

PROCEEDINGS OF THE ROSEAU COUNTY BOARD OF COMMISSIONERS

November 29, 2005

The Board of Commissioners of Roseau County, Minnesota met in the courthouse in the City of Roseau, Minnesota on Tuesday, November 29, 2005, at 8:30 a.m. Commissioners present were Orris Rasmussen, Alan Johnston, Mark Foldesi, and Russell Walker. Commissioner Jack Stone was excused. Also present were members of the media.

The meeting was called to order at 8:30 a.m. by County Board Chairman Orris Rasmussen. The Board recited the Pledge of Allegiance.

Commissioner Walker requested a discussion of the Kittson County Department of Natural Resources signage issue be added to the agenda. Coordinator Harren requested the Board add the Association of Minnesota Counties delegate vote to the agenda. Ms. Harren also noted that the 11:45 appointment with Terry Foy was cancelled due to inclement weather. Commissioner Rasmussen requested that an appointment with Wendy Loken be added at 11:00 a.m. during the County Engineer appointment. A motion was made by Commissioner Foldesi, seconded by Commissioner Johnston, and carried by unanimous vote to approve the amended agenda.

The Board gave Committee reports. Commissioner Rasmussen informed the Board that Commissioner Stone had bypass surgery on Monday and that he was in stable condition. Mr. Rasmussen noted that due to the weather, he and many other commissioners were unable to attend the Minnesota Rural Counties Caucus (MRCC) meeting in Brainerd. They have decided to convene the December 4, 2005 MRCC meeting early.

Commissioner Johnston and Walker reported on the Paul Bunyan Task Force. The Lake of the Woods County Board has approved the proposed 60/40 cost share proposal. The grant will be reviewed next week and, if approved, the Roseau County and Lake of the Woods County Sheriffs will be invited to attend a Paul Bunyan Task Force meeting in Bemidji on December 8, 2005. At that time, the name of Deputy Joel Hobbs will be submitted for consideration as our joint Paul Bunyan Task Force officer. If approved, Mr. Hobbs would begin at the beginning of the grant year.

Commissioner Rasmussen and Commissioner Walker reported on the ATV Ordinance Planning Meeting. A list of roads has been selected by the group. The Board is asked to review the list and note any objections or request any additions. The planning group will meet again on December 2, 2005. It is anticipated that the road list will be finalized and then made available at various public locations for review and comment. A public hearing will be scheduled after that.

Commissioner Walker and Commissioner Foldesi gave a Highway Department Committee update. Commissioner Walker informed the Board that the committee is recommending an additional 9 miles of road in the unorganized townships of Oakes and Clear River be added to the route that Jeff O'Donnell is currently contracted to snowplow. A motion was made by Commissioner Walker, seconded by Commissioner Foldesi, and carried by unanimous vote to adopt the following resolution:

2005-11-10

BE IT RESOLVED, that the Board does hereby approve the addition of six (6) miles of County Road No. 141 and three (3) miles of County Road No. 136 to Jeff O'Donnell's snowplowing agreement.

Commissioner Rasmussen reported on the AMC Clean Water Committee conference call he participated in. Commissioner Rasmussen noted that it is the agreement of the committee that impaired water cleanup costs be funded from a single source and not pushed onto local taxpayers.

Commissioner Foldesi noted that he had been invited by Kittson County to attend a trail planning meeting. Commissioner Foldesi stated that DNR Deputy Commissioner Mark Holsten and Regional Director Mike Carroll were both in attendance along with their cabinet. Mr. Foldesi stated that the DNR advised that there are three possible approaches to coming to an agreement with regard to trails: do nothing; change legislation; or enter into a memorandum of understanding with individual counties. Commissioner Foldesi noted that it does not appear that any solution will be easy.

The Board discussed the appointment of two commissioners to serve on the Beltrami Island State Forest OHV Trail Planning Team. A motion was made by Commissioner Foldesi, seconded by Commissioner Johnston, and carried by unanimous vote to adopt the following resolution:

2005-11-11

BE IT RESOLVED, that the Board does hereby appoint Commissioner Walker and Commissioner Johnston to serve on the Beltrami Island State Forest OHV Trail Planning Team.

BE IT FURTHER RESOLVED, that the Board appoints Commissioner Rasmussen, Commissioner Foldesi, and Commissioner Stone as alternates.

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

2005-11-12

BE IT RESOLVED, that the Board does hereby establish a Roseau/Kittson County Wildlife Management Committee.

BE IT FURTHER RESOLVED, that the Board appoints Commissioner Foldesi as the Roseau County delegate on this committee and Commissioners Rasmussen, Johnston, Walker, and Stone as alternates.

Phil Kotta met with the Board to discuss a concern related to a FEMA ditch cleaning project along County Road No. 135 in unorganized America Township. Mr. Kotta presented a survey of the ditch noting discrepancies in the ditch bottom elevations that he believes leads to overland flooding problems. Mr. Kotta questioned why the project was not done more competently. County Engineer Brian Ketring was present and explained that the FEMA contract only provided for sediment removal in specified locations as a result of flood damage. Mr. Ketring explained that any work done outside the scope of the contract jeopardizes FEMA

funding. Mr. Ketring further noted that the elevation issues in the ditch existed before the FEMA work was done and were not a result of the flood, hence they could not be taken care of as part of that project. Mr. Ketring agreed that the ditch bottom is not level and indicated that this problem has been addressed with the township board. Cedarbend Township has requested that Roseau County rebuild the road but funds are not available.

The Board discussed a situation with the DNR along Roseau County/Kittson County line bordering border of Polonia and June Berry townships. Kittson County has not made a specific request at this time but wanted Roseau County to be informed of the situation.

The Board discussed correspondence from the Minnesota Board of Water and Soil Resources (BWSR) requesting the Board adopt the approved Roseau County Comprehensive Local Water Plan. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried by unanimous vote to adopt the following resolution:

2005-11-13

WHEREAS, the Roseau County Board of Commissioners has been notified by the Minnesota Board of Water and Soil Resources that the Roseau County Comprehensive Local Water Management Plan has been approved according to Minnesota Statutes Chapter 103B.301:

NOW, THEREFORE BE IT RESOLVED, the Roseau County Board Commissioners hereby adopts and will begin implementation of its approved comprehensive water plan.

BE IT FURTHER RESOLVED, after the adoption of the local comprehensive water management plan, the Roseau County Board shall amend exiting water and related land resources plans and official controls as necessary to conform them to the applicable and approved comprehensive water plan.

BE IT FURTHER RESOLVED, after the adoption of the local comprehensive water management plan, Roseau County shall notify local units of government within the County of the adoption of the plan or amendments to the plan. The local units of government are required to submit existing water and related land resources plans and official controls within 90 days to the County Board for review.

BE IT FURTHER RESOLVED, Within 180 days, the Roseau County Board shall review the submitted plans and official controls and identify any inconsistencies between the local plans and official controls, and local comprehensive water management plan. The Roseau County Board shall specify applicable and necessary measures to bring the local plans and official controls into conformance with the local comprehensive water management plan.

BE IT FURTHER RESOLVED, if a local unit of government disagrees with any changes to its plan, the local unit has 60 days after receiving the county's recommendations to appeal the recommendations to the Board of Water and Soil Resources.

BE IT FURTHER RESOLVED, after receiving the recommendations of the Roseau County Board, or a resolution of an appeal, a local unit of government has 180 days to initiate revisions to its plan or official controls. The new or revised plans and official controls must be submitted to the Roseau County Board for review and recommendations.

The Board discussed a request from the Fourtown/Grygla Sportsman's Club to grant a Right-of-Way-Easement. A motion was made by Commissioner Walker, seconded by Commissioner Foldesi, and carried by unanimous vote to adopt the following resolution:

2005-11-14

WHEREAS, the Fourtown/Grygla Sportsman's Club has applied to Roseau County for a right-of-way easement on the following county roads in Reine Township of Roseau County: County Road 9 from the southwest corner of Section 31 northerly for a distance of one-half mile; and County Road 18 from the northwest corner of Section 35 easterly to the northeast corner of Section 35, then northerly to the northwest corner of Section 24; and

WHEREAS, the Roseau County Board of Commissioners wishes to encourage trail development and promote tourism within the county;

NOW, THEREFORE, BE IT RESOLVED, that the Fourtown/Grygla Sportsman's Club be granted a right-of-way easement on the following county roads in Reine Township of Roseau County: County Road 9 from the southwest corner of Section 31 northerly for a distance of one-half mile; and County Road 18 from the northwest corner of Section 35 easterly to the northeast corner of Section 35, then northerly to the northwest corner of Section 24, subject to certain terms and conditions as set forth in the granting document.

BE IT FURTHER RESOLVED, that Chairman Orris Rasmussen and Auditor Anne Granitz are hereby authorized to sign the easement on behalf of Roseau County.

Board Chair Rasmussen recessed the meeting at 10:00 a.m. The Board reconvened at 10:10 a.m.

Assistant County Attorney Lisa Hanson met with the Board. Ms. Hanson requested the Board approve a resolution ratifying their previous resolution to award a contract to Industrial Contract Services, Inc. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried by a 4 - 0 vote to adopt the following resolution:

2005-11-15

WHEREAS, the Roseau County Board of Commissioners voted 3-2 to approve the bid on the Roseau County Jail/Social Services Building Project, with the deduction of alternate No. 4 (social services building), on October 10, 2005; and

WHEREAS, the Roseau County Board of Commissioners voted 2-1 to accept the low bid of Industrial Contract Services (ICS) in the amount of \$7,340,220 for the Roseau County Jail/Social Services Building Project (including the social services building) on November 22, 2005; and

WHEREAS, the Roseau County Board of Commissioners was subsequently advised by the Office of the Roseau County Attorney that Minnesota Statute § 375.07 provides that no business may be done unless voted for by a majority of the whole board; and

WHEREAS, the Roseau County Board of Commissioners, in the interests of preventing potential litigation, wishes to clarify its previous action;

NOW, THEREFORE, BE IT RESOLVED, that the Roseau County Board of Commissioners, based on the recommendation of the Office of the Roseau County Attorney, hereby ratifies and confirms its previous action of November 22, 2005 to accept the low bid of Industrial Contract Services (ICS) in the amount of \$7,340,220 for the Roseau County Jail/Social Services Building Project.

Ms. Hanson presented the Board with the list of proposed roads to be included in the ATV Ordinance that she is drafting. Ms. Hanson noted that the purpose of this ordinance is to promote recreation, tourism, and economic development within the county.

Ms. Hanson noted that she is now attending the Sheriff's Commission meeting and that the committee is working on updating the mutual aid agreements between local law enforcement agencies and solidifying the transport policy. Ms. Hanson provided Board members with a copy of the school safety booklet received at the training she and County Attorney Moren attended.

Ms. Hanson responded to questions from the Board regarding a resolution to reimburse county funding. Ms. Hanson deferred the question to the county auditor who will be handling the bond process. Ms. Hanson was asked for an update on the June Berry Cartway. Ms. Hanson stated that she has looked into the matter but does not have a full understanding of why the cartway was not recorded and why a survey was being done since it was not required in the original paperwork. The Board is not sure if the matter progressed beyond the establishment of a cartway into establishing an access road. Ms. Hanson will look into this matter further.

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

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
1168.79	BERGAN TRAVEL INC	1112.29	C & M FORD SALES INC
648.59	COMPUTERLAND AN NETWORK CENTER	1411.34	DAKOTA SUPPLY GROUP
9559.59	TONY DORN INC	300.00	JAMES DOSTAL
825.00	EMPLOYERS ASSOCIATION INC	553.65	GARTNER REFRIGERATION CO
930.00	GEO-COMM CORPORATION	611.97	GRAND VIEW LODGE
1039.00	HELGESON FUNERAL CHAPEL INC	330.00	HEPPNER CONSULTING INC
21084.00	KAMAR SOLID WASTE FUND	51888.76	KLEIN MCCARTHY & CO LTD ARCHIT
725.00	MN DEPT OF PUBLIC SAFETY-STATE	491.23	JEFF PARKER
17096.75	PRO-WEST & ASSOCIATES INC	329.84	QUILL CORPORATION
1131.95	SPIELMAN RADIO	4436.25	U OF MN EXTENSION SERVICE
1199.15	U SAVE FOODS	300.00	VIOLENCE INTERVENTION PROJECT
4128.87	WEST GROUP PAYMENT CENTER		
	34 PAYMENTS LESS THAN \$300	3,410.64	
	**** FINAL TOTAL.....	\$124,712.66	****

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

November 17, 2005	\$ 13,556.73
November 23, 2005	\$ 102,751.21

Ms. Granitz requested the Board approve the maintenance agreement on the tape drive and optical library data server. Ms. Granitz noted that in the past we have approved an annual contract but that IBM has proposed a 36 month pre-paid option in the amount of \$15,546.87 that will save the county \$1400 plus any increases. A motion was made by Commissioner Johnston,

seconded by Commissioner Walker, and carried by unanimous vote to adopt the following resolution:

2005-11-16

BE IT RESOLVED, that the Board does hereby authorize entering into contractual agreement with IBM for maintenance services for the Model 7208-345 Tape Drive and Model 3995 Optical Library in the amount of \$15,546.87 from December 2005 through December 2008.

Ms. Granitz gave an election plan update. Ms. Granitz noted that Roseau County has forty-four precincts. Of these precincts, twenty-seven have combined to vote in eleven polling places. Eleven precincts are stand alone polling places and five precincts will vote by mail. One precinct remains undecided. Ms. Granitz stated that the election plan will be finalized in the next few weeks and requested the Board set a public hearing date. A motion was made by Commissioner Johnston, seconded by Commissioner Foldesi, and carried by unanimous vote to adopt the following resolution:

2005-11-17

BE IT RESOLVED, that the Board does hereby set a public hearing date of December 27, 2005 at 11:00 a.m. to hear public comment on the proposed Roseau County Election Equipment Plan.

County Engineer Brian Ketring met with the Board. Mr. Ketring requested the Board approve resolutions supporting two CSAH projects that are scheduled for 2006 construction. Mr. Ketring informed the Board that his office will be submitting a grant application to the state for help funding these projects. A motion was made by Commissioner Walker, seconded by Commissioner Johnston, and carried by unanimous vote to adopt the following resolution:

2005-11-18

BE IT RESOLVED, that the Roseau County Board does hereby acknowledge its support of S.A.P. 68-628-02, grading, aggregate shouldering and bituminous surfacing to a ten ton status of a 0.5 mile segment of CSAH No. 28 located 1 mile east of the City of Roseau from the intersection of TH 11 north 0.5 miles as a Route of Regional Significance.

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

2005-11-19

BE IT RESOLVED, that the Roseau County Board does hereby acknowledge its support of S.A.P. 68-613-17, aggregate shouldering and bituminous surfacing of a 1.71 mile segment of CSAH No. 13 located 2 miles north of the City of Warroad from the intersection of TH 313 east to Springsteel Island as a Route of Regional Significance.

The Board discussed the Roseau County Mailbox Policy. Mr. Ketring stated that the policy states that Roseau County will replace or repair any American Association of State Highway and Transportation Officials (AASHTO) approved mailboxes that are damaged by highway department equipment in the process of snow plowing. The policy provides that for a

fee of \$50.00 the county will install an approved mailbox stand that the homeowner can put a mail box of choice on. Mr. Ketring informed the Board that Roseau County's insurance company investigates and settles claims on behalf of Roseau County relating to mailbox damage. Commissioner Rasmussen requested clarification on the Wendy Loken mail box matter. Mr. Ketring stated that Ms. Loken's mailbox damage was reported to MCIT and that he is not sure of the outcome. Commissioner Rasmussen expressed his concern with the repeated destruction of this particular mailbox and hoped that something could be done to prevent ongoing problems. The Board deferred the matter to the Highway Department to resolve.

The Board discussed the AMC delegates approved at the previous Board meeting. By consensus the Board agreed to place County Engineer Brian Ketring as alternate this year and add County Coordinator Teresa Harren as a delegate. The list of 2005 AMC delegates are as follows:

- Alan B. Johnston, Roseau County Commissioner
- Anne K. Granitz, Roseau County Auditor
- J.C. Stone, Roseau County Commissioner
- Mark S. Foldesi, Roseau County Commissioner
- Orris A. Rasmussen, Roseau County Commissioner
- Russell E. Walker, Roseau County Commissioner
- Teresa Harren, Roseau County Coordinator
- David Anderson, Roseau County Social Services Director

The Board acknowledged the following correspondence: Minnesota Office of Environmental Assistance RE: Notice of Disbursement of Fiscal Year 2006 First Half Block Grant; State of Minnesota Public Utilities Commissioner RE: In the Matter of the Biennial Transmission Projects Report; Minnesota Department of Commerce RE: Procedural Comments of the Minnesota Department of Commerce. No action was taken.

Upon motion carried, Chairman Orris Rasmussen adjourned the meeting at 11:45 a.m. The Board will convene its next regular meeting at 8:30 a.m. on December 13, 2005.

Attest:

Teresa Harren
County Coordinator

Date: _____

Orris Rasmussen
Board Chairman