

PROCEEDINGS OF THE ROSEAU COUNTY BOARD OF COMMISSIONERS

May 10, 2005

The Board of Commissioners of Roseau County, Minnesota met in the courthouse in the City of Roseau, Minnesota on Tuesday, May 10, 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.

Appointments with Sheriff Jule Hanson and Emergency Manager Gracia Nelson and discussion of county responsibility for septic systems were added to the agenda. A motion was made by Commissioner Stone, seconded by Commissioner Foldesi, and carried by unanimous vote to approve the agenda as written.

Assistant County Attorney Lisa Hanson met with the Board. Ms. Hanson reported that the County received the Remote Electronic Alcohol Monitoring (REAM) grant that she had written on behalf of the Sheriff's Department. The grant amount is \$8,720 per year for two years. Ms. Hanson noted that May 6, 2005 was Law Day and that over 250 second and third graders visited the Roseau County Courthouse. Courthouse tours were given and mini mock trials were held. In the afternoon a session was held for high school students. Ms. Hanson informed the Board that in the past two weeks four new reports of criminal sexual contact were made, three involving minor children and one adult sexual assault and 139 cases had been on the court docket. Ms. Hanson noted that she attended a child support training and is registered for the Land Use training on May 19, 2005 and Juvenile Jumpstart on June 15 and 16, 2005. Ms. Hanson provided the Board with legal opinions on two matters, one involving County responsibility in public access matters and one involving distinguishing between county and contract employees. Ms. Hanson provided the Board with a memorandum prepared by County Attorney Moren sighting a Supreme Court case that held a county liable for failing to adequately investigate a child maltreatment report.

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

| AMOUNT | VENDOR NAME | AMOUNT | VENDOR NAME |
|---------------|--------------------------------|---------------|--------------------------------|
| 529.00 | ACS | 304.70 | AMERICAN SOLUTIONS FOR BUSINES |
| 520.00 | APCO, AFC INC. | 802.08 | BALLARD MOTOR CO |
| 840.00 | DENISE BAUER | 374.00 | BISMARCK RAMKOTA HOTEL |
| 405.00 | CLASEN FRED | 426.57 | COLE PAPERS, INC. |
| 677.20 | COMPUTERLAND AN NETWORK CENTER | 345.34 | FOLDESI MARK S |
| 300.00 | GIESEKE FUNERAL CHAPEL, FLORAL | 390.60 | GRAND FORKS GROCERY FOOD SERV |
| 342.75 | GREENBUSH SANITATION LTD | 367.00 | HELGESON FUNERAL CHAPEL INC |
| 1510.00 | HEPPNER CONSULTING INC | 2400.00 | HOFFMAN DALE & SWENSON PLLC |
| 3614.10 | JOHNSON OIL CO INC | 42376.24 | JOHNSTON FARGO CULVERT INC-ND |
| 1101.87 | K & K SALES INC | 605.48 | VERLYN KAML |
| 25784.79 | KLEIN MCCARTHY & CO LTD ARCHIT | 456.99 | M & R SIGN CO INC |
| 32115.15 | MAR-KIT LANDFILL | 600.00 | MN DEPT OF ADMINISTRATION |
| 920.26 | MN DEPT OF TRANSPORTATION | 1381.74 | NORTHLAND TIRE |
| 439.95 | POLARIS INDUSTRIES INC | 395.12 | QUALITY PRINTING |

BE IT RESOLVED, that the Board does hereby accept the Joint Powers Law Enforcement Agreement for cooperative law enforcement efforts on county and city special response teams and authorizes Board Chairman Orris Rasmussen to sign the agreement on behalf of Roseau County.

The Board reviewed and discussed the Sheriff's Department labor contracts. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried by unanimous vote to adopt the following resolution:

2005-05-03

BE IT RESOLVED that the Board does hereby approve the Sheriff's Deputy Local Union #314 and the Dispatch/Jailer Local Union #315 labor contracts.

BE IT FURTHER RESOLVED, that these contracts are effective January 1, 2005 through December 31, 2006.

Tony Moe of the Fourtown/Grygla Sportsman's Club met with the Board to request a right-of-way easement permit for segments of county roads in Reine Township as part of a grant-in-aid multi-use trail. This easement permit is needed to avoid travel in wet ditch segments along the trail path and would allow ATV traffic on the right-of-way shoulders or inside banks or slopes. The Board directed Coordinator Harren to ask the County Attorney's Office to draft an ordinance in compliance with Minnesota Statute Section 84.928 Subdivision 6 (c)(2). A motion was made by Commissioner Walker, seconded by Commissioner Johnston, and carried by unanimous vote to adopt the following resolution:

2005-05-04

BE IT RESOLVED, that the Board hereby grants the Fourtown/Grygla Sportsman's Club a right-of-way easement trail permit 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, and northerly to the northwest corner of Section 24.

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

Commissioner Rasmussen recessed the meeting at 10:30 a.m. The meeting reconvened at 10:45 a.m.

Environmental Officer Jeff Pelowski met with the Board. Mr. Pelowski gave an update on the joint sewage system project for the City of Warroad and Lake Township. At this point the project is at a standstill. The City of Warroad did not sign the proposal and, as evidenced by their submission of a permit application to the Minnesota Pollution Control Agency (MPCA), intend to move forward independently. Mr. Pelowski advised the Board that if Lake Township does not develop a sewer plan and project on their own, due to the Shoreland Ordinance, the contamination and human health issues in Lake Township will become the responsibility of Roseau County and the MPCA will request a meeting with the Board to discuss this matter. The county will need to determine how they want to proceed. The Board discussed setting up a sewer system district that would include Springsteel, Liberty Trailer Park and Warroad Estates and

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

2005-05-05

BE IT RESOLVED, that the Board does hereby amend the Individual Sewer Treatment System Ordinance to eliminate the local standard provision and agrees to adopt Minnesota Chapter 7080 by reference.

Sealed bids were received until 11:00 a.m. for a 2006 heavy duty truck and hooklift for transporting solid waste and read by Mr. Pelowski as follows:

| <u>BIDDER</u> | <u>BID AMOUNT</u> |
|---|-------------------|
| Sanitation Products, Inc. | |
| 2006 International - 475/Galbreath Hooklift | \$94,370.11 |
| 2006 Volvo – 435/Galbreath Hooklift | \$87,789.40 |
| 2006 Peterbuilt – 435/Galbreath Hooklift | \$98,709.00 |

Mr. Pelowski informed the Board that he would review the three options submitted by this bidder and return to the Board with a recommendation.

Engineer Ketring met with the Board. Sealed bids were received until 11:00 a.m. and read by Engineer Brian Ketring as follows:

a.) 2005 Herbicide Supply

| <u>BIDDER</u> | <u>BID AMOUNT</u> |
|--------------------------------------|--------------------|
| Farmers Union Oil- Roseau | |
| ACME High Dep, 2, 4-D (1080 gallons) | \$18.13 per gallon |
| Glypro (420 gallons) | \$31.82 per gallon |
| Garlon 3A (180 gallons) | \$74.72 per gallon |

Two bids were received, but one bid did not have a bid bond included. Engineer Ketring will return to the May 24, 2005 Board meeting with a recommendation.

b.) FEMA PW No. 266 and 260

| <u>BIDDER</u> | <u>BID AMOUNT</u> |
|------------------------------|-------------------|
| T.W.O. Corporation | \$ 89,623.00 |
| R & Q Trucking, Inc. | \$ 92,488.56 |
| RBR Development Inc. | \$ 44,185.84 |
| Holthusen Construction, Inc. | \$ 64,856.80 |
| Wright Construction, Inc. | \$ 60,445.10 |
| North Border Contracting | \$308,485.00 |

Because of the disparity in bid amounts, Engineer Ketring will research and certify each bid and will return to the May 24, 2005 Board meeting with a recommendation.

Engineer Ketring requested the Board approve a call for bids on state aid project 68-625-06, county state aid highway No. 25, grading and aggregate surfacing. This project is located nine miles south and east of Greenbush, from one mile south of intersection of County State Aid Highway No.25 and County State Aid Highway No. 22. A motion was made by Commissioner Foldesi, seconded by Commissioner Johnston, and carried by unanimous vote to adopt the following resolution:

2005-05-06

BE IT RESOLVED, that the Board does hereby approve a call for bids on SAP 68-625-06 CSAH No. 25 grading and aggregate surfacing.

BE IT FURTHER RESOLVED, that sealed bids will be received until June 14, 2005 at 11:00 a.m.

Engineer Ketring requested the Board approve a call for bids on State Aid Project 68-678-01 County State Aid Highway No. 78 bituminous surfacing and concrete curb. This project is located in Wannaska. A motion was made by Commissioner Stone, seconded by Commissioner Foldesi, and carried by unanimous vote to adopt the following resolution:

2005-05-07

BE IT RESOLVED, that the Board does hereby approve a call for bids on SAP 68-678-01 CSAH No. 78, bituminous surfacing and concrete curb.

BE IT FURTHER RESOLVED, that sealed bids will be received until June 28, 2005 at 11:00 a.m.

Engineer Ketring requested the Board approve the safety training contract with Northland College. The Highway Department completed their annual safety training on April 14, 2005. A motion was made by Commissioner Stone, seconded by Commissioner Johnston, and carried by unanimous vote to adopt the following resolution:

2005-05-08

BE IT RESOLVED, that the Board does hereby approve the contract between Roseau County and Northland College for the provision of safety training for the Roseau County Highway Department.

Engineer Ketring discussed the Hay Creek/Norland Project with the Board. Mr. Ketring informed the Board that the Army Corps of Engineers has ceased funding and that the Roseau River Watershed is interested in moving forward on a project in collaboration with Roseau County. This project would be a reduction in scope and would include an impoundment in Norland Township and the Hay Creek ditch. FEMA funding for the flood mitigation project is contingent upon the Army Corps' involvement. If the Corps is not involved, FEMA will most likely fund the project. Concern was expressed whether this project would be considered an improvement, thereby making the Watershed the owner of the ditch and easement. Engineer Ketring advised the Board that this would not be considered an improvement, the Watershed would be a landowner along County Ditch No. 7, but Roseau County would have jurisdiction over

the spillway. Engineer Ketring was directed to treat this project as a regular ditch project and to contact landowners along the ditch and begin to put the project together.

Environmental Officer Pelowski returned to the Board with a recommendation. Mr. Pelowski recommended the Board accept the bid of Sanitation Products, Inc. for the 2006 Peterbuilt with the Galbreath Hooklift System. Mr. Pelowski stated that although the Peterbuilt is the most expensive of the three systems quoted by Sanitation Products, Inc., it will have the highest re-sale value and will be able to be serviced and repaired locally. This will save money and reduce downtime. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried by a 3-2 vote with Rasmussen, Johnston, and Walker voting in favor and Stone and Foldesi opposed to adopt the following resolution:

2005-05-09

BE IT RESOLVED, that the Board does hereby approve purchase of a 2006 Peterbuilt Truck and 2006 Galbreath Hooklift System from Sanitation Products, Inc. in the amount of \$98,709 plus tax which includes \$30,000 trade in value for the 1998 Volvo (Autocar) truck and 1998 Galbreath hooklift system.

BE IT FURTHER RESOLVED, that the Board does hereby authorize the Board Chairman and County Auditor to sign said contract with Sanitation Products, Inc.

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

2005-05-10

BE IT RESOLVED, that the Board does hereby approve proceedings from the March 15, 2005 and March 28, 2005 meetings of the Roseau County Board of Commissioners.

The Board discussed the Assistant County Attorney position review completed by Employers Association, Inc. A motion was made by Commissioner Johnston, seconded by Commissioner Foldesi, and carried by unanimous vote to adopt the following resolution:

2005-05-11

BE IT RESOLVED, that the Board does hereby set the Assistant County Attorney position at a Grade 11.

BE IT FURTHER RESOLVED, that the Board does place Lisa Hanson at Grade 11, Step A, retroactive to her start date of April 18, 2005.

The Board gave committee reports. Commissioner Rasmussen noted that he submitted a letter to the editor thanking Representative Maxine Penas for her hard work getting the north of Highway No. 2 ATV bill passed. Commissioner Rasmussen noted that he had been involved in a number of MRCC conference calls regarding transportation funding. He noted that it appeared a bill would be passing the house and senate that included a gas tax. Commissioner Rasmussen stated that Governor Pawlenty will most likely veto the bill if it passes because it violates his principle of no new taxes. Governor Pawlenty's transportation funding proposal is unacceptable

because bonding is such a large component of it that within three years of construction, 50% of the funds will be used to service debt.

Commissioner Walker and Commissioner Johnston reported on the social service planning meeting. They noted that architect Rich McCarthy was here and met with a small group to review the building plan in detail. The layout of the building is nearly complete. Mr. McCarthy will be outlining decision items at a Meeting of the Whole with the Jail Study Committee to discuss these items and make a recommendation to the Board.

Commissioner Johnston informed the Board that the DNR 70-Mile ATV Request for Proposal is nearly complete. He noted there have been several work sessions with the NBCC Trail Committee from Lake of the Woods and Roseau Counties. Dave Grafstrom will be compiling all the information and submitting the proposal on behalf of the two counties.

The Board discussed a second correspondence from Lynda Myers. Ms. Myers enclosed a copy of a tax statement that showed that Hayes and Czeh is in fact listed as an alternate. Commissioner Stone noted that enclosure was not a Roseau County tax statement but rather a tax notice from the City of Warroad for special assessments. Ms. Myers has paid her mother's delinquent interest and penalty and Ms. Myers' address is now listed to receive future tax statements.

The Board acknowledged the following correspondence: Lynda Myers RE: Alternate on Phyllis Anderson's Tax Statement; Minnesota Office of Environmental Assistance RE: Notification of Disbursement. No action was taken.

Upon motion carried, Chairman Orris Rasmussen adjourned the meeting at 1:00 p.m. The Board will convene its next regular meeting at 8:30 a.m. on May 24, 2005.

Attest:

Date: _____

Teresa R. Harren
County Coordinator

Orris Rasmussen
Board Chairman