amount
HOLTHUSEN CONSTRUCTION INC	13,945.00
ROSEAU CITY	10,570.21
VANGUARD APPRAISALS, INC	8,150.00
7 Payments less than 2,000.00	1,434.66
Final Total:	34,099.87

Warrants Approved For Payment 9/20/2012

Vendor Name	Amount
KNIFE RIVER MATERIALS	722,484.55
SATHER LAW OFFICE	2,156.49
TAGGART EXCAVATING	185,696.50
10 Payments less than 2,000.00	5,527.11
Final Total:	915,864.65

Warrants Approved On 9/25/2012 For Payment 9/28/2012

Vendor Name	Amount
AVIANDS LLC	8,453.33
D & J RADIO SALES & SERVICE	3,499.57
ELECTION SYSTEMS & SOFTWARE INC	3,738.20
HOFFMAN DALE & SWENSON PLLC	4,517.00
JOHNSON OIL CO INC	7,269.84
LIFECARE MEDICAL CENTER	3,381.35
NORTHERN RESOURCES COOPERATIVE	3,802.24
PROVANTAGE CORPORATION	3,398.19
R & Q CONTRACTING INC	2,686.00
RATWIK, ROSZAK & MALONEY, PA	4,009.50
ROSEAU CO HWY DEPT	22,795.22
ROSEAU CO SOCIAL SERVICE CTR	13,508.89
STAN'S COMMUNICATIONS INC	3,424.93
49 Payments less than 2,000.00	18,646.62
Final Total:	103,130.88

The Board approved the payment of a forthwith claim to Gracia Nelson, in the amount of \$2,901.50, for credit card reimbursement on the purchase of five Garmin GPS units to be used by the Sheriff's Department, and a forthwith claim to Lee Storey Trucking, in the amount of \$900.00, for gravel hauling in Clear River Township.

DELEGATIONS/BOARD APPOINTMENTS/PUBLIC COMMENTS

Department of Natural Resources

Project Manager Helen Cozzetto, Project Lead John Williams and Region 1 Operations Manager Lori Dowling met with the Board to review the Roseau County Consolidated Conservation Ditch Evaluation Report. The Board expressed concern over the results of the report and requested further discussion with representatives from the Joint Powers Natural Resources Board.

CONSENT AGENDA

A motion to adopt the Consent Agenda was made by Commissioner Foldesi, seconded by Commissioner Falk and carried unanimously. The Board, by adoption of the Consent Agenda, approved the September 11, 2012 Proceedings; approved the 2012-2013 Geo-Com Dispatch Mapping Support Project Agreement, in the amount of \$8,000.00, effective September 1, 2012 through August 31, 2013; accepted the 2012 Emergency Management Performance Grant, in the amount of \$16,074.00, effective January 1, 2012 through December 31, 2012; accepted the Homeland Security and Emergency Management 2011 Operation Stonegarden Grant, in the amount of \$67,145.00, effective July 1, 2012 through August 31, 2014; approved final payment to Holthusen Construction, in the amount of \$12,410.55, for work on JD 63; approved advertising for a Social Services Accounting Technician and approved a three year Confidentiality Agreement with Curt's Lock and Key Service beginning August 25, 2012.

COMMITTEE REPORTS

Treasurer's Office

Upon request from Treasurer Diane Gregerson, a motion was made by Commissioner Falk, seconded by Commissioner Foldesi and carried unanimously to adopt the following resolution:

12-09-06

WHEREAS, Minnesota Statutes 345.31-345.60(MN Uniform Disposition of Unclaimed Property Act) requires counties to remit unclaimed property to the State of MN.

NOW, THEREFORE, BE IT RESOLVED, that Roseau County Treasurer, Diane M. Gregerson, be and is hereby authorized to remit fifteen unclaimed warrants to the State of MN Department of Commerce Unclaimed Property Section in the total amount of \$162.18. (Attach List)

<u>No.</u>	<u>Date</u>	<u>Amount</u>	<u>Payee</u>
4734	November 25, 2008	\$49.11	Real Advantage LLC
4800	March 2, 2009	\$10.00	Tom Nieminen
108926	April 30, 2009	\$ 7.28	Bryon Berger
108940	April 30, 2009	\$36.40	James Jesme
108946	April 30, 2009	\$36.40	Kim Murphy
108954	April 30, 2009	\$ 7.28	Shelly Suronen
6235	August 12, 2008	\$ 1.12	Dennis L. Thibodeau
6250	September 8, 2008	\$ 1.00	Cindy Novak
6257	September 5, 2008	\$ 5.00	Ryan R. Cwikla
6338	December 2, 2008	\$ 1.32	Cari J. Dale Hoffman
6343	December 12, 2008	\$ 1.36	Michael R. Wentz
6347	December 17, 2008	\$ 2.43	Phakob M. Nguamsanith
6350	December 17, 2008	\$ 1.20	Samantha Nichols
6355	December 17, 2008	\$ 1.16	Kham Vorachak
6362	December 30, 2008	\$ 1.12	Michael D. Lein

County Attorney

County Attorney Karen Foss updated the Board on a Federal Court class action lawsuit that Hennepin County has brought against Fannie Mae and Freddie Mac on behalf of all Minnesota Counties to recover deed transfer taxes. Hennepin County is requesting Board support for this lawsuit. Upon clarification that Roseau County will not incur any financial expense, the Board, by consensus agreed to support the efforts of Hennepin County.

County Auditor

Upon request from County Auditor Martha Monsrud, a motion was made by Commissioner Swanson, seconded by Commissioner Falk and carried unanimously to adopt the following resolution:

2012-09-05

WHEREAS, the Roseau County Board of Commissioners has reviewed and considered budgets for the unorganized townships located in Commission District No. 3, 4, and 5, and;

WHEREAS, the Roseau County Board of Commissioners deems it necessary that the following amounts be levied on all taxable property in specified unorganized townships in Roseau County;

NOW, THEREFORE, BE IT RESOLVED that the year 2013 unorganized township budgets are hereby approved and the following amounts shall be levied upon all taxable property in unorganized townships in Roseau County for the year 2013:

Township	Range		
161	36	Clear River	\$ 6,200
161	37	America	\$ 3,400
162	44	Juneberry	\$ 4,250
163	38	Norland	\$13,000
163	39	Spruce Valley	\$ 8,000
163	40	Jadis	\$ 700
163	43		\$ 125
163	44	Blooming Valley	\$ 1,500
164	38	Norland (north)	\$ 50
		Spruce Valley	
164	39	(north)	\$ 225
164	40		\$ 700
		Blooming Valley	
164	44	(north)	\$ 500

A copy of the year 2013 unorganized township budgets is on file in the County Auditor's office.

Auditor Monsrud requested the Board approve expenses associated with the clean-up of a tax forfeited parcel located in Lake Township. A motion to utilize the services of STS and the County Highway and Environmental Departments, to remove all waste at tax forfeited parcel #15.3102801 was made by Commissioner Foldesi, seconded by Commissioner Phillippe and carried unanimously.

COUNTY BOARD ITEMS

Radio Update

Commissioner Swanson reminded the Board that all narrow banding in the State of Minnesota must be completed by January 1, 2013. Swanson provided an update on the County's progress to-date on this project and noted that the County should be in full compliance by the required date.

Commissioner Committee Reports

Commissioner Falk reported on the following committee meeting(s): Social Services Board, 9/18/12; Highway Committee, 9/18/12; RBEG Loan Committee, 9/18/12.

Commissioner Foldesi reported on the following committee meeting(s): Department Head Performance Review, 9/11/12; Social Services Board, 9/18/12.

Commissioner Phillipe reported on the following committee meeting(s): Lake Township Board, 9/12/12; Roseau County Committee on Aging, 9/17/12; Social Services Board, 9/18/12; Highway Committee, 9/18/12; RBEG Loan Committee, 9/18/12; Warroad City Council, 9/24/12.

Commissioner Swanson reported on the following committee meeting(s): Roseau City Council, 9/10/12; Roseau Economic Development Authority, 9/12/12; Roseau County Committee on Aging, 9/17/12; Social Services Board, 9/18/12; Highway Committee, 9/18/12; Law Library Committee, 9/19/12; Northwest Minnesota Housing and Redevelopment Authority, 9/19/12; Northwest Regional Radio Board, 9/20/12; Roseau School Board, 9/20/12.

Commissioner Walker reported on the following committee meeting(s): Social Services Board, 9/18/12; Highway Committee, 9/18/12.

Upon motion carried, the Board adjourned the regular meeting at 11:30 a.m. The next regular meeting of the Board is scheduled for October 9, 2012 at 8:30 a.m.

Attest:

Date: _____

Jeff Pelowski, Interim County Coordinator
Roseau County, Minnesota

Russell Walker, Chair
Board of County Commissioners
Roseau County, Minnesota

ITEM # Consent 2
REQUEST FOR BOARD ACTION
 * Required Fields



*Person Responsible for Request	*Department	*Board Meeting Date
Pelowski, Jeff ▼	Interim Coordinator ▼	Oct ▼ 9 ▼ 2012 ▼

Amount of time being requested:

***Subject Title (As it will appear on the agenda):**
 DEED Small Cities Grant Application

***Background (Provide sufficient detail of the subject):**
 Request authorization to submit a pre-proposal on behalf of the County for the Department of Employment and Economic Development's Small Cities Grant.

***Financial Consideration:**

***Legal Consideration:**

***Other Consideration:**

***Resolution (Wording should reflect the intent of the Board vote):**

Coordinator's Office Use (Do Not Write Below)

Date Received:	Comments:

Board Action:

Comm.	Motion (First)	Motion (Second)	Vote			Vote Result
			Yes	No	Abstain	
Swanson						Passed
Phillipe						
Foldesi						Failed
Falk						
Walker						Tabled

ATTEST: Jeff Pelowski, Interim Coordinator

Jeff and Anne Marie,

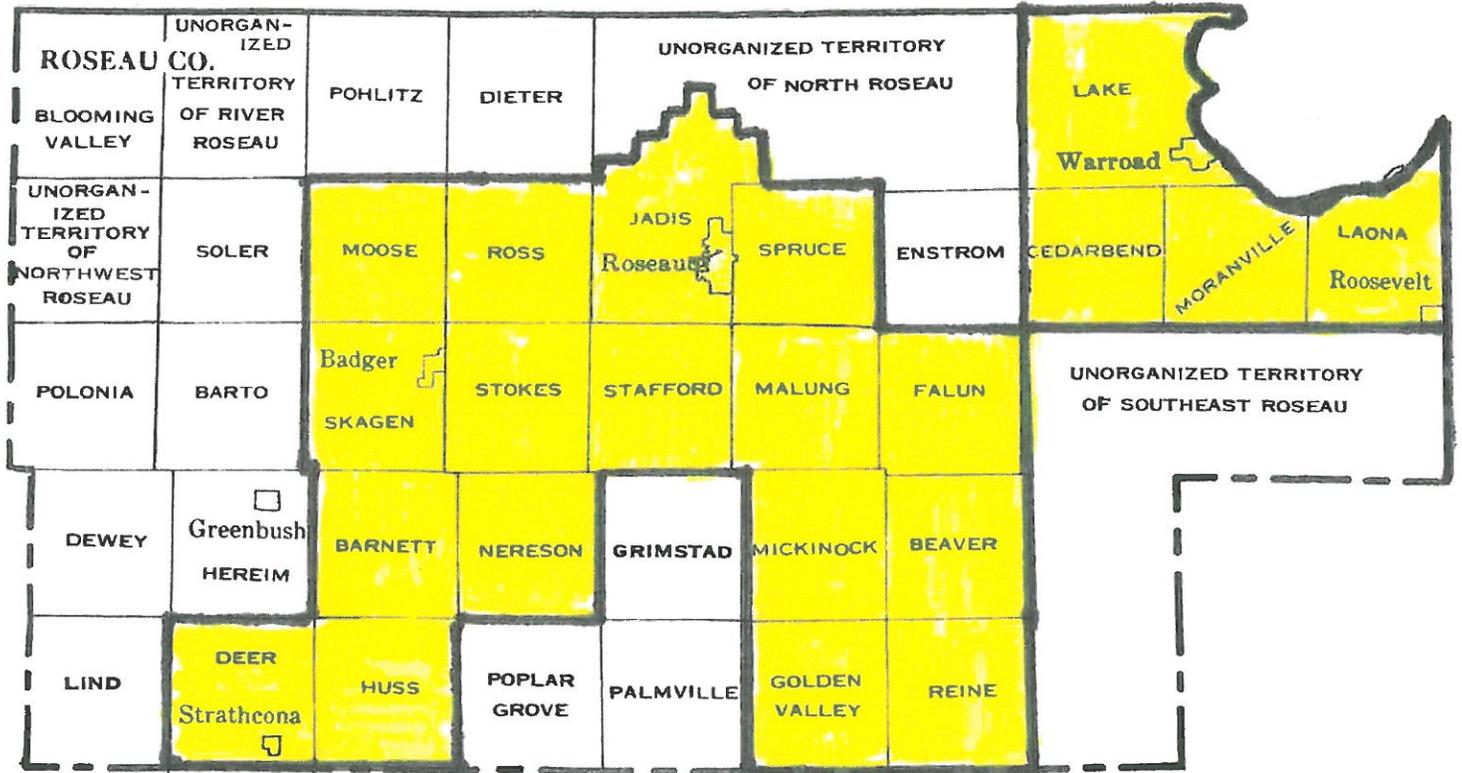
The Department of Employment and Economic Development (DEED) has invited cities and counties to submit pre-proposals for funding under the Small Cities Development Grant Program. Last year the County submitted an application for housing rehabilitation funding (\$581,900 to rehabilitate 23 substandard owner occupied houses).

That application was not selected for funding, but I would recommend that the County try again. The application had a 20 township "target area" which I think DEED thought was too large – so I will have to try and scope that area down some. I would anticipate that the total project cost will remain approximately the same as last year.

I do not need a format resolution at this time, but just a motion authorizing the pre-proposal to be submitted. The pre-proposals are due November 15th and full applications will be due February 28th, 2013.

ROSEAU COUNTY HOUSING REHAB PROJECT

“TARGET AREA”



PROJECT ACTIVITIES WILL ALL TAKE PLACE OUTSIDE OF CITY LIMITS

ITEM # Consent 3
REQUEST FOR BOARD ACTION
 * Required Fields



*Person Responsible for Request	*Department	*Board Meeting Date
Gust, Steve ▼	Sheriff ▼	Oct ▼ 9 ▼ 2012 ▼

Amount of time being requested:

***Subject Title (As it will appear on the agenda):**
 Gartner Temperature Controls

***Background (Provide sufficient detail of the subject):**
 This is for the temperature and air control change in the jail to reduce heating and cooling costs. The control now is set at 52 inmates air exchange and is not adjustable. The system involves installing what is called "Freak Drives" in the fans which allows us to regulate the change. The return of investment would be over a three year period to pay for itself.

***Financial Consideration:**
 Estimate cost \$15000

***Legal Consideration:**

***Other Consideration:**
 Gartner Controls has been working with Lenny Johnson for the last fifteen years and knows the system.

***Resolution (Wording should reflect the intent of the Board vote):**

Coordinator's Office Use (Do Not Write Below)

Date Received:	Comments:

Board Action:

Comm.	Motion (First)	Motion (Second)	Vote			Vote Result
			Yes	No	Abstain	
Swanson						Passed
Phillipe						
Foldesi						Failed
Falk						
Walker						Tabled

ATTEST: Jeff Pelowski, Interim Coordinator

ITEM # Auditor a
REQUEST FOR BOARD ACTION
 * Required Fields



*Person Responsible for Request	*Department	*Board Meeting Date		
Monsrud, Martie ▼	Auditor ▼	Oct ▼	9 ▼	2012 ▼

Amount of time being requested:

***Subject Title (As it will appear on the agenda):**
 State of Minnesota Joint Powers Agreement for Deputy Recount Official

***Background (Provide sufficient detail of the subject):**
 I am asking for approval to execute this agreement if a recount after the November election is required.

***Financial Consideration:**
 Compensation would be \$.03 per ballot handled with a minimum payment of \$100.00.

***Legal Consideration:**

***Other Consideration:**

***Resolution (Wording should reflect the intent of the Board vote):**

Coordinator's Office Use (Do Not Write Below)

Date Received:	Comments:

Board Action:

Comm.	Motion (First)	Motion (Second)	Vote			Vote Result
			Yes	No	Abstain	
Swanson						Passed
Phillipe						
Foldesi						Failed
Falk						
Walker						Tabled

ATTEST: Jeff Pelowski, Interim Coordinator

2012 MINNESOTA ELECTION LAWS

APPENDIX B – MINNESOTA STATUTES RELATING TO RECOUNTS

204C.35 FEDERAL, STATE, AND JUDICIAL RACES.

Subdivision 1. **Automatic recounts.** (a) In a state primary when the difference between the votes cast for the candidates for nomination to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office:

(1) is less than one-half of one percent of the total number of votes counted for that nomination; or

(2) is ten votes or less and the total number of votes cast for the nomination is 400 votes or less; and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office shall manually recount the vote.

(b) In a state general election when the difference between the votes of a candidate who would otherwise be declared elected to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office and the votes of any other candidate for that office:

(1) is less than one-half of one percent of the total number of votes counted for that office; or

(2) is ten votes or less if the total number of votes cast for the office is 400 votes or less, the canvassing board shall manually recount the votes.

(c) A recount must not delay any other part of the canvass. The results of the recount must be certified by the canvassing board as soon as possible.

(d) Time for notice of a contest for an office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the canvassing board.

(e) A losing candidate may waive a recount required pursuant to this section by filing a written notice of waiver with the canvassing board.

Subd. 2. Discretionary candidate recount. (a) A losing candidate whose name was on the ballot for nomination or election to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office may request a recount in a manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by this section. The votes shall be manually recounted as provided in this section if the candidate files a request during the time for filing notice of contest of the primary or election for which a recount is sought.

(b) The requesting candidate shall file with the filing officer a bond, cash, or surety in an amount set by the filing officer for the payment of the recount expenses. The requesting candidate is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

(c) The requesting candidate may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these precincts have been counted. If the candidate provides a list, the recount official must determine the expenses for those precincts in the manner provided by paragraph (b).

(d) If the winner of the race is changed by the optional recount, the cost of the recount must be paid by the jurisdiction conducting the recount.

(e) If a result of the vote counting in the manual recount is different from the result of the vote counting reported on election day by a margin greater than the standard for

2012 MINNESOTA ELECTION LAWS

acceptable performance of voting systems provided in section 206.89, subdivision 4, the cost of the recount must be paid by the jurisdiction conducting the recount.

Subd. 3. **Scope of recount.** A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process. Original ballots that have been duplicated under section 206.86, subdivision 5, are not within the scope of a recount and must not be examined except as provided by a court in an election contest under chapter 209.

History: 1981 c 29 art 5 s 35; 1981 c 187 s 1; 1983 c 253 s 17; 1989 c 291 art 1 s 14; 1990 c 486 s 1; 1993 c 68 s 1; 1998 c 254 art 2 s 24; 1Sp2001 c 10 art 18 s 28; 2004 c 293 art 2 s 27; 2008 c 336 s 2, 3; 2010 c 201 s 44, 45

NOTES AND DECISIONS

204C.35

During automatic administrative recount, absent a voluntary agreement between local election officials and two candidates for seat in United States Senate that absentee ballots had been rejected in error and that the absentee-ballot envelopes should be opened and the ballots should be counted, resolution of whether the absentee ballots were rejected in error would have to await an election contest proceeding. *Coleman v. Ritchie*, 759 N.W. 2d 47 (Minn. 2009).

A manual administrative recount, which is necessary when the margin of victory in an election is less than one-half of one percent, is intended to ensure that the votes cast in the election were accurately counted. *Coleman v. Ritchie*, 759 N.W.2d 47 (Minn. 2009).

204C.36 RECOUNTS IN COUNTY, SCHOOL DISTRICT, AND MUNICIPAL ELECTIONS.

Subdivision 1. **Required recounts.** (a) Except as provided in paragraph (b), a losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is less than one-half of one percent of the total votes counted for that office. In case of offices where two or more seats are being filled from among all the candidates for the office, the one-half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(b) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is ten votes or less, and the total number of votes cast for the nomination or election of all candidates is no more than 400. In cases of offices where two or more seats are being filled from among all the candidates for the office, the ten vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(c) Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal or school district offices shall file a written request with the municipal or school district clerk as appropriate. All requests shall be filed during the time for notice of contest of the primary or election for which a recount is sought.

(d) Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county, the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality, and the school board of the school district shall recount the votes for a school district office at the expense of the school district.

2012 MINNESOTA ELECTION LAWS

Subd. 2. **Discretionary candidate recounts.** (a) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount in the manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by subdivision 1, clauses (a) to (e). The votes shall be manually recounted as provided in this section if the requesting candidate files with the county auditor, municipal clerk, or school district clerk a bond, cash, or surety in an amount set by the governing body of the jurisdiction or the school board of the school district for the payment of the recount expenses.

(b) The requesting candidate may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these precincts have been counted. If the candidate provides a list the recount official must determine the expenses for those precincts in the manner provided by paragraph (b).

(c) If the winner of the race is changed by the optional recount, the cost of the recount must be paid by the jurisdiction conducting the recount.

(d) If a result of the vote counting in the manual recount is different from the result of the vote counting reported on election day by a margin greater than the standard for acceptable performance of voting systems provided in section 206.89, subdivision 4, the cost of the recount must be paid by the jurisdiction conducting the recount.

Subd. 3. **Discretionary ballot question recounts.** A recount may be conducted for a ballot question when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1. A recount may be requested by any person eligible to vote on the ballot question. A written request for a recount must be filed with the filing officer of the county, municipality, or school district placing the question on the ballot and must be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. Upon receipt of a written request when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1, the county auditor shall recount the votes for a county question at the expense of the county, the governing body of the municipality shall recount the votes for a municipal question at the expense of the municipality, and the school board of the school district shall recount the votes for a school district question at the expense of the school district. If the difference between the votes for and the votes against the question is greater than the difference provided in subdivision 1, the person requesting the recount shall also file with the filing officer of the county, municipality, or school district a bond, cash, or surety in an amount set by the appropriate governing body for the payment of recount expenses. The written request, petition, and any bond, cash, or surety required must be filed during the time for notice of contest for the election for which the recount is requested.

Subd. 4. **Expenses.** In the case of a question, a person, or a candidate requesting a discretionary recount, is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

Subd. 5. **Notice of contest.** Time for notice of contest of a nomination or election to a county office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the county canvassing board. Time for notice of contest of a nomination or election to a municipal office which is recounted pursuant to this section shall begin to run upon certification of the results by the governing body of the municipality. Time for notice of contest of a school district election that is recounted under this subdivision begins to run on certification of the results of the recount by the school board.

2012 MINNESOTA ELECTION LAWS

Subd. 6. **Scope of recount.** A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office or question to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process.

History: 1981 c 29 art 5 s 36; 1987 c 266 art 1 s 47; 1989 c 291 art 1 s 15; 1Sp2001 c 10 art 18 s 29,30; 2004 c 293 art 2 s 28; 2008 c 336 s 4; 2010 c 201 s 46, 47

NOTES AND DECISIONS

204C.36

Certificate of proper canvassing board declaring election result is prima facie evidence of result and places on contestant burden of showing that person declared elected did not receive majority of votes. *Kearin v. Roach*, 381 N.W. 2d 531 (Minn. Ct. App. 1986).

204C.361 RULES FOR RECOUNTS.

(a) The secretary of state shall adopt rules according to the Administrative Procedure Act establishing uniform recount procedures. All recounts provided for by sections 204C.35, 204C.36, and 206.88, shall be conducted in accordance with these rules.

(b) Notwithstanding Minnesota Rules, part 8235.0800, the requirement that ballots be recounted by precinct means that a recount official shall maintain the segregation of ballots by precinct but the recount official may recount more than one precinct at a time in physically separate locations within the room in which the recount is administered.

History: 1983 c 253 s 18; 1989 c 291 art 1 s 16; 1990 c 426 art 1 s 25; 2004 c 293 art 2 s 29

204C.37 COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF STATE.

A copy of the report required by sections 204C.32, subdivision 1 and 204C.33, subdivision 1 shall be certified under the official seal of the county auditor. The copy shall be enclosed in an envelope addressed to the secretary of state, with the county auditor's name and official address and the words "Election Returns" endorsed on the envelope. The copy of the canvassing board report and the precinct summary statements must be sent by express mail or delivered to the secretary of state. If the copy is not received by the secretary of state within ten days following the applicable election, the secretary of state shall immediately notify the county auditor, who shall deliver another copy to the secretary of state by special messenger.

History: 1981 c 29 art 5 s 37; 2000 c 467 s 22; 2010 c 201 s 48

NOTES AND DECISIONS

204C.37

The function of canvassing election returns is ministerial, and it entails review only of the precinct summary statements of returns, not examination of actual ballots. *Coleman v. Ritchie*, 759 N.W.2d 47 (Minn. 2009).

204C.38 CORRECTION OF OBVIOUS ERRORS; WHEN CANDIDATES AGREE.

Subdivision 1. **Errors of election judges.** If the candidates for an office unanimously agree in writing that the election judges in any precinct have made an obvious error in the counting or recording of the votes for that office, they shall deliver the agreement to the county auditor of that county who

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shall reconvene the county canvassing board, if necessary, and present the agreement to it. The county canvassing board shall correct the error as specified in the agreement.

Subd. 2. Errors of county canvassing board. If the candidates for an office unanimously agree in writing that the county canvassing board has made an obvious error in the counting and recording of the vote for that office they shall notify the county auditor who shall reconvene the canvassing board. The county canvassing board shall promptly correct the error as specified in the agreement and file an amended report. When an error is corrected pursuant to this subdivision, the county canvassing board and the county auditor shall proceed in accordance with sections 204C.32 to 204C.36.

Subd. 3. Errors of state canvassing board. If the candidates for an office unanimously agree in writing that the state canvassing board has made an obvious error in the counting and recording of the vote for that office they shall deliver the agreement to the secretary of state. If a certificate of election has not been issued, the secretary of state shall reconvene the state canvassing board and present the agreement to it. The board shall promptly correct the error as specified in the agreement and file an amended statement. When an error is corrected pursuant to this subdivision by the state canvassing board, the state canvassing board and the secretary of state shall proceed in accordance with sections 204C.32 to 204C.36.

History: 1981 c 29 art 5 s 38

NOTES AND DECISIONS

204C.38

Improper rejection of an absentee ballot envelope was not within the scope of errors subject to correction under statutory procedure for correction by county canvassing boards of obvious errors in the counting and recording of votes, and therefore county canvassing boards lacked statutory authority to count such ballots on that basis. *Coleman v. Ritchie*, 759 N.W.2d 47 (Minn. 2009).

During automatic administrative recount, absent a voluntary agreement between local election officials and two candidates for seat in United States Senate that absentee ballots had been rejected in error and that the absentee-ballot envelopes should be opened and the ballots should be counted, resolution of whether the absentee ballots were rejected in error would have to await an election contest proceeding. *Coleman v. Ritchie*, 759 N.W.2d 47 (Minn. 2009).

Former section intended to protect potential candidates for public office from errors and omissions of person charged with properly completed procedural and mechanical duties attendant to election process. It does not apply to error of applicant who in affidavit of candidacy inadvertently designated legislative district of her residence as "43B" instead of "43A" and who sought order directing county auditor to place her name on primary election ballot. *Schroeder v. Johnson*, 311 Minn. 144, 252 N.W. 2d 851 (1976).

Premeditated attempt to group names of endorsed candidates on primary election ballots would raise inference of unfairness sufficiently serious to constitute an error. *Mattson v. McKenna*, 301 Minn. 103, 222 N.W. 2d 273 (1974).

Candidates not admitted or entitled to be admitted to practice law in state are not eligible for office of associate justice of Supreme Court. In re *Scarrella*, 300 Minn. 500, 221 N.W. 2d 562 (1974).

Reconvened county canvassing board may be compelled under former section 204A.52, although letter is technically incorrect procedure. Application of *Andersen*, 264 Minn. 257, 119 N.W. 2d 1 (1962).

Candidate for election by petition held included by inference in former section. *Williams v. Donovan* 253 Minn. 493, 92 N.W., 2d 915 (1958).

204C.39 CORRECTION OF OTHER OBVIOUS ERRORS.

Subdivision 1. Manner of correction. A county canvassing board may determine by majority vote that the election judges have made an obvious error in counting or recording the votes for an office. The county canvassing board shall then promptly notify all candidates for that office of the determination, including a description of the error. A candidate who receives notification pursuant to this subdivision or any candidate who believes that the election judges in a precinct have made an obvious error in the counting or recording of the votes for an office may apply without unreasonable delay to the district court of the county containing the precinct in which the alleged error was made for an order determining whether or not an obvious error has been made. The applicant shall describe the alleged error in the application and may submit additional evidence as directed by the court. The applicant shall notify the county canvassing board and all candidates for the affected office in the manner directed by the court. If the court finds that the election judges made an obvious error it shall issue an order specifying the error and directing the county canvassing board to inspect the ballots and returns of the precinct in order to correct the error and to proceed further in accordance with this section or otherwise as the court may direct.

2012 MINNESOTA ELECTION LAWS

Subd. 2. **Inspection; time; place.** The county auditor shall schedule a meeting of the county canvassing board at the auditor's office as soon as practicable after the court issues an order under subdivision 1 and shall give sufficient advance notice of the meeting to the affected candidates. The board, in the presence of all the candidates for the office or their representatives shall inspect the ballots and returns, correct any error and proceed further in accordance with the order of the court. Preparation of the county canvassing board report with respect to other offices on the ballot shall not be delayed because of an inspection required by this section.

Subd. 3. **Report of canvassing board; addendum.** After the canvassing board has inspected the ballots and returns, it shall promptly submit to the county auditor an addendum to its regular report, which addendum shall contain the following information:

- (a) A copy of the order of the court, if any;
- (b) The minutes of the meeting showing the time, date, and place of the meeting, the names of the candidates or their representatives who were present, and the action taken by the board;
- (c) A copy of the meeting notice given to each candidate and proof of service; and
- (d) The names of the candidates for each office for which votes were inspected and the total number of votes received by each candidate for that office in the county and in each precinct.

Subd. 4. **Canvassing board; declaration of results; notification.** The canvassing board shall declare the results of the election upon completing the inspection for the office in question. The report and declaration shall be filed by the county auditor, who shall mail a certified copy to each candidate for that office. The county auditor shall promptly notify the secretary of state by certified mail of the action of the county canvassing board.

History: 1981 c 29 art 5 s 39; 1986 c 444

NOTES AND DECISIONS

204C.39

Improper rejection of an absentee ballot envelope was not within the scope of errors subject to correction under statutory procedure for correction by county canvassing boards of obvious errors in the counting and recording of votes, and therefore county canvassing boards lacked statutory authority to count such ballots on that basis. *Coleman v. Ritchie*, 759 N.W.2d 47 (Minn. 2009).

During automatic administrative recount, absent a voluntary agreement between local election officials and two candidates for seat in United States Senate that absentee ballots had been reflected in error and that the absentee-ballot envelopes should be opened and the ballots should be counted, resolution of whether the absentee ballots were rejected in error would have to await an election contest proceeding. *Coleman v. Ritchie*, 759 N.W.2d 47 (Minn. 2009).
See notes to sections 204C.33, 204C.38.

204C.40 CERTIFICATES OF ELECTION.

Subdivision 1. **Preparation; method of delivery.** The county auditor shall prepare an election certificate for every county candidate declared elected by the county canvassing board, and the secretary of state shall prepare a certificate for every state and federal candidate declared elected by either a county canvassing board or the state canvassing board. Except as otherwise provided in this section, the secretary of state or county auditor, as appropriate, shall deliver an election certificate on demand to the elected candidate. In an election for United States representative, the secretary of state shall deliver the original election certificate to the chief clerk of the United States house of representatives. In an election for United States senator, the governor shall prepare an original certificate of election, countersigned by the secretary of state, and deliver it to the secretary of the United States senate. In an election for state representative or state senator, the secretary of state shall deliver the original election certificate to the chief clerk of the house or the secretary of the senate. The chief clerk of the house or the secretary of the senate shall give a copy of the certificate to the representative-elect or senator-elect. Upon taking the oath of office, the representative or senator shall receive the original certificate of election. If a recount is undertaken by a canvassing board pursuant to section 204C.35, no certificate of

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election shall be prepared or delivered until after the recount is completed. In case of a contest, the court may invalidate and revoke the certificate as provided in chapter 209.

Subd. 2. Time of issuance; certain offices. No certificate of election shall be issued until seven days after the canvassing board has declared the result of the election. In case of a contest, an election certificate shall not be issued until a court of proper jurisdiction has finally determined the contest. This subdivision shall not apply to candidates elected to the office of state senator or representative.

History: 1981 c 29 art 5 s 40; 1986 c 475 s 15; 1991 c 227 s 18; 1999 c 132 s 24

NOTES AND DECISIONS

204C.40

State statute under which governor was prohibited from issuing a certificate of election to either United States Senate candidate until a state court had finally decided a then-pending election contest did not infringe upon or usurp the authority of United States Senate to determine the "Elections, Returns and Qualifications of its own Members," as provided by the United States Constitution; election contest under state law could properly be characterized as an integral part of the electoral process within the ambit of the broad powers delegated to the States, and nothing prevented the United States Senate from seating petitioner, the apparent winner, on a provisional or conditional basis. *Franken v. Pawlenty*, 762 N.W. 2d 558 (Minn. 2009).

No federal constitutional or statutory mandate requires governor to issue to petitioner, the apparent winner in election for United States Senate, a certificate of election by the date designated by Congress for commencement of newly-elected Senators' terms. *Franken v. Pawlenty*, 762 N.W.2d 558 (Minn. 2009).

Provision of state election-contest statute mandating issuance of certificate of election upon completion of recount did not conflict with nor otherwise supersede provision precluding issuance of certificate until state courts had finally decided a pending election contest. *Franken v. Pawlenty*, 762 N.W. 2d 558 (Minn. 2009).

State statute that precluded issuance of certificate of election until state courts had finally decided a pending election contest applied to elections for United States Senate; applicability of statute's contest tolling provision, under which governor refused to issue certificate, was dependent upon existence of a court of proper jurisdiction which could finally determine the contest, and despite exclusive authority of Senate to decide contests pending in Congress, "contest," as used in statute, applied to contests initiated pursuant to general election laws of the state, in state courts. *Franken v. Pawlenty*, 762 N.W.2d 558 (Minn. 2009).

Former section held not to apply to election contests pending in the Congress of the United States pursuant to U.S. Const. art 1, s 4, 5. *Odegard v. Olson*, 264 Minn. 439, 119 N.W. 2d 717 (1963).

Certificate of election is *prima facie* evidence against direct challenge to election and conclusive against collateral attack. *Doyle v. Ries*, 205 Minn. 82, 285 N.W. 480 (1939).

Secretary of state has no statutory authority to withhold certificate of election of representative in Congress, but Congress may have authority to direct that procedure be held in abeyance. Op. Atty. Gen. 185B-1, December 4, 1958.

Minnesota Secretary of State

[office] Official Designations and Locations November 27, 2012

County	Name of Deputy Recount Official	Title of Deputy Recount Official	Phone Number	Start Date	Start Time	Recount Address	Room Name or Number	Number of Teams
Aitkin	Kirk Peysar	County Auditor	218-927-7354	November 28th	9:00 AM	40 Club Convention Center 970 2nd Street NW Aitkin, MN	Room 1	4
Anoka	Larry Dalien	Director of Property Records/Tax	763-323-5425	November 28th	9:00 AM	Govt Center 2100 3 rd Ave S Anoka, MN	Atrium/Lobby	10
Becker	Ryan L. Tangen	County Auditor-Treasurer	218-846-7311	November 28th	9:00 AM	Courthouse 915 Lake Ave Detroit Lakes, MN	1 st Floor Courtroom	3
Beltrami	Kay L. Mack	County Auditor-Treasurer	218-333-4175	November 28th	9:00 AM	Admin Bldg 701 Minnesota Ave NW Bemidji, MN	County Board Room	6
Benton	Karri Thorsten	County Auditor-Treasurer	320-968-5006	November 28th	9:00 AM	Govt Center 531 Dewey St Foley, MN	County Board Room	4
Big Stone	Michelle R. Knutson	County Auditor	320-839-6366. Ext 2	November 28th	9:00 AM	Courthouse 20 2nd St SE Ortonville, MN	Commissioners Room	1 to 2
Blue Earth	Patty O'Connor	Director Taxpayer Services	507-304-4300	November 28th	9:00 AM	Govt. Center 410 South Fifth St Mankato, MN	Elections Store Room	3

Brown	Marlin C. Helget	County Auditor-Treasurer	507-233-6617	November 28th	9:00 AM	Law Enforcement Ctr 14 S. Washington St New Ulm, MN	LEC Training Center	4
Carlton	Paul G. Gassert	County Auditor-Treasurer	218-384-9133	November 28th	9:00 AM	Courthouse 301 Walnut Ave Carlton MN	ITV Room # 216	1
Carver	Laurie Engelen	County Auditor-Treasurer	952-361-1907	November 28th	9:00 AM	Govt Center 600 E 4th St Chaska, MN	Township Hall Conf Room	4
Cass	Sharon K. Anderson	County Auditor-Treasurer	218-547-7260	November 28th	9:00 AM	Land Dept & Service Center 218 Washburn Ave E Backus, MN	Land Dept Public Meeting Room	5
Chippewa	Jon Clauson	County Auditor-Treasurer	320-269-2642	November 28th	9:00 AM	Courthouse 629 North 11th St Montevideo. MN	Commissioner's Room	1
Chisago	Dennis J. Freed	County Auditor	651-213-8500	November 28th	9:00 AM	Govt Center 313 N Main St Center City, MN	Room 131	4
Clay	Lori J Johnson	County Auditor-Treasurer	218-299-5262	November 28th	9:00 AM	Courthouse 807 N 11th St Moorhead, MN	Meeting Room B	4
Clearwater	Allen Paulson	County Auditor	218-694-6520	November 28th	9:00 AM	Courthouse 213 Main Ave N Bagley, MN	Commissioners Room	3
Cook	Braidy Powers	County Auditor-Treasurer	218-387-3646	November 28th	9:00 AM	Courthouse 411 W 2nd St Grand Marais, MN	Commissioners Room	2
Cottonwood	Jan Johnson	County Auditor	507-831-1342	November 28th	9:00 AM	Courthouse 900 3rd Ave	Board Room	2-3

		Treasurer				Windom, MN		
Crow Wing	Deborah A. Erickson	Deputy Auditor-Treasurer	218-824-1049	November 28th	9:00 AM	Land Svcs Bldg 322 Laurel St Brainerd, MN	Lower Level Meeting Rooms 1 & 2	6
Dakota	Joel T. Beckman	Director of Property Taxation and Records	651-438-4329	November 28th	9:00 AM	Admin Center 1590 Hwy 55 Hastings, MN	Lower Level/Floor 1	10
Dodge	Sara Marquardt	Accounting Services Director	507-635-6265	November 28th	9:00 AM	Courthouse 22 6th St E. Mantorville, MN	Conference Room B	2 or 3
Douglas	Charlene Rosenow	County Auditor-Treasurer	320-762-3077	November 28th	9:00 AM	Courthouse 305 8th Ave W Alexandria, MN	County Board Room	3
Faribault	John L. Thompson	County Auditor	507-526-6211	November 28th	9:00 AM	Courthouse 415 N Main Blue Earth, MN	County Board Room	1
Fillmore	Shirl Boelter	County Auditor-Treasurer	507-765-2666	November 28th	9:00 AM	Courthouse 101 Fillmore St E Preston, MN	Courtroom or Commissioner Room	3 to 4
Freeborn	Dennis A. Distad	County Auditor-Treasurer	507-377-5121	November 28th	9:00 AM	Govt Center 411 Broadway Ave S Albert Lea, MN	Freeborn Room	6
Goodhue	Carolyn Holmsten	County Auditor-Treasurer	651-385-3021	November 28th	9:00 AM	Govt Center 509 W 5th St Red Wing, MN	Room 301	3 or 4
Grant	Chad Van Santen	County Auditor	218-685-8236	November 28th	9:00 AM	Courthouse 10 2nd St NE Elbow Lake, MN	Courthouse Conference Room	1

Hennepin	Rachel Smith	Elections Manager	612-348-0306	November 28th	9:00 AM	TBD	TBD	TBD
Houston	Char Meiners	County Auditor	507-725-5803	November 28th	9:00 AM	Courthouse 304 S Marshall St Caledonia, MN	Room B6	5
Hubbard	Pam Heeren	County Auditor-Treasurer	218-732-3196	November 28th	9:00 AM	Courthouse 301 Court Ave Park Rapids, MN	TBD	1 - 3
Isanti	Terry F. Treichel	County Auditor-Treasurer	763-689-1644	November 28th	9:00 AM	Govt Center 555 18th Ave SW Cambridge, MN	TBD	3
Itasca	Jeff Walker	County Auditor-Treasurer	218-327-2408	November 28th	9:00 AM	Courthouse 123 NE 4th St Grand Rapids, MN	County Board Room #121	6 - 8
Jackson	Kevin Nordquist	County Auditor-Treasurer	507-847-2763	November 28th	9:00 AM	Courthouse 405 4th St Jackson, MN	County Attorney's Conference Room	2

Kanabec	Denise Cooper	County Auditor-Treasurer	320.679.6430	November 28th	9:00 AM	Courthouse 18 N Vine St Mora, MN	Meeting Rooms 3 & 4	2
Kandiyohi	Mark Thompson	County Auditor-Treasurer	320-231-6202	November 28th	9:00 AM	County Office Bldg 400 Benson Ave SW Willmar, MN	Downstairs Conference Room	3
Kittson	Marilyn Gustafson	County Auditor-Treasurer	218-843-2655	November 28th	9:00 AM	Courthouse 410 5th St S Hallock, MN	Upstairs Meeting Room	1
Koochiching	Bob Peterson	County Auditor-Treasurer	218-283-1112	November 28th	9:00 AM	Court House 715 4th St International Falls, MN	County Board Room	1
Lac qui Parle	Jacob Sieg	County Auditor-Treasurer	320-598-3125	November 28th	9:00 AM	County Annex 422 5th Ave Madison, MN	Multimedia Conf Room	2
Lake	Steve McMahon	County Auditor-Treasurer	218-834-8315	November 28th	9:00 AM	Law Enforcement Center 613 3rd Ave Two Harbors, MN	Lower (street) Level	2
Lake Of The Woods	John W. Hoscheid	County Auditor	218-634-2836	November 28th	9:00 AM	Govt. Center 206 8th Ave SE Baudette, MN	Court Room	4
Le Sueur	Carol Blaschko	Election Administrator	507-357-8223	November 28th	9:00 AM	Courthouse 88 S Park Ave LeCenter,, MN	Commissioners Room	2
Lincoln	Kathleen Schreurs	County Auditor	507-694-1529	November 28th	9:00 AM	Courthouse 319 N Rebecca St Ivanhoe, MN	Comm Room 2nd Floor	3
Lyon	Paula VanOverbeke	County Auditor-Treasurer	507-537-6050	November 28th	9:00 AM	Govt Center 607 W Main St Marshall, MN	Room 1,2&3	3 or 4

McLeod	Cindy Schultz	County Auditor-Treasurer	320-864-1210	November 28th	9:00 AM	North Complex 2391 Hennepin Ave N Glencoe, MN	Large Conference Room	3
Mahnomen	Frank Thompson	County Auditor	218-935-5669	November 28th	9:00 AM	Courthouse 311 N Main St Mahnomen, MN	Board Meeting Room	2 or 3
Marshall	Scott Peters	County Auditor-Treasurer	218-745-4851	November 28th	9:00 AM	Courthouse 208 E Colvin Ave Warren, MN	Meeting Room I	1
Martin	James Forshee	County Auditor-Treasurer	507-238-3266	November 28th	9:00 AM	LEC 201 Lake Ave Fairmont, MN	Basement Meeting Room	2
Meeker	Barbara Loch	County Auditor	320-693-5217	November 28th	9:00 AM	Courthouse 325 Sibley Ave N Litchfield, MN	Community Room Level 1 of Courthouse	TBD
Mille Lacs	Philip Thompson	County Auditor-Treasurer	320-983-8302	November 28th	9:00 AM	Historic Courthouse 635 2nd St SE Milaca, MN	LL Conf. D	2 G
Morrison	Russ Nygren	County Auditor-Treasurer	320-632-0130	November 28th	9:00 AM	Govt. Center 213 SE 1st Ave Little Falls, MN	TBD	2
Mower	Doug Groh	County Auditor-Treasurer	507-437-9457	November 28th	9:00 AM	Govt. Center 201 1st St NE Austin, MN	Room 120A	3
Murray	Heidi Winter	County Auditor-Treasurer	507-836-1152	November 28th	9:00 AM	Govt. Center 2500 28th St Slayton, MN	Commissioners Board Room	2
Nicollet	Bridgette Kennedy	County Auditor-Treasurer	507-934-0349	November 28th	9:00 AM	Govt Center 501 S Minnesota Ave St. Peter, MN	Board Room	2
Nobles	Sharon A. Balster	County Auditor-Treasurer	507-295-5258	November 28th	9:00 AM	Govt Center 315 Tenth St Worthington, MN	Farmers Room 120	3

Norman	Richard D Munter	County Auditor-Treasurer	218-784-5471	November 28th	9:00 AM	Courthouse Annex 15 2nd Ave E Ada, MN		3
Olmsted	Wm. Mark Krupski	Director of Property Records and Licensing	507-328-7663	November 28th	9:00 AM	Mayo Civic Ctr 30 Civic Center Dr SE Rochester, MN	Grand Ballroom	13
Otter Tail	Wayne Stein	County Auditor	218 998-8041	November 28th	9:00 AM	Govt Svcs Center 510 Fir Ave W Fergus Falls, MN	County Board Room/Otter Tail Lake Room	8
Pennington	Kenneth Olson	County Auditor	218-683-7000	November 28th	9:00 AM	Courthouse 101 Main Ave N Thief River Falls, MN	Meeting Room	1 or 2
Pine	Cathy Clemmer	County Auditor-Treasurer	320-591-1668	November 28th	9:00 AM	Courthouse 635 Northridge Dr NW Pine City, MN	County Board Room	4
Pipestone	Joyce Steinhoff	County Auditor	507-825-6740	November 28th	9:00 AM	Courthouse 416 Hiawatha Ave S Pipestone, MN	Commissioners Room	2
Polk	Brad Anderson	Election Administrator	651-556-0642	August 22nd	9:00 AM	Govt Center 612 N Broadway Crookston, MN	3rd Floor Conference Room	2
Pope	Donna Quandt	County Auditor-Treasurer	320-634-5705	November 28th	9:00 AM	Courthouse 130 E Minnesota Ave Glenwood, MN	Community Room	1 or 2
Ramsey	Joseph Mansky	Elections Manager	651-266-2221	November 28th	9:00 AM	Ramsey County Plato Bldg 90 W Plato Blvd St. Paul, MN	1st Floor	6-10

Red Lake	Robert Schmitz	County Auditor	218-253-2598	November 28th	9:00 AM	Courthouse 124 Langevin Ave Red Lake Falls, MN	County Board Room	2
Redwood	Jean Price	County Auditor-Treasurer	507-637-4013	November 28th	9:00 AM	Govt. Center 403 S Mill St Redwood Falls, MN	County Board Room	1
Renville	Larry Jacobs	County Auditor-Treasurer	320-523-2071	November 28th	9:00 AM	Courthouse 500 E DePue Ave Olivia, MN	Ste 202	3
Rice	Fran Windschitl	County Auditor-Treasurer	507-332-6122	November 28th	9:00 AM	Govt Svcs Bldg 320 NW 3rd St Faribault, MN	County Board Room	TBD
Rock	Ashley Kurtz	County Auditor-Treasurer	507-283-5060	November 28th	9:00 AM	Courthouse 204 E Brown St Luverne, MN	Herreid Comm Room	2
Roseau	Martha Monsrud	County Auditor	218-463-1282	November 28th	9:00 AM	Govt. Center 606 5th Ave SW Roseau, MN	Room 110	2
St. Louis	Donald Dicklich	County Auditor-Treasurer	218-762-2380	November 28th	9:00 AM	Courthouse 100 N 5th Ave W Duluth, MN	County Board Room	5
Scott	Cynthia Geis	County Auditor-Treasurer	952-496-8167	November 28th	9:00 AM	Conference Ctr 205 4th Ave W Shakopee, MN	Conference Room	9-12
Sherburne	Diane Arnold	County Auditor-Treasurer	763-765-4363	November 28th	9:00 AM	Govt Center 13880 Business Center Dr NW Elk River, MN	County Board Room	6

Sibley	Lisa Pfarr	County Auditor	507-237-4070	November 28th	9:00 AM	Courthouse 400 Court Ave Gaylord, MN	Auditorium (North and South Meeting Rooms)	3
Stearns	Randy R. Schreifels	County Auditor-Treasurer	320 656-3900	November 28th	9:00 AM	Admin Bldg 705 Courthouse Square St. Cloud, MN	County Board Room	5
Steele	Laura Ihrke	County Auditor	507-444-7414	November 28th	9:00 AM	Admin Center 630 Florence Ave Owatonna, MN	County Board Room	6
Stevens	Jon Clauson	County Auditor-Treasurer	320-269-2642	November 28th	9:00 AM	Chippewa County Courthouse 629 North 11th St Montevideo, MN	Commissioner's Room	1
Swift	Byron Giese	County Auditor	320-843-4069	November 28th	9:00 AM	Courthouse 301 14th St N Benson, MN	Commissioners Room	2
Todd	Deborah A. Erickson	Election Coordinator	218-824-1045	November 28th	9:00 AM	Crow Wing Co Land Svcs Bldg 322 Laurel St Brainerd, MN	Lower Level Meeting Rooms 1 & 2	2
Traverse	Kit Johnson	County Auditor-Treasurer	320-563-4242	November 28th	9:00 AM	Courthouse 702 2nd Ave N Wheaton, MN	Commissioners Board Room	1
Wabasha	Denise M. Anderson	County Auditor-Treasurer	651-565-4410	November 28th	9:00 AM	Courthouse 625 Jefferson Ave Wabasha, MN	Commissioners Room	3
Wadena	Char West	County Auditor-Treasurer	218-631-7784	November 28th	9:00 AM	Courthouse 415 Jefferson St S Wadena, MN	Auditorium	6

Waseca	Joyce Oliver	County Auditor-Treasurer	507-835-0610	November 28th	9:00 AM	Courthouse 307 N State St Waseca, MN	Jury Room	2
Washington	Carol Peterson	Deputy Auditor	651-430-8271	November 28th	9:00 AM	Govt. Center 14949 62nd St N Stillwater, MN	TBD	8
Watonwan	Donald Kuhlman	County Auditor	507-375-2500	November 28th	9:00 AM	Courthouse 710 2nd Ave S St. James, MN	Commissioner's Room	3
Wilkin	Wayne Bezenek	County Auditor	218-643-7165	November 28th	9:00 AM	Courthouse 300 S 5th St Breckenridge, MN	Courtroom	5
Winona	Susanne Rivers	County Auditor-Treasurer	507-457-8830	November 28th	9:00 AM	Govt Center 177 Main St Winona, MN	County Board Room	4
Wright	Robert Hiivala	County Auditor-Treasurer	763-682-7579	November 28th	9:00 AM	Govt Center 10 2nd St NW Buffalo, MN	Community Room 120A and B	3
Yellow Medicine	Janel Timm	Property & Public Svcs Director	320-564-3132	November 28th	9:00 AM	YMC Law Enforcement Center 930 4 th St Granite Falls, MN	Training Room	2 - 3

ITEM # Auditor b
REQUEST FOR BOARD ACTION
 * Required Fields



*Person Responsible for Request	*Department	*Board Meeting Date
Monsrud, Martie ▼	Auditor ▼	Oct ▼ 9 ▼ 2012 ▼

Amount of time being requested:

***Subject Title (As it will appear on the agenda):**
 Resolution for Tax Forfeited Land Sale Including Terms of Sale

***Background (Provide sufficient detail of the subject):**
 Requesting approval of the attached resolution authorizing public and private sale of tax forfeited lands, which includes the terms for the public and private sale of tax forfeited land.

***Financial Consideration:**

***Legal Consideration:**

***Other Consideration:**

***Resolution (Wording should reflect the intent of the Board vote):**
 See attached

Coordinator's Office Use (Do Not Write Below)

Date Received:	Comments:

Board Action:

Comm.	Motion (First)	Motion (Second)	Vote			Vote Result
			Yes	No	Abstain	
Swanson						Passed
Phillipe						
Foldesi						Failed
Falk						
Walker						Tabled

ATTEST: Jeff Pelowski, Interim Coordinator

RESOLUTION AUTHORIZING PUBLIC AND PRIVATE SALE OF TAX-FORFEITED LANDS

BE IT RESOLVED that all parcels of tax forfeited land listed on the List of Tax-Forfeited Land # 681201 is classified as non-conservation land; that that basic sale price of each parcel on the List of Tax-Forfeited Land that is on file with the County Auditor be approved and authorization for a public and private sale of this land be granted, pursuant to M.S. 282.01; that the sale will be held by the Roseau County Auditor at 2:00 pm, on November 9, 2012, at the Roseau County Courthouse Boardroom, for not less than the basic sale price; and that all sales shall be for full payment on the day of the sale.

BE IT FURTHER RESOLVED that the conditions and terms of the sale shall be described in the list contained herein and approved by the Roseau County Board of Commissioners.

TERMS FOR THE PUBLIC AND PRIVATE SALE OF TAX FORFEITED LAND IN ROSEAU COUNTY November 9, 2012

PUBLIC SALES: All tax forfeited land is offered at public auction and sold to the highest bidder. The minimum bid acceptable is the basic sale price that is shown on the list of tax forfeited land. The basic sale price is equal to the appraised value or the appraised value plus any extra charges for special assessments levied after forfeiture or for timber value as appraised by the Minnesota Department of Natural Resources.

PRIVATE SALES: **Note: Eligible purchasers are landowners whose property adjoins the parcel of tax-forfeited land.** All tax forfeited land is offered at private auction are sold to the highest bidder of the adjoining land owners. The minimum bid acceptable is the basic sale price that is shown on the list of tax forfeited land. The basic sale price is equal to the appraised value or the appraised value plus any extra charges for special assessments levied after forfeiture or for timber value as appraised by the Minnesota Department of Natural Resources.

FEES: The following fees will be collected at the time of sale: State assurance account surcharge, 3%; State Deed Fee, \$25; Deed Filing Fee, \$46.00; and State Deed Tax, equal to the greater of \$1.65 or 0.33% of the basic sale price.

PAYMENT TERMS: CASH—FULL PAYMENT AT TIME OF SALE. Payment includes timber value and special assessments levied after forfeiture.

SPECIAL ASSESSMENTS: The balance of any special assessments that were levied before forfeiture and cancelled at forfeiture are not included in the basic sale price may be reassessed by the municipality. These special assessments are shown on the list of tax forfeited land under the column entitled "Assessments Before Forfeiture."

It is the responsibility of the prospective buyer to contact the city/township to determine special assessments that may have been canceled and may be subject to reassessment.

Any special assessments that were levied after forfeiture and certified to the county auditor have been added to the appraised value. Any clean-up costs have also been added to the appraised value. These costs are paid by the purchaser as part of the basic sale price.

CONDITIONS: Sales are subject to the following restrictions on the use of the properties: existing leases, building codes and zoning laws, and easements obtained by any government subdivision or agency thereof for a public purpose. The appraised value does not represent a basis for future taxes. Contact the city or township where the land is located for details of building codes or zoning laws.

All property is sold "as is" and may not conform to local building and zoning ordinances. Roseau County makes no warranty that the land is "buildable". All sales are final, and no refunds or exchanges are permitted. Roseau County is not responsible for location or determining property lines or boundaries. Access to the property is the responsibility of the buyer.

TITLE: PROOF OF OWNERSHIP: The buyer will receive a receipt at the time of the sale. The Department of Revenue will issue a State quitclaim deed after full payment is made. A State deed has the characteristics of a patent from the State of Minnesota.

SETTLEMENT IS FINAL: No warranties as to physical condition of the property have been made by Seller, its Employees or Agents; any warranties of physical condition of the property are void. The Seller, its Employees or Agents, have no further responsibility or liability with respect to the condition or management of the property.

FOR ALL LAND NOT IN A PLATTED SUBDIVISION: There are restrictive covenants required for marginal lands and wetlands including lands in Auditor's Subdivisions (see Minnesota Statutes, Section 103F.535, Subd. 2, and Minnesota Statutes Section 282.018, Subd. 2.)

FORMER OWNERS: Must pay the purchase price or the amount of delinquency, whichever is more, pursuant to Minnesota Statutes Section 282.01, Subd. 7.

IN ORDER TO PROTECT YOUR LEGAL INTERESTS, WE RECOMMEND THAT YOU CONSULT WITH YOUR ATTORNEY ON LEGAL MATTERS.

PARCELS NOT SOLD AT PUBLIC OR PRIVATE AUCTION: Parcels not sold at the sale may be purchased after the sale by paying the basic sale price of the parcel. The basic sale price cannot be changed unless the parcel is re-appraised, republished, and again offered at a later public sale.

ITEM # Assessor a
REQUEST FOR BOARD ACTION
 * Required Fields



*Person Responsible for Request	*Department	*Board Meeting Date
Heim, Allen ▼	Assessor ▼	Oct ▼ 9 ▼ 2012 ▼

Amount of time being requested:

***Subject Title (As it will appear on the agenda):**
 Re-Appointment

***Background (Provide sufficient detail of the subject):**
 Assessor Heim's appointment as Roseau County Assessor will expire on January 1, 2013. Per MS 273.061 Subd. 2 the County Board must appointment this position every four years.

***Financial Consideration:**

***Legal Consideration:**

***Other Consideration:**

***Resolution (Wording should reflect the intent of the Board vote):**

Coordinator's Office Use (Do Not Write Below)

Date Received:	Comments:
<input type="text"/>	<input type="text"/>

Board Action:

Comm.	Motion (First)	Motion (Second)	Vote			Vote Result
			Yes	No	Abstain	
Swanson	<input type="text"/>	Passed <input type="text"/>				
Phillipe	<input type="text"/>					
Foldesi	<input type="text"/>	Failed <input type="text"/>				
Falk	<input type="text"/>					
Walker	<input type="text"/>	Tabled <input type="text"/>				

ATTEST: Jeff Pelowski, Interim Coordinator

273.061 ESTABLISHMENT OF OFFICE FOR EACH COUNTY.

Subdivision 1. **Office created; appointment, qualifications.** Every county in this state shall have a county assessor. The county assessor shall be appointed by the board of county commissioners. The assessor shall be selected and appointed because of knowledge and training in the field of property taxation and appointment shall be approved by the commissioner of revenue before the same shall become effective. Upon receipt by the county commissioners of the commissioner of revenue's refusal to approve an appointment, the term of the appointee shall terminate at the end of that day.

The commissioner of revenue may grant approval on a probationary basis for a period of two years. The commissioner must base the decision to impose a probationary period on objective and consistent criteria. At the end of the two-year probationary period, the commissioner may either refuse to approve the person's appointment for the remainder of the person's four-year term, approve the person's appointment but only for another two-year probationary period, or unconditionally approve the person's appointment for the remainder of the four-year term for which the person was originally appointed by the county board. The criteria shall not be considered rules and are not subject to the Administrative Procedure Act.

Notwithstanding any law to the contrary, a county assessor must have senior accreditation from the state Board of Assessors by January 1, 1992, or within two years of the assessor's first appointment under this section, whichever is later.

Subd. 1a. **Compatible offices.** A person appointed as the county assessor also may serve as the county auditor, county treasurer, or county auditor-treasurer if those offices are appointive, provided that the person in the combined appointed office must not serve on the county board of appeal and equalization under section 274.13. In a county in which the functions of the county assessor are combined with those of the county auditor or county auditor-treasurer, the county board may not delegate any authority, power, or responsibility under section 375.192, subdivision 4.

Subd. 1b. **Compatible offices in counties changing to appointed auditor.** In a county in which the office of auditor, treasurer, or auditor-treasurer is an elective position, a person appointed as the county assessor also may serve as the county auditor, county treasurer, or county auditor-treasurer if a proposal to make the affected office appointive has been approved as required by other law and will be effective within five years.

Subd. 1c. **Incompatible offices.** The person appointed as the county assessor must not also be the county attorney, a county board member, an elected county auditor, an elected county treasurer, an elected county auditor-treasurer, a town board supervisor for a town in the same county, or a city mayor or council member for a city in the same county. The person appointed as the city assessor must not also be a city council member or mayor for the same city. A person appointed as the town assessor must not also be a town board supervisor for the same town. Except as provided in subdivision 1b, an assessor who accepts a position that is incompatible with the office of assessor is deemed to have resigned from the assessor position.

Subd. 2. **Term; vacancy.** (a) The terms of county assessors appointed under this section shall be four years. A new term shall begin on January 1 of every fourth year after 1973. When any vacancy in the office occurs, the board of county commissioners, within 90 days thereafter, shall fill the same by appointment for the remainder of the term, following the procedure prescribed in subdivision 1. The term of the county assessor may be terminated by the board of county

commissioners at any time, on charges of malfeasance, misfeasance, or nonfeasance by the commissioner of revenue. If the board of county commissioners does not intend to reappoint a county assessor who has been certified by the state Board of Assessors, the board shall present written notice to the county assessor not later than 90 days prior to the termination of the assessor's term, that it does not intend to reappoint the assessor. If written notice is not timely made, the county assessor will automatically be reappointed by the board of county commissioners.

The commissioner of revenue may recommend to the state Board of Assessors the nonrenewal, suspension, or revocation of an assessor's license as provided in sections 270.41 to 270.50.

(b) In the event of a vacancy in the office of county assessor, through death, resignation or other reasons, the deputy (or chief deputy, if more than one) shall perform the functions of the office. If there is no deputy, the county auditor shall designate a person to perform the duties of the office until an appointment is made as provided in clause (a). Such person shall perform the duties of the office for a period not exceeding 90 days during which the county board must appoint a county assessor. Such 90-day period may, however, be extended by written approval of the commissioner of revenue.

(c) In the case of the first appointment under paragraph (a) of a county assessor who is accredited but who does not have senior accreditation, an approval of the appointment by the commissioner shall be provisional, provided that a county assessor appointed to a provisional term under this paragraph must reapply to the commissioner at the end of the provisional term. A provisional term may not exceed two years. The commissioner shall not approve the appointment for the remainder of the four-year term unless the assessor has obtained senior accreditation.

Subd. 3. **Oath.** Every county assessor, before entering upon duties, shall take and subscribe the oath required of public officials.

Subd. 4. **Assistants.** With the approval of the board of county commissioners, the county assessor may employ one or more assistants and sufficient clerical help to perform the duties of the assessor's office.

Subd. 5. **Offices; supplies.** The board of county commissioners shall provide suitable office space and equipment at the county seat for the county assessor, assistants and clerical help, and shall furnish such books, maps, stationery, postage and supplies as may be necessary for the discharge of the duties of the office.

Subd. 6. **Salaries; expenses.** The salaries of the county assessor and assistants and clerical help, shall be fixed by the board of county commissioners and shall be payable in monthly installments out of the general revenue fund of the county. In counties with a population of less than 50,000 inhabitants, according to the then last preceding federal census, the board of county commissioners shall not fix the salary of the county assessor at an amount below the following schedule:

In counties with a population of less than 6,500, \$5,900;

In counties with a population of 6,500 but less than 12,000, \$6,200;

In counties with a population of 12,000 but less than 16,000, \$6,500;

In counties with a population of 16,000 but less than 21,000, \$6,700;

In counties with a population of 21,000 but less than 30,000, \$6,900;

In counties with a population of 30,000 but less than 39,500, \$7,100;

In counties with a population of 39,500 but less than 50,000, \$7,300;

In counties with a population of 50,000 or more, \$8,300.

In addition to their salaries, the county assessor and assistants shall be allowed their expenses for reasonable and necessary travel in the performance of their duties, including necessary travel, lodging and meal expense incurred by them while attending meetings of instructions or official hearings called by the commissioner of revenue. These expenses shall be payable out of the general revenue fund of the county, and shall be allowed on the same basis as such expenses are allowed to other county officers.

Subd. 7. Division of duties between local and county assessor. The duty of the duly appointed local assessor shall be to view and appraise the value of all property as provided by law, but all the book work shall be done by the county assessor, or the assessor's assistants, and the value of all property subject to assessment and taxation shall be determined by the county assessor, except as otherwise hereinafter provided. If directed by the county assessor, the local assessor shall perform the duties enumerated in subdivision 8, clause (16).

Subd. 8. Powers and duties. The county assessor shall have the following powers and duties:

(1) To call upon and confer with the township and city assessors in the county, and advise and give them the necessary instructions and directions as to their duties under the laws of this state, to the end that a uniform assessment of all real property in the county will be attained.

(2) To assist and instruct the local assessors in the preparation and proper use of land maps and record cards, in the property classification of real and personal property, and in the determination of proper standards of value.

(3) To keep the local assessors in the county advised of all changes in assessment laws and all instructions which the assessor receives from the commissioner of revenue relating to their duties.

(4) To have authority to require the attendance of groups of local assessors at sectional meetings called by the assessor for the purpose of giving them further assistance and instruction as to their duties.

(5) To immediately commence the preparation of a large scale topographical land map of the county, in such form as may be prescribed by the commissioner of revenue, showing thereon the location of all railroads, highways and roads, bridges, rivers and lakes, swamp areas, wooded tracts, stony ridges and other features which might affect the value of the land. Appropriate symbols shall be used to indicate the best, the fair, and the poor land of the county. For use in connection with the topographical land map, the assessor shall prepare and keep available in the assessor's office tables showing fair average minimum and maximum market values per acre of cultivated, meadow, pasture, cutover, timber and waste lands of each township. The assessor shall keep the map and tables available in the office for the guidance of town assessors, boards of review, and the county board of equalization.

(6) To also prepare and keep available in the office for the guidance of town assessors, boards of review and the county board of equalization, a land valuation map of the county, in such form as may be prescribed by the commissioner of revenue. This map, which shall include the bordering tier of townships of each county adjoining, shall show the average market value per acre, both

with and without improvements, as finally equalized in the last assessment of real estate, of all land in each town or unorganized township which lies outside the corporate limits of cities.

(7) To regularly examine all conveyances of land outside the corporate limits of cities of the first and second class, filed with the county recorder of the county, and keep a file, by descriptions, of the considerations shown thereon. From the information obtained by comparing the considerations shown with the market values assessed, the assessor shall make recommendations to the county board of equalization of necessary changes in individual assessments or aggregate valuations.

(8) To become familiar with the values of the different items of personal property so as to be in a position when called upon to advise the boards of review and the county board of equalization concerning property, market values thereof.

(9) While the county board of equalization is in session, to give it every possible assistance to enable it to perform its duties. The assessor shall furnish the board with all necessary charts, tables, comparisons, and data which it requires in its deliberations, and shall make whatever investigations the board may desire.

(10) At the request of either the board of county commissioners or the commissioner of revenue, to investigate applications for reductions of valuation and abatements and settlements of taxes, examine the real or personal property involved, and submit written reports and recommendations with respect to the applications, in such form as may be prescribed by the board of county commissioners and commissioner of revenue.

(11) To make diligent search each year for real and personal property which has been omitted from assessment in the county, and report all such omissions to the county auditor.

(12) To regularly confer with county assessors in all adjacent counties about the assessment of property in order to uniformly assess and equalize the value of similar properties and classes of property located in adjacent counties. The conference shall emphasize the assessment of agricultural and commercial and industrial property or other properties that may have an inadequate number of sales in a single county.

(13) To render such other services pertaining to the assessment of real and personal property in the county as are not inconsistent with the duties set forth in this section, and as may be required by the board of county commissioners or by the commissioner of revenue.

(14) To maintain a record, in conjunction with other county offices, of all transfers of property to assist in determining the proper classification of property, including but not limited to, transferring homestead property and name changes on homestead property.

(15) To determine if a homestead application is required due to the transfer of homestead property or an owner's name change on homestead property.

(16) To perform appraisals of property, review the original assessment and determine the accuracy of the original assessment, prepare an appraisal or appraisal report, and testify before any court or other body as an expert or otherwise on behalf of the assessor's jurisdiction with respect to properties in that jurisdiction.

Subd. 8a. Additional powers and duties of the commissioner of revenue, county assessors and local assessors. Notwithstanding any provision of law to the contrary, in order to promote a uniform assessment and review of assessments, the commissioner of revenue, county

assessors and local assessors may exchange data on property which are classified under chapter 13 as public, nonpublic or private. The data for any property may include but is not limited to its sales, income, expenses, vacancies, rentable or usable areas, anticipated income and expenses, projected vacancies, lease information, and private multiple listing service data. Data exchanged under this provision that is classified as nonpublic or private data shall retain its classification.

Subd. 9. **Additional general duties.** Additional duties of the county assessor shall be as follows:

(a) to make all assessments, based upon the appraised values reported by the local assessors or assistants and the county assessor's own knowledge of the value of the property assessed;

(b) to personally view and determine the value of any property which because of its type or character may be difficult for the local assessor to appraise;

(c) to make all changes ordered by the local boards of review, relative to the net tax capacity of the property of any individual, firm or corporation after notice has been given and hearings held as provided by law;

(d) to enter all assessments in the assessment books, furnished by the county auditor, with each book and the tabular statements for each book in correct balance;

(e) to prepare all assessment cards, charts, maps and any other forms prescribed by the commissioner of revenue;

(f) to attend the meeting of the county board of equalization; to investigate and report on any assessment ordered by said board; to enter all changes made by said board in the assessment books and prepare the abstract of assessments for the commissioner of revenue; to enter all changes made by the State Board of Equalization in the assessment books; to deduct all exemptions authorized by law from each assessment and certify to the county auditor the taxable value of each parcel of land, as described and listed in the assessment books by the county auditor, and the taxable value of the personal property of each person, firm, or corporation assessed;

(g) to investigate and make recommendations relative to all applications for the abatement of taxes or applications for the reduction of the net tax capacity of any property;

(h) to perform all other duties relating to the assessment of property for the purpose of taxation which may be required by the commissioner of revenue.

Subd. 10. **Assessor in unorganized territory.** In counties having unorganized territory divided into one or more assessment districts, the board of county commissioners may appoint the county assessor for all such districts. In such case the assessor shall receive no compensation for performing the duties of assessor. The assessor shall, however, be allowed expenses for reasonable and necessary travel in the performance of duties. Such expenses shall be payable out of the general revenue fund of the county.

Subd. 11. [Repealed, 1Sp1981 c 4 art 1 s 189]

History: *Ex1967 c 32 art 8 s 1; 1969 c 9 s 68,69; 1969 c 498 s 1; 1971 c 434 s 4,5; 1973 c 123 art 5 s 7; 1973 c 582 s 3; 1974 c 18 s 1; 1974 c 567 s 1; 1975 c 301 s 3; 1975 c 339 s 8; 1975 c 437 art 1 s 32; 1976 c 181 s 2; 1977 c 434 s 10; 1979 c 50 s 30; 1980 c 423 s 5; 1984 c 593 s 13; 1986 c 444; 1987 c 268 art 7 s 28-30; 1988 c 719 art 5 s 84; art 7 s 6,7; 1989 c 277 art 2 s 17,18; 1989 c 329 art 13 s 20; 1Sp1989 c 1 art 3 s 6; 1993 c 375 art 3 s 12; art 5 s 7;*

art 11 s 2; 1994 c 587 art 5 s 2; 1Sp2001 c 5 art 7 s 14,15; 2003 c 127 art 5 s 12-14; 2009 c 86 art 1 s 51; 2010 c 354 s 3,4

MINNESOTA · REVENUE

MEMO

Date: October 3, 2012

To: County Assessors

From: **Drew Imes, State Program Administrator**
Information and Education Section

Subject: **County Assessor Reappointment**

Minnesota Statutes 273.061 declares that the terms of office as County Assessor shall begin on January 1 of every fourth year after 1973.

January 1, 2013 will begin a new term of office for county assessors statewide. Statute also requires the Commissioner of Revenue to approve the appointment and the reappointment of all county assessors. Therefore, the department is distributing the attached form (*Request of Information for County Assessor Reappointment*) to be completed and returned to the Department of Revenue by every county assessor who has been reappointed to the position by the County Board. This form must be completed and returned to the department before December 1, 2012 in order for a county assessor reappointee to be approved by the Commissioner of Revenue and meet the requirements stated in law.

If your appointment is confirmed, the department will send you a certificate approving your appointment and the language for an "Oath of Office" that must, per Minnesota Statute 273.061, be taken before your County Board.

Thank you for your compliance in this matter.

MINNESOTA • REVENUE

Request of Information for County Assessor Reappointment

You must attach to this form a copy of the County Board minutes approving the resolution to appoint you as the County Assessor

Personal Information

Name:	Last	First	Middle initial	Date
Address			Social Security Number	
City		State	Zip Code	County
Business Phone			E-mail Address	

General Information

What is your current level of assessment licensure? SAMA AMA

License # _____

If you are an AMA, please provide the date of first appointment as County Assessor: _____

County of Employment	
Your Title	
<p>Outside Activities: Please check the appropriate boxes. If you are currently performing or have performed any of these outside activities in the past four years, you must inform us. <u>At least one box must be checked.</u> If you have performed Fee Appraiser and/or Real Estate Sales activities, please list all jurisdictions where these activities were performed.</p>	
<input type="checkbox"/> Property Management <input type="checkbox"/> Fee Appraiser <input type="checkbox"/> Property Tax Consultant <input type="checkbox"/> Insurance Sales <input type="checkbox"/> Property Tax Representative <input type="checkbox"/> Real Estate Sales <input type="checkbox"/> I do not perform any of these outside activities	<p>Jurisdiction of Fee Appraisals or Real Estate Sales</p> <hr/> <hr/> <hr/> <hr/> <hr/>

Have you been convicted of a felony in the past 5 years? No Yes

If yes, explain: _____

Have you filed all your required Minnesota Income Tax Returns? No Yes

Do you owe any taxes to the State of Minnesota? No Yes

You must attach a copy of the County Board minutes approving the resolution to appoint you as the County Assessor.

By signing below, I certify that this form is correct and complete to the best of my knowledge and belief.

Signature of applicant	Date
------------------------	------

See Reverse for "Use of Information."

MINNESOTA · REVENUE

Use of information

This information request is not required by law to be filed. However, in order to be considered for appointment or reappointment as a county assessor, you must file this form. M. S. 273.061 requires the Commissioner of Revenue to approve the appointment of all county assessors. The Department of Revenue uses this information in order to determine whether to approve your appointment. All information on this form is necessary to identify you and determine if you qualify for appointment as a county assessor. If you do not provide all the required information, approval of your appointment will be delayed while we investigate whether the omission was intentional. If all the information is not provided, the appointment will not be approved, and if we later receive all of the required information, any delay that occurred might affect the date by which your appointment becomes effective.

Your Social Security Number is private information and cannot be disclosed. Your Social Security Number will be used by the department to verify that you have filed and paid your taxes. The Department of Revenue can use this information for tax administration purposes.

All other information on the form, including your address, is public.

Please return this form and attachments to the Department of Revenue, **Property Tax Division**:

Property Tax Division
Mail Station 3340
Saint Paul, MN 55146-3340
FAX: (651) 556-3128

If you would prefer to scan in a signed copy of the completed form and return it to the department via email, please send it to the following email address: drew.imes@state.mn.us

ITEM # Assessor b
REQUEST FOR BOARD ACTION
 * Required Fields



*Person Responsible for Request	*Department	*Board Meeting Date		
Heim, Allen ▼	▼	Oct ▼	9 ▼	2012 ▼

Amount of time being requested: 10 minutes

***Subject Title (As it will appear on the agenda):**
 Roseau Watershed Taxable Status

***Background (Provide sufficient detail of the subject):**

I would like to meet with the Board to discuss the taxable status of three parcels owned by the Roseau Watershed. The Roseau Watershed has filed for exemption but there are taxes owed for pay 2012. We can not assign an exempt parcel to that description as long as a taxable parcel exists. We can not retire the taxable parcel if there are still taxes owed.

***Financial Consideration:**

***Legal Consideration:**

***Other Consideration:**

***Resolution (Wording should reflect the intent of the Board vote):**

Coordinator's Office Use (Do Not Write Below)

Date Received:	Comments:

Board Action:

Comm.	Motion (First)	Motion (Second)	Vote			Vote Result
			Yes	No	Abstain	
Swanson						Passed
Phillipe						
Foldesi						Failed
Falk						
Walker						Tabled

ATTEST: Jeff Pelowski, Interim Coordinator

ITEM # Assessor c
REQUEST FOR BOARD ACTION
 * Required Fields



*Person Responsible for Request	*Department	*Board Meeting Date		
Heim, Allen ▼	▼	Oct ▼	9 ▼	2012 ▼

Amount of time being requested: 10 minutes

***Subject Title (As it will appear on the agenda):**
 Roseau County Trailblazers Taxable Status

***Background (Provide sufficient detail of the subject):**
 I would like to meet with the Board to discuss the taxable status of the abandoned railroad right of way purchased by the Roseau County Trailblazers. The Roseau County Trailblazers have filed for exemption but there are taxes owed for pay 2012. We can not assign an exempt parcel to that description as long as a taxable parcel exists. We can not retire the taxable parcel if there are still taxes owed.

***Financial Consideration:**

***Legal Consideration:**

***Other Consideration:**

***Resolution (Wording should reflect the intent of the Board vote):**

Coordinator's Office Use (Do Not Write Below)

Date Received:	Comments:

Board Action:

Comm.	Motion (First)	Motion (Second)	Vote			Vote Result
			Yes	No	Abstain	
Swanson						Passed
Phillipe						
Foldesi						Failed
Falk						
Walker						Tabled

ATTEST: Jeff Pelowski, Interim Coordinator

ITEM # Env Office

REQUEST FOR BOARD ACTION

* Required Fields



*Person Responsible for Request Pelowski, Jeff	*Department Environmental Services	*Board Meeting Date Oct 9 2012
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***Subject Title (As it will appear on the agenda):**
2013 Market Price Board Resolution

***Background (Provide sufficient detail of the subject):**
Attached draft Board Resolution & letter to MPCA Commissioner Linc Stine establishing the 2013 Market Price for delivery of solid waste management services in Roseau County, (ie. purpose is to determine sales tax liability for 2013).

***Financial Consideration:**
The Market Price of \$45.00 per ton has been included in the 2013 Budget, (no change from 2012).

***Legal Consideration:**

***Other Consideration:**
We are required to establish our Market Price by Board Resolution annually.

***Resolution (Wording should reflect the intent of the Board vote):**
None

Coordinator's Office Use (Do Not Write Below)

Date Received:	Comments:
-----------------------	------------------

Board Action:

Comm.	Motion (First)	Motion (Second)	Vote			Vote Result	
			Yes	No	Abstain		
Swanson						Passed	
Johnston							
Folds						Failed	
Rasmussen							
Walker						Tabled	

ATTEST: Ann Marie Miller, Board Clerk

RESOLUTION
ROSEAU COUNTY BOARD OF COMMISSIONERS

WHEREAS, Minnesota Statutes Chapter 297H.02 requires certain political subdivisions to identify by Resolution a Market Price for solid waste management tax purposes if the political subdivision subsidizes the cost of Municipal Solid Waste (MSW) disposal at a facility, or directly bills for organized collection of MSW on property tax statements; and

WHEREAS, the political subdivision will be liable for any Solid Waste Management Tax (SWMT) based only on the Market Price identified by Resolution; and

WHEREAS, Market Price is defined in State Statute as the “lowest price available in the area”; and

WHEREAS, Roseau County has researched and identified the lowest viable Market Price available in the area; and

THEREFORE BE IT RESOLVED, the County declares the Market Price for all MSW generated in Roseau County to be \$45.00 per ton, based upon the lowest price available in the area (ie. direct haul price to the Mar-Kit Sanitary Landfill), for CY 2013.

October 12, 2012

Commissioner John Linc Stine
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Re: 2013 Solid Waste Management Tax Resolution

Dear Commissioner Linc Stine:

Please find enclosed a copy of a Roseau County Board Resolution establishing the "Market Price" which will be used to calculate the Solid Waste Management Tax (SWMT) for Municipal Solid Waste (MSW) generated in Roseau County in 2013.

Minnesota Statutes Chapter 297H allows certain political subdivisions, such as Roseau County, to identify the lowest available "Market Price" in the area upon which to base its SWMT rate. This provision allows the County to make use of a preferred waste disposal option, even at a higher disposal rate, without being taxed at that higher rate.

As such, this Resolution sets the Market Price for MSW in Roseau County at \$45.00 per ton, which is the direct haul price at the Mar-Kit Sanitary Landfill. This Market Price is effective for CY 2013.

Please feel free to contact me with any questions or concerns.

Sincerely,

Jeff Pelowski
Roseau County Environmental Services Director

CC: Roseau County Board of Commissioners

Enclosure: 2013 Market Price Resolution

ITEM # Cty Board 1
REQUEST FOR BOARD ACTION
 * Required Fields



*Person Responsible for Request	*Department	*Board Meeting Date		
<input type="text"/>	<input type="text"/>	Oct	9	2012

***Subject Title (As it will appear on the agenda):**
 Committee Reports

***Background (Provide sufficient detail of the subject):**
 Commissioners Phillipe and Swanson have submitted committee reports for Board review.

***Financial Consideration:**

***Legal Consideration:**

***Other Consideration:**

***Resolution (Wording should reflect the intent of the Board vote):**

Coordinator's Office Use (Do Not Write Below)

Date Received:	Comments:
<input type="text"/>	<input type="text"/>

Board Action:

Comm.	Motion (First)	Motion (Second)	Vote			Vote Result
			Yes	No	Abstain	
Swanson	<input type="text"/>	Passed <input type="text"/>				
Phillipe	<input type="text"/>	Failed <input type="text"/>				
Foldesi	<input type="text"/>					
Falk	<input type="text"/>	Tabled <input type="text"/>				
Walker	<input type="text"/>					

ATTEST: Jeff Pelowski, Interim Coordinator

JACK SWANSON COMMITTEE REPORTS

SEPT 26, 2012 - HEALTH FAIR COMMITTEE; Oct 17 @ Roseau City Center

OCT 1, 2012 - ROSEAU CITY COUNCIL; looking at municipal liquor store expansion (architect is richard rude)

OCT 1, 2012 - ROSEAU CONVENTION & VISITORS BUREAU

OCT 3, 2012 - ROSEAU COMMUNITY EDUCATION COMMITTEE

OCT 3, 2012 - SHERIFF'S COMMITTEE

OCT 3, 2012 - COURTHOUSE DEPARTMENT HEADS

OCT 3, 2012 - OPERATIONS COMMITTEE

OCT 3, 2012 - COMMUNITY JUSTICE COORDINATING COMMITTEE

**Roseau County Board
OCTOBER 2012 Committee Report
Glenda A. Phillipe**

September 27 -28 – AMC Policy Meeting – Brainerd

eCOURT pilot program update; public safety policies reviewed; overview of policies.

October 2 – LOW/Warroad Watershed/Willow River – World Café - Warroad

October 3 – Sheriff Department – Roseau

October 3 – Courthouse Heads – Roseau

October – Operations Committee – Roseau

October 3 – CJCC – Roseau

October 3 – Lake Township – Warroad

October 9 – County Board – Roseau

October 9 – Warroad City Council – Warroad

October 9 – Warroad School Board – Warroad

October 11 – Land Asset – Roseau

October 15 – LDS – East Grand Forks

October 15 – RCCoA – Roseau

October 16 – Social Services – Roseau

October 16 – Highway Dept. – Roseau

October 16 – RBEG – Roseau

October 23 – County Board – Roseau

October 25 – AMC District III – TRF

October 30 – Community Ed – Warroad

October31 – Legacy Parks and Trails