

PROCEEDINGS OF THE ROSEAU COUNTY BOARD OF COMMISSIONERS

December 13, 2011

The Board of Commissioners of Roseau County, Minnesota met in the Courthouse in the City of Roseau, Minnesota on Tuesday, December 13, 2011 at 4:00 p.m.

CALL TO ORDER – ROLL CALL – ESTABLISHMENT OF A QUORUM

The meeting was called to order at 4:00 p.m. by Board Chair Mark Foldesi. The Pledge of Allegiance was recited. Commissioners present were Roger Falk, Mark Foldesi, Glenda Phillipe, Jack Swanson and Russell Walker.

APPROVAL OF AGENDA

Approval of a Northwest Regional Interdistrict Council Contract for Infant Follow Along Services and approval of the FY12 Victim Services Grant was added to the Consent Agenda. A motion to approve the amended agenda was made by Commissioner Walker, seconded by Commissioner Falk and carried unanimously.

COMMENTS AND ANNOUNCEMENTS

The Board acknowledged a thank-you note from Commissioner Marvin Tinklenberg of Pipestone County for the Roseau County donation he won at the AMC conference.

Commissioner Phillipe addressed the Board regarding attendance at the AMC Leadership Conference to be held in St. Paul on January 26 and 27, 2012. Commissioners Swanson, Falk and Phillipe will attend along with Auditor Monsrud and Interim Coordinator Pelowski.

CITIZEN COMMENTS

Roseau River Watershed District Manager Todd Miller addressed the Board with regard to flood structures in Beltrami Island State Forest.

PUBLIC HEARING – TOBACCO ORDINANCE NO. 27

Commissioner Foldesi recessed the regularly scheduled Board Meeting to open the public hearing to obtain input regarding Roseau County Tobacco Ordinance No. 27.

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

Commissioner Foldesi called for written and public comments. There were none.

The Board discussed changes to the Ordinance which includes extending the licensing period from one year to two years.

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

Commissioner Foldesi re-opened the regularly scheduled Board Meeting.

A motion was made by Commissioner Phillipe, seconded by Commissioner Falk and carried unanimously to adopt the following ordinance:

TOBACCO ORDINANCE NO. 27

THE COUNTY BOARD OF THE COUNTY OF ROSEAU, MINNESOTA, HEREBY ORDAINS:

1. License.

- A. No person shall keep for retail sale, sell at retail or otherwise dispose of any tobacco product at any place in the County without first obtaining a license from the County. "Tobacco" is defined as and includes: cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts, refuse scrapes, clippings, cuttings and sweepings of tobacco; and other kinds of forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco related devices. (*Source: Minnesota Statutes Section 609.685*).
- B. The fee for a retail tobacco license shall be \$100 per licensing period which is a two-year period. License period shall begin January 1 of an even-numbered year and end on December 31 of the following year. Each license issued shall expire on December 31 of the second year of the licensing period unless sooner revoked by the commissioner. The fee may be adjusted bi-annually by the County Board.
- C. Every license shall be conspicuously posted at the place for which the license is issued and shall be exhibited to any person upon request.
- D. Tobacco licenses are not transferable to any other person.

2. **Sales Prohibited to Minors.** No person shall sell or offer to sell any tobacco or tobacco product to any person under eighteen (18) years of age. (*Source: Minnesota Statutes Section 608.685*).

3. Administrative Penalties

- A. If a licensee or employee of a licensee sells tobacco to a person under the age of 18 years, or violates any other provision of this ordinance, the licensee shall be charged an administrative penalty of \$75. An administrative penalty of \$200 must be imposed for a second violation at the same location within 24 months after the initial violation. For a third violation at the same location within 24 months after the initial violation, an administrative penalty of \$250 must be imposed, and the licensee's authority to sell tobacco at that location must be suspended for not less than seven days. No suspension or penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the County to conduct the hearing. A decision that a violation has occurred must be in writing. (*Source: Minnesota Statutes Section 461.12(2)*).
- B. An individual who sells tobacco to a person under the age of 18 years must be charged an administrative penalty of \$50. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized

by the County to conduct the hearing. A decision that a violation has occurred must be in writing. (Source: *Minnesota Statutes Section 461.12(2)*).

C. It is an affirmative defense to the charge of selling tobacco to a person under the age of 18 years in violation of this ordinance that the licensee or individual making the sale relied in good faith upon proof of age as follows:

1. A valid driver's license or identification card issued by the State of Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person; or
2. A valid military identification card issued by the United States Department of Defense; or
3. In the case of a foreign national, from a nation other than Canada, by a valid passport. (Source: *Minnesota Statutes Section 461.12(6); Section 340A.503(6), by reference*).

4. Self-Service Sales.

- A. No licensee shall offer for sale of cigarettes or smokeless tobacco in open displays which are accessible to the public without the intervention of a store employee. (Source: *Minnesota Statutes Section 461.18(l) (a)*).
- B. The self-service restrictions described in this Section 4 shall not apply to retail stores which derive at least 90% of their revenue from tobacco and tobacco related products and which cannot be entered at any time by persons younger than 18 years of age. (Source: *Minnesota Statutes Section 461.18(l) (d)*,).

5. Vending machine Sales. No person shall sell tobacco products from vending machines. This section does not apply to vending machines in facilities that cannot be entered at any time by persons younger than 18 years of age. (Source: *Minnesota Statutes Section 461.18(2)*,).

6. Compliance Checks. The County shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco is sold to test compliance with paragraph 1A as listed herein. (Source: *Minnesota Statutes Section 609.685*). Compliance checks shall utilize minors over the age of 15, but under the age of 18, who, with the prior written consent of a parent or guardian, attempt to purchase tobacco under the direct supervision of a law enforcement officer or an employee of the licensing authority. (Source: *Minnesota Statutes Section 461.12(5)*,).

7. Minors. The licensing authority shall consult with interested educators, parents, children, and representatives of the court system to develop alternative penalties for minors who purchase, possess, and consume tobacco. The licensing authority and the interested persons shall consider a variety of options, including, but not limited to, tobacco free education programs, notice to schools, parents, community services, and other court diversion programs.

8. Judicial Review. Any person aggrieved by a decision under this ordinance may have the decision reviewed in the district court in the same manner and procedure as provided in *Minnesota Statutes Section 462.361*.

APPROVE BILLS

A motion was made by Commissioner Phillipe, seconded by Commissioner Walker and carried unanimously to approve the payment of the following bills:

W a r r a n t s A p p r o v e d F o r P a y m e n t 1 1 / 2 3 / 2 0 1 1

Vendor Name	Amount
HOLTHUSEN CONSTRUCTION INC	11,200.41
HORNER PLUMBING & EXCAVATION	10,767.11
MN ENERGY RESOURCES	2,771.69
O'DONNELL/JEFF	6,970.00

10 Payments less than 2,000 3,776.02

Final Total: 35,485.23

W a r r a n t s A p p r o v e d F o r P a y m e n t 1 2 / 0 1 / 2 0 1 1

Vendor Name	Amount
NW MN SERV COOP-BLUE CROSS BLUE SHIELD	66,607.50
SATHER LAW OFFICE	2,471.37
SELECT ACCOUNT-VEBA	8,964.22
UNITED HEALTHCARE INSURANCE COMPANY	2,211.08

12 Payments less than 2,000 10,665.94

Final Total: 90,920.11

W a r r a n t s A p p r o v e d F o r P a y m e n t 1 2 / 0 8 / 2 0 1 1

Vendor Name	Amount
CENTURYLINK	3,136.29
JOHNSON/LAURE A	4,190.88
MN DEPT OF FINANCE -TREAS	4,603.50
ROSEAU CITY	10,352.18

11 Payments less than 2,000 3,929.20

Final Total: 26,212.05

W a r r a n t s A p p r o v e d O n 1 2 / 1 3 / 2 0 1 1 f o r P a y m e n t
1 2 / 1 6 / 2 0 1 1

Vendor Name	Amount
AVIANDS LLC	6,255.09
BERGSTROM ELECTRIC INC	5,330.52
CDW GOVERNMENT INC	2,996.42
ENVIRONMENTAL SYSTEMS RESEARCH INST	2,027.50
FARMERS UNION OIL CO-LK BRNSN	2,802.45
FARMERS UNION OIL CO-WARROAD	2,943.56
GRAFF CONSTRUCTION	20,613.00
GRAFSTROM/LESTER & VERNA	13,426.25
HILDI INC	3,650.00
JOHNSON OIL CO INC	7,492.16
LITTLE FALLS MACHINE INC	4,525.46
LORENSEN/DELORIS	5,694.00
MAR-KIT LANDFILL	35,492.10
MN COUNTIES COMPUTER COOP	4,050.00
MN DEPT OF CORRECTIONS STS	13,988.59
MOTOROLA SOLUTIONS INC	35,538.08
MSOP-MN SEX OFFENDER PROGRAM-D 462	3,930.80
NORTHERN RESOURCES COOPERATIVE	13,819.99
OSLUND/LAYTON & MARIE	3,417.00
R & Q CONTRACTING INC	10,088.06
ROSEAU CO COOP ASSN	3,584.65
ROSEAU CO HWY DEPT	24,001.95
SJOBERG'S INC	2,718.20
ZIEGLER INC	12,471.79

96 Payments less than 2,000 34,662.19

Final Total: 275,519.81

And, approved forthwith payments to Oneil Lund for beaver removal on Ditch 91 in the amount of \$450.00, and DW Mechanical for Ditch 91 inspection and beaver dam removal in the amount of \$1,650.00.

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 November 22, 2011 Board Meeting; approved the Northstar ATV Club Grant-in-aid reimbursement request in the amount of \$1,114.52; approved the Northstar ATV Club/Bemis Hill OHV Trails Assistance Program Maintenance Project Application for FY12; approved the State of Minnesota Grant Contract – Motorola Motobridge project in the amount of \$84,829.00; approved the Emergency Management Performance Grant 2011 in the amount of \$16,092.00; approved resolution 2011-12-01 supporting the proposed mandate change on the publication of financial statements; approved the Northwest Regional Interdistrict Council Contract for Infant Follow Along Services for LifeCare Medical Center in the amount of \$1,285.38 and approved the FY12 Victim Services Grant in the amount of \$76,547.00.

The Board discussed the resolution which would support a proposed mandate change to the Truth in Taxation Hearings counties are required to host on an annual basis. A motion was made by Commissioner Swanson, seconded by Commissioner Phillippe and carried by a 4-1 vote, with Commissioner Walker opposed, to approve the following resolution:

2011-12-02

WHEREAS, Minnesota Statutes 6.79 allows local governments to submit to the State Auditor proposed reforms to state mandates, and

WHEREAS, mandate proposals will be listed on the State Auditor's website, along with the name of the local government submitting the proposal and

WHEREAS, the Roseau County Board of Commissioners supports the concept of mandate reform and urges the Minnesota Legislature to give serious consideration to all proposals made by Cities, Townships and Counties.

NOW, THEREFORE, BE IT RESOLVED, the Roseau County Board of Commissioners hereby adopts the following mandate proposals and directs the County Auditor to submit this listing to the State Auditor:

Mandate Relief Requested	Statutory Citation	Comments
Repeal the Truth in Taxation requirement for mailing parcel specific notices; eliminate the required Truth in Taxation	MN Statutes 275.065	Public hearing on both the proposed and final levy (meetings in September and December) provide

hearing and published hearing notice.		opportunities for public input; the Board also holds multiple budget meetings during the annual budget process.
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DEPARTMENT REPORTS

County Auditor

2011-12-03

RESOLUTION ESTABLISHING 2012 DITCH LEVIES AND BUDGETS

WHEREAS, the Roseau County Board of Commissioners has reviewed and considered budgets for the ditch systems located in Roseau County; and

WHEREAS, the Roseau County Board of Commissioners deems it necessary that the following amounts be levied on ditch systems as stated below;

NOW, THEREFORE, BE IT RESOLVED that the County Auditor is directed to spread one-year levies on the following ditches for repairs and maintenance for the year 2012:

<u>Ditch</u>	<u>Year 2012 Levy Percentage of Assessed Benefits</u>
County Ditch No. 5	25%
County Ditch No. 6	20%
County Ditch No. 7	25%
County Ditch No. 9	25%
County Ditch No. 10	25%
County Ditch No. 11	15%
County Ditch No. 13	25%
County Ditch No. 17	20%
County Ditch No. 18	25%
Judicial Ditch No. 19	20%
County Ditch No. 20	20%
County Ditch No. 21	25%
Judicial Ditch No. 22	-0-
County Ditch No. 23	25%
County Ditch No. 24	-0-
County Ditch No. 25	-0-
County Ditch No. 26	25%
Judicial Ditch No. 33	20%
Judicial Ditch No. 61	15%
Judicial Ditch No. 62	-0-
State Ditch No. 63	15%
State Ditch No. 69	25%
State Ditch No. 72	20%

State Ditch No. 87	10%
State Ditch No. 90	20%
State Ditch No. 91	20%
State Ditch No. 95	10%
State Ditch No. 20	25%

BE IT FURTHER RESOLVED that the 2012 ditch budgets are hereby approved and are on file in the office of the Roseau County Auditor.

Auditor Monsrud requested the Board approve advertising for a call for bids for the year 2012 publishing. A motion to approve advertising for a call for bids for the year 2012 publishing was made by Commissioner Swanson, seconded by Commissioner Falk and carried unanimously.

County Attorney

Attorney Foss requested the Board adopt a resolution on behalf of its County Attorney and Sheriff to enter into a Joint Powers Agreement with the State of Minnesota for the purpose of utilizing systems and tools available over the State's criminal justice data communications network. A motion was made by Commissioner Phillipe, seconded by Commissioner Swanson and carried unanimously to adopt the following resolution:

2011-12-04

WHEREAS, the County of Roseau on behalf of its County Attorney and Sheriff desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the County is eligible. The Joint Powers Agreements further provide the county with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the County to pay the costs for the network connection.

NOW THEREFORE BE IT RESOLVED by the County Board of Roseau, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the County of Roseau on behalf of its County Attorney and Sheriff are hereby approved. Copies of the two Joint Powers Agreements are attached to this Resolution and made a part of it.
2. That the Sheriff, Steve Gust or his or her successor, is designated the Authorized Representative for the Sheriff. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the County's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement Jan Klatt, Civil Process Supervisor, is appointed as the Authorized Representative's designee.

3. That the County Attorney, Karen Foss, or his or her successor, is designated the Authorized Representative for the County Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the County's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement Diane Roseen, Administrative Assistant, is appointed as the Authorized Representative's designee.

4. That Mark Foldesi, the Board Chair of the County of Roseau and Jeff Pelowski, the County Board Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

In addition to this agreement Attorney Foss and Sheriff Gust requested Board approval of the State of Minnesota, Joint Powers Agreement with the Criminal Justice Agency for both the Attorney's Office and the Sheriff's Office. A motion to authorize Board Chair Foldesi to sign the Joint Powers Agreements for the Attorney's and the Sheriff's Office was made by Commissioner Phillippe, seconded by Commissioner Swanson and carried unanimously.

Attorney Foss requested the Board ratify the MCAPS 4 Support Services agreement. This is an eight year contract which provides the County Attorney's office with the software needed to manage criminal cases. A motion to ratify the MCAPS 4 Support Services Agreement between Docutech and the Minnesota Counties Computer Cooperative was made by Commissioner Falk, seconded by Commissioner Swanson and carried unanimously.

Attorney Foss requested the Board approve the hire of a Temporary Victim Services advocate in the absence of the current Victim Services Coordinator. A motion to approve the hire of Steve Roseen as the Temporary Victim Services Advocate was made by Commissioner Swanson, seconded by Commissioner Phillippe and carried unanimously.

County Sheriff

Sheriff Gust requested the Board approve the hire of two temporary part-time deputies. A motion to approve the hire of Jason Binstock and Garrett Berg as Temporary Part-Time Deputies was made by Commissioner Falk, seconded by Commissioner Walker and carried unanimously.

Sheriff Gust requested the Board approve the Snowmobile Safety Enforcement Grant. A motion to approve the State of Minnesota Grant Contract For Snowmobile Safety in the amount of \$4,122.00 per year, effective December 15, 2011 and concluding June 30, 2013, was made by Commissioner Swanson, seconded by Commissioner Phillippe and carried unanimously.

Highway Department

Engineer Ketring requested the Board approve final payout to Wright Construction on four projects. A motion was made by Commissioner Walker, seconded by Commissioner Falk and carried unanimously to approve final payout to Wright Construction on the following projects: DR 1830, PW 1728, 2009 Flood, CR 126 for \$523.50

DR 1830, PW 1065, 2009 Flood, CR 129 for \$388.10
DR 1830, PW 1747, 2009 Flood, CSAH 13 for \$4,279.35
DR 1830, PW 1704, 2009 Flood, CR 124 for \$567.40.

Highway Department contract bids were opened on December 12, 2011 in the Roseau County Commissioner Board Room. Engineer Ketring requested Board approval to award the following contracts.

A motion to approve SAP 068-598-033 to Davidson Ready Mix and Construction, Inc., in the amount of \$101,659.00 was made by Commissioner Foldesi, seconded by Commissioner Walker and approved unanimously.

A motion to approve SAP 068-598-034 to Gladen Construction, Inc., in the amount of \$129,816.50 was made by Commissioner Walker, seconded by Commissioner Foldesi and carried unanimously.

A motion to approve SAP 068-599-089 to Davidson Ready Mix and Construction, Inc., in the amount of \$113,593.50 was made by Commissioner Foldesi, seconded by Commissioner Falk and carried unanimously.

Engineer Ketring requested final payout to Beito Repair on two projects. A motion to approve final payout to Beito Repair for DR 1830, PW 1988, CD 72 for \$6,956.08 and DR 1830, PW 2040, CD 9 for \$6,235.60 was made by Commissioner Walker, seconded by Commissioner Falk and carried unanimously.

COUNTY BOARD ITEMS

2012 Budget Review

This discussion was deferred to the December 27, 2011 Board Meeting.

MRCC Discussion

The Board discussed MRCC membership renewal for 2012. Interim Coordinator Pelowski requested information from MRCC which would clarify how the MRCC has supported Roseau County in the past and how it would carry out coordinated legislative strategies for rural counties in Minnesota in the future. The Board reviewed MRCC's response and discussed whether or not membership should be renewed. A motion to dissolve the MRCC membership was made by Commissioner Swanson, seconded by Commissioner Phillippe and failed by a 2 – 3 vote with Commissioners Swanson and Phillippe in favor and Commissioners Falk, Foldesi and Walker opposed.

COMMITTEE REPORTS

Commissioner Falk reported on the following committee meeting(s): Joint Powers Natural Resource Board meeting, 11/28/11; Operations Committee, 11/29/11; Emergency Management Exercise, 11/30/11; Safety Committee, 11/30/11; Association of Minnesota Counties Annual Conference 12/5/2011 – 12/7/2011

Commissioner Foldesi reported on the following committee meeting(s): Operations Committee, 11/29/11.

Commissioner Swanson reported on the following committee meeting(s): Emergency Management Exercise, 11/30/11; Roseau Economic Development Authority, 11/30/11; Safety Committee, 12/1/11; DNR Land Asset Pilot Project, 12/2/11; Association of Minnesota Counties Annual Conference, 12/5/11; Northern Counties Land Use Coordinating Board, 12/5/11; Association of Minnesota Counties Annual Conference, 12/6 and 12/7/2011; Legislative Committee, 12/7/11; Statewide Radio Board Finance Committee, 12/8/11.

Commissioner Phillipe reported on the following committee meeting(s): Warroad Community Park Steering Committee, 11/28/11; Emergency Management Exercise, 11/30/11; Association of Minnesota Counties Annual Conference 12/5/2011 – 12/7/2011; Warroad City Council, 12/12/11; Warroad School Board, 12/12/11.

Commissioner Walker reported on the following committee meeting(s): Minnesota Cattleman's Association, 12/3/11; Minnesota Rural Counties Caucus, 12/4/11; Association of Minnesota Counties Annual Conference 12/5/2011 – 12/7/2011.

Upon motion carried, the Board adjourned the regular meeting at 6:00 p.m. The next regular meeting of the Board is scheduled for December 27, 2011 at 8:30 a.m.

Attest:

Date: _____

Jeff Pelowski, Interim County Coordinator
Roseau County, Minnesota

Mark Foldesi, Chair
Board of County Commissioners
Roseau County, Minnesota