

## **PROCEEDINGS OF THE ROSEAU COUNTY BOARD OF COMMISSIONERS**

March 28, 2006

The Board of Commissioners of Roseau County, Minnesota met in the courthouse in the City of Roseau, Minnesota on Tuesday, March 28, 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. The Pledge of Allegiance was recited.

Discussion on the addition of a committee to work on DNR delinquent ditch taxes was added to the agenda. A motion was made by Commissioner Foldesi, seconded by Commissioner Johnston, and carried by unanimous vote to approve the amended agenda.

A motion was made by Commissioner Foldesi, seconded by Commissioner Walker and carried to approve the proceedings of the March 14, 2006 Board meeting.

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

### **2006-03-10**

BE IT RESOLVED, that the Roseau County Board of Commissioners hereby approves the Warroad VFW Post 4930 Premises Permit Renewal Application for selling pull-tabs at the Eagles Aerie 4195 located in Lake Township, Roseau County for the period effective June 1, 2006 to May 31, 2008.

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

### **2006-03-11**

BE IT RESOLVED, that the Board does hereby approve the third and fourth quarter Certifications of Satisfactory Grooming for the Pelan Snowmobile Trail, each in the amount of \$15,500.00, for a total request for reimbursement of \$31,000.00.

BE IT FURTHER RESOLVED, that the Board does hereby authorize Auditor Anne Granitz to sign said Certification of Satisfactory Grooming.

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

### **2006-03-12**

BE IT RESOLVED, that the Board does hereby approve the Northland Community and Technical College Customized Training Contract for the provision of the 2006 MSHA Annual Refresher training for Roseau County Highway Department employees at a cost of \$45.00 per participant plus baseline sound testing.

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

2006-03-13

BE IT RESOLVED, that the Board does hereby approve benefit payout to Rebecca Borgen in the amount of \$1,598.54.

BE IT FURTHER RESOLVED, that the Board does hereby approve benefit payout to Jason Hanson in the amount of \$1,706.98.

Leon Zutz met with the Board to request Board approval of a resolution regarding opposition to the use of eminent domain to take private property for natural resource or wildlife enhancements. Mr. Zutz was accompanied by James Stengrim, Brian Jadeke, and Wally Diedrich. Mr. Stengrim reviewed the contents of the resolution and provided the Board with copies of the Landowners' Bill of Rights and MN Statutes 103D.201, Watershed District Purposes. Mr. Stengrim encouraged the Board to pass the resolution that would support and encourage the Minnesota legislature to pass legislation clarifying the authority watershed districts have in using eminent domain proceedings to take private property for natural resource and wildlife enhancements. Mr. Stengrim described the resolution as protecting landowners from the unnecessary acquisition of land for projects not specifically for public use. He stated that the Minnesota legislature does not give entities such as watersheds eminent domain for any projects that are not directed at public usage.

Roseau Watershed District Director Farrell Erickson emphasized the need for watersheds to be able to work with private landowners to solve flooding issues, and indicated that restricting eminent domain would limit the effectiveness of watersheds. Mr. Stengrim stressed that their proposed resolution was not to prevent watersheds from doing their job. The Board requested legal advice from Assistant County Attorney Lisa Hanson. Ms. Hanson reviewed the resolution and advised the Board to defer action on the matter as litigation on the issue is pending. Ms. Hanson noted that eminent domain is a topic of debate this legislative session and that the definition of public purpose will likely be clarified as a result.

Chair Rasmussen recessed the meeting at 9:30 am. The meeting reconvened at 9:45 a.m.

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

<b>AMOUNT</b>	<b>VENDOR NAME</b>	<b>AMOUNT</b>	<b>VENDOR NAME</b>
986.30	ARROWWOOD RESORT & CONFERENCE	2725.00	R ASCANO PH D
508.60	HILLYARD HUTCHINSON	316.00	KITTSOON CO AUDITOR
400.00	M.B MCGEE M.D.	653.70	OAKSTONE WELLNESS
1047.43	PEART & ASSOCIATES INC	400.00	PRO-WEST & ASSOCIATES INC
1200.00	RELIANCE TELEPHONE SYSTEMS	375.00	ST CLOUD STATE UNIVERSITY
343.44	VIKING OFFICE PRODUCTS		
	<b>26 PAYMENTS LESS THAN \$300</b>	<b>3,185.56</b>	
<b>****</b>	<b>FINAL TOTAL.....</b>	<b>\$12,141.03</b>	<b>****</b>

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

March 16, 2006	\$ 24,378.39
March 23, 2006	\$ 65,435.47
March 28, 2006	\$ 346.70 (forthwith)

Ms. Granitz presented a response to Department of Natural Resources Regional Lands and Minerals Supervisor Ms. Cindy Buttleman regarding a land exchange proposal by R. J. Zavoral for land in Beltrami and Roseau counties. In the correspondence, Ms. Granitz outlined concerns regarding the proposed land exchange that need to be resolved before the county would approve or deny the land exchange. Ms. Granitz requested the Board approve the letter. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried by unanimous vote to authorize Ms. Granitz to send the correspondence on behalf of the County Board.

The Board discussed the Public Information Request Form. Commissioner Rasmussen expressed concern regarding the fee for information. Coordinator Harren advised Chair Rasmussen that Roseau County has historically charged a fee as provided for by MN Statutes, Chapter 13. The intent of the form is to create a uniform fee as well as practice of how public information is disseminated by county departments. A second purpose of the form is to help the county track the most commonly requested types of information. This will inform decisions regarding what information the county should make available to the public through the web site. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried by a 3-1 vote, with Commissioners Foldesi, Johnston, and Walker voting in favor and Commissioner Rasmussen opposed, to adopt the following resolution:

2006-03-14

BE IT RESOLVED, that the Board does hereby approve the use of the Public Information Request Form.

BE IT FURTHER RESOLVED, that this is a uniform county policy and that all departments are required to use this form when public information is requested.

Chair Rasmussen recessed the meeting at 10:45 am. The meeting reconvened at 11:00 a.m.

Engineer Ketring met with the Board. Mr. Ketring requested the Board approve a call for bids on bridge construction for two bridges that are part of the CSAH No. 2 project planned for 2006. A motion was made by Commissioner Foldesi, seconded by Commissioner Johnston, and carried by unanimous vote to adopt the following resolution:

2006-03-15

BE IT RESOLVED, that the Board does hereby approve a call for bids on SAP 68-602-32, CSAH No. 2 and SAP 68-602-33, CSAH No. 2.

BE IT FURTHER RESOLVED that the bid opening will be May 9, 2006 at 11:00 am in the Board of Commissioners meeting room at the Roseau County Courthouse, Room 180.

Engineer Ketring requested the Board approve a call for bids for a motor grader. A motion was made by Commissioner Johnston, seconded by Commissioner Foldesi, and carried by unanimous vote to adopt the following resolution:

2006-03-16

BE IT RESOLVED, that the Board does hereby approve a call for bids for a motor grader.

BE IT FURTHER RESOLVED that the bid opening will be April 25, 2006 at 11:00 am in the Board of Commissioners meeting room at the Roseau County Courthouse, Room 180.

Engineer Ketring advised the Board that spring weight restrictions are on and requested the Board approve two requests for variances. A motion was made by Commissioner Foldesi, seconded by Commissioner Johnston, and carried by unanimous vote to adopt the following resolution:

2006-03-17

WHEREAS, Jim Kukowski has requested a load variance on CSAH 6 east of TH 32 to his seed plant, a distance of slightly over ½ mile; and

WHEREAS, Cenex Bulk Plant has requested a load variance on CSAH 28 north of TH 11 to the Bulk Plant; and

WHEREAS, Engineer Ketring has no objections to the variances;

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve a 10-ton load variance on CSAH 6 going east from TH 32 to Jim Kukowski's seed plant and a 10-ton load variance on CSAH 28 north of TH 11 to the Cenex Bulk Plant with the following conditions:

1. That the load variance segments of CSAH 6 and CSAH 28 will be monitored by the Roseau County Highway Department for any problems.
2. That if problems occur, the variance(s) will be revoked.

Engineer Ketring discussed final approval of retainage to TWO Corporation, Williams, MN on SAP 68-625-06, CSAH No. 25. A motion was made by Commissioner Walker, seconded by Commissioner Johnston, and carried by unanimous vote to adopt the following resolution:

2006-03-18

BE IT RESOLVED, that the Board does hereby authorize the Highway Department Committee to approve at a later date final payment to TWO Corporation, Williams, MN on SAP 68-625-06, CSAH No. 25 in the amount of \$4,715.74.

The Board discussed the request from the Coalition of Greater Minnesota Cities to pass a resolution in support of a dedicated Motor Vehicle Sales Tax Constitutional Amendment that guarantees that 60% of the MVST revenue be distributed through the Highway User Tax Distribution Fund. The Board agreed to defer action until the Association of Minnesota Counties and the Minnesota Rural Counties Caucus have acted upon the request.

Assistant County Attorney Lisa Hanson met with the Board. Ms. Hanson noted that the County Attorney's office has been exceptionally busy in past weeks. The Board noted that the County had received a petition from Barnett Township in the alteration of boundaries matter. Ms. Hanson advised waiting until a petition is received from Huss Township before scheduling a public hearing on the matter.

Jerry Shannon of Ehler's & Associates, Inc. and Auditor Granitz met with the Board to present bids received for the sale of \$6,100,000 General Obligation Jail Bonds. Mr. Shannon noted that nine (9) bids were received with true interest rates ranging from 4.0954% to 4.1980% and that he was extremely pleased with the competitiveness of the bids. Mr. Shannon reviewed all the bids and recommended that the Board award the sale of bids to the lowest bidder, Stephens, Inc. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried by unanimous vote to adopt the following resolution:

2006-03-19

**RESOLUTION AUTHORIZING ISSUANCE, AWARDED SALE,  
PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE  
PAYMENT OF \$6,100,000 GENERAL OBLIGATION JAIL BONDS,  
SERIES 2006A**

WHEREAS, the Roseau County Board of Commissioners has determined that it is in the best interests of the County (the Issuer) to issue \$6,100,000 aggregate principal amount of General Obligation Jail Bonds, Series 2006A (the Bonds) to finance the cost of acquisition and construction of jail facilities within the County; and

WHEREAS, a bid opening was held at 10:00 am on March 28, 2006 at Ehlers & Associates, Inc. in Roseville, MN; and

WHEREAS, Ehler's & Associates, Inc. has reviewed all bids received;  
and

WHEREAS, the most favorable proposal received is that of Stephens, Inc. of Nashville, TN (the Purchaser); and

WHEREAS, Ehler's & Associates has recommended awarding the sale of bonds to Stephens, Inc.; and

WHEREAS, the Roseau County Board of Commissioners concurs with that recommendation;

NOW, THEREFORE, BE IT RESOLVED, that the Roseau County Board of Commissioners does hereby award the sale of \$6,100,000 General Obligation Jail Bonds Series 2006A to Stephens, Inc, Nashville, TN, at a price of \$6,068,276.65, with a net interest cost of \$3,132,850.41 and a true interest rate of 4.0954%.

*A complete copy of the resolution detailing the terms of the bond sale is on file in the Roseau County Auditor's Office.*

The Board discussed the addition of a sub-committee under the Department of Natural Resources Committee to meet with the Department of Natural Resources to work toward resolution of the delinquent ditch tax matter. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried by unanimous vote to approve the following resolution:

2006-03-20

BE IT RESOLVED, that the Board approves the establishment of a Department of Natural Resources sub-committee to work toward resolution of the delinquent ditch tax matter.

BE IT FURTHER RESOLVED, that Commissioner Johnston and Commissioner Walker are delegates and Commissioner Foldesi and Commissioner Rasmussen are alternates.

The Board gave committee reports. Commissioner Walker reported on the Beltrami County and Marshall County BISF OVH Trail Planning Open House events.

Commissioner Rasmussen reported on the Community Round Table meeting he attended on March 15, 2006. He noted that Polaris continues to downsize and improve efficiency in order to stay competitive. Pupil enrollment remains on the decline, pressuring school districts to spend down reserves and further cut budgets. Commissioner Rasmussen reported that businessman Gerald Schlitz indicated that for the first time in 26 years the profits of his business declined in 2005.

A Coordinator Committee meeting was scheduled for April 4, 2006 at 9:00 am.

The Board acknowledged the following correspondence: Coalition of Greater Minnesota Cities: RE Dedicated MVST Constitutional Amendment; Tony Moe RE: BISF Public Comment; North American Water Office RE: Joint Reply Comment of Citizens United for Responsible Energy; Roseau Area Hospital & Homes RE: Invitation to Emergency Preparedness Planning Update 3/31/06; Minnesota Department of Human Services Re: Annual Financial and Compliance Audit; Minnesota Pollution Control Agency RE: MPCA Waives Authority to Certify West Intercept Project Application; Dorsey & Whitney LLP RE: Bond Council MOA; Red River Basin Commission RE: Invite to Water Management Workshop 4/19/06; MAR-KIT RE: Invite to Annual Meeting 4/12/06; Northwest Minnesota Mentoring Program RE: March Newsletter. No action was taken.

Upon motion carried, the meeting adjourned at 1:30 p.m. The Board will convene its next regular meeting at 8:30 a.m. on April 11, 2006.

Attest:

Date: \_\_\_\_\_

\_\_\_\_\_  
Teresa Harren  
County Coordinator

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Orris Rasmussen  
Board Chairman