

PROCEEDINGS OF THE ROSEAU COUNTY BOARD OF COMMISSIONERS

March 14, 2006

The Board of Commissioners of Roseau County, Minnesota met in the courthouse in the City of Roseau, Minnesota on Tuesday, March 14, 2006, at 8:30 a.m. Commissioners present were Orris Rasmussen, Alan Johnston, 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. Veterans Service Officer Jeff Parker led the Pledge of Allegiance. A moment of silence was held in remembrance of Commissioner Jack Stone who passed away on March 5, 2006.

An 8:30 a.m. appointment with Mr. Buddy Erickson, who serves on the Red River Development Association, was added to the agenda. A motion was made by Commissioner Walker, seconded by Commissioner Foldesi, and carried by unanimous vote to approve the amended agenda.

Mr. Buddy Erickson met with the Board. Mr. Erickson gave the Board an update on the activities of the Red River Development Association. This agency serves 14 counties with two of those counties divided into an east and west, for a total of 16 entities. The agency is responsible for selecting a Valley Farmer award recipient from each of the participating entities. The 2006 Roseau County recipients of the Valley Farmer Award are Roger and Ellen Falk of Salol. Additionally, the Red River Development Association donates \$100 to each 4-H Program and gives out five (5) \$500 scholarships.

County Attorney Michelle Moren and Auditor Anne Granitz met with the Board to discuss the Commissioner vacancy created by the death of Commissioner Jack Stone. Ms. Granitz requested the Board pass a resolution declaring a vacancy and establishing the terms of a special election. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried by unanimous vote to adopt the following resolution:

2006-03-01

**RESOLUTION
SECOND DISTRICT COMMISSIONER VACANCY
ROSEAU COUNTY, MINNESOTA**

WHEREAS, on March 5, 2006, Roseau County Commissioner John (Jack) Stone passed away; and

WHEREAS, a vacancy is thereby created on the Roseau County Board; and

WHEREAS, Minnesota Statute §375.101 provides that a vacancy in the Office of County Commissioner must be filled at a special election not less than 30 nor more 60 days after the vacancy occurs.

NOW, THEREFORE, BE IT RESOLVED, by the Roseau County Board of Commissioners, as follows:

1. That a vacancy is hereby declared for the office of the Second District County Commissioner effective March 5, 2006.
2. That notice of filing for office of the Second District County Commissioner, Roseau County, Minnesota, shall be published one time in the official paper of Roseau County, *The Tribune*, and one time in the *Roseau Times-Region*.
3. That filing for said position shall open on March 20, 2006, at 8:00 a.m. and shall close on April 3, 2006, at 5:00 p.m. Candidates wishing to file for said position must file at the office of the Roseau County Auditor.
4. That if more than two (2) candidates file for said office, a Special Primary Election shall be held on April 18, 2006.
5. That the Special Election shall be held on May 2, 2006.

Ms. Granitz advised the Board that a Canvassing Board will be needed on May 3, 2006 and possibly on April 19, 2006, if a special primary election is necessary due to the filing of more than two (2) candidates. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried by unanimous vote to adopt the following resolution:

2006-03-02

BE IT RESOLVED, that the Board does hereby appoint Commissioner Foldesi and Commissioner Rasmussen to the Second District Special Election Canvassing Board.

Ms. Granitz informed the Board that the State Auditor has once again released Roseau County to hire a private audit firm for the 2006-2008 audits. Hoffman, Dale, & Swenson, PLLC, has handled the Roseau County Audit for the past three years. Ms. Granitz recommended the Board sign a multi-year audit agreement with this firm to continue audit services. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried by unanimous vote to adopt the following resolution:

2006-03-03

BE IT RESOLVED, that the Board does hereby authorize entering into a multi-year audit agreement with Hoffman, Dale, & Swenson for the provision of audit services for years ended December 31, 2006, 2007, and 2008 at an annual fee of \$30,875.

Ms. Granitz presented the Auditor Warrants and Commissioner Warrants for Board approval. Ms. Granitz informed the Board that she will be including claims paid via electronic transfer for the Board's review and approval at the first regularly scheduled Board meeting of each month. Ms. Granitz asked if there were any questions regarding the bills. Commissioner Foldesi requested clarification on a beaver bounty claim. Commissioner Foldesi questioned how it would be determined whether the beaver

bounty would be paid at the 2005 rate or the 2006 rate. Commissioner Johnston felt the bounty should be paid at the rate applicable on the day the beaver was taken. Commissioner Foldesi noted that trappers frequently collect a number of beavers and present them all at once. Commissioner Rasmussen noted that Roseau County should have a policy that compensates trappers for the beaver without creating an incentive for dishonesty. A motion was made by Commissioner Johnston, seconded by Commissioner Foldesi, and carried by a 3-1 vote with Commissioners Foldesi, Johnston, and Walker voting in favor and Commissioner Rasmussen opposed:

2006-03-04

BE IT FURTHER RESOLVED that beaver bounty shall be paid at the rate applicable on the day the beaver was trapped.

The Board gave committee reports. Commissioner Johnston reported on the Beltrami Island State Forest Off Highway Vehicle Trail Planning Open House hosted by Roseau County on March 6, 2006 at the Warroad Public Safety facility. Approximately 75 people attended and the comment was primarily favorable with the exception of some concern regarding the proposed closing to OHV of the trail below Bemis Hill. Commissioners Johnston and Walker will be hosting mini open houses at Polaris Industries and Marvin Windows to allow further review of the plan. Trail planning in Lake of the Woods County is nearing completion with an open house scheduled for March 23, 2006 at the Lake of the Woods County Courthouse. Beltrami County has an open house scheduled for March 24, 2006 in Grygla. The trail planning committee will finalize its recommendations and forward them to Regional Director Mike Carroll. Mr. Carroll will review the plan and upon approval send recommendations to the Commissioner of the Department of Natural resources for final review and authorization.

Commissioner Johnston requested approval for himself and Commissioner Walker to attend a meeting on crow duck control on Lake of the Woods scheduled for March 22, 2006 at 7:00 p.m. Commissioner Johnston stated this meeting would be held as a Northern Border Coalition Meeting. The Board, by consensus, authorized the request.

Commissioner Johnston reported on the Sheriff's Commission Meeting he attended on March 1, 2006. The Sheriff's Commission is researching cost of installing video camera in six squad cars. The Sheriff's Department has budgeted for two new squad cars in 2006 but is considering only purchasing one and applying the remaining money toward the in car camera purchase. Commissioner Johnston also noted that new computers are needed in the deputy room and the Sheriff will be purchasing two new computers.

Commissioner Johnston reported on the HR Committee meeting he and Commissioner Walker attended on March 8, 2006. The committee discussed the job description template, performance review tool and the exit interview questionnaire. The Committee recommends no action on these items until a new Board member has been elected. Commissioner Walker and Johnston will be meeting with Engineer Ketring to resolve a job description discrepancy matter.

Chair Rasmussen reported on the March 13, 2006 Building Committee meeting. The Committee met with a representative from Simplex to discuss security in the

courthouse. The Committee will meet with Simplex again on March 27, 2006 and present a recommendation to the Board for approval. The Building Committee is recommending that a member from law enforcement be added to the committee. Coordinator Harren will ask Sheriff Hanson for a recommendation. Chair Rasmussen noted that the west parking lot lights are not working due to a break in the line. The Committee will be following up to get the repair taken care of. The Committee discussed the 2006 mowing contract. The County is currently under contract with Gumeringer Lawn Service and will be inviting Mr. Gumeringer to a future meeting to discuss terms. Upon mutual agreement, Building Maintenance Supervisor Lenny Johnson's work schedule will be adjusted to include day shifts.

Chair Rasmussen reported on the March 13, 2006 MRCC conference call. The MRCC discussed key legislative points which include the possibility of a property tax freeze. Chair Rasmussen noted that meth continues to be a hot topic. One long term meth treatment facility is now open and the goal is to have five operating in the State of Minnesota. Chair Rasmussen will attend a MRCC meeting in St. Paul on March 28, 2006 and will attend the AMC Legislative Conference on March 29-30.

Commissioner Foldesi reported on the March 6, 2006 Highway Department Committee meeting him and Commissioner Walker attended. Engineer Ketring requested the Board's input on municipal spending in 2006. The City of Roseau has funding available to do infrastructure upgrades on 3rd Street and intends to do the work during the summer of 2006. The City asked if Roseau County would consider doing repairs/upgrades concurrently. The concern for the County is that only \$200,000 is in the 2006 budget for municipal spending and the project is likely to exceed that amount. The City Council will be advised that Roseau County would like to proceed with a project but that they are limited to a project cost of \$200,000.

Commissioner Foldesi reported on the March 7, 2006 Roseau River Watershed District meeting he attended and the March 13, 2006 KaMaR meeting he attended. A replacement will be needed for Commissioner Stone's position on this committee. Commissioner Walker agreed to serve on the committee until a new commissioner has been elected.

Commissioner Foldesi noted that he is the alternate on the Building Committee and would like to be notified of meetings. Coordinator Harren agreed to contact Dave Anderson and request that Commissioner Foldesi be added to his invite list. Commissioner Johnston requested further discussion on this topic and the matter will be added to the March 28, 2006 agenda.

Coordinator Harren advised the Board that Klein McCarthy & Co has issued the Notice to Proceed on the Roseau County Jail and Social Services Buildings effective March 1, 2006 with the date of Substantial Completion on or before September 28, 2007.

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

County Engineer Brian Ketring met with the Board. MnDOT District State Aid Engineer Lu Tasa accompanied Mr. Ketring to the meeting. Mr. Tasa noted that the scheduled bid opening that he is facilitating today will mark the final FEMA repair project

from the 2002 flood. Sealed Bids on S.P. 68-999-18, CSAH No. 2 ER MN02 (237) for concrete culvert repair were received until 11:00 a.m. and read by Mr. Tasa.

1.) SP 68-999-18, CSAH No. 2, concrete culvert repair:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Davidson Construction	\$ 88,316.50
RJ Zavoral & Sons, Inc.	\$ 92,949.46
Gladden Construction	\$ 93,847.25
Midwest Contracting	\$ 78,169.35
Leustek & Sons, Inc.	\$114,062.48
Lein Construction	\$ 82,545.50
Goulet Construction	\$ 82,717.00
Olson Construction TRF, Inc.	\$ 73,020.40

Mr. Tasa noted that a faxed bid bond accompanied the bid of Olson Construction TRF, Inc. and requested the Board authorize acceptance of this bid bond. A motion was made by Commissioner Walker, seconded by Commissioner Foldesi and passed by unanimous vote to adopt the following resolution:

2006-03-05

BE IT RESOLVED, that the Board does hereby approve the faxed bid bond of Olson Construction TRF, Inc. on SP 68-999-18 provided a certified fully executed bid bond is provided to Roseau County within five business days of the March 14, 2006 bid opening.

Mr. Tasa advised the Board that he and Engineer Ketring would review the bids and return to the Board to request an Auditor's Certificate. Since this is a federal project, the bids will be sent to St. Paul for review and a bid recommendation.

Engineer Ketring requested the Board approve a call for bids for DR-1288 FEMA on April 12, 2006 at 11:00 a.m. A motion was made by Commissioner Walker, seconded by Commissioner Foldesi, and carried by unanimous vote to adopt the following resolution:

2006-03-06

BE IT RESOLVED, that the Board does hereby approve a call for bids for DR-1288 FEMA Ditch projects FEMA PQ No. 246, State Ditch No. 95- Lateral 1 and FEMA PW No. 268 State Ditch No. 72. on April 12, 2006 at 11:00 a.m.

County Attorney Michelle Moren and Environmental Officer Jeff Pelowski met with the Board. Ms. Moren requested the Board close the meeting to discuss pending litigation. A motion was made by Commissioner Walker, seconded by Commissioner Foldesi, and carried by unanimous vote to adopt the following resolution:

2006-03-07

RESOLUTION CLOSING BOARD MEETING

WHEREAS, the Minnesota Open Meeting Law, Minn. Stat. § 13D.05, subd. 3(b) states that “meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege;” and

WHEREAS, the County Board has been involved in litigation regarding American Garage Door Supply, Inc., d/b/a American Overhead Garage Door Co., Plaintiff, vs. County of Roseau, Defendant and Third Party Plaintiff, and Keith Markstrom, d/b/a Johnson Markstrom Construction, Defendant, vs. Roseau Electric Cooperative, Randy Kostrzewski, d/b/a Affordable Electric, and Keith Markstrom, d/b/a Johnson Markstrom Construction, Third Party Defendants; and

WHEREAS, the County Board seeks to meet with its attorney, to obtain advice regarding American Garage Door Supply, Inc., d/b/a American Overhead Garage Door Co., Plaintiff, vs. County of Roseau, Defendant and Third Party Plaintiff, and Keith Markstrom, d/b/a Johnson Markstrom Construction, Defendant, vs. Roseau Electric Cooperative, Randy Kostrzewski, d/b/a Affordable Electric, and Keith Markstrom, d/b/a Johnson Markstrom Construction, Third Party Defendants pursuant to Minn. Stat. § 388.051; and

WHEREAS, it would be detrimental to the interests of the County for the Board to hold a public discussion with its attorney regarding the strengths and weaknesses of its legal position(s), strategy, and potential settlement position where an opposing party or opposing attorney could listen to or be made aware of the County’s positions; and

WHEREAS, there is an absolute need for the Board to obtain confidential legal advice regarding the litigation and potential settlement in order to maintain the attorney-client privilege.

BE IT RESOLVED by the Roseau County Board of Commissioners as follows:

1. The County Board hereby closes this meeting based upon the attorney-client privilege pursuant to Minn. Stat. § 13D.05, subd. 3(b);
2. The specific subjects to be discussed, pursuant to Minn. Stat. § 13D.01, subd. 3, are the legal strategy in responding to the particularized litigation against the County, and any settlement proposals which may be made by or responded to by the County.

A motion was made by Commissioner Walker, seconded by Commissioner Foldesi, and carried by unanimous vote to re-open the Board meeting.

Assistant Attorney Lisa Hanson and Auditor Anne Granitz met with the Board to discuss tax-forfeited leases. Ms. Granitz noted that the policy has been unchanged for many years. Ms. Granitz conferred with Ms. Hanson to determine if any legal changes regarding leasing of tax-forfeited land had occurred and is before the Board today requesting feedback regarding any suggestions they may have for changes in the offering. Commissioner Foldesi recommended increasing the minimum lease amount on open land from \$5.00 per acre to \$10.00 per acre and on other land from .50 cents per acre to \$1.00 per acre and extending the lease time to a full year. In the past, leases have terminated on October 15. The Board discussed whether or not the leased property could be posted. Ms. Hanson informed the Board that the lessee would have

essentially the same rights to the property as an owner during the terms of the lease and would have the authority to post the property should they wish to do so unless the Board includes a term in the lease that prohibits the lessee from posting. After further discussion, the Board agreed to make a few minor changes this year and review the matter more thoroughly for next year. A motion was made by Commissioner Foldesi, seconded by Commissioner Johnston, and carried by unanimous vote to adopt the following resolution:

2006-03-08

BE IT RESOLVED that, pursuant to M.S. Section 282.04 and 282.18, the County Auditor be and hereby is directed to lease any and all lands in Roseau County which have heretofore forfeited to the State of Minnesota in trust for nonpayment of taxes, commencing at 8:00 a.m. on April 3, 2006, at the County Auditor's Office.

BE IT FURTHER RESOLVED, that the minimum lease shall be set at \$10.00 per acre for open land and \$1.00 per acre for all lands other than open land and that the lease shall terminate on December 31, 2006.

Ms. Hanson gave the County Attorney update report. Ms. Hanson noted that the Threat Assessment Team has been formed and that in its short tenure has been instrumental in identifying two at risk students.

Commissioner Walker left the meeting.

The Board agreed to table discussion on the proposed Roseau County Ordinance for the Clean Up of Clandestine Drug Lab Sites.

Engineer Ketring and MnDOT State Aid Engineer Tasa returned to the Board meeting to request Board authorization of an Auditor's Certificate on the S.P. No. 68-999-18 FEMA project. A motion was made by Commissioner Johnston, seconded by Commissioner Foldesi, and carried by unanimous vote to adopt the following resolution:

2006-03-08

BE IT RESOLVED, that the Board does hereby recommend to the Commissioner of Transportation, as Agent for Roseau County, that the contract on FEMA Project S.P. No. 68-999-18, Minnesota Project ER MN02 (237), located on CSAH No. 2 approximately 8 miles southeast of Warroad, be awarded to the lowest bidder, Olson Construction TRF, Inc.

A motion was made by Commissioner Foldesi, seconded by Commissioner Johnston, and carried by unanimous vote to approve the February 28, 2006 Proceedings of the Roseau County Board.

Due to an unexpected surplus in funding, the Commissioner of Public Safety, Office of Justice Programs, has restored a small amount of funding to each of its grant programs which requires an amendment to the grant. A motion was made by Commissioner Johnston, seconded by Commissioner Foldesi, and carried by unanimous vote to adopt the following resolution:

2006-03-09

BE IT RESOLVED, that the Board does hereby accept the terms of the amended grant contract between the State of Minnesota, acting through its Commissioner of Public Safety, Office of Justice Programs, and Roseau County Attorney's Office, for an addition of \$792 in funding for the contract effective July 1, 2005 through June 30, 2006.

Ms. Granitz requested the Board approve the bills for payment. A motion was made by Commissioner Johnston, seconded by Commissioner Foldesi, and carried by unanimous vote to approve payment of warrants as follows:

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
536.45	ACE HARDWARE-ROSEAU	1483.68	AMERICAN SOLUTIONS FOR BUSINES
710.71	BALLARD MOTOR CO	608.31	BERT'S TRUCK EQUIPMENT OF MHD
10163.96	CANADIAN NATIONAL	2590.78	COMPUTERLAND AN NETWORK CENTER
310.39	CREATIVE FORMS & CONCEPTS	475.69	TONY DORN INC
2397.92	FARMERS UNION OIL CO-LK BRNSN	10693.96	FARMERS UNION OIL CO-ROSEAU
2093.23	FARMERS UNION OIL CO-WARROAD	473.49	GRAND FORKS GROCERY
1043.30	GREENBUSH IMPLEMENT CO	1873.10	QUENTIN GRITTNER
1611.61	STEPHEN HAUGEN	3125.00	HEPPNER CONSULTING INC
940.50	DIEDRICH HEPPNER	320.25	RICHARD HETTEEN
434.78	HILLYARD HUTCHINSON	5740.67	HOUSTON ENGINEERING
4950.92	JOHNSON OIL CO INC	11758.24	KAYWAY INDUSTRIES INC
1948.95	KLEIN MCCARTHY & CO LTD ARCHIT	467.75	KIM KOMPENLIEN
337.52	LAB SAFETY SUPPLY, INC	1650.00	LAKE OF THE WOODS CO SHERIFF
1444.75	ROBERT LUDWIG	798.14	M & R SIGN CO INC
24903.00	MAR-KIT LANDFILL	310.50	MIDWEST MONITORING & SURVEILLA
2704.85	MN COUNTIES COMPUTER COOP	968.69	MN DEPT OF TRANSPORTATION
322.85	NORTHLAND TIRE	2000.00	NW MN MULTI COUNTY HRA
609.00	OLSON'S SKIME STORE	821.35	PEMBERTON, SORLIE, RUFER & KERSH
366.98	POLARIS INDUSTRIES INC	928.01	POWER PLAN
483.95	QUALITY PRINTING	1200.00	RAMSEY CO MEDICAL EXAMINER
1524.00	ORRIS RASMUSSEN	7473.19	RATWIK, ROSZAK & MALONEY, PA
1050.34	RIVERFRONT STATION	1000.19	ROSEAU AUTO VALUE
373.45	ROSEAU CLEANING SYSTEMS	4211.24	ROSEAU CO COOP ASSN
307.84	ROSEAU CO HOME HEALTH CARE INC	319.64	ROSEAU DIESEL SERVICE INC
360.47	ROSEAU FARM SERVICE INC	315.00	SHANON SIKORSKI
2435.25	SJOBORG'S INC	376.88	SPIELMAN RADIO
27743.98	STATE OF MINNESOTA DEPT OF COR	370.00	LESLIE SWANSON
375.02	THIEF RIVER JOBBING CO	438.84	THE TRIBUNE
4900.00	U OF MN EXTENSION SERVICE	1452.03	U SAVE FOODS
1141.66	WALLWORK TRUCK CENTER	896.00	DAVID WENSLOFF
2168.10	JOAN WENSLOFF	468.50	WEST GROUP PAYMENT CENTER
	59 PAYMENTS LESS THAN \$300	6,861.22	
	****	FINAL TOTAL..... \$173,166.07	****

And that the summary of auditor warrants, electronic claims, and forthwith claims be approved as follows:

March 2, 2006	\$253,818.95
March 9, 2006	\$ 14,967.98
March 14, 2006	\$ 1,875.00 (forthwith)

The Board acknowledged the following correspondence. Walter Kuckes RE: Setting Standards for MN Public Law Libraries; Minnesota Department of Labor & Industry RE: Report on Plumbing Specifications for County Jail Project; Minnesota

Secretary of State Office RE: HAVA Assistive Voting System Grant Agreement; Center for Rural Affairs RE: February Rural Action Brief. No action was taken.

Upon motion carried, the meeting was adjourned at 12:25 p.m. The Board will convene its next regular meeting at 8:30 a.m. on March 28, 2006.

Attest:

Date: _____

Teresa Harren
County Coordinator

Orris Rasmussen
Board Chairman