

PROCEEDINGS OF THE ROSEAU COUNTY BOARD OF COMMISSIONERS

January 11, 2005

The Board of Commissioners of Roseau County, Minnesota met in the courthouse in the City of Roseau, Minnesota on Tuesday, January 11, 2005, at 8:30 a.m. Commissioners present were Orris Rasmussen, Alan Johnston, Jack Stone, Mark Foldesi and Russell Walker. Also present were members of the media.

The meeting was called to order at 8:30 a.m. by County Board Chairman Orris Rasmussen. Commissioner Stone presented the colors and led the Pledge of Allegiance.

Approval of Pelan Trail Grant reimbursement request on behalf of the Roseau County Trail Blazers was added to the agenda. A motion was made by Commissioner Foldesi, seconded by Commissioner Stone, and carried by unanimous vote to approve the amended agenda.

Northwest Minnesota Mentoring co-directors Tammy Doebler and Brenda Arntzen met with the Board to review the mid-year financial status and statistical reports. Nineteen (19) youth have been served so far this fiscal year. On average eleven to twelve (11-12) youth are matched with mentors at any given time and approximately five youth are on the waiting list. The Board discussed the possibility of extending the amount of time a youth may participate in the program and looking for ways that more youth could be served. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried by unanimous vote to adopt the following resolution:

2005-01-71

BE IT RESOLVED, that the Board does hereby approve the Northwest Minnesota Mentoring Program's mid-year report authorizes Commissioner Rasmussen to sign the report.

A motion was made by Commissioner Foldesi, seconded by Commissioner Walker, and carried by unanimous vote to approve the proceedings of the December 14, 2004 and December 28, 2004 regular board meetings and the proceedings of the December 21, 2004 special board meeting.

Commissioner Rasmussen relinquished the Chair to Vice-chair Commissioner Johnston to attend to MRCC business.

Auditor Anne Granitz met with the Board to present auditor warrants and commissioner warrants for approval. A motion was made by Commissioner Stone, seconded by Commissioner Foldesi, and carried by unanimous vote to approve payment of auditor warrants and commissioner warrants as follows:

643.94	ACE HARDWARE-ROSEAU	400.00	ADAMS NATHAN
1156.44	AMERICAN OVERHEAD DOOR CO	400.00	ANDERSON JOHN V
400.00	BECKER KEVIN	309.38	CLASEN FRED
1360.00	CRITCHLEY ANGELA	1028.33	DONOVAN ENTERPRISES INC
400.00	EIDSMOE TOBI	440.00	EMPLOYERS ASSOCIATION INC
960.00	ENGELSTAD MONICA	400.00	GUST STEVE
400.00	HANSON JULE	1137.50	HEPPNER CONSULTING INC
29063.70	MAR-KIT LANDFILL	400.00	MAURSTAD CHAD

600.00	MN DEPT OF ADMINISTRATION	16450.00	MN DEPT OF CORRECTIONS
1246.00	MN SHERIFF'S ASSN	400.00	NELSON JEFF
463.90	NORTHLAND TIRE	1040.00	NW CONCRETE PRODUCTS
6048.00	NW MN HOUSEHOLD HAZARDOUS	333.30	POLARIS INDUSTRIES INC
831.87	RATWIK, ROSZAK & MALONEY, PA	400.00	RESTAD MATT
20119.72	ROSEAU CO SOIL & WATER CONS	600.00	ROSEAU CO TREASURER
536.23	ROSEAU DIESEL SERVICE INC	2387.49	SJOBORG'S INC
1950.00	VOYAGEURS COMTRONICS	2007.35	WEST GROUP PAYMENT CENTER
39 PAYMENTS LESS THAN \$300		5,096.16	
****		****	
FINAL TOTAL.....		\$99,409.31	

And that the summary of auditor warrants be approved as follows:

December 30, 2004	\$ 263,115.43
January 4, 2005	\$ 27,097.68

Ms. Granitz presented 2005 liquor licenses for Board approval. A motion was made by Commissioner Stone, seconded by Commissioner Foldesi, and carried by unanimous vote, that the following resolution be adopted:

2005-01-72

BE IT RESOLVED, that off-sale 3.2 percent malt liquor licenses for the period February 1, 2005 through January 31, 2006, be granted to Brian W. Olson (Olson's Skime Store), Don Jackson (DJ's Salol Store), Brett Creger/Radie Stein (Valley Plus), and Philo Peterson (Springsteel Resort, Inc.) at a fee of \$30 each.

BE IT FURTHER RESOLVED, that the Roseau County Board of Commissioners hereby grants a one-year on-sale intoxicating liquor license, effective February 1, 2005, through January 31, 2006 to Philo Peterson (Springsteel Resort, Inc.) with license fee set at \$500 and an additional 20 percent, or \$100, fee set by the Lake Town Board, and also grants a Sunday License, with license fee set at \$125, and recommends that said license be approved by the Minnesota Liquor Control Director.

BE IT FURTHER RESOLVED, that the Roseau County Board of Commissioners hereby grants a one-year club on-sale liquor license, effective February 1, 2005 to January 31, 2006, to the Warroad Aerie No. 4195 Fraternal Order of Eagles, with license fee set at \$300 and an additional 20 percent, or \$60, fee set by the Lake Town Board, and also grants a Sunday license, with license fee set at \$125, and recommends that said license be approved by the Minnesota Liquor Control Director.

BE IT FURTHER RESOLVED, that the Roseau County Board of Commissioners hereby grants a one-year off-sale intoxicating liquor license, effective February 1, 2005 to January 31, 2006, to Sheila Stoskopf and Shannon Stoskopf (Pine Ridge Liquor, Inc.) with license fee set at \$500 and an additional 20 percent, or \$100, fee set by the Lake Town Board, and recommends that said license be approved by the Minnesota Liquor Control Director.

Ms. Granitz presented the Pelan Performance Grant on behalf of the Roseau County Trail Blazers for approval for reimbursement. A motion was made by Commissioner Foldesi, seconded by Commissioner Walker, and carried by unanimous vote to adopt the following resolution:

2005-01-73

BE IT RESOLVED, that the Board does hereby approve the Department of Natural Resources Pelan Trail Grant invoice for payment to the Roseau County Trail Blazers in the amounts of \$9,300 and \$21,700.

The Board discussed on-going constituent concerns relating to trail grooming and the need to maintain better communication with the trail administrator in order to stay better informed. The Coordinator was directed to write a letter to the trail administrator expressing the Board's concern regarding lack of information and requesting that the Board get a copy of the trail log when invoices are turned in to the Board for approval.

Commissioner Rasmussen returned to the meeting and Commissioner Johnston relinquished the chair.

Auditor Granitz administered the oath of office to newly appointed Assessor Lorna Sandvik.

The Board discussed the Minnesota Heartland Tourism Association 2005 membership request. A motion was made by Commissioner Johnston, seconded by Commissioner Stone, and carried by unanimous vote to adopt the following resolution:

2005-01-74

BE IT RESOLVED, that the Board does hereby approve membership in the Minnesota Heartland Tourism Association at a 2005 membership rate of \$200.

The Board discussed approval of the Maximus contract. Maximus is a consulting firm retained by the Minnesota Counties Research Foundation to develop a central services cost allocation plan to determine allowable reimbursable cost of providing human services support services for recovery of funds. Roseau County participates in this Foundation as a member of the Association of Minnesota Counties. A motion was made by Commissioner Stone, seconded by Commissioner Johnston, and carried by unanimous vote to adopt the following resolution:

2005-01-75

BE IT RESOLVED, that the Board does hereby approve the 2005 contract between Minnesota Counties Research Foundation ("Foundation") and Roseau County to provide an indirect cost allocation and recovery plan to be completed for 2004 and recovered in 2006.

BE IT FURTHER RESOLVED, that the Board understands that the Foundation has retained MAXIMUS (Consultant) a firm that is knowledgeable and experienced in the requirements of developing and negotiating such cost allocation plans and does hereby authorize payment of consulting fee in the amount of \$5,320 to be paid to the Foundation on behalf of Maximus.

The Board discussed approval of renewal of the Wynne Consulting contract. A motion was made by Commissioner Stone, seconded by Commissioner Foldesi, and carried by unanimous vote to adopt the following resolution:

2005-01-76

BE IT RESOLVED, that the board does hereby approve renewal of the contract for administrative services with Wynne Consulting.

The Board discussed the DNR's closing of access on Ditch #95 and Ditch #17 in District 5. The Board discussed removing of DNR signage on these two access locations and adding Roseau County signage that states that the access is open. A motion was made by Commissioner Foldesi, seconded by Commissioner Stone, and carried by unanimous vote to adopt the following resolution:

2005-01-78

BE IT RESOLVED, that the Board does hereby decree that all roads and trails in unorganized townships in Roseau County shall be open for public use and that unorganized townships will bear the responsibility for maintenance of said roads and trails.

A motion was made by Commissioner Walker, seconded by Commissioner Foldesi and carried by unanimous vote to adopt the following resolution:

2005-01-77

BE IT RESOLVED, that the Board does hereby designate all roads in unorganized townships in Roseau County closed to Department of Natural Resources (DNR) vehicles and machinery unless specifically posted open.

BE IT FURTHER RESOLVED, that the Department of Natural Resources (DNR) may access closed roads by permit only and may obtain said permit from the Commissioner in whose district the road is located.

BE IT FURTHER RESOLVED, that this is effective January 24, 2005.

Commissioner Rasmussen recessed the meeting at 10:15 a.m. The meeting reconvened at 10:30 a.m.

Area Forest Supervisor Larry Long met with the Board to review the OHV proposal for the Beltrami Island State Forest. Regional Director Paul Swenson, Area Trails Supervisor Mary Broten and other DNR staff were also present. Ms. Broten gave a power point presentation reviewing the planning process that preceded the development of the proposal. Ms. Broten noted that the DNR's re-classification of trails is a result of 2003 State Legislation mandating that all Minnesota State Forests be inventoried and reclassified from managed to either limited or closed. Ms. Broten informed the Board that the criteria used in developing the proposal were access, previous use and trail alignment. She noted that eight DNR staff spent three month on ATV's completing a GPS inventory. After completion of the inventory, a group of DNR personnel met and made recommendations for trail status as open or closed. The DNR has made maps of the proposal available on the web site and have scheduled a public hearing for and invited public response until January 28, 2005.

Commissioner Johnston expressed frustration with the maps made available on the DNR web site. He noted that the maps are inadequate and make it difficult if not impossible to

comment specifically on trail closings as they cannot be easily identified. Paul Swenson noted that he agreed and that they were having discussions about extending the comment period.

Commissioner Rasmussen questioned why no one except DNR personnel was on the steering committee that made the recommendations for trail closings. DNR staff stated that due to time constraints they decided not to expand the committee. Roseau City Mayor Jeff Pelowski requested that better maps be provided for the public at the meeting scheduled for January 13, 2005 in Warroad. Mr. Pelowski acknowledged that he understood that adding trails back in would still be possible through a five-step process and questioned what process would be required to remove additional trails from the system. DNR personnel informed him that the same five-step process would be used.

Northwest Regional Development Commissioner Transportation/GIS Planner Troy Schroeder asked how the DNR intended to maintain the trails/roads that will remain open to OHV use. He also asked how the DNR intended to keep the trails open for walking that would now be closed to motorized traffic and horses. He noted that the trails have historically been kept open by use. Snowmobile and ATV clubs have groomed and maintained these trails. Without this collaboration, it is going to cost the DNR a substantial amount of money to keep these trails open for the walking traffic that is still allowed. The DNR personnel stated they were not certain, adding that one of the reasons for reducing the number of trails is to make it possible to meet the goal of managed trails in managed forests.

Commissioner Johnston asked what the DNR is doing for licensed highway vehicles (LHV). Larry Long answered that the DNR is not a road authority and is not in the business of providing roads for LHV.

ATVAM representative Phil Morud made a comment to the DNR that he did not think it was appropriate for the public comment period to begin until adequate maps were made available to the public. Mr. Morud requested a copy of the notes on the 183 miles of trails that were not designated.

Commissioner Walker concurred with Mr. Morud, stating that he thought it would be appropriate for the public to be informed as to why the DNR made the decisions that they did on each trail. If the public is required to provide the DNR, on a trail by trail basis, with the reasoning why a trail should remain open, it would see only fair that the public have access to the information the DNR used to designate a trail closed.

Ms. Broten responded that she did not believe extensive notes were taken on each segment. She added that the agency felt pressured by time to complete the inventory and make recommendations and did not document in detail.

LaVern Voll questioned the appropriateness of the impact the Twin Cities media had on the DNR in their decision to reclassify the forests. He noted that it is unfair for the urban centers to dictate decisions in communities hundreds of miles away. He added that the DNR appears to be responding to the pressure of environmentalists and preservationists in the metro area, but yet do not have a problem leasing land in Roseau County so that a gun complex can be developed. Mr. Swenson responded that leasing of land to sportsmen's organizations for gun ranges is part of a policy to promote safe places to sight in guns.

Jeff Pelowski commented that there appears to be a lot of confusion surrounding the DNR proposal and noted that the DNR will eventually have to respond to why they are closing trails otherwise they will be fighting an uphill battle.

Commissioner Johnston asked the DNR if they would be willing to take the initiative and do the mitigation that is necessary for certain trails that are currently designated as wet-lands if there was enough public comment to keep those trails open. Paul Swenson asked if the county would be willing to use wetland credits and added that they would do it if necessary.

Carol Kofstad asked for the number of the statute that the DNR is referring to when they state that their actions are being dictated by 2003 legislation. A 6100 DNR rule number was given. Ms. Kofstad stated that she did not want the rule, she wanted the guiding statute. Ms. Kofstad then asked what or who governs the rules that are developed out of statute to insure that they meet the intent of the law. Mr. Swenson stated that there is an oversight advisory board. Ms. Kofstad asked about the process planned for the Lost River State Forest. Ms. Broten informed Ms. Kofstad that the Lost River process would begin next fall. Ms. Kofstad then asked about the closing of the shelters in the Lost River Forest. Mr. Swenson noted that trail designation and shelter closings are two separate issues.

Commissioner Rasmussen followed up and asked why the cabin leases are being discontinued in the Lost River Forest already if no trail designation has been made. Mr. Swenson responded that policy has been moving in the direction of eliminating cabin leases.

Mr. Pelowski asked if the DNR would support a bill to allow forest classification to return to the three classifications of managed, limited and closed if it were introduced this year. Mr. Swenson stated that the DNR if that was the consensus and a bill was introduced, the DNR would support that.

Commissioner Rasmussen asked what kind of abuse has been documented. He commented that he thought it was unacceptable to make a decision to reduce and eliminate access before abuse has been documented.

Roseau Times Region reporter Tristan Sjaaheim asked if the DNR has any concern about bottleneaking due to closing of trails. He followed up, asking if the DNR would then use that situation as an excuse to further restrict access. Mr. Swenson responded that it is the DNR motto to have sustainable, maintainable, enforceable trails. Mr. Swenson stated that the DNR will expect voluntary compliance. They will look to the ATV and snowmobile clubs to enforce and manage the trail use. If necessary they will put additional conservation officer in the field and will set up monitoring of compliance. Lack of compliance will lead to further restriction.

Commissioner Foldesi asked the DNR if they intended to shift the trail designation committee makeup in future forest planning processes. He added that he believed the DNR needed to keep better records and that he would advise assessing the one-sidedness of the recommending committee. Ms. Broten reiterated that due to time constraints it was difficult to bring in outside people and still keep to the schedule. Commissioner Foldesi stated that given that logic that he could presume then that the DNR would have no problem if Roseau County directed their engineer to go ahead and clean ditches and not worry about waiting for the DNR permit since it was taking so much time. Mr. Swenson stated that is not at all what the DNR is saying. Commissioner Foldesi followed up by stating that he believed it would only be fair for the

DNR to have to comply with the same types of rules and regulations that they exert on other agencies such as the watershed boards or the County.

Due to time constraints, the BISF trail discussion was closed.

Engineer Brian Ketring met with the Board to request approval of release of a right-of-way to the Roseau River Watershed District for the West Intercept Project. Mr. Ketring noted that this right-of-way included six parcels and five landowners. A motion was made by Commissioner Johnston, seconded by Commissioner Foldesi, and carried by unanimous vote to adopt the following resolution:

2005-01-79

BE IT RESOLVED, that the Board does hereby approve release of right of way on the West Intercept Project to the Roseau River Watershed District.

BE IT FURTHER RESOLVED, that the Board does hereby authorize Commissioner Rasmussen to sign the approval of release on behalf of Roseau County.

Mr. Ketring informed the board that he had spoken to attorney Kurt Deter regarding Roseau County's liability in the eminent domain legal suits that are pending in relation to the West Intercept Project. Mr. Deter does not believe that the County has any liability in this matter and does not need any legal representation. Mr. Deter will be representing the Roseau River Watershed and should the County need representation as the matter proceeds; he will provide legal counsel on behalf of the County.

The Board discussed adding a *Committee of the Whole* to the official Roseau County Committees. A motion was made by Commissioner Johnston, seconded by Commissioner Foldesi, and carried to adopt the following resolution:

2005-01-80

BE IT RESOLVED, that the Board does hereby establish a **COMMITTEE OF THE WHOLE** and does hereby appoint Commissioners Rasmussen, Johnston, Foldesi, Stone and Walker to the committee.

BE IT FURTHER RESOLVED, that per diem will be granted for Committee of the Whole meetings.

The Board discussed Board attendance at the DNR Public Hearing on January 13, 2005 in Warroad. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried to adopt the following resolution:

2005-01-81

BE IT RESOLVED, that the Board does hereby authorize Commissioners Rasmussen and Walker to attend the Department of Natural Resources Public Hearing scheduled on January 13, 2005 in Warroad regarding the proposed re-classification of the BISF and trail and access closings.

Coordinator Teresa Harren requested the Board approve membership in the Minnesota Association of County Administrator. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried to adopt the following resolution:

2005-01-82

BE IT RESOLVED, that the Board does hereby authorize membership in the Minnesota Association of County Administrators.

Commissioner Johnston reported on the December 15, 2004 ISTS Advisory Committee meeting he attended in St. Cloud. He noted a number of upcoming changes in licensing and regulations.

Commissioner Walker reported on the January 10, 2005 KaMaR meeting. He noted that Red Lake County is now officially part of the collaboration.

Upon motion carried, Chairman Orris Rasmussen adjourned the meeting at 1:00 p.m. The Board will convene its next meeting at 8:30 a.m. on January 25, 2005.

Attest:

Date: _____

Teresa R. Harren
County Coordinator

Orris Rasmussen
Board Chairman