

PROCEEDINGS OF THE ROSEAU COUNTY BOARD OF COMMISSIONERS

June 8, 2010

The Board of Commissioners of Roseau County, Minnesota met in the Courthouse in the City of Roseau, Minnesota on Tuesday, June 8, 2010 at 8:30 a.m.

CALL TO ORDER

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

APPROVAL OF AGENDA

A motion to approve the agenda was made by Commissioner Swanson, seconded by Commissioner Walker, and carried unanimously.

COMMENTS AND ANNOUNCEMENTS

University of Minnesota Extension 4-H Coordinator announced that they have hired a 4-H summer intern again this summer. It was noted that the Roseau County 4-H program has made this position a priority in their budgeting and through fundraising and donations are able to pay for this position. The position provides additional quality 4-H programming to youth of our county. There will be a number of programming opportunities available in Greenbush, Badger, Roseau and Warroad this summer. The position will be filled by Pam Lovejoy.

CONSENT AGENDA

A motion to adopt the Consent Agenda was made by Commissioner Walker, seconded by Commissioner Falk and carried unanimously.

The Board, by adoption of its Consent Agenda, approved Proceedings from the 5/25/10 Regular Board Meeting and 5/26/10 Special Meeting; accepted Amendments to the State of MN Communications Facility Use Agreement for the Warroad and Greenbush Towers; accepted Emergency Management Performance Grant #2010 EMPG-00660; accepted Hazardous Materials Emergency Preparedness Grant #2010-HMEP-00537; approved Recorder's Office State of Minnesota Satellite Office Agreement; accepted, with regrets, the Resignation of County Auditor Anne Granitz effective June 30, 2010; and accepted MN Department of Public Safety Stonegarden FY09 Grant (\$143,443).

A motion to close the regular meeting was made by Commissioner Swanson, seconded by Commissioner Foldesi, and carried unanimously. The regular Board meeting closed at 9:00 am.

PUBLIC HEARING ON DEPT OF TRANSPORTATION PETITION ON JD 61

A motion to open the public hearing was made by Commissioner Swanson, seconded by Commissioner Falk and carried unanimously. Pursuant to a petition received from the Minnesota Department of Transportation requesting the right to make minor

alterations or changes in Judicial Ditch No. 61 along Highway 11 west of Warroad, the Board held a public hearing to take public comment. MnDOT Hydraulics Engineer John Wingard, representing the petitioner, met with the Board to review the request to replace a damaged culvert. No other written or oral comments were received.

Commissioner Johnston re-opened the regular Board Meeting.

A motion was made by Commissioner Johnston, seconded by Commissioner Swanson and carried unanimously to adopt the following order:

**ORDER OF ROSEAU COUNTY BOARD OF COMMISSIONERS
(DITCH AUTHORITY FOR JUDICIAL DITCH NO. 61)**

**RE: PETITION OF STATE OF MINNESOTA, BY THOMAS K. SOREL, ITS
COMMISSIONER OF TRANSPORTATION, FOR THE RIGHT TO MAKE MINOR
ALTERATIONS OR CHANGES IN JUDICIAL DITCH NO. 61 IN ROSEAU COUNTY:**

The above-entitled matter came on for hearing before the Roseau County Board of Commissioners, Ditch Authority for Judicial Ditch No. 61, in the courthouse meeting room, in Roseau, Minnesota, on the 8th day of June, 2010, at 9:00 a.m.

The Petitioner appeared by John P. Wingard, P.E.

The Petitioner presented evidence in support of its petition for permission to make minor alterations or changes in Judicial Ditch No. 61, all as shown in the plan sheets attached to the Petition. (The plan sheets may be viewed at the County Engineer's Office).

It appears that the minor alterations or changes in said Judicial Ditch No. 61 petitioned for would be advantageous or desirable in the maintenance and construction of Trunk Highway No. 11.

It was further made to appear that said minor alterations or changes in said Judicial Ditch No. 61 would in no way impair the efficiency or functioning of the drainage system.

The County Board/Ditch Authority having heard the evidence adduced by the Petitioner in support of its petition for permission to make minor alterations or changes in Judicial Ditch No. 61, all as shown in plan sheets marked Exhibit "A," and made a part thereof, hereby makes its Order consenting to and granting permission to said Petitioner to make the minor alterations or changes in Judicial Ditch No. 61, all as shown in the exhibit marked "A" and made a part thereof, said minor alterations or changes to be made at the sole cost and expense of the State of Minnesota.

The County Board/Ditch Authority further orders that the Petitioner, State of Minnesota, by Thomas K. Sorel, Commissioner of Transportation, pay to the County of Roseau the sum of \$29.73 for publication fees and \$0.00 for filing fees incurred by said County in this matter.

IT IS FURTHER ORDERED that damages, if any, for additional lands necessary for said changes or alterations shall be paid by the Petitioner herein.

PUBLIC HEARING ON SD 69 LATERAL 1 MOOSE TOWNSHIP SECTION 3 & 4

A motion to open the public hearing was made by Commissioner Walker, seconded by Commissioner Falk and carried unanimously.

Those present included: Farrell Erickson, Brent Haugen, Floyd Haugen, Donald Lee, Emmett Lee, John Johnson, Richard Foss, Rob Sando, Darrell Lins, Joe Lauren, Anita Laurin, Gordy Broten, Darin Sanden, Dick Novacek, Jim Jenson and Mayo Gregerson.

Commissioner Johnston addressed the audience explaining that a public hearing is being conducted, pursuant to MN Statutes 103E.325, on the issue of taking evidence concerning whether the two mile segment on the north side of Section 3 and Section 4 in Moose Township is part of Branch #1 of Roseau County Ditch #69. The general description of the proposed starting point, route and terminus of the segment of drainage system in question is as follows: Commencing at the NE Corner of Section 3, Township 162 North, Range 42 West, thence west to the NW Corner of the NW Quarter Section 4, in Roseau County, State of Minnesota.

County Engineer Brian Ketring reviewed the information the county has regarding this two mile section. Ketring noted that a petition was filed on February 16, 1954 to add this two mile section to Lateral 2 of Ditch 69. Ketring noted that he recently learned that Richard Novacek was hired to dig the ditch and completed the first mile. Richard Novacek confirmed that he was hired to dig the ditch in question and that he in fact dug the first mile on the north side of Section 4 in Moose Township. He did not know why the second mile had not been dug.

Ketring reviewed a map of the area including elevations that demonstrates that the first mile of ditch was dug. Ketring also reviewed elevations of the surrounding sections of land and a map that showed the benefited area. Ketring noted that all but the farthest east ½ mile segment is included in the benefited area. Ketring stated that Roseau County lost many ditch related documents as a result of the 2002 flood. What information the county has on this matter was retrieved from the Minnesota Historical Society and only includes the petition document and no order to establish a ditch.

Ketring noted that the WD3 Ditch Project was initiated during this same time frame and it is possible that the petition and project could have been abandoned because it was believed that the new watershed ditch project draining water to the Roseau River would solve drainage issues in this area. It is also possible that the petition was approved but inadvertently not recorded in the Board minutes.

Chair Johnston invited the public to present any information they had regarding whether or not this segment is part of Lateral 2 of Ditch 69 and whether they are in support or opposed of its inclusion.

Landowner Farrell Erickson stated that in 1962 his father was on the RRWD Board of Managers and that these two miles were not included in the ditch system. Mr. Erickson stated that he is not opposed to including this segment, but the entire four miles of the lateral would need to be repaired and restored to the 3:1 slope as it was designed.

Landowner Brent Haugen addressed the Board. Mr. Haugen reviewed the contour map and noted that the elevation is lower in parts of Section 3 and Section 4 and expressed

concern that if the entire lateral is not repaired and the outlet functioning that the water will drain south instead of flowing west in the ditch. Mr. Haugen stated that if the ditch was repaired and SD 69 functioned as designed, he would not be opposed.

Landowner Floyd Haugen spoke next. He noted that he was speaking as a citizen and not a RRWD Manager. He provided a copy of the benefited area. Mr. Haugen noted the only place actually receiving benefits is Section 2 in Moose Township. Mr. Haugen stated that he and Mr. Mayo Gregerson are the two landowners that are being hit the hardest by the ditch systems not working as designed. He added that he is one of a handful of landowners that actually farm their property; most others have put their land into agriculture programs. Mr. Haugen stated that he believed the county was putting the cart before the horse in addressing these two miles of ditch when the FEMA ditch repair project is still on hold. He noted that project needs to get done first or whether or not this two mile section is part of SD 69 is irrelevant.

Don Lee addressed the Board as a landowner and stated that he is not opposed to including the two mile segment but that the west outlet is needed first. He noted that water piles up on his 80 as a result of the current dysfunction of SD69.

Landowner John Johnson addressed the Board and stated that he is in favor of any type of progress. He stated that drainage is bad and that he is in favor of fixing the system all the way. He also noted that most of his land is in WD3 but that he has some land in SD69. However, his land in the SD69 benefited area actually drains in to WD3 and that ditch system should be receiving the taxes. He said that he has brought this up before but no action has been taken. He requested that this be followed up.

Joe Laurin addressed the Board and provided a power point presentation that summarized the existing evidence in support that this two mile segment was intended to be included in SD69. The power point presentation is available to any interested parties by request. The presentation includes correspondence from Ditch Attorney Kurt Deter indicating that there is historical evidence that there was an extension of SD69 in approximately 1957 that either connected or came close to connecting the two mile area. Mr. Laurin provided a letter from Melford Nelson who owned Section 3 of Moose Township during the time in question who recalls SD69 being extended to WD3. Mr. Laurin provided copies of Roseau County Atlas' dating back to 1960 that includes this two mile segment as part of Lateral 2 of SD 69. Mr. Laurin provided a copy of the 1954 petition, a map from the Roseau County Highway Department website that includes the two mile segment in SD 69, and a letter from the Roseau County Auditor that includes a map of Pohlitz Township that highlights Lateral 2 and includes the two mile segment in question. Mr. Laurin also provided a copy of a RCHD map that includes this two mile segment and even extends it into Section 2 of Moose (Section 35 Pohlitz). Mr. Laurin concluded with a review of Minnesota Statute 103E.051 that provides legal ground to include the segment.

Landowner Darin Sanden addressed the Board and noted that the main problem is the river is falling in. Mr. Sanden stated he is not opposed to adding this 2 mile segment as he believes doing something is better than doing nothing.

Landowner Mayo Gregerson addressed the Board and asked what the Board's purpose was in adding this two mile segment. He stated that if the goal is to dump WD3 into SD 69 than he is opposed. If it is to move water west into SD69 then he is not opposed as long as the system works. Mr. Gregerson stated that Kittson County received seven inches

of rain and their fields are dry while his crops have flooded out in Section 3 and Section 10. Chair Johnston responded that Kittson County has documented everything so they have ditch bottom elevations to use when cleaning and repairing ditches which enables them to get the permits they need to do the work. This is not the case in Roseau County. Chair Johnston added that Kittson County also has an outlet. They can drain directly into the Red River.

Commissioner Foldesi stated that the intention of considering the addition of this two mile segment is to provide people along Section 3 & 4 with a ditch authority and an avenue to express issues and concerns. Foldesi noted that currently these landowners do not have that availability as these two miles have not been declared to be part of SD69 or any ditch system. . Foldesi added that it does not make sense to leave this segment out.

Chair Johnston asked if there was anyone else in attendance that wished to address the Board. No further public comment was offered.

A motion to close the public hearing was made by Commissioner Swanson, seconded by Commissioner Walker and carried unanimously.

The regular meeting re-opened at 10:30 a.m. No action was taken. The matter will appear before the Board for action on June 29, 2010.

Chair Johnston recessed the regular Board Meeting at 10:35 a.m. The regular Board Meeting reconvened at 10:55 a.m.

HIGHWAY DEPARTMENT ENGINEERS REPORT

County Engineer Brian Ketring met with the Board to request approval on call for bids on one road and two bridge projects.

A motion was made by Commissioner Foldesi, seconded by Commissioner Swanson and carried unanimously to approve a call for bids on CSAH 76 and the Greenbush Care Center Project.

A motion was made by Commissioner Falk, seconded by Commissioner Johnston and carried unanimously to approve a call for bids on S.A.P. 68-599-90, Bridge No. 68J35 (Spruce/Enstrom Township).

A motion was made by Commissioner Walker, seconded by Commissioner Swanson and carried unanimously to approve a call for bids on S.A.P. 68-599-91, Bridge No. 68J36 (Reine Township).

A motion was made by Commissioner Walker, seconded by Commissioner Foldesi and carried unanimously to use consolidated conservation funds to pay the local cost share for the Reine Township bridge replacement project.

Commissioner Johnston acknowledged the proficiency of the completion of the East Diversion bridge projects and expressed appreciation to Engineer Ketring for the conscientious work provided by the Highway Department. Engineer Ketring noted that it was the contribution of his skilled staff that made this success possible. Engineer Ketring expressed appreciation to the staff of the City of Roseau for their involvement in this project.

DISCUSSION

The Board discussed appointing an interim auditor to complete the term of retiring Auditor Anne Granitz. Lake of the Woods County Auditor John Hoscheid has agreed to act as an Interim Auditor. The Lake of the Woods County Board has authorized this action. Commissioner Swanson noted that the Lake of the Woods County Engineer position is vacant and the Lake of the Woods Board would be interested in working with Roseau County to trade services.

Engineer Ketring was present and stated that he was not comfortable agreeing to this request without more details. The Board agreed to act on the interim auditor appointment independent of a county engineer service trade. A motion was made by Commissioner Swanson, seconded by Commissioner Walker and carried unanimously to adopt the following resolution:

2010-06-01

BE IT RESOLVED that the Board does hereby appoint John Hoscheid as Roseau County Auditor effective July 1, 2010 to December 31, 2010.

BE IT FURTHER RESOLVED, that the Board authorizes payment of per diem and mileage according to county policy as compensation for this service.

The Board discussed an Interim Supervisor available for the Auditor's office for day to day oversight. Assessor Al Heim agreed to serve as Interim Supervisor for the Auditor's office until a new Auditor is elected. A motion was made by Commissioner Johnston, seconded by Commissioner Swanson and carried unanimously, to adopt the following resolution:

2010-06-02

BE IT RESOLVED, that the Board does hereby appoint Al Heim as Interim Supervisor of the Auditor's Office effective July 1, 2010 to December 31, 2010.

Chief Deputy Bandemer met with the Board to discuss the growing narcotics problem developing in Roseau and impacting surrounding counties. Bandemer noted that increased presence is needed to combat this problem and would like to form a committee including Roseau and Lake of the Woods County Commissioners to discuss this problem further and develop a plan of action to address the issue.

Commissioner Johnston asked why this matter was not being handled by the Paul Bunyan Task Force. Bandemer noted that the County is no longer part of the Task Force. The Board noted they had not been informed of this decision. It was noted that this item was approved in the budget and the Board was unaware that a decision was made to discontinue participation. Bandemer informed the Board that the decision had been made before his hire.

Commissioner Swanson requested that representatives of the effected local units of government also be invited to the conversation. It was agreed to invite representation from all law enforcement entities within Roseau and Lake of The Woods County to the initial

meeting. Commissioner Swanson and Johnston agreed to attend the meeting behalf of Roseau County.

Chief Deputy Terry Bandemer met with the Board to request approval to hire a part-time deputy. Testing for part-time deputies was completed on May 18 and May 22. A roster was developed containing the top 10 candidates. Arlan Block is the number 1 ranked candidate on the roster with a score of 107 out of 130.

Johnston noted that the county has not filled its full-time vacancy and expressed concern that the county is still one officer short. He noted that he would prefer to hire a full time officer and maintain eight full-time road deputies rather than fill shifts with part-time employees. He noted that the cities of Warroad and Roseau both operate with five full time equivalents yet their population and geography is substantially smaller than the area and population the county has to cover with eight full time road deputies. Commissioner Swanson stated that he concurred. Commissioner Foldesi noted that Sheriff Hanson's position is that he is in favor of utilizing part-time staff at this time. Commissioner Foldesi added that he would prefer to wait until the election is over and get input from the next sheriff regarding coverage. Commissioner Walker requested the Board act on the matter before them, which is to approve a regular part-time hire and add discussion of filling the full time vacancy to another agenda.

A motion to hire Arlen Block as a part-time deputy at a Grade 7 Step A was made by Commissioner Walker seconded by Commissioner Swanson and carried 3-2 with Commissioners Swanson, Falk and Walker in favor and Commissioners Johnston and Foldesi opposed.

The Board discussed funding of the Malung Stream Gage. The DNR has not responded to the resolution passed by the Board at the April 27, 2010 Board Meeting. The Board directed Coordinator Klein to draft a letter to the DNR requesting a response.

The Board discussed the 2010 Roseau County Fair and Parade. Roseau Counties Statewide Health Improvement Program (SHIP) and Public Health will partner with the county in this year's activities. The theme for the 2010 Fair Booth and Parade is Healthy Counties. Coordinator Klein will schedule a committee meeting as soon as possible to coordinate efforts.

The Board discussed the condition of the parking lot at the Old Law Enforcement Center. This parking lot is shared with the Old Courthouse building and is in immediate need of repair. Commissioner Swanson has contacted the owner of the Old Courthouse building and is awaiting a response.

The Board discussed forming a regional rail authority to assist in the acquisition of the abandoned rail bank between Roseau and Warroad. The Board requested County Attorney Lisa Hanson review the Surface Transportation Board Decision and Notice of Interim Trail Use or Abandonment Document and return to the Board with a recommendation on how to proceed.

Upon motion carried, the Board adjourned the regular meeting at pm. The next regular meeting of the Board is scheduled for June 15, 2010 at 12:45 p.m.

Attest:

Date: _____

Teresa Klein, Board Clerk
Roseau County, Minnesota

Alan Johnston, Chair
Board of County Commissioners
Roseau County, Minnesota