

PROCEEDINGS OF THE ROSEAU COUNTY BOARD OF COMMISSIONERS

August 14, 2007

The Board of Commissioners of Roseau County, Minnesota met in the courthouse in the City of Roseau, Minnesota on Tuesday, August 14, 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

Approval of H & J Displays quote for three pieces of courtroom furniture; approval of a resolution in support of holding public hearings on the impact of proposed changes to the Federal Clean Water Legislation; approval of a resolution establishing a Tax Forfeited Sale Special Revenue Fund retro to the 2006 Budget; and approval of a quote from E & L Electric for installation of conduit were added to the consent agenda. A motion was made by Commissioner Rasmussen, seconded by Commissioner Foldesi, and carried by unanimous vote to approve the amended agenda.

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

CONSENT AGENDA

The Board, by adoption of its consent agenda, approved proceedings of the July 10, 2007 and July 24, 2007 regular Board meetings and proceedings of the July 23, 2007 special Board meeting and the August 8, 2007 emergency Board meeting.

The Board, by adoption of its consent agenda, approved the Information Technology Department purchase of Symantec Antivirus Renewal (\$1374.25); IT Mobile Laptop (\$1127); Two Network Laser Printers for Dispatch (\$861.37); and Three Gigabyte Network Switches & Optical Receivers (\$5811).

The Board, by adoption of its consent agenda, approved Police & Fire Plan PERA Benefits for Sheriff's Office Part-time Employees Nathan McMillin, Kelly Brekke, and Nathan Cossentine.

The Board, by adoption of its consent agenda, approved a policy on part-time employee eligibility for Police and Fire Plan PERA Benefits.

The Board, by adoption of its consent agenda, accepted MN Dept. of Public Safety Office of Justice Programs Victim Services Emergency Fund Grant in the amount of \$2,000.

The Board, by adoption of its consent agenda, accepted MN Dept. of Public Safety Office of Justice Programs Community-Orientated Policing (COPS) Grant in the amount of \$102,360.

The Board, by adoption of its consent agenda, accepted a FY07-08 Veterans' Service Grant in the amount of \$2,800.

The Board, by adoption of its consent agenda, approved Minnesota Counties Computer Cooperative Amended Joint Powers Agreement.

The Board, by adoption of its consent agenda, approved purchase of a dispatch console from H & J Displays in the amount of \$5,400.

The Board, by adoption of its consent agenda, acknowledged Roseau County Ag Society's correspondence refunding Roseau County's fair booth fee.

The Board, by adoption of its consent agenda, approved the purchase of three pieces of court services furniture from H & J Displays in the amount of \$1,770.

The Board, by adoption of its consent agenda, approved a resolution in support of holding public hearings on the impact of proposed changes to the Federal Clean Water Legislation.

The Board, by adoption of its consent agenda, established a Tax Forfeited Sale Special Revenue Fund retro to the 2006 Budget;

The Board, by adoption of its consent agenda, approved a quote from E & L Electric in the amount of \$5,900 for installation of conduit.

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

WARRANTS APPROVED ON 8/14/2007 FOR PAYMENT 8/17/2007			
AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
683.27	ACE HARDWARE-ROSEAU	937.14	BALLARD MOTOR CO
1901.64	BEITO REPAIR	322.36	BEST WESTERN FERGUS FALLS
720.74	BLACK BOX CORPORATION	2854.00	BOARD OF WATER AND SOIL RESOUR
900.13	BREEZY POINT RESORT	324.42	BUSINESS & LEGAL REPORTS
1170.91	COAST TRUE VALUE	1104.20	TONY DORN INC
3302.50	FARMERS UNION OIL CO-LK BRNSN	18376.79	FARMERS UNION OIL CO-ROSEAU
4021.12	FARMERS UNION OIL CO-WARROAD	552.38	GEROY'S BUILDING CENTER INC
43716.03	GOULET CONSTRUCTION	625.46	GRAINGER INC
774.55	GRAND FORKS GROCERY FOOD SERV	437.74	ANNE GRANITZ
1920.00	GUMERINGER LAWNCARE	11515.00	H & J DISPLAYS INC
340.87	LISA HANSON	734.00	HELGESON FUNERAL CHAPEL INC
1272.68	HIGH PLAINS TECHNOLOGY	712.23	HILLYARD HUTCHINSON
6715.00	HOFFMAN DALE & SWENSON PLLC	14357.01	HORNER PLUMBING & EXCAVATION
3992.39	HOUSTON ENGINEERING	10183.43	JOHNSON OIL CO INC
4635.32	KLEIN MCCARTHY & CO LTD ARCHIT	4650.00	LAKE OF THE WOODS CO SHERIFF
778.40	LEXISNEXIS MATTHEW BENDER	348.92	M & R SIGN CO INC
474.00	MACO	37167.75	MAR-KIT LANDFILL
733.50	MIDWEST MONITORING & SURVEILLA	2836.77	MN COUNTIES COMPUTER COOP
1421.69	MN DEPT OF TRANSPORTATION	685.26	MN OFFICE OF ENTERPRISES TECH
1490.81	MULTI OFFICE PRODUCTS INC	737.50	NORTHLAND TIRE
5036.20	PEART & ASSOCIATES INC	327.00	POWERPHONE INC
2546.84	PRAXAIR	1927.78	PRO AUTOMOTIVE
750.89	PROVANTAGE CORPORATION	821.12	QUALITY PRINTING
879.84	QUILL CORPORATION	19324.00	R & Q CONTRACTING INC
3112.72	REUBEN'S BODY SHOP INC	2635.59	RIVERFRONT STATION
1149.00	ROSEAU AREA HOSPITAL HOMES INC	489.45	ROSEAU CLEANING SYSTEMS
13603.63	ROSEAU CO COOP ASSN	2425.06	ROSEAU DIESEL SERVICE INC

1063.00	ROSEAU FIRE DEPT	309.75	ROSEAU TIMES REGION
896.33	STEVEN ROSEEN	12528.25	RUFFRIDGE-JOHNSON EQUIP CO
411.08	RUTTGER'S SUGAR LAKE LODGE	304.57	LORNA SANDVIK
1150.00	SHANON SIKORSKI	2435.25	SJOBORG'S INC
1774.09	SPIELMAN RADIO	493.13	STATE TREASURER
375.00	TOWN OF LAKE	429.26	THE TRIBUNE
1519.29	U SAVE FOODS	6400.00	VANGUARD APPRAISALS, INC
667.08	WARROAD PIONEER	1045.76	WEST GROUP PAYMENT CENTER
40978.27	WIDSETH SMITH NOLTING	1369.91	ZIEGLER INC
75 PAYMENTS LESS THAN \$300		9,664.72	
****		FINAL TOTAL.....	\$329,271.77 ****

And the summary of auditor warrants and forthwith payments, as follows:

7-26-07	\$1,405,104.30
8-02-07	\$ 157,211.93
8-08-07	\$ 14,669.10

ENVIRONMENTAL OFFICER

Environmental Officer Jeff Pelowski met with the Board. Mr. Pelowski presented quotes to clean up tax-forfeited parcels in preparation for the tax-forfeited land sale. Mr. Pelowski stated he solicited four quotes and received two. Mr. Pelowski recommended the Board approve the low quote and award a contract for this work to R & Q in the amount of \$6,800. A motion was made by Commissioner Johnston, seconded by Commissioner Rasmussen, and carried by unanimous vote to adopt the following resolution:

2007-08-01

BE IT RESOLVED, that the Board does hereby approve the quote of R & Q in the amount of \$6,800 to clean up four tax-forfeited parcels in preparation for the tax-forfeited land sale.

Mr. Pelowski introduced Susan Peterson to the Board. Mr. Pelowski explained that Roger and Susan Peterson own property in the City of Roseau that is adjacent to county owned parcel no. 543005800. The Petersons attended a city council meeting requesting that the city either maintain the parcel that is adjacent to their property or compensate the Petersons for doing so. Mr. Pelowski explained that the lot is actually owned by the county, not the city, and that it was purchased as part of the Center Street bridge project. The previous owner, , maintained the county owned parcel. The new owners are unwilling to do so without some form of compensation. The value of the county parcel in question is \$500. The lot is too small to build on. It also contains utility easements. The Board discussed possible solutions. A motion was made by Commissioner Foldesi, seconded by Commissioner Walker, and carried by unanimous vote to adopt the following resolution:

2007-08-02

BE IT RESOLVED, that the Board will accept sealed bids until 11:00 am on Tuesday, September 25, 2007 for the sale of Roseau County Parcel No. 543005800, described as Lot 13 and the West 25 feet of Lot 12 of Block 7 Sanders & Jacklin's Addition, subject to any easements, reservations, and restrictions of record.

BE IT FURTHER RESOLVED, that the Board does not set a minimum bid on the above mentioned parcel and reserves the right to reject any and all bids.

2008 BUDGET DISCUSSION

County Attorney Lisa Hanson met with the Board to review the 2008 proposed County Attorney budget. Ms. Hanson presented a copy of the proposed budget and noted that it reflects a net decrease of \$5,693 from the 2007 budget. Ms. Hanson noted a number of items that will contribute to the reduction including handling of non-sufficient check processing for the City of Warroad, an increase in cost of prosecution revenue, increased accuracy in child support billing, a new policy on billing defendants for the cost of reproducing discovery, writing grants to cover the cost of training for office staff, a continuing legal education fee waiver in exchange for Ms. Hanson's service as a remote training coordinator, and a number of other internal administrative changes. Ms. Hanson gave an overview of the juvenile officer COPS grant the county recently received. Ms. Hanson stated that this grant will enhance the current juvenile crime prevention strategies that are in place in Roseau County through the Roseau County Prevention Coalition. Ms. Hanson told the Board that Roseau County is being held up as a model in the State of Minnesota for the success of its collaborative efforts to address underage drinking and juvenile crime.

Treasurer Diane Gregerson met with the Board. Ms. Gregerson stated that her 2008 budget will have a net decrease of \$11,650 due in large part to the increase in dues and fees and the increase in the number of vital statistic transactions which include passports, birth certificates, marriage licenses, and death certificates. Ms. Gregerson advised the Board that the Warroad Housing Rehabilitation Authority had paid their past due Payment in Lieu of Taxes (PILOT) in full.

LAKE OF THE WOODS WATER SUSTAINABILITY FOUNDATION

Lake of the Woods Water Sustainability Foundation President Antony Stephens, Director Joan Richardson, and Executive Director Todd Sellers met with the Board to request the Board's approval of a revised resolution of support and to provide an update on the Foundation's activities. Mr. Sellers noted that the most significant change in the last year is that Lake of the Woods has been added to the Minnesota Pollution Control's draft list of impaired waters. Mr. Sellers informed the Board that significant work has been done on building consensus and international collaboration to address Lake of the Woods sustainability issues. Mr. Sellers noted that Lake of the Woods is a long way from the political radar in both Canada and the United States and it has taken considerable effort to raise awareness. The Water Quality Forum that brings together scientists from Canada and the United States has turned out to be a very successful venture. The Foundation is currently working on two studies: the State of the Basin Report and a LOW Nutrient Budget. Mr. Sellers outlined the next steps of the foundation including requesting its partners renew resolutions of support and work together to develop broader support at the state level. Mr. Sellers discussed convening meetings with the three LOW border counties and their legislative representative. The Board suggested holding such a meeting in conjunction with the annual Minnesota Association of Counties Legislative Conference in March. Commissioner Rasmussen suggested the foundation meet with the Northern Counties Land Use Coordinating Board. Commissioner Walker suggested holding a local meeting in Warroad or Baudette and inviting effected landowners. Mr. Sellers agreed to follow up on the suggestions. The Board deferred action on the resolution of support to the August 28, 2007 meeting.

Chair Swanson recessed the regular Board meeting at 10:00 am. Chair Swanson reconvened the meeting at 10:15 am.

KLEIN MCCARTHY ARCHITECTS PROJECT UPDATE

Klein McCarthy owner Scott Fettig met with the Board. Mr. Fettig advised the Board that architect John Howell is no longer with the firm and introduced Mark Sneider who will be assisting in finishing out the Roseau County projects. Mr. Fettig stated that Klein McCarthy will now be on site every two weeks through the completion of the project. Mr. Fettig reviewed the project status on the jail and social service buildings and advised the Board that Klein McCarthy is working closely with ICS to close out punch list items from the Social Service building and to address concerns raised by the Department of Corrections. Mr. Fettig noted that the jail project is at 85% completion and 44.5% of the contingency has been utilized.

HIGHWAY DEPARTMENT

Engineer Ketring met with Board. Mr. Ketring requested the Board authorize advancing and encumbering 2008 CSAH funds in the amount of \$600,000.00. A motion was made by Commissioner Walker, seconded by Commissioner Rasmussen, and carried by unanimous vote to adopt the following resolution:

2007-08-03

BE IT RESOLVED that the Board does hereby authorize the Highway Department to advance and encumber 2008 County State Aid Highway funds in the amount of \$600,000.

Engineer Ketring requested the Board approve an Updated Bridge Program Resolution. A motion was made by Commissioner Rasmussen, seconded by Commissioner Foldesi and carried by unanimous vote to adopt the following resolution:

2007-08-04

WHEREAS, Roseau County has determined that the following deficient bridges on the CSAH, County Road, and Township bridge systems are a high priority and require replacement or rehabilitation in the next five years and has revised the overall priority list as follows:

Bridge No.	Road No.	Sufficiency Rating	Engineers Estimate	Proposed Construction Yr.
L-9059	Twp. Road	42.0	\$145k	2007
L-9060	Twp. Road	34.0	\$205k	2008
L-5748	Twp. Road	38.0	\$180k	2008
L-4524	Twp. Road	37.0	\$225k	2008
L-9046	Twp. Road	39.0	\$160k	2008
7511	CR 111	42.4	\$175k	2009
3741	Twp. Road	36.0	\$210k	2009

L-9285	Twp. Road	37.9	\$275k	2009
3744	Twp. Road	28.0	\$155k	2010
L-9063	Twp. Road	28.1	\$210k	2010
68522	Twp. Road	42.0	\$540k	2010
L-9057	Twp. Road	41.2	\$480k	2011
92593	CR 126	54.8	\$520k	2011
92653	CR 149	55.7	\$220k	2012
L-9509	Twp. Road	52.8	\$140k	2012
RO235	Twp. Road	55.8	\$360k	2012
RO303	Twp. Road	54.8	\$240k	2012

WHEREAS, local roads play an essential role in the overall state transportation network and local bridges are the critical component of the local road systems, and

WHEREAS, State support for the replacement or rehabilitation of local bridges continues to be crucial to maintaining the integrity of the local road systems and is necessary for the County and the townships to proceed with the replacement or rehabilitation of the high priority deficient bridges described above, and

WHEREAS, Roseau County intends to proceed with replacement or rehabilitation of these bridges as State Transportation Bond Funds become available.

NOW, THEREFORE, BE IT RESOLVED Roseau County commits that it will proceed with the design and contract documents for these bridges immediately after being notified that funds are available in order to permit construction to take place within one year of notification.

Engineer Ketring requested the Board approve final payment to Gladen Construction for a highway construction project on CSAH 13 for grading aggregate surfacing and culvert installation located one mile east of Salol from TH11 north and east to CR 137. A motion was made by Commissioner Foldesi, seconded by Commissioner Rasmussen and carried by unanimous vote to adopt the following resolution:

2007-08-05

BE IT RESOLVED that the Board does hereby approve final payment to Gladen Construction in the amount of \$44,088.28. for SAP 68-613-14 and SAP 68-613-15.

Engineer Ketring requested the Board approve a call for bids on a Skagen Township Bridge Construction Project. A motion was made by Commissioner Foldesi, seconded by Commissioner Walker, and carried by unanimous vote to adopt the following resolution:

2007-08-06

BE IT RESOLVED that the Board does hereby approve a call for bids until 11:00 a.m. on September 17, 2007 for the following bridge construction projects:

Skagen Township: SAP 68-599-83, Bridge Replacement with Box Culverts from CSAH 3 west 1 mile to the northwest corner of Section 1.

Hereim Township: SAP 68-599-85, Bridge Replacement with Box Culverts from TH 32, west 1 mile, NW Corner of Section 27.

SHERIFF'S OFFICE

Chief Deputy Terry Bandemer met with the Board to present the revised Ordinance No. 35 for consideration. Hearing Officer language has been completely removed and definitions of offenses have been added. A motion was made by Commissioner Rasmussen, seconded by Commissioner Foldesi, and carried by unanimous vote to adopt the following resolution:

2008-08-07

BE IT RESOLVED, that the Board does hereby approve the following Roseau County Ordinance:

ROSEAU COUNTY ORDINANCE NO. 35

THE COUNTY OF ROSEAU DOES ORDAIN:

Subdivision 1: Purpose

Administrative Offense Procedures established pursuant to this Ordinance are intended to provide the public and Roseau County with an informal, cost-effective, and expeditious alternative to traditional court actions for violation of certain traffic and criminal offenses.

The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative penalty, as provided for hereafter, the individual may withdraw from participation in the administrative offense procedures in which event the County may bring traffic or criminal charges in accordance with the law.

Likewise, Roseau County, in its discretion, may choose not to initiate administrative offense procedures and may bring criminal or traffic charges in the first instance.

Subdivision 2: Administrative Offense

An administrative offense is a violation identified and defined by the Roseau County Board of Commissioners and is subject to the administrative penalties set forth on a Schedule of Administrative Offenses and Penalties adopted by the Roseau County Board of Commissioners. The Schedule of Administrative Offenses and Penalties may be reviewed and amended by the Roseau County Board of Commissioners at any time.

Subdivision 3: Notice

Any officer of the Roseau County Sheriff's Office or any other person employed by the County and authorized in writing by the County Board, having authority to enforce County ordinances, shall, upon determining that there has been a violation, notify the violator, or if a motor vehicle is involved in the violation and the violator is not present at the time, attach the notice of the violation to the vehicle. Said notice shall set forth the nature, date and time of the violation, the name of the official issuing the notice, and the amount of the scheduled penalty.

Subdivision 4: Payment

Once such notice is given, the alleged violator may, within ten (10) days of the time of issuance of the notice, pay to the County Treasurer the amount set forth on the schedule of penalties for the violation, or request in writing a hearing, 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.

Subdivision 5: Due Process

Any person contesting an administrative offense pursuant to this Ordinance, may have the citation dismissed. A traffic or criminal charge will then be filed and the matter will be prosecuted through District Court.

Subdivision 6: Failure to Pay

In the event a party charged with an administrative offense fails to pay the penalty within ten (10) days of issuance of the notice, a traffic or criminal charge may be brought against the alleged violator in accordance with applicable statutes or ordinances.

If the penalty is paid within the times stated above, no traffic or criminal charge will be brought by Roseau County for the same violation.

Subdivision 7: Disposition of Penalties

All penalties collected pursuant to the Ordinance shall be paid to Roseau County and deposited in the general fund.

Subdivision 8: Effective Date

This law shall be in full force and effect upon adoption pursuant to Minnesota law.
Dated this 14th day of August, 2007.

SCHEDULE OF ADMINISTRATIVE OFFENSES AND PENALTIES

a. Failure to Obey Traffic Signals – M.S. §169.06 (Signs, Signals & Markings)	\$50
b. Speeding – M.S. §169.14 (Speed Limits, Zones & Radar)	\$50
c. Improper Lane Use – M.S. §169.18 (Driving Rules)	\$50
d. Improper Turns – M.S. §169.19 (Turning, Starting & Signaling)	\$50
e. Failure to Yield Right of Way – M.S. §169.20 (Right of Way)	\$50
f. Stopping or Parking on a Roadway – M.S. §169.35 (Parking)	\$50
g. Other Parking Violations – M.S. §169.35 (Parking)	\$50
h. Littering – M.S. §169.421 (Littering)	\$50
i. Equipment Violations – M.S. §169.47 (Unsafe Equipment)	\$50
j. Failure to Use Passenger Restraint for Children – M.S. §169.685 (Seatbelt Passenger Restraint System for Children)	\$50
k. Seat Belt Violation – M.S. §169.686 (Seatbelt Use Required)	\$50
l. Trespass – M.S. §609.605 (Trespass)	\$50
m. Disorderly Conduct – M.S. §609.72 (Disorderly Conduct)	\$50

- | | |
|---|------|
| n. Public Nuisance – M.S. §347.06 | \$50 |
| o. Unlawful Deposit of Garbage – M.S. §609.68
(Unlawful Garbage) | \$50 |
| p. Loud Exhaust – M.S. §169.069 (Muffler) | \$50 |
| q. Exhibition Driving – M.S. §169.13
(Reckless or Careless Driving) | \$50 |
| r. Off-Road Vehicle Violations – M.S. §84.795
(Off-Road Vehicle Operation) | \$50 |
| s. Snowmobile Violations – M.S. §84.83 (Snowmobiles) | \$50 |

TWO RIVERS WATERSHED DISTRICT

Two Rivers Watershed District Administrator Dan Money and Manager John Younggren met with the Board to discuss the Ross #7 Impoundment Project. Mr. Money advised the Board that there is a survey discrepancy on property purchased for the project that is creating a land use issue. The county wants to mine gravel from the land in question and the Watershed would like to build a dike. A decision needs to be made regarding how to handle the matter so that construction of the project can move forward. A number of solutions were discussed including assessing the amount of gravel that will be lost and compensating the county; offering a comparable piece of land to the county to mine gravel; or move the site of the dike down slope. The Board directed the County Engineer and Two Rivers Watershed to work out an amicable solution to resolve this matter without further project delay.

COMMITTEE REPORTS

The Board heard the following committee and other meeting reports: i.) Two Rivers Watershed Committee; ii.) Warroad River Watershed District ; iii.) Roseau River Watershed District Board Meeting; iv.) AMC Futures Project Task Force; v.) MRCC; vi.) Public Hearing on Proposed Ordinance No. 35; vii.) Township Road Committee; and viii.) Building Committee.

DISCUSSION

The Board discussed the per-diem cap. The Board agreed that a \$6000 cap is unrealistic given the number of mandated meetings the Commissioners attend and the other committee obligations. A motion was made by Commissioner Walker, seconded by Commissioner Rasmussen and carried by a unanimous vote to adopt the following resolution:

2007-08-08

BE IT RESOLVED, that the Board does hereby remove the \$6000 Commissioner per-diem cap.

The Board discussed the Roseau River Watershed District request to financially contribute to the cost to remove debris from the Nystrom Bridge. Although the Nystrom Bridge is a county bridge, the County can only justify expending tax dollars to remove debris if the debris places the structure in jeopardy. County Engineer Brian Ketring advised the Board that he has examined the debris and that it does not provide a structural risk to the integrity of the bridge and therefore state aid funds cannot be used.

Emergency Manager Gracia Nelson has researched the matter to determine if emergency management funds might be available to assist in this project. Ms. Nelson advised

the Board that the debris cannot be linked to a recent flood event or other natural disaster so no emergency funds are available for this project.

Engineer Ketring told the Board he believes the matter should be referred to the Flood Mitigation Committee to resolve.

The Board concurred that it would not be appropriate to use tax dollars to fund this project. A motion was made by Commissioner Rasmussen, seconded by Commissioner Walker, and carried by unanimous vote to direct the County Coordinator to write a letter to the RRWD advising them of the Board's decision.

Chair Swanson presented a suggestion that was placed in the County's suggestion box. It was requested that road signs be straightened from time to time and that we take more pride in our county. Engineer Ketring informed the Board that there are multiple jurisdictions responsible for the signs. The townships are responsible for maintaining the signs unless the town board has specifically requested the county to do so. If a constituent has a concern about the maintenance of a sign in their township, they are advised to contact their township board.

Upon motion carried, the meeting adjourned at 1:00 p.m. The Board will convene its next regular meeting at 8:30 a.m. on August 28, 2007.

Attest:

Teresa Klein, County Coordinator
Roseau County, Minnesota

Jack Swanson, Chairman
Board of County Commissioners
Roseau County, Minnesota