

PROCEEDINGS OF THE ROSEAU COUNTY BOARD OF COMMISSIONERS

October 28, 2008

The Board of Commissioners of Roseau County, Minnesota met in the Courthouse in the City of Roseau, Minnesota on October 28, 2008 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 Jack Swanson, Alan Johnston, Orris Rasmussen, Russell Walker and Mark Foldesi.

APPROVAL OF AGENDA

Attendance at the Metropolitan Energy Policy Coalition Greenhouse Gas workshop; Sidewalk snow removal; Confirmation of AMC Delegates; Acceptance of Aaron Phillip resignation; Assessor Interview Panel; The Pioneer Farm Wayside Rest and Malung and Wannaska School disposition were all added to discussion. A motion was made by Commissioner Foldesi seconded by Commissioner Walker, and carried unanimously to adopt the revised agenda.

CONSENT AGENDA

A motion to adopt the consent agenda was made by Commissioner Rasmussen, seconded by Commissioner Walker and carried unanimously.

The Board by adoption of its Consent Agenda, approved the proceedings of the October 7, 2008 and October 14, 2008 Board meetings and approved the October 7, 2009 Ditch #69 Public Hearing meeting minutes.

The Board, by adoption of its Consent Agenda, approved the ratification of MCCC Contract with Docutech for the maintenance and support of MCAPS.

The Board, by adoption of its Consent Agenda, approved the 2009-2011 LELS Dispatch/Correctional Officer and Deputy Contracts.

The Board, by adoption of its Consent Agenda, approved the revised Off Highway Vehicle Enforcement Grant.

The Board, by adoption of its Consent Agenda, approved the FY09 Crime Victim Services Grant.

The Board by adoption of its Consent Agenda, approved forthwith payments as follows: \$2,422.21, \$1,841.85, \$1,368.90, \$1,501.04.

The Board by adoption of its Consent Agenda, approved bills for payment as follows:

WARRANTS APPROVED FOR PAYMENT 10/16/2008

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
9113.08	ASPHALT SURFACE TECHNOLOGIES C	683.35	CELLULAR 2000-UNICEL
694.91	L & K SALES & SERVICE	3108.00	MN DEPT OF FINANCE-TREAS
375.00	MN DEPT OF HEALTH (ENVIRONMENT	17865.00	R & Q CONTRACTING INC

932.84 ROSEAU CITY	2599.79 ROSEAU CO TRAILBLAZERS
1329.55 SATHER LAW OFFICE	39169.37 RJ ZAVORAL & SONS INC
9 PAYMENTS LESS THAN \$300 484.96	
**** FINAL TOTAL..... \$76,355.85 ****	

WARRANTS APPROVED ON 10/17/2008 FOR PAYMENT 10/17/2008

AMOUNT VENDOR NAME	AMOUNT VENDOR NAME
464.50 CITY OF ROSEAU	
0 PAYMENTS LESS THAN \$300 .00	
**** FINAL TOTAL..... \$464.50 ****	

WARRANTS APPROVED FOR PAYMENT 10/23/2008

AMOUNT VENDOR NAME	AMOUNT VENDOR NAME
2261.95 CAPITAL GUARDIAN TRUST CO	2684.00 FLYNN DRYWALL
3618.00 LAURE JOHNSON	7702.25 MII LIFE-VEBA
648.78 MN CHILD SUPPORT PAYMENT CENTE	2370.37 MN ENERGY RESOURCES
2416.72 NATIONWIDE RETIREMENT SOLUTION	52890.00 NW MN SERV COOP-BLUE CROSS BLU
315.97 ROSEAU ELECTRIC COOP INC	5291.00 WYNNE CONSULTING INC
5 PAYMENTS LESS THAN \$300 379.60	
**** FINAL TOTAL..... \$80,578.64 ****	

WARRANTS APPROVED ON 10/28/2008 FOR PAYMENT 10/31/2008

AMOUNT VENDOR NAME	AMOUNT VENDOR NAME
2275.00 ASSN OF MN COUNTIES	6186.12 AVIANDS LLC
382.18 BILL BOYD	821.79 CANON FINANCIAL SERVICES INC
5531.45 CDW GOVERNMENT INC	585.00 FRED CLASEN
1646.00 CLENE RITE JANITORIAL SERVICE	2250.00 CRIMESTAR CORPORATION
725.00 DAKOTA FIRE PROTECTION INC	1485.26 DELL MARKETING LP
517.21 GEROYS BUILDING CENTER	702.57 LISA HANSON
617.70 HILLYARD HUTCHINSON	25500.00 HJELLE ROOFING INC
950.00 LES STOREY TRUCKING	360.00 LIFECARE MEDICAL CENTER
425.24 M & R SIGN CO INC	25722.95 MACTEK SYSTEMS INC
2240.99 MARSHALL CO AUDITOR-TREASURER	425.00 MCFARLANE SHEET METAL
400.00 M.B MCGEE M.D.	1143.00 MIDWEST MONITORING & SURVEILLA
1093.82 MN OFFICE OF ENTERPRISES TECH	1135.33 MULTI OFFICE PRODUCTS INC
800.00 NORTH COUNTRY WEBSITES	2300.00 PATRICK NOVACEK
950.00 ARIA OLSLUND	1250.00 PSYCHOLOGY SERVICES OF SOUTHER
794.81 QUILL CORPORATION	1400.00 RAMSEY CO MEDICAL EXAMINER
3071.00 RESOURCE COMMUNICATIONS INC	500.32 TCC DISTRIBUTORS INC
5445.54 TRIANGLE ELECTRIC INC	315.00 THE TRIBUNE
1442.48 TW VENDING INC	15675.00 U OF MN EXTENSION SERVICE
1500.00 UND FORENSIC PATHOLOGY	
38 PAYMENTS LESS THAN \$300 4,014.69	
**** FINAL TOTAL..... \$122,580.45 ****	

SHERIFF'S DEPARTMENT

Chief Deputy Bandemer met with the Board. The Board received and accepted the resignation of Deputy Aaron Phillipe.

Chief Deputy Bandemer presented the Board with Calls for Service Data and information regarding all administrative position roles and responsibilities. Bandemer informed the Board that the number one duty of the Roseau County Sheriff's Office is to serve and protect the citizens of Roseau County as mandated by statute. Bandemer provided the Board with citizen complaint forms. Bandemer noted that the best way to handle citizen concerns is get factual information from the complainant in writing and then investigating the matter. Bandemer informed the Board that they may submit concerns on this form as well. The Citizen Complaint

form may also be found on the Roseau County web site on the Sheriff's Office department page.

TREASURER DIANE GREGERSON

Treasurer Gregerson met with the Board to request the Board pass a resolution pursuant to Minnesota Statutes §345.31-345.60 (Minnesota Uniform Disposition of Unclaimed Property Act) authorizing her to forward unclaimed checks to the Minnesota Department of Commerce. A motion was made by Commissioner Rasmussen, seconded by Commissioner Foldesi, and carried unanimously to adopt the following resolution:

2008-10-08

WHEREAS, Minnesota Statutes §345.31-345.60 (Minnesota Uniform Disposition of Unclaimed Property Act) requires counties to remit unclaimed property to the State of Minnesota.

NOW, THEREFORE, BE IT RESOLVED, that Roseau County Treasurer Diane Gregerson be and is hereby authorized to remit twenty-two unclaimed warrants to the State of Minnesota Department of Commerce Unclaimed Property Section in the total amount of \$113.29.

<u>No.</u>	<u>Date</u>	<u>Amount</u>	<u>Payee</u>
94540	April 15, 2005	\$18.05	Mag's Repair
3957	July 26, 2004	\$ 9.00	Ron Quaife
4079	September 6, 2004	\$10.38	Gregory J. Bruce
4103	October 17, 2004	\$ 4.00	Donald C. & Diane Hayes
4146	February 28, 2005	\$ 1.78	Gerald S. Kruse
4186	May 25, 2005	\$ 1.00	Darena Daignault
5011	September 14, 2004	\$ 1.12	Russell Crabtree
5015	September 16, 2004	\$ 1.08	Juleen K. Hendrickson
5117	January 5, 2005	\$ 1.98	Steven M. Knutson
5123	January 11, 2005	\$ 1.89	Catherine A. Kaml
5146	February 5, 2005	\$ 3.00	Jordan Hanson
5171	February 22, 2005	\$ 2.00	Deborah E. Johnson
5191	March 4, 2005	\$ 2.88	Chad Fuller
5212	March 15, 2005	\$ 1.11	Lori Ann Kofstad
5231	April 8, 2005	\$ 1.47	Vieng Phothirath
5286	May 26, 2005	\$.20	Platinum Courier Services
5318	June 17, 2005	\$10.00	Joni Lucille White
1008	March 11, 2005	\$.35	Pamela Puppe
1137	December 10, 2001	\$10.00	American Title, Inc.
1316	April 29, 2003	\$30.00	The First American Corporation
1115	October 19, 2001	\$10.00	Leonard, O'Brien, Wilford, Spencer & Gale, Ltd.
1267	January 7, 2003	\$10.00	Leonard, O'Brien, Wilford, Spencer & Gale,
Total		\$131.29	

HIGHWAY DEPARTMENT

Engineer Brian Ketring presented the Board to request approval to purchase three mower tractors at the state bid price. Ketring provided the Board with an abstract of trade-in quotes. Holte Implement offered the county the best trade in values and Ketring recommended to the Board that the equipment be purchased through Holte Implement. A motion was made by Commissioner Walker, seconded by Commissioner Foldesi, and carried unanimously to adopt the following resolution:

2008-10-09

BE IT RESOLVED, that the Board does hereby approve the purchase of three (3) John Deere 7230 Tractors from Holte Implement at the state bid price of \$71,359.92 each and a trade-in amount of \$119,000.00 for a total \$101,259.94 including tax.

Engineer Ketring discussed with the Board dissatisfaction regarding legality to charge the Department of Natural Resources for expenses related to gathering and copying public data. On August 7, 2008, a Public Information Request Form was faxed from the Department of Natural Resources (DNR) to the Auditor Office's and Highway Department requesting to view all documents pertaining to the establishment, dedication, construction and improvement of County Road #7. The form was signed by Donovan Pietruszewski, Area Wildlife Supervisor. Mr. Pietruszewski came to the Highway Department to view the requested documents and Engineer Ketring advised Pietruszewski that some of the records were readily available for viewing; however others were in storage and would require some work to access. According to Ketring, Mr. Pietruszewski became agitated and threatened to contact the Attorney General and sue the county for violation of data practices. To date, the County has not received a letter from the Attorney General. According to Ketring, Mr. Pietruszewski later informed him that this matter was too small for the Attorney General to bother with and asked Ketring if he would organize and copy the materials for the DNR. Ketring advised Mr. Pietruszewski at that time that he would gather the requested information and copy it, clearly stating that a fee would be charged. According to Ketring, Pietruszewski verbally acknowledged his understanding and agreed to pay research and copy costs. Ketring and staff provided the requested information and billed the DNR for the actual cost to research and collect the requested information in the amount of \$513.38, as is allowed by statute. DNR Data Practices Director Sheila Deyo later contacted the Roseau County Data Practices Officer, County Coordinator Klein, and advised her that it was illegal for the county to charge for these materials as the Request for Information form clearly stated that the DNR's only request was to view the materials. Coordinator Klein researched the matter and determined that while a verbal agreement had been made between Ketring and Pietruszewski, that the Public Request for Information Form had not been revised to reflect that change. It was determined that Mr. Pietruszewski was not asked to complete additional public information request paperwork that acknowledged the verbal agreement. Coordinator Klein discussed the matter with the County Attorney. Coordinator Klein informed the Board that despite the hostile situation under which the materials were requested that the county had failed to comply with the necessary documentation that would support a request for payment for these services under Minnesota Data Practices Act, Minnesota Statutes Chapter 13. Ketring informed the Board that he did not agree with this determination. Chair Swanson suggested that while he understood that the county can't legally bill the DNR for these materials, he suggested that a letter be drafted and sent to Regional Director Mike Carroll informing him of the circumstances. Ketring requested that this letter also be sent to the DNR Director Mark Holstein, Governor Pawlenty, the Kittson County Board, and others. The Board discussed who would be the appropriate person to write the letter. Coordinator Klein suggested the County Attorney. Ketring was directed to meet with the County Attorney and ask her to draft the letter.

ASSESSOR LORNA SANDVIK

Assessor Lorna Sandvik met with the Board to request a payroll change for Val Wensloff. This payroll change is for hours she is working out of class as an Appraiser II, assessing property for the City of Roseau. Sandvik was asked if the contract with the city covers this expense. Sandvik informed the Board that the agreed sum in the contract is budgeted to pay the expense to provide an assessor to the city of Roseau and includes the cost of a temporary employee to replace the hours Val Wensloff will be assigned to other work. A motion was made by Commissioner Walker, seconded by Commissioner Swanson, and carried unanimously to approve the following resolution:

2008-10-10

BE IT RESOLVED, that the Board does hereby approve a new job classification entitled Appraiser II, evaluated at 415 points, and classified as a Grade 7.

BE IT FURTHER RESOLVED, the Board approves a payroll change for Val Wensloff to provide for compensation at a Grade 7 Step G for hours worked out of class as an Appraiser II.

The Board discussed the Aggregate Resource Preservation Property Tax Law "Opt Out" Resolution. Passing this resolution will give the county the authority to include the value of aggregate resources in property valuations. A motion was made by Commissioner Russell Walker, seconded by Commissioner Johnston, and carried unanimously to adopt the following resolution:

2008-10-11

Consideration Of "Aggregate Resource Preservation Property Tax Law" County Termination Option

WHEREAS, the Roseau County Board of Commissioners recognizes the importance of maintaining aggregate resources for the general economy of the county; and

WHEREAS, the County Board recognizes that property taxes are an important consideration as to the viability of the aggregate industries located in the county; and

WHEREAS, the State of Minnesota has an ad valorem property tax system based on the full market value of real estate or personal property; and

WHEREAS, the provisions of Minn. Stat. §. 273.1115, Aggregate Resource Preservation Property Tax Law, grants special and unique treatment to owners of land containing aggregate deposits, in comparison with other property in the county, therefore shifting the tax burden on these properties to other taxpayers; and

WHEREAS, the provisions of Minn. Stat. § 273.1115, Aggregate Resource Preservation Property Tax Law, allow a county to terminate application of this law; and

WHEREAS, a county may reauthorize application of this law by a resolution of the County Board revoking the termination; and

WHEREAS, the County Board is required to hold a public hearing as part of the process to terminate application of this law; and

WHEREAS, said public hearing has been scheduled for November 25, 2008 at 11:00 a.m.

NOW, THEREFORE, BE IT RESOLVED, that the Roseau County Board of Commissioners hereby elects to begin the process of terminating participation in the Aggregate Resource Preservation Property Tax Law in Dakota County.

NORTHWEST JUVENILE DETENTION CENTER

Bill Frey, Superintendent and Scott Nyegaard, Residential Treatment Program Director at the Northwestern Minnesota Juvenile Center presented the Board with an overview of Programs and Services offered at the Center. Mr. Frey also presented the Board with a survey of costs per day at Minnesota facilities similar to the NMJC.

KLEIN MCCARTHY BUILDING PROJECT UPDATE

Mark Schneider of Klein McCarthy Architects met with Board to give an update on the county building projects. Mr. Schneider informed the Board the an 11 month walk through was performed and noted a few items that are still in need of repair or service but was very pleased with the end results of the project. Mr. Schneider discussed the costs associated with the repairs and requested the county agree to evenly share these costs with Klein McCarthy. The Board concurred.

DISCUSSION

Commissioner Johnston discussed the DNR Peatland Scientific Natural Area meeting. Johnston noted that the DNR is not adding two new SNA's as he had previously thought but rather are revising the operating plans for the two existing SNA's in Roseau County. The DNR will notice the county of all scheduled meetings. Commissioner Johnston will attend these meetings on behalf of the county as authorized.

Commissioner Johnston discussed adding a committee that included two members of the Roseau County Board, two members of the Roseau River Watershed Board and possibly the county engineer. This committee would not be authorized to take action on behalf of the county but would serve as a medium for idea exchanges. The Board concurred this would be a good idea but no formal action was taken.

The Board discussed a request from the City Warroad to acquire the radio tower currently located at the Old Law Enforcement center and an older Master II receiver currently located at the Highway Department. This tower will help fill a communication need for the city of Warroad and enhance county wide EMS communication. The Board agreed to donate the antenna to the City of Warroad but noted that the Master II radio is in disrepair and would not be usable. The City of Warroad indicated that they will transport the tower at their own expense. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried unanimously to adopt the following resolution:

2008-10-12

BE IT RESOLVED, that the Board does hereby agree to donate the radio tower located at the old Law Enforcement Center in Roseau to the City of Warroad as a Local Unit of Government property exchange.

Commissioner Rasmussen reported on the MRCC meeting he attended on October 27, 2008. The Transportation alliance requested a report from NW Minnesota counties on the positive effects that .05 cent increase in the state gas tax has had on their counties. After reviewing the data, NW Minnesota has received no additional funding. The Board directed Engineer Ketring to schedule a meeting with other counties in Northwest Minnesota in an effort to address the discrepancies in how the gas tax funds are distributed. Commissioners Rasmussen and Johnston agreed to attend this meeting.

Coordinator Klein reported to the Board a recommendation from the Safety Committee that all County employees have Roseau County identification badges. After further discussion, the Board inquired as to whether the ID's could also be used for keyless entry into the different county facilities. The identification cards would then replace the FABS that employees currently use. A motion was made by Commissioner Johnston, seconded by Commissioner Walker, and carried unanimously to purchase employee identification cards that also serve as FABS and integrate with our current security system. Coordinator Klein will look into the costs associated with obtaining ID badges that will function both for keyless entry and identification.

Commissioner Johnson discussed attendance at the Metropolitan Energy Coalition Greenhouse Gas workshop schedule for November 20, 2008.

Coordinator Klein requested two Commissioners be available for the County Assessor interviews scheduled for Thursday, October 30, 2008. Commissioners Walker and Foldesi will attend.

The Board discussed the before 8:00 am snow removal on the sidewalks, entrances and hard surfaces at the courthouse, law enforcement center, detention center and social service buildings. The County Coordinator was directed to publish notice that the Board is requesting quotes for this service and that liability insurance is required.

Coordinator Klein informed the Board that she spoke with Joe McKennan from the Minnesota Department of Transportation, regarding the Pioneer Farm Wayside rest. Mr. McKennan informed Ms. Klein that the state will be contacting the adjoining landowners of the wayside rest to inquire if they are interested in purchasing the property.

The Board approved voting delegates for the Association of Minnesota Counties. A Motion was made by Commissioner Walker, seconded by Commissioner Foldesi and carried unanimously to confirm Jack Swanson, Alan Johnston, Mark Foldesi, Orris Rasmussen, Russell Walker, Brian Ketring, Dave Anderson and Trish Harren-Klein as 2008 voting delegates for the AMC Annual Conference.

At a recent meeting to discuss the disposition of the vacated Malung and Wannaska schools, an inquiry was made as to whether the county would be willing to assume maintenance costs of these two buildings in order to keep them open. After discussion the Board concurred that this is cost prohibitive.

COMMITTEE REPORTS

Commissioner Swanson reported on the following committee meetings: Building Committee meeting, 10/27/08: discussed renovation project at the Old LEC. Roseau County Committee on Aging, 10/20/08: Discussed senior medical travel.

Commissioner Johnston reported on the following committee meetings: Meeting with Brian Ketring on Ditch 69, 10/14/08: Discussed culvert installation.

Commissioner Walker reported on the following committee meetings: Highway Committee Meeting, 10/20/08: Discussed purchase of mower tractors. TB Tax Credit Meeting: Discussed tax credit available for those affected by TB crisis.

Commissioner Mark Foldesi reported on the following committee reports: Highway Committee meeting, 10/13/08. Discussed purchase of mower tractors. TB Tax Credit meeting, 10/24/08: Discussed tax credit available for those affected by TB crisis. Quinn County Advisory Board, 10/24/08: Discussed public health concerns.

Commissioner Rasmussen reported on the following committee meetings: Safety Committee, 10/21/08: Reviewed safety reports, discussed county safety training, and ideas to reduce liability. Minnesota Rural County Caucus, 10/27/08: Discussed distribution of state gas tax dollars.

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 Tuesday, November 4, 2008.

Attest:

Date: _____

Teresa Klein, County Coordinator
Roseau County, Minnesota

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