

PROCEEDINGS OF THE ROSEAU COUNTY BOARD OF COMMISSIONERS

June 12, 2007

The Board of Commissioners of Roseau County, Minnesota met in the courthouse in the City of Roseau, Minnesota on Tuesday, June 12, 2007 at 8:30 a.m.

CALL TO ORDER

The meeting was called to order at 8:30 a.m. by County Board Chair Jack Swanson. The Pledge of Allegiance was recited. Commissioners present were Mark Foldesi, Orris Rasmussen, Jack Swanson, Alan Johnston, and Russell Walker.

APPROVAL OF AGENDA

Switching the delegate and alternate appointments to the Soil & Water Conservation District was added to the Consent Agenda. Approval of Red Lake Nation Road Priority Resolution and acknowledgement of Barto Town Board correspondence regarding flooding concerns were added to the Highway Department appointment. Sale of excess county property through on-line auction was added to Discussion. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried by unanimous vote to approve the amended agenda.

A motion to adopt the consent agenda was made by Commissioner Johnston, seconded by Commissioner Walker, and carried by unanimous vote.

CONSENT AGENDA

The Board, by adoption of its consent agenda, approved the Proceedings of the May 15, 2007 Regular Board meeting and the May 22, 2007 Special Board meeting.

The Board, by adoption of its consent agenda, re-appointed Peggy Swart to the Social Services Board.

The Board by adoption of its consent agenda, approved Change Order J-004-01.

The Board by adoption of its consent agenda, approved Change Order S-005.

The Board, by adoption of its consent agenda, approved bills for payment as follows:

WARRANTS APPROVED ON 6/12/2007 FOR PAYMENT 6/15/2007			
AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
1049.12	ACE HARDWARE-ROSEAU	4697.34	ACS
453.82	AMERIPRIDE LINEN & APPAREL SER	495.01	B & B PLUMBING & HEATING INC
635.83	BALLARD MOTOR CO	325.00	MARK BEITO
325.00	RON BEITO	1857.36	BLACK BOX CORPORATION
324.25	RONALD BRUMMER M.D.	713.61	CNH CAPITAL
956.33	COMTRAD CABLE	376.95	D & L AUTO GLASS AND MORE
4905.07	D-A LUBRICANT CO. INC.	11762.63	DELL MARKETING LP
3116.12	DLT SOLUTIONS INC	663.56	TONY DORN INC
330.00	ELECTION SYSTEMS & SOFTWARE IN	3073.78	FARMERS UNION OIL CO-LK BRNSN
52614.23	FARMERS UNION OIL CO-ROSEAU	2642.24	FARMERS UNION OIL CO-WARROAD
411.92	GARTNER REFRIGERATION CO	465.33	GEROY'S BUILDING CENTER INC

1429.55	GRAINGER INC	844.53	GRAND FORKS GROCERY FOOD SERV
668.66	GREENBUSH IMPLEMENT CO	1200.00	GUMERINGER LAWNCARE
2585.00	HEPPNER CONSULTING INC	4412.50	HOFFMAN DALE & SWENSON PLLC
495.82	HOLIDAY COMMERCIAL	391.75	HOLIDAY INN ST CLOUD
1716.27	HOSE CONVEYORS INC	6576.51	JOHNSON OIL CO INC
43876.18	JOHNSTON FARGO CULVERT INC	1191.56	M & R SIGN CO INC
37660.95	MAR-KIT LANDFILL	2761.77	MN COUNTIES COMPUTER COOP
1262.00	MN COUNTIES INSURANCE TRUST	4630.92	MN DEPT OF TRANSPORTATION
600.00	MN OFFICE OF ENTERPRISES TECH	309.00	MN STATE BAR ASSN
420.00	MN WEIGHTS & MEASURES	639.51	MULTI OFFICE PRODUCTS INC
2330.70	NORTHERN PAVING INC	2025.30	NORTHLAND TIRE
666.16	OAKSTONE WELLNESS	2383.20	OCCUPATIONAL DEVELOPMENT CTR I
761.49	PEART & ASSOCIATES INC	353.48	POLARIS INDUSTRIES INC
1095.15	PROSOURCE TECHNOLOGIES INC	475.53	PROVANTAGE CORPORATION
1394.09	QUILL CORPORATION	720.00	RELIANCE TELEPHONE SYSTEMS
2901.41	RIVERFRONT STATION	792.81	ROSEAU AUTO VALUE
489.45	ROSEAU CLEANING SYSTEMS	687.63	ROSEAU CO CASH FUND
8046.52	ROSEAU CO COOP ASSN	346.98	ROSEAU CO SHERIFF-SUNDRY ACCOU
622.90	ROSEAU CO TREASURER	492.87	ROSEAU DIESEL SERVICE INC
517.42	ROSEAU FARM SERVICE	460.25	ROSEAU TIMES REGION
3802.49	SIMPLEX GRINNELL LP	2435.25	SJOBERG'S INC
1728.37	SPIELMAN RADIO	500.00	STATE OF MINNESOTA CPV PROGRAM
1814.86	U SAVE FOODS	1200.00	UND FORENSIC PATHOLOGY
4439.43	WEST GROUP PAYMENT CENTER	4699.06	ZIEGLER INC
	73 PAYMENTS LESS THAN \$300	8,179.58	
	****	FINAL TOTAL.....	\$262,229.36 ****

And the summary of auditor warrants, as follows:

5-31-07	\$ 3,903,047.70 (settlement)
5-31-07	\$ 3,519.70
6-07-07	\$ 36,514.39

LOCAL UNIT OF GOVERNMENT PARTNERSHIP AND COLLABORATION

Warroad School Board Chair Phil Heppner and Superintendent Craig Oftedahl met with the Board. Mr. Oftedahl reviewed challenges facing the Warroad School District including the financial impact of declining enrollment. Mr. Heppner highlighted "good news" items including the Bill and Margaret Marvin Scholarship that funded 37 student scholarships for a total of \$750,000 and an overall scholarships \$1 million.

Mr. Oftedahl asked the Board to clarify the recent decision to discontinue monitoring of alarms. Mr. Oftedahl noted that this decision was a hardship for the school and questioned whether there was an alternative option. The Board advised Mr. Oftedahl that this was a difficult decision but was based on prioritizing the use of county funds. Continuation of monitoring of alarms in the new jail would have required the purchase of expensive technology and hiring of an additional staff person. The County itself outsourced monitoring of its alarms. Mr. Oftedahl noted that the additional cost is only \$347 per year but that they did not feel they had adequate communication about the change.

SHERIFF'S DEPARTMENT

Chief Deputy Terry Bandemer met with the Board. Chief Deputy Bandemer advised the Board that he has received a quote to move the jail and law enforcement center. The quote is

from Wherley in the amount of \$3,500 and includes moving law enforcement, dispatch and the jail.

Chief Deputy Bandemer discussed the request to purchase restraining equipment for the jail and squad cars. Chief Deputy Bandemer noted that the equipment would be used on inmates who are violent in order to keep them from harming themselves or staff. A motion was made by Commissioner Walker, seconded by Commissioner Johnston, and carried to adopt the following resolution:

2007-06-01

BE IT RESOLVED, that the Board does hereby approve the purchase of restraint equipment from Humane Restraint in the amount of \$1,895.75.

Chief Deputy Bandemer discussed the proposed Administrative Offense Ordinance. Bandemer noted that the objective of this ordinance is to provide the public with an informal, cost effective and expeditious alternative to traditional prosecution for violation of certain traffic and minor criminal offenses. All fines are set at \$50 regardless of the offense and the fine money stays in Roseau County. Bandemer noted that fine money would go into the general revenue fund, not the Sheriff's Office budget. The Board discussed potential concerns such as a dispute regarding the offense. Bandemer noted that the ordinance requires that an appeal board be in place before the ordinance is approved and that any person ticketed under the Administrative Offense Ordinance has the right to request that the offense be written up as a traffic or criminal offense and have their matter heard in district court. Bandemer stated that the only real issue is whether or not the Minnesota Department of Revenue will be able to claim the money generated from the tickets. This matter is currently being investigated.

AUDITOR'S OFFICE

Auditor Anne Granitz met with the Board. Ms. Granitz asked the Board to adopt a resolution requesting the Minnesota Department of Natural Resources to approve the tax-forfeited land sale.

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

2007-06-02

Resolution requesting approval of the Minnesota Department of Natural Resources to sell parcels of land that have forfeited to the State of Minnesota for non-payment of taxes:

WHEREAS, the Roseau County Board of Commissioners desires to offer for sale certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes; and

WHEREAS, said parcels of land have been viewed by the Roseau County Board of Commissioners and have been classified as non-conservation lands as provided for in Minnesota Statutes 282.01;

NOW, THEREFORE, BE IT RESOLVED that the Roseau County Board of Commissioners hereby certifies that all parcels of land on the attached list have been viewed and comply with the provisions of Minnesota Statutes 85.012, 92.461, 282.01, Subd. 8, and 282.018, and other statutes that require the withholding of tax-forfeited lands from sale.

BE IT FURTHER RESOLVED that the Roseau County Board of Commissioners hereby requests approval from the Minnesota Department of Natural Resources for the sale of said lands.

Ms. Granitz informed the Board that beginning February 17, 2009, television stations will be mandated to have switched from analog to digital broadcasting. The benefit of this directive is improved picture and sound quality and the conservation of broadcast channels as digital broadcast requires fewer channels and utilizes less of the broadcast spectrum freeing it for public safety and other uses. Leroy Hervey, who Roseau County contracts with to maintain current equipment, has requested an appointment with the Board to discuss this scheduled transition from analog to digital. By consensus the Board deferred this informational meeting to the TV Translator Committee. Ms. Granitz will schedule a meeting.

Ms. Granitz provided the Board with updated cash balances and a five-year cash balance comparison.

Chair Swanson recessed the regular Board meeting at 10: 00 am to conduct a public hearing.

PUBLIC HEARING

Chair Swanson opened the public hearing on Proposed Ordinance No. 34 – Compliance Checks and Administrative Penalties. No oral or written public comment was received. A motion was made by Commissioner Johnston, seconded by Commissioner Foldesi, to close the hearing.

The Board discussed the proposed ordinance. Commissioners Foldesi and Rasmussen expressed concern that this ordinance would facilitate entrapment. County Attorney Lisa Hanson advised the Board that this ordinance gives the county an alternative to criminally charging a business for failing to comply with the alcohol statutes through warnings and fines. A motion was made by Commissioner Swanson, seconded by Commissioner Walker, and carried 4-1 with Commissioners Foldesi, Johnston, Rasmussen, and Swanson in favor and Commissioner Rasmussen opposed, to adopt the following resolution:

2007-06-03

Be it resolved, that the Board does adopt Ordinance No. 34 – Compliance Checks and Administrative Penalties as follows:

ROSEAU COUNTY ORDINANCE NO. 34 COMPLIANCE CHECKS AND ADMINISTRATIVE PENALTIES.

ROSEAU COUNTY ORDINANCE REQUIRING COMPLIANCE CHECKS, SETTING FORTH ADMINISTRATIVE PENALTIES TO SPECIFICALLY IDENTIFY THE SANCTIONS TO BE TAKEN AGAINST LICENSEES WHO FAIL TO COMPLY WITH THE STATUTES RELATING

TO ALCOHOLIC BEVERAGES, AND TO PROVIDE CIVIL PENALTIES TO LICENSEES'
EMPLOYEES WHO MAKE ILLEGAL SALES OF ALCOHOLIC BEVERAGES.

THE COUNTY OF ROSEAU DOES ORDAIN:

Subdivision 1: Compliance Checks

A. Responsibility of Licensee, Right to Search, and Compliance Checks:

Every licensee shall be responsible for the conduct of his, her or its place of business and the conditions of sobriety and orderliness in it, as required by Minnesota Statutes Section 340A.501. The act of any employee of the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable for all penalties provided by this ordinance equally with the employee, except criminal penalties.

B. Requirements. The issuing authority or the Roseau County Sheriff's Department or both shall:

(1) Have, as a condition of the license, the right to enter, inspect, and search the licensed premises without a search and seizure warrant during the hours in which the licensed premises are open for the sale of alcoholic beverages and continuing through the time period when patrons and employees are present on the premises; and

(2) Conduct random compliance checks each year, and issue citations to any licensee and/or employee violating the provisions of their license or any relevant provisions of Minnesota Statutes Section 340A.

Subdivision 2: Administrative Penalties

A. Administrative Offense Defined:

(1) An administrative offense is a violation of a provision of this code and/or Minnesota Statutes Chapter 340A and is subject to the administrative penalty set forth in the schedule of offenses and penalties set forth in paragraph J of the subdivision.

(2) At any time prior to the payment of the administrative penalty as provided for hereafter, the individual may withdraw from administrative participation procedures in which event the County may bring criminal charges in accordance with law. Likewise, the County in its discretion, may choose not to initiate an administrative offense procedure and may bring criminal charges in the first instance.

(3) Nothing in this section shall preclude the County from bringing both administrative penalties and criminal charges for those in violation of this code and/or Minnesota Statutes Chapter 340A.

B. Notice:

Any officer of the Roseau County Sheriff's Department shall, upon determining that there has been a violation, notify the violator. This notice shall set forth the nature, date and time of the violation and amount of the scheduled penalty and/or license suspension and/or revocation.

C. Payment:

Once such notice is given, the alleged violator may, within seven (7) days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation or may request a hearing in writing as is provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

D. Hearing:

(1) Any person contesting an administrative offense pursuant to this chapter may, within seven (7) days of the time of issuance of the notice, request a hearing by a hearing officer who shall forthwith conduct an informal hearing to determine if a violation has occurred. The hearing officer shall have authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the hearing officer, the violator shall pay the penalty imposed.

(2) Upon a finding by the hearing officer that licensee or permit holder or employee or representative of the licensee or permit holder has violated a provision of this ordinance and/or Minnesota Statutes Chapter 340A; the hearing officer shall provide written documentation of said finding to the City Council.

(3) Appointment of Hearing Officer. The Roseau County Board shall appoint a hearing officer to conduct such informal hearings.

E. Penalties for Non-compliance:

In addition to any criminal penalties which may be imposed by a Court of Law, the County Board may suspend the license for up to sixty (60) days and revoke a license and/or may impose a civil fine on a licensee not to exceed Two Thousand and no/100 (\$2,000.00) Dollars for each violation on a finding that the license holder or its employee has failed to comply with the statute, rule, or ordinance relating to alcoholic beverages, non-intoxicating malt liquor or wine.

F. License Suspension or Revocation:

No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a public hearing before the County Board, a committee of the County Board, or a hearing under the Administrative Procedures Act, in accordance with Minnesota Statutes 340A.415 as may be determined by the Board in action calling the hearing. Such hearing shall be called by the Board upon written notice to the licensee served in person or by certified mail

not less than fifteen (15) nor more than thirty (30) days prior to the hearing date, stating the time, place and purpose thereof.

G. Appeal Process:

Any person aggrieved by a final decision following the public hearing is entitled to judicial review of the decision pursuant to the provisions of the Administrative Procedures Act, as set forth in Minnesota Statutes Chapter 14.

H. Failure to Pay:

(1) In the event a party who is charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the County for the same violation.

(2) In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the County will seek to collect the costs of the administrative offense procedures as part of the subsequent criminal sentence in the event the party is charged and is convicted of the criminal violation.

I. Disposition of Penalties:

All penalties collected pursuant to this Chapter shall be paid to the Roseau County Treasurer and shall be used to fund the cost of development and operation of related programs.

J. Minimum Penalties:

In no event shall a penalty be less than the following per calendar year:

<u>Administrative Offense</u>	<u>1st Event</u>	<u>2nd Event</u>	<u>3rd Event</u>	<u>4th Event</u>
1. Commission of a felony related to the licensed activity	Revocation	N/A	N/A	N/A
2. Sale of alcoholic beverages while license is under suspension	Revocation	N/A	N/A	N/A
3. Sale/purchase of alcoholic beverages to/by under age person	\$250.00	\$500.00 & 3-day suspension	\$750.00 & 18-day suspension	Revocation
4. Sale of alcoholic beverages to obviously intoxicated person	\$250.00	\$500.00 & 3-day suspension	\$750.00 & 18 day suspension	Revocation

5. After hours sale of alcoholic beverages	\$250.00	\$500.00 & 3-day suspension	\$750.00 & 18-day suspension	Revocation
6. After hours display or consumption of alcoholic beverages	\$250.00	\$500.00 & 3-day suspension	\$750.00 & 18-day suspension	Revocation
7. Refusal to allow police admission to inspect premises	\$250.00	\$500.00 & 3-day suspension	Revocation	N/A
8. Illegal gambling on premises	\$250.00	\$500.00 & 3-day suspension	\$750.00 & 18-day suspension	Revocation
9. Failure to take reasonable steps to stop person from leaving premises with alcoholic beverages	\$250.00	\$500.00 & 3-day suspension	\$750.00 & 18-day suspension	Revocation

A day shall be defined as a business day.

K. The penalties assessed shall be in accordance with the calendar year, commencing January 1st of each year and ending December 31st of that year.

Subdivision 3: All ordinances and parts of ordinances inconsistent with this ordinance are hereby repealed.

Subdivision 4: Effective Date. This ordinance shall be in full force and effect upon adoption pursuant to Minnesota law, dated this 12th day of June, 2007.

Chair Swanson recessed the meeting at 10:25 am. The meeting reconvened at 10:35.

TREASURER

Treasurer Diane Gregerson met with the Board. Ms. Gregerson was invited to speak to the Board regarding taxes owned by the Warroad HRA property, Young's Manor. Commissioner Johnston was asked by Young's Manor for help addressing their delinquency. Ms. Gregerson presented information on properties in Roseau County that pay taxes through the Payment in Lieu of Taxes or the PILOT Program. Ms. Gregerson noted that there are a total of six PILOT properties in Roseau County and that the total tax delinquency for these properties is \$23,576.00. Ms. Gregerson noted that there is not much the county can do about these delinquent taxes as the original agreements with the Housing Rehabilitation Authorities provide that these properties cannot be tax-forfeited. The Board asked what mechanism does exist to either force the properties to pay taxes or to reduce the amount owed. Ms. Gregerson stated she did not know of any.

Ms. Gregerson requested the Board approve a warrant in the amount of \$200 to cover a May 15, 2007 settlement discrepancy. A motion was made by Commissioner Johnston, seconded by Commissioner Rasmussen, and carried to adopt the following motion:

2007-06-04

BE IT RESOLVED, that the Board does hereby authorize a Warrant in the amount of \$200 to be paid to the Roseau County Treasurer to balance the May 15, 2007 Tax Settlement.

Ms. Gregerson informed the Board that when responsibility for passports and vital statistics was transferred to the Treasurer's Office it was agreed that Ms. Gregerson would be compensated an additional \$250 per month for these additional duties. The resolution stated that this compensation would be reviewed on an annual basis. Ms. Gregerson stated that the compensation has not been reviewed or adjusted since that time and requested the Board increase the monthly compensation by \$40 per month retroactive to January 1, 2007 and that she be compensated \$550 additionally for the years 2004, 2005, and 2006. The Board agreed to take the matter under advisement.

HIGHWAY DEPARTMENT

Engineer Ketring met with the Board. Mr. Ketring presented a MNDOT release for the Board to approve. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried to adopt the following resolution:

2007-06-05

BE IT RESOLVED, that the Board does hereby certify that Highway No. 11 detour for S.P. 6803-38 on CSAH No. 72 and No. 24 has been restored to the same condition as it was prior to the designation as a temporary trunk highway and hereby releases the Minnesota Department of Transportation from any further maintenance on this road section.

BE IT FURTHER RESOLVED, the Board does hereby authorize Chair Swanson to sign the release on behalf of Roseau County.

Mr. Ketring requested the Board approve a resolution request from the Red Lake Nation regarding road priorities. A motion was made by Johnston, seconded by Walker, and carried to adopt the following resolution:

2007-06-06

BE IT RESOLVED, that the Board does hereby approve the Acknowledgement of Public Authority Responsibility between Red Lake Nation, Roseau County and the Bureau of Indian Affairs.

BE IT FURTHER RESOLVED, the Board does hereby authorize Chair Swanson to sign the Acknowledgement on behalf of Roseau County.

The Board advised Mr. Ketring of a correspondence received from the Barto Town Board regarding ditch concerns. Mr. Ketring stated that this matter has already been discussed at length by the Two Rivers Watershed and that several actions have been taken. Mr. Ketring noted that the request is for an improvement and the Board cannot approve or authorize

improvements. Mr. Ketrung advised scheduling another Joint Ditch Committee meeting and inviting the Barto Town Board to discuss this concern more fully.

COMMITTEE REPORTS

The Board heard the following committee and other meeting reports: i.) Performance Management Training; ii.) Building Committee; iii.) Roseau Economic Development Association; iv.) AMC District Policy Meeting; v.) Committee of the Whole – Sen. Norm Coleman Legislative Update; vi.) Roseau River Watershed; vii.) Department Head Budget Planning Overview Session; viii.) Roseau County Emergency Preparedness Training; ix.) Roseau Area Flood Mitigation; x.) KaMaR; xi.) Roseau County Committee on Aging; xii.) Pandemic Event Video Training; xiii.) Roseau County Soil and Water Conservation District; xiv.) Joint Powers Natural Resource Board; xv.) Pioneer Farm Committee.

DISCUSSION

The Board discussed the Meeting Management Protocol. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried to adopt the Roseau County Meeting Management Protocol. Coordinator Klein was directed to provide a copy to all elected and appointed Department heads.

The Board discussed the west courthouse parking lot. The second lift of asphalt on the new section is scheduled to be done the third week of July. An estimate in the amount of \$10,600 has been received to repair and lay a new coat of asphalt on the old section. The Board discussed concerns regarding covering the old section again without installing drain tile. Contractor ISC, Inc. is working on a quote to provide that additional work. The Board agreed to defer action until that quote is received.

The Board discussed the sale of unwanted county property through a web-based auction on the county web site. The Board concurred that it seems like a good idea and directed the County Coordinator to research the matter further.

Upon motion carried, the meeting adjourned at 12:00 p.m. The Board will convene its next regular meeting at 8:30 a.m. on June 12, 2007.

Attest:

Date: _____

Teresa Klein
County Coordinator

Jack Swanson
Board Chairman