

## PROCEEDINGS OF THE ROSEAU COUNTY BOARD OF COMMISSIONERS

September 28, 2010

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

### APPROVAL OF AGENDA

A report from Dave Grafstrom on the deer hunter testing recommendations was added to the MN DNR appointment; discussion of the Golden Valley Township concern and discussion of the Court of Kittson County vs. MN DNR Court of Appeals Decision was added to the Highway Department appointment. A motion to approve the agenda was made by Commissioner Falk, seconded by Commissioner Swanson and carried unanimously.

### COMMENTS AND ANNOUNCEMENTS

Coordinator Klein notified the Board that Emergency Manager Gracia Nelson was honored at the recent Association of Minnesota Emergency Managers Annual Conference with the Minnesota Emergency Manager of the Year award.

The Board acknowledged correspondence from Jim Jenson regarding the Suronen settlement.

### CONSENT AGENDA

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

The Board by adoption of its Consent Agenda, approved proceedings from the September 14, 2010 Board Meeting and September 15, 2010 Emergency Board Meeting; approved Regional Railroad Authority Resolution Revision; Approved the State of MN DNR Grant in Aid Snowmobile Trails Assistance Program Maintenance and Groom Agreement for the BISF and Pelan Trails; Approved the purchase of a M100 Ballot Tabulator and approved the payment of bills as follows:

<b>Vendor Name</b>	<b>Warrants Approved for Payment 9/16/2010</b>
	<b>Amount</b>
Centurylink	3,602.67
Fish/Alan B	1,781.25
KB Bobcat Service	301.00
Knife River Materials	100,761.41
Northern Construction	1,200.00
Olson/Greg	672.00
Roseau Co Treasurer	375.00
Spruce Valley Corporation, The	122,770.87

**17 Payments less than 300 \$1,642.05**  
**Final Total: \$233,106.25**

**Warrants Approved for Payment 9/23/2010**

<b>Vendor Name</b>	<b>Amount</b>
ANDERSON ETUX/OREN	308.00
Canon Financial Services Inc	525.07
Capital Guardian Trust Co	3,182.53
Johnson/Laure A	4,308.52
Knife River Materials	128,282.66
MN Child Support Payment Center	709.17
Mn Energy Resources	497.78
Nationwide Retirement Solutions	3,252.12
NORTH STAR ATV CLUB	807.36
Nw Mn Mentoring Program	20,000.00
Roseau Electric Coop Inc	399.27
Select Account-VEBA	7,759.75

**9 Payments less than 300 \$656.23**  
**Final Total: \$170688.46**

**Warrants Approved On 9/28/2010 for Payment 10/01/2010**

<b>Vendor Name</b>	<b>Amount</b>
Aviands Llc	7,754.70
Burkel/Brittany	351.50
CDW Government Inc	1,598.11
Creative Forms & Concepts	405.52
Election Systems & Software Inc	1,428.22
Environmental Systems Research Inst	2,027.50
Fleet Services Division	2,441.56
Graybar Electronic Co Inc	2,593.93
Hillyard Hutchinson	510.32
Hoffman Dale & Swenson PLLC	4,225.00
Mattson Pharmacy Inc	1,016.76
Midwest Monitoring & Surveillance	373.50
Multi Office Products Inc	388.49
Northern Resources Cooperative	3,271.59
Pb Electronics Inc	11,836.77
Pederson Arnold	1,900.00
Powerphone Inc	349.00
Quill Corporation	789.82
Ratwik, Roszak & Maloney, PA	357.15
Reliance Telephone Systems	300.00
Roseau Co Hwy Dept	14,983.00
Roseau County Ford	572.17
Safety Compliance Services	4,650.00
Sterling Solutions Inc	450.00
Streicher's - Minneapolis	4,846.64
Synergy Graphics	11,150.06
West Group Payment Center	583.00

**27 Payments less than 300 \$2,435.33**  
**Final Total: \$83589.64**

## **COMMITTEE REPORTS**

Commissioner Falk deferred committee reports to the October 12, 2010 Board Meeting.

Commissioner Foldesi deferred committee reports to the October 12, 2010 Board Meeting.

Commissioner Johnston reported on the following committee meeting(s): Minnesota Rural Counties Caucus, 9/15/10; Association of Minnesota Counties Policy Committee meetings, 9/15/10 and 9/16/10; Public Health Committee meeting, 9/27/10.

Commissioner Swanson deferred committee reports to the October 12, 2010 Board Meeting.

Commissioner Walker had no meetings to report.

## **ROSEAU COUNTY VETERANS SERVICE OFFICER COLONEL JEFFREY PARKER.**

Per Minnesota Statue §917.60 County Veterans Service Officers must be appointed every four years. A motion was made by Commissioner Swanson, seconded by Commissioner Falk and carried unanimously to adopt the following resolution:

2010-09-07

BE IT RESOLVED that the Roseau County Board does hereby appoint Colonel Jeffrey Parker as the Roseau County Veterans Service officer to a four year term effective April 11, 2009 to April 11, 2013.

Colonel Parker requested the Board accept the County Veterans Service Office Operational Improvement Grant in the amount of \$2,800.00. A motion to accept the CVSO grant in the amount of \$2,800 and to authorize the Board Chair to sign the grant on behalf of Roseau County was made by Commissioner Foldesi, seconded by Commissioner Walker and carried unanimously.

Colonel Parker updated the Board on the day to day activities of the VSO. This office continues to be very busy with over 300 veterans seen to date in 2010. Parker noted the importance of Senior Medical Travel and stated that this is a vital need for Roseau County. Parker reported that he became certified by the National Association of CVSO's during a week of training in June, 2010. Certification allows for intercession with other Veterans Administration (VA) Services. Colonial Parker noted that it is necessary to be certified by the National Association of CVSO's to be eligible for MDVA grant funding.

Colonel Parker deferred the VSO Job Share discussion to a later date.

## **HIGHWAY DEPARTMENT**

Engineer Brian Ketring met with the Board to request final payout for the 2010 shouldering projects. A motion was made by Commissioner Walker, seconded by Commissioner Johnston and carried unanimously to adopt the following resolution:

2010-09-08

BE IT RESOLVED, that the Board does hereby approve final payout to R & Q trucking in the amount of \$2,609.70 for the 2010 shouldering projects.

Engineer Ketring requested the Board approve the 2010 Bridge Program Resolution. A motion was made by Commissioner Swanson, seconded by Commissioner Walker and carried unanimously to adopt the following resolution:

2010-09-09

**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:

<b>Bridge No.</b>	<b>Road No.</b>	<b>Sufficiency Rating</b>	<b>Engineers Estimate</b>	<b>Proposed Construction Yr.</b>
L-9063	Twp. Road	28.1	\$210k	2011
92653	CR 149	42.9	\$	2011
7511	CR 111	42.4	\$175k	2012
L-9057	Twp. Road	29.7	\$400k	2012
L-9285	Twp. Road	37.9	\$275k	2013
68522	Twp. Road	42.0	\$600k	2013
L-4439	Twp. Road	56.0	\$120k	2014
L-5987	Twp. Road	54.0	\$225k	2014
88320	CSAH 4	53.8	\$225K	2014
R0235	Twp. Road	43.0	\$360k	2015
92593	CR 126	40.0	\$600k	2015
7515	CR 103	58.8	\$225k	2016
68501	CSAH 7	89.0	\$350k	2016

**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 notified the Board that the Highway department will be sending out a notice to townships regarding snowplowing and will include bridge inspection information as well. It was noted that the county is not required to do bridge inspections for townships but has historically provided this service free of charge.

The Board discussed a demonstration of support for the Kittson County Board Petition to the Minnesota Supreme Court to review a recent decision of the Minnesota Court of Appeals which concerns roads established along lateral ditches number 12, 13 and 14 of State Ditch Number 72 in Peatland Township. A motion was made by Commissioner Walker, seconded by Commissioner Falk and carried unanimously to adopt the following resolution:

2010-09-10

**A Resolution in Support of Kittson County's Petition to Minnesota Supreme Court**

WHEREAS, the Kittson County Board of Commissioners voted to file a Petition for Review of a recent decision of the Minnesota Court of Appeals which concerns roads established along lateral ditches number 12, 13 and 14 of State Ditch Number 72 in Peatland Township.

WHEREAS, the appeal involves issues relating to the authority of the State Drainage Commission and the district courts to establish public roads along judicial ditches in the State; and

WHEREAS, the Minnesota DNR is now interpreting this decision to pertain to other roads long established and used in areas which were not part of the current litigation; and

WHEREAS, the DNR has removed county signs from roadways established by previous County Road Orders and those signs are being replaced with DNR signs which prohibit or restrict certain vehicle traffic; and

WHEREAS, Roseau County has public roads that were established through similar proceedings and therefore has an interest in the outcome of the Kittson County appeal.

NOW, THEREFORE, BE IT RESOLVED, that the Roseau County Board of Commissioners supports the Kittson County Petition to the Minnesota Supreme Court.

The Board requested an update on the washout on County Road 5 south of Warroad. Engineer Ketring advised the Board that MnDOT District Supervisor Lou Tasa will be viewing the washout today and that an interim and a long term solution will be addressed. The washout is located at an old eddy of the Warroad River and there is unstable soil. Mr. Ketring assured the Board that the road will not continue to wash out onto the road and become a safety hazard as the instability is primarily on the ditch bank side of the road and not the road bed itself.

The Board discussed the payment dispute between Golden Valley Township and the Highway Department. It was noted that this arises from a change in policy on how projects were completed and billed. An internal audit discovered that highway department billing did not reflect that change and several townships were never billed for work done. The Highway Department sent bills to the effected townships advising them of this oversight.

Commissioner Johnston recessed the meeting at 10:40 a.m. The meeting reconvened at 10:55 a.m.

## **ENVIRONMENTAL OFFICER JEFF PELOWSKI**

Environmental Officer Jeff Pelowski met with the Board to discuss and set the 2011 Roseau County Municipal Solid Waste (MSW) Market Price. A motion was made by Commissioner Swanson, seconded by Commissioner Falk and carried unanimously to adopt the following resolution:

2010-09-11

WHEREAS, Minnesota Statutes Chapter 297H.02 requires certain political subdivisions to identify by Resolution a Market Price for solid waste management tax purposes if the political subdivision subsidizes the cost of Municipal Solid Waste (MSW) disposal at a facility, or directly bills for organized collection of MSW on property tax statements; and

WHEREAS, the political subdivision will be liable for any Solid Waste Management Tax (SWMT) based only on the Market Price identified by Resolution; and

WHEREAS, Market Price is defined in State Statute as the "lowest price available in the area"; and

WHEREAS, Roseau County has researched and identified the lowest viable Market Price available in the area; and

THEREFORE BE IT RESOLVED, the County declares the Market Price for all MSW generated in Roseau County to be \$45.00 per ton, based upon the lowest price available in the area (i.e., direct haul price to the Mar-Kit Sanitary Landfill), for CY 2011.

## **DNR REGIONAL SUPERVISOR MIKE CARROLL**

DNR Regional Supervisor Mike Carroll met with the Board to give a presentation on the DNR Land Survey History and Boundary Dispute Resolution Process. Mr. Carroll advised the Board that the survey project is directed by the legislature as a means to clarify boundaries to ensure public access to public land.

Dave Grafstrom, Roseau County Bovine Tuberculosis Liaison met with the Board to provide an update. The Minnesota Department of Natural Resources is requesting local hunters participate in the bovine TB testing in the modified accredited zone to reach a target of 1000 samples. The USDA reduced the survey requirement from 1800 in 2009 to 1000 in 2010. The goal of the DNR is to reach these targeted numbers through hunter-harvested surveillance and not have to remove additional deer by sharpshooters. The Board discussed approval of a Board resolution encouraging local participation. This matter will be held over to the October 5, 2010 agenda.

## **DISCUSSION**

County Attorney Lisa Hanson met with the Board to review the Suronen Settlement. Minnesota Counties Intergovernmental Trust (MCIT), the insurance carrier for Roseau County, has settled a federal civil rights lawsuit brought by Shelly Suronen against former Roseau County Deputy Chad Maurstad, Roseau County Sheriff Jule Hanson and the County of Roseau. In the suit, Suronen sought compensatory damages for physical injuries

she allegedly sustained, damages for violations of her civil rights, punitive damages against Maurstad, costs, and attorney's fees. MCIT agreed to pay Suronen \$275,000 as a complete settlement of all claims with no admission of liability by any of the defendants.

The suit stemmed from a July 6, 2008 motor vehicle seizure at the Bryon Berger residence in Badger. After Suronen filed a citizen's complaint in August of 2008, an outside independent investigation concluded that Maurstad acted improperly and used excessive force during the encounter with Suronen. Sheriff Jule Hanson subsequently terminated Maurstad's employment with the Roseau County Sheriff's Office based on the incident with Suronen, as well as other misconduct that was revealed during the independent investigation. Maurstad then filed a grievance against the county and demanded an arbitration hearing pursuant to his union's collective bargaining agreement. A neutral arbitrator upheld Maurstad's termination following a five-day arbitration hearing.

Ms. Hanson noted that the \$275,000 settlement will be paid by our insurance carrier MCIT. Roseau County will be responsible for the \$1000 deductible. Also, the decision to settle the case in this amount was made by MCIT Claims Committee who reviewed all the details of the case. Ms. Hanson added that this case highlights how important it is for the sheriff's office to communicate with their legal counsel. This entire situation could have been avoided if the deputy would have sought legal advice before proceeding in the manner he did.

The Board discussed possible dates for a Budget and Levy Informational meeting. A motion to set the Budget and Levy Informational Meeting for Wednesday, December 1, 2010 at 6:00 p.m. was made by Commissioner Foldesi, seconded by Commissioner Falk and carried unanimously.

The Board discussed nominations for the Roseau County Historical Society One Woman 2011 candidate. The Board agreed to research possible candidates from the unorganized townships and report back at a future meeting.

Commissioner Johnston addressed the Board with regard to the Clear River Forestry station in the Beltrami Island State Forest. The Commissioner of the Department of Natural Resources has authorized funding for this section of the forest to become a multi-purpose camp ground. Commissioner Johnston requested the Board pass a resolution in support of this project. Coordinator Klein will draft a resolution for approval at the October 5, 2010 board meeting.

Upon motion carried, the Board adjourned the regular meeting at 12:15 pm. The next regular meeting of the Board is scheduled for October 5, 2010 at 8:30 a.m.

Attest:

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

\_\_\_\_\_  
Teresa Klein, Board Clerk  
Roseau County, Minnesota

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