

**REGULAR ROSEAU CITY COUNCIL MEETING
MONDAY – NOVEMBER 2, 2009 @ 5:00 P.M.
ROSEAU CITY CENTER COUNCIL CHAMBERS
121 Center Street East Suite 201
Roseau, MN 56751**

A Regular monthly meeting of the Roseau City Council was held on the above date, time and place. Members present were Mayor Jeff Pelowski, Council members Gerry Schiltz, Linda Vatnsdal and Pat Novacek. Council member Curt Ireland was absent. Others present were Clerk-Treasurer Michelle Slater, Community Development Coordinator Todd Peterson, Superintendent David Drown, Police Chief Ward Anderson, Liquor Store Manager Brad Wiberg, Attorney Patrick Moren, Charlotte Erickson, Janet Lundbohm, Lyle Grindy, Jack Swanson-Roseau County Commissioner and Wild102 and Fire Chief Tim Skime.

Mayor Pelowski called the meeting to order and the Pledge of Allegiance was said.

Pursuant to due call a Public Hearing was held on an Order to Abate Nuisance notice that was sent to Dale Howell and BNSF Railway regarding a hazardous condition and nuisance on a parcel of land 38,425 square feet (.882 acres) more or less, as referred to in Burlington Northern and Santa Fe Railway Company Lease #4058258, with a street address of 209 3rd Street Southwest, Roseau, Minnesota 56751 and formerly known as the Howell Steel & Recycling business property.

The purpose of the Public Hearing is to determine whether a nuisance exists and to set a date for whoever is responsible for the property to resolve the following hazardous conditions found on the above-described property:

- Accumulations of parts and components, wood, glass, rubber, concrete, and other materials facilitating the growth or spread of noxious weeds, the nesting and breeding of rodents, insects, and harmful bacteria and causing a threat of fire.
- Hazardous buildings.

At 5:00 p.m. Council member Schiltz motioned, Council member Vatnsdal seconded and it was carried by unanimous vote to open the Public Hearing.

Oral comments - None

Written comments – the Council received copies of an e-mail from Julie A. Heyen-Associate Transaction Manager for Jones Lang LaSalle Americas, Inc., a BNSF agent who indicated BNSF Environmental are reviewing the findings of some samples of the property and will be turning it over to their Minneapolis office to decide what should be done for remediation.

Council member Vatnsdal motioned, Council member Schiltz seconded and it was carried by unanimous vote to close the Public Hearing.

The Council reviewed photos of the property which showed miscellaneous debris, vegetation and overall hazardous conditions.

Council member Novacek motioned, Council member Schiltz seconded and it was carried by unanimous vote that the Roseau City Council finds there is a violation of Roseau Municipal Code Section 93.72, and orders that all hazardous buildings and debris located on the property be removed by December 31, 2009 and that any additional soil remediation shall be completed by June 1, 2010. Community Development Coordinator Peterson will send a notice to BNSF on the Council decision indicating the City wants to work with BNSF to resolve this matter as soon as possible.

Council member Novacek motioned, Council member Vatnsdal seconded and it was carried by unanimous vote to approve the October 1, 2009 minutes as presented.

The following correction(s)/addition(s) were noted in the October 5, 2009 minutes:

Page 2 – ~~Council member Novacek introduced the following Resolution and moved for its adoption;~~

Council member Schiltz motioned, Council member Vatnsdal seconded and it was carried by unanimous vote to approve the October 5, 2009 minutes with changes.

Council member Vatnsdal motioned, Council member Schiltz seconded and it was carried by unanimous vote to approve the October 14, 2009 minutes as presented.

Council member Vatnsdal motioned, Council member Schiltz seconded and it was carried by unanimous vote to approve the October 15, 2009 minutes as presented.

Council member Vatnsdal motioned, Council member Schiltz seconded and it was carried by unanimous vote to approve the following Consent Agenda items:

- a. Accounts payable claims from October 6, 2009 through November 2, 2009 as presented, with a batch number of AP103109 and are filed in edit books in the City Clerk's Office.
- b. Daily Batch checks written from October 1, 2009 through October 31, 2009 were audited, approved and are filed in edit books in the City Clerk's Office.
- c. Receipt entries September 1, 2009 to September 30, 2009 were audited, approved and are filed in edit books in the City Clerk's Office.
- d. Journal entries September 1, 2009 through September 30, 2009 were audited, approved and are filed in edit book in the City Clerk's Office.
- e. A review of August 2009 General Ledger checks written compared with check images on the bank statements found no irregularities.
- f. Upcoming meetings –
 - a. December 7, 2009 Regular meeting at 5:00 p.m..
 - b. January 4, 2010 Regular meeting 5:00 p.m.
- g. Liquor Store monthly sales September 2009 report.
- h. Liquor Store 3rd Quarter 2009 sales report.
- i. Stroke Detection Plus thank-you.
- j. Ehlers Advisor publication.
- k. Investment-Roseau EDA HiFi as of 10/27/09 is \$68,657.54.
- l. Cash in bank-DNR Escrow as of 10/27/09 is \$289,000.00.
- m. Cash in bank-Regular checking as of 10/27/09 is \$1,613,223.90.
- n. Investment-Regular HiFi as of 10/27/09 is \$2,975,115.65.
- o. Cash in bank-Liquor Credit Card as of 10/27/09 is \$11,454.40.
- p. Cash in bank-Airport Fuel Sales Credit Card as of 10/27/09 is \$1,712.68.
- q. Investment-Roseau EDA Money Market as of 10/27/09 is \$74,390.25.
- r. Cash in bank-Pine to Prairie Birding Trail as of 10/27/09 is \$3,587.62.
- s. Cash in bank-Scandinavian Festival as of 10/27/09 is \$2,704.19.
- t. Cash in bank-Roseau Community Youth Project as of 10/27/09 is \$3,324.14.
- u. Cash in bank-Welcome to Roseau as of 10/27/09 is \$1,162.17.
- v. Cash in bank-Roseau EDA as of 10/27/09 is \$4,049.16.
- x.

Mn/DOT Agreement No. 94920

GRANT AGREEMENT FOR AIRPORT MAINTENANCE AND OPERATION

This Agreement is by and between the state of Minnesota acting through its Commissioner of Transportation ("State"), and the City of Roseau ("Municipality")

WHEREAS, the Municipality desires the financial assistance of the State for maintenance and operation of the Roseau Municipal Airport; and

WHEREAS, the State is willing and authorized by Minnesota Statutes Sections 360.015 and 360.305 to provide financial assistance to the Municipality for its airport.

NOW, THEREFORE, it is agreed as follows:

1. This Agreement is effective upon execution by the Municipality and the State, and will remain in effect for the State fiscal years 2010 and 2011.
2. The Municipality agrees to the limits of State cost participation based upon a formula using runway infrastructure costs. The Municipality has reviewed the runway infrastructure costs assigned to its airport as provided by the State and agrees the costs accurately reflect the infrastructure in place.

3. If paint striping of the airport is a part of this agreement as identified in the runway infrastructure costs, the State will contract for the periodic paint striping of the airport runways and taxiways. The Municipality agrees to the runway infrastructure deduct assigned as its share of airport paint striping. The Municipality agrees to cooperate with the marking operation.
4. The Municipality will keep the landing area and the area around the lights mowed. The grass will be mowed at least 7 feet beyond the lights, and at no time will the grass exceed 6 inches in height on the landing area.
5. If the airport is to remain operational during the winter months, the Municipality will keep at least one landing area, associated taxiway, and apron area cleared of snow and ice to the same priority as arterial roads. Snow banks will be kept down so that aircraft wings will clear them, and landing strip markers and/or lights will remain visible.
6. The airport must pass periodic inspections performed by a representative of the Office of Aeronautics for compliance with the rules of the Department of Transportation and for compliance with this Agreement. If the airport is not so maintained, then no reimbursement will be made hereunder.
7. The State will reimburse the Municipality for 2/3 of the direct, actual maintenance and operation costs not reimbursed by any other source, not to exceed \$26,251.00 of State aid for each State fiscal year.
8. The Municipality will submit a breakdown of its incurred costs to the Director, Office of Aeronautics, on forms supplied by the Office of Aeronautics. In any and all events, costs must be submitted to the Director, Office of Aeronautics, on or before August 1 for each State fiscal year ending June 30. No requests received after August 1 for the preceding State fiscal year will be honored by the State. The State reserves the right to reject items that may not be eligible for reimbursement, and reimbursement may be denied entirely if the airport is not properly maintained in accordance with this Agreement.
9. The Municipality has established a zoning authority for the airport, and such authority has completed, or is in the process of and will complete, with due diligence, an airport zoning ordinance in accordance with Minnesota Statutes Section 360.061 to 360.074.
10. The State may immediately terminate this agreement if the funds necessary to pay the State's share are not received from the Minnesota Legislature or other funding source. The State will provide notice of such lack of funding as soon as possible. Upon such termination, the State will pay the Municipality a pro-rata share for work performed prior to such notice, to the extent that funds are available.

State Encumbrance Verification

Individual certifies that funds have been encumbered as required by Minn. Stat. § 16A.15 and 16C.05.

By: _____

Date: _____

MAPS Order No: _____

Municipality

Municipality certifies that the appropriate person(s) have executed the Agreement on behalf of the Municipality as required by applicable resolutions, charter provisions or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

By: _____

Date: _____

Commissioner , Minnesota Department of Transportation

By: _____

Director, Office of Aeronautics

Date: _____

Mn/DOT Contract Management

As to form & execution

By: _____

Date: _____

y.

**#R 30-09
RESOLUTION
AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION
GRANT AGREEMENT FOR AIRPORT MAINTENANCE AND OPERATION**

It is resolved by the City of Roseau as follows:

1. That the state of Minnesota Agreement No. 94920 "Grant Agreement for Airport Maintenance and Operation," at the Roseau Municipal Airport is accepted.
2. That the Mayor and Clerk-Treasurer are authorized to execute this Agreement and any amendments on behalf of the City of Roseau.

Adopted this 2nd day of November, 2009.

By: s/s Jeff Pelowski
Mayor

Attest:
s/s Michelle Slater
City Clerk

Z.

#R 31-09
RESOLUTION ACCEPTING DONATION

WHEREAS, the Roseau Veterans of Foreign Wars (VFW) Forty and Eight Voiture 1436 has presented to the City of Roseau a donation of \$500.00, and has designated that these donations be deposited in the City of Roseau General Fund to be used for Roseau Volunteer Fire Department equipment; and

WHEREAS, the Roseau City Council is appreciative of the donation and commends the Roseau American Legion Forty and Eight Voiture 1436 for their civic efforts,

NOW, THEREFORE BE IT RESOLVED, by the City Council of Roseau, Minnesota;

1. that the donation is accepted and acknowledged with gratitude.
2. that the donation will be appropriated to the Roseau Volunteer Fire Department to be used for equipment.

Adopted this 2nd day of November, 2009.

By: s/s Jeff Pelowski
Mayor

Attest:
s/s Michelle Slater
City Clerk

aa.

Approve 2010 (December 1, 2009 – November 30, 2010) Liquor Licenses contingent upon all paperwork is obtained by the Clerk's Office:

- American Legion Club
- Oakcrest Golf Club plus Sunday Liquor
- Roseau Eagles plus Sunday Liquor
- VFW Club
- Brickhouse Bar & Grille plus Sunday Liquor
- Gene's Bar and Grill
- Lee's Place-Bottom's Up plus Sunday Liquor
- RJ's Place
- Roseau Diner

bb.

Approve 2010 (January 1, 2010 – December 31, 2010) 3.2 Beer Licenses contingent upon all paperwork is obtained by the Clerk's Office:

- Sparetime Bowl-On-Sale
- RJ's Place-Off-Sale
- Holiday-Off-Sale
- Pamida-Off-Sale

cc.

#R 36-09
RESOLUTION

WHEREAS, in accordance with the Minnesota Statutes § 345.31-345.60 (Minnesota Uniform Disposition of Unclaimed Property Act) requirement that cities must remit unclaimed property to the State of Minnesota.

NOW, THEREFORE, BE IT RESOLVED, that Roseau City Clerk-treasurer Michelle Slater be and is hereby authorized to remit three (3) unclaimed warrants to the State of Minnesota Department of Commerce Unclaimed Property Division totaling \$52.18.

<u>Ck No.</u>	<u>Date</u>	<u>Amount</u>	<u>Payee</u>
036975	11/07/05	\$18.74	Amy Enriques
037025	11/21/05	\$25.00	Denise McMillin
039292	05/09/06	\$ 8.44	Kevin Briese

dd.

R# 32-09
RESOLUTION

SUBORDINATION AGREEMENT

WHEREAS, the City of Roseau possesses a valid and enforceable lien against the following described real property located in the County of Roseau, State of Minnesota, to wit:

Lot Three (3), in Block Three (3), of Meade’s Third Addition to the City of Roseau, according to the recorded plat thereof, Roseau County, Minnesota.

As evidenced by a Repayment Agreement dated June 13, 2006, and filed of record in the Office of the Roseau County Recorder on August 29, 2006, as Document Number 255095;

WHEREAS, Stacy L. Otto, a single person, and fee owner of the above-described real property, has applied for a mortgage loan from Summit Mortgage Corporation and

WHEREAS, the Summit Mortgage Corporation has indicated that it is unwilling to accept a mortgage upon the above-described real property in security for said loan unless the City of Roseau shall subordinate its mortgage to the lien to be created by said Summit Mortgage Corporation on said property;

NOW THEREFORE, in consideration of the premises and as an inducement to the Summit Mortgage Corporation to accept said mortgage, the City of Roseau hereby agrees to subordinate, and hereby does subordinate, its lien against the above described real property to the mortgage lien of the Summit Mortgage Corporation against said property, said mortgage to have the same validity, force and effect as if executed, delivered, and recorded prior to the date of execution of said City of Roseau.

IN TESTIMONY WHEREOF, the City of Roseau has caused these present-to be executed by Jeffrey Pelowski, Mayor. This 2nd day of November, 2009.

By: s/s Jeff Pelowski
Mayor

STATE OF MINNESOTA))
COUNTY OF ROSEAU))

Roseau Promotions Director Lyle Grindy reported on the following;

- The ATVAM Convention was held September 19th at the City Center with 147 people registered. There were many positive comments and everyone had a great time.
- Moonlight Madness, the Art Crawl and the annual Civic and Commerce free lunch was held on October 1st. Everything went well and 780 people were served.
- Diva Days is scheduled for November 7th in the City Center with over 43 booths already booked.
- The annual Civic and Commerce Holiday promotion will start November 27th with the Christmas tree lighting ceremony to take place at 5:00 p.m.
- The annual Craft Show will be held on November 27th and 28th at the Roseau School with over 70 booths already booked.
- The Civic and Commerce are supporting the Roseau Youth Hockey program again this year with nearly 100 teams expected to attend various Youth Hockey tournaments in Roseau.
- He gave a special thank-you to retiring Clerk-treasurer Micky Slater for helping him feel welcome in his new position and wished her well on her upcoming retirement.

The Planning Commission met on October 26, 2009 and discussed the following;

- The Notice of Hearing to be held November 2, 2009 at the Regular Council meeting on the Order to Abate Nuisance to BNSF and Dale Howell for property formerly leased from BNSF by Howell Steel.
- The safety issues regarding a mobile home that was leveled and has not been removed from property east of the West Side Trailer Court. The matter has been turned over to Chief Anderson and he reported a ticket would be issued to the owner of the mobile home.

Roseau County Commissioner Jack Swanson reported;

- Jon Vidmar has been hired as assistant to the Roseau County Assessor and it is likely he will be assessing City of Roseau properties.
- Due to a change in State statutes, the County has amended their ordinance to allow mini trucks on County roads. Swanson noted he has been asked if mini trucks would be allowed on City of

Roseau streets and it was reported the City of Roseau has not amended their ordinance to allow mini trucks.

The Operations Committee met to discuss reorganization of the Clerk's Office due to the pending retirement of the Clerk-treasurer Slater. The Clerk-treasurer position would be absorbed by current employees and separated into two positions. The Clerk position would be responsible for items such as minutes, elections etc. and the Treasurer position would be responsible for the financial duties. The Utility Billing Manager/IT Specialist would take over any utility reports currently being done in the Clerk's Office and the Community Development Coordinator would take over budgeting and other larger items that need to be done. It is the intent that if this reassignment of duties goes well, there would not be a need for hiring additional part-time help. Employers Association, Inc. has rerated all four positions and the Clerk, Treasurer and Utility Billing Manager/IT Specialist would all be raised two pay grades. Also it was reported that since the Clerk-treasurer has certain statutory duties, an ordinance must be drafted designating certain job requirements to a new treasurer position. The Operations Committee recommended that the Council move forward on the above-fore-mentioned reorganization citing a win-win situation when calculating Clerk Slater's retirement package.

Council member Novacek noted he would like an administrative position be hired instead of the recommendation to split Clerk-Treasurer duties.

Council member Vatnsdal motioned, to implement the restructure of the Clerk's Office as recommended by the Operations Committee and to direct Attorney Moren to prepare the proper ordinance designating certain job requirements to the new treasurer position to meet State law as of December 1, 2009 and that the following Employee Salary pay grade changes (increases) be approved as of December 1, 2009;

City Treasurer - Charlotte Erickson to Grade 7
City Clerk – Janet Lundbohm to Grade 7
Utility Billing Manager/IT Specialist – Gwen Kerner to Grade 8

The afore-mentioned motion was duly seconded by Council member Schiltz and upon vote being taken, the following voted in favor thereof: Vatnsdal, Schiltz, and Pelowski

and the following voted against the same: Novacek

and the following abstained: None

and the following were absent: Ireland

whereupon said motion was declared duly passed and adopted.

The Council acknowledged the Oakcrest Golf Board September 15, 2009 minutes.

Community Development Coordinator Peterson reported Spruce Township has signed their paperwork authorizing the creation of a joint airport zoning board and as soon as the updated Airport Zoning map is received, a meeting will be scheduled.

Council member Novacek motioned, Council member Schiltz seconded and it was carried by unanimous vote to authorize the Beautification Committee to display a holiday tree in the City Center as requested.

The EDA did not meet.

The Airport Committee did not meet.

Liquor Store manager Wiberg discussed a proposed LED light that has been included in the liquor store 2010 budget at a cost of approximately \$30,000. Wiberg reported a rep will be in Roseau on November 4,

2009 to make a presentation on his LED products with no obligation to the City. Council members on the liquor store committee were invited to the presentation.

Liquor Store manager Wiberg reported the October food drive was a success with 125 pounds of food being donated, which will go to the local food shelf.

Fire Chief Skime discussed the wild land fire contract the Roseau Fire Department has with the State of Minnesota DNR. Earlier this year the Council was informed the State might pay only a flat rate for fire departments who respond to a wild land fire. Even though the current DNR contract is in effect until July 1, 2010, the State is now pushing to amend current contracts to state they would only be obligated to pay a flat rate of \$350 for the first two hours when called to a wild land fire. Skime stated the current average bill is between \$1000 and \$1500, therefore the fire department would be losing money. Council consensus was that our legislators need to be involved in negotiations with the State and Chief Skime agreed to set up such a meeting. Skime reported the local DNR office is in support of the Roseau Fire Department on this issue. Skime agreed to keep the Council updated.

Police Chief Anderson reported the new police vehicle has been delivered.

Chief Anderson reported the fire siren/ISO committee, consisting of himself, Superintendent Drown, Fire Chief Skime and Assistant Chief Jeff Ballard met to discuss objectives and compiling questions when giving consideration to replacement/adding fire sirens. After discussion, Council member Schiltz motioned to approve the fire siren/ISO committee recommendation to purchase a second fire siren from Federal Signal Corporation at a cost of \$16,386.08 and in addition approving the purchase of five backup radios to be used by the fire department. The fire siren purchase is included in the 2009 budget.

The motion was duly seconded by Council member Vatnsdal and upon vote being taken, the following voted in favor thereof: Schiltz, Vatnsdal and Pelowski

and the following voted against the same: Novacek, citing his recommendation that multiple sirens be installed.

and the following abstained: None

and the following were absent: Ireland

whereupon said motion was declared duly passed and adopted.

After the new siren is installed, Chief Anderson agreed to contact the League of Minnesota Cities Insurance Trust, to ask that they do a preliminary walk through audit of the City prior to officially requesting a change in the ISO rating for the City of Roseau. It was reported there have been several fire department equipment upgrades since the last ISO rating audit. It was also proposed that after the new siren is installed, that the fire sirens would not be sounded in the hours between 10:00 p.m. to 6:00 a.m. for fire calls.

Superintendent Drown reported he would be meeting with the president of Minnesota Municipal Utilities Association (MMUA) on the 2009-10 Safety Management Program Contract. The matter will be added to the December 7, 2009 meeting.

Council member Vatnsdal introduced Ordinance No. 17 Third Series and moved for its adoption;

**ORDINANCE NO. 17 THIRD SERIES
(Codified)**

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ROSEAU, MINNESOTA, TO AMEND THE ROSEAU CITY CODE TITLE 5 ENTITLED "PUBLIC WORKS", CHAPTER 50 ENTITLED "GENERAL UTILITIES" BY AMENDING SECTION § 50.20 ENTITLED "BILLING, PAYMENT AND DELINQUENCY".

The City Council of the City of Roseau, Minnesota, does ordain as follows:

SECTION 1. That Title 5 of the Roseau City Code entitled "Public Works" Chapter 50, entitled "General Utilities", Section § 50.20, entitled "Billing, Payment and Delinquency" is hereby amended to read as follows:

§ 50.20 BILLING, PAYMENT AND DELINQUENCY

All municipal utilities shall be billed monthly and a utilities statement or statements shall be mailed to each consumer each month. All utility charges shall be delinquent if they are unpaid at the close of business ten (10) days after the bill date, provided, that if the tenth day after the bill date shall fall on a Saturday, Sunday or legal holiday, the time shall be extended to the close of business on the next succeeding day on which business is normally transacted. An administrative fee shall be added to, and become part of, all delinquent utility bills. If service is suspended due to delinquency it shall not be restored at that location until a reconnection charge has been paid for each utility reconnected in addition to amounts owed for service and administration. (1986 Code. § 3.05 (1))

SECTION 2. All ordinances and parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION 3. This ordinance shall take effect and be in full force after its passage and publication.

Dated this 2nd day of November, 2009.

APPROVED:
s/s Jeff Pelowski
Mayor

ATTEST:
s/s Michelle Slater
City Clerk-Treasurer

The motion was duly seconded by Council member Vatnsdal and upon vote being taken, the following voted in favor thereof: Schiltz, Vatnsdal, Novacek and Pelowski

and the following voted against the same: None

and the following abstained: None

and the following were absent: Ireland

whereupon said motion was declared duly passed and adopted.

Superintendent Drown supplied copies of a sample City utility bill adding the .0053c power cost adjustment to all kilowatts billed each month by the City of Roseau, as approved at the October 14, 2009 Council meeting.

Council member Novacek introduced the following resolution and moved for its adoption;

R# 33-09
RESOLUTION SETTING A PUBLIC HEARING ON A VACATION
THE CITY COUNCIL OF THE CITY OF ROSEAU, MINNESOTA, DOES HEREBY
RESOLVE AS FOLLOWS:

WHEREAS, the City Council pursuant to Minnesota Statute § 412.851 desires to consider the vacation of a portion of 9th Street Northeast in the City of Roseau, between 5th Avenue Northeast and 6th Avenue Northeast, legally described as follows:

That portion of 9th Street Northeast in the City of Roseau, Minnesota described as follows:

Commencing at the Southeast corner of Lot 1, Block 1 of Flaig's Addition to the City of Roseau, Minnesota being the point of beginning of that certain portion of 9th Street Northeast intended to be vacated; thence running Westerly on and along the South boundary line of said Lot 1, Block 1 of Flaig's Addition, a distance of 110 feet to a point; thence running Southerly a distance of 14 feet to a point which is 66 feet (+ or -) Northerly of the Northeast corner of Lot 1, Block 2 of Flaig's Addition, thence running Easterly a distance of 110 feet to a point which is 14 feet (+ or -) Southerly of the point of beginning, thence running Northerly 14 feet (+ or -) to the point of beginning and there terminating, containing 0.0354 acres (+ or -), all located in Larsen's third Addition to the City of Roseau.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROSEAU, COUNTY OF ROSEAU, MINNESOTA:

- 1) The Council will consider the vacation of such street and a public hearing shall be held on such proposed vacation on the 7th day of December, 2009 at 5:30 p.m., before the City Council in the City Center Council Chambers located at 121 Center Street East, Suite 201, Roseau, Minnesota 56751.
- 2) The City Clerk is hereby directed to give published, posted and mailed notice of such hearing as required by law.

Passed by the City Council this 2nd day of November, 2009.

Signed by: s/s Jeff Pelowski
Mayor

Attested by: s/s Michelle Slater
City Clerk

The motion for the adoption of the foregoing Ordinance was duly seconded by Council member Schiltz and upon vote being taken, the following voted in favor thereof: Novacek, Schiltz, Vatsndal and Pelowski

and the following voted against the same: None

and the following abstained: None

and the following were absent: Ireland

whereupon said motion was declared duly passed and adopted.

Council member Novacek motioned, Council member Schiltz seconded and it was carried by unanimous vote to accept the resignation letter from Clerk-Treasurer Michelle Slater who will retire November 30, 2009 after 34 years, 10 months of service with the City of Roseau.

Council member Novacek motioned, Council member Vatsndal seconded and it was carried by unanimous vote to authorize Community Development Coordinator Peterson to sign a sub-grant agreement with Minnesota HSEM on behalf of the City of Roseau in the amount of \$84,641.51 for the 2009 Flood Event.

Community Development Coordinator Peterson gave an update on the East Diversion project.

**CITY OF ROSEAU, MN
RESOLUTION NO. 34-09
AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY
FOR THE EAST DIVERSION PROJECT**

WHEREAS, the City of Roseau, Minnesota was inundated by a devastating flood of the Roseau River in June of 2002; and

WHEREAS, the Roseau Community, including residences and businesses, sustained major economic loss of over \$100 million as a consequence of the 2002 flood; and

WHEREAS, in addition to the flood in 2002, over the past 100 years, the City of Roseau has been repeatedly inundated by flooding of the Roseau River, including major flood events in 1896, 1916, 1938, 1942, 1947, 1950, 1966, 1979, 1985, 1996, 1997, 2004, 2006, and 2009; and

WHEREAS, in response to the repeated flooding and especially the 2002 flood, the City of Roseau, in conjunction with the State of Minnesota and the U.S. Army Corps of Engineers, has investigated the potential for a flood mitigation project on the Roseau River in the vicinity of the City of Roseau; and

WHEREAS, after three years of study, the U.S. Army Corps of Engineers has determined that a feasible flood mitigation project does exist for the City of Roseau, which project involves the construction of an approximately four and one-half-mile flood diversion channel which will help negate the potential for any future flooding in the City of Roseau (“the East Diversion Project”); and

WHEREAS, the East Diversion Project will be constructed to the east of the City of Roseau within the boundaries of the areas depicted in Attachments A and B (the “Real Property”); and

WHEREAS, the East Diversion Project involves the construction of an approximately four and on-half mile flood diversion channel on the east side of the City of Roseau. This channel allows for excess flows down the Roseau River to be diverted down a 150-foot wide channel (bottom width) to the north side of the City of Roseau, where the Roseau River and the flood diversion will reunite; and

WHEREAS, the East Diversion Project also includes the construction of a restrictive structure on the south side of the City of Roseau that restricts the total flow through the original Roseau River channel through the City of Roseau to a manageable flow; and

WHEREAS, the East Diversion Project further entails the construction of approximately nine miles of diversion levees and storage cells on the east and west of the diversion channel to control flows through the diversion channel and mitigate any increase to flood flows north of the City of Roseau; and

WHEREAS, it is necessary, in conjunction with the construction of the East Diversion Project, that certain parcels and parts of parcels of privately held real estate within the boundary areas for the Real Property as depicted in Attachments A and B, be acquired in fee simple by the City of Roseau; and

WHEREAS, the City of Roseau is a Minnesota Statutory City entitled to acquire real estate by the eminent domain (condemnation) powers conferred upon municipalities by the State of Minnesota, through the procedures set forth in Minnesota Statutes Chapter 117.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Roseau, Minnesota as follows:

1. Acquisition by the City of Roseau, Minnesota of the fee wimple interest in the Real Property depicted in Attachments and B, and/or flood easements, as is necessary for the purpose of the construction of the above-described East Diversion Project:
2. The law firm of Briggs and Morgan, P."A. of Minneapolis, Minnesota ("Legal Counsel") are hereby authorized to determine the specific boundary lines and legal descriptions for the individual parcels included within the Real Property depicted in Attachments A and B.
3. Legal Counsel are hereby authorized and directed on behalf of the City of Roseau to attempt to acquire the Real Property through negotiation with the property owners or by the exercise of the power of eminent domain pursuant to the procedures set forth in Minnesota Statutes Chapter 117.
4. For the reasons set forth herein and in order to promptly move forward with the construction of the East Diversion Project in 2010, the City Council hereby determines that it is necessary to complete the assemblage of Real Property for the proposed East Diversion Project as quickly as possible, and to proceed without delay pursuant to the provisions of Minnesota Statutes Section 117.042 (the "Quick Take: statute), and to pay to the owners or into the Roseau County District Court a sum of money to secure compensation to the owners of interests therein, which amount shall be equal to the City of Roseau's approved appraisal of value as determined by the City of Roseau.
5. Legal Counsel are hereby further directed to take all actions necessary to promptly acquire the Real Property, including to commence and complete a condemnation action or actions including use of Quick Take proceedings, for the acquisition of the Real Property, pursuant to the procedures set forth in Minnesota Statutes Chapter 117.
6. Whenever appropriate, Legal Counsel shall work with the City Attorney's office to accomplish all tasks necessary for the East Diversion Project.
7. **BE IT FURTHER RESOLVED** by the City Council of the City of Roseau that the City of Roseau, the City Attorney's office, whenever appropriate, and the law firm of Briggs and Morgan, P.A. are authorized to take all actions necessary and desirable to carry out the prompt acquisition of the Real Property.

Adopted by the City Council of the City of Roseau, Minnesota, this 2nd day of November 2009.

Attest:
s/s Michelle Slater
City Clerk

Approved:
s/s Jeff Pelowski
Mayor

The motion for adoption of the foregoing resolution was duly made by Council member Vatnsdal and seconded by Council member Schiltz and upon vote thereon, the following voted in favor thereof: Council member Vatnsdal, Councilmember Schiltz, Council member Novacek and Mayor Pelowski

and the following voted against the same: None

and the following abstained: None

and the following were absent: Ireland

whereupon said motion was declared duly passed and adopted.

**CITY OF ROSEAU, MN
RESOLUTION NO. 35-09
AUTHORIZING DETERMINING THE NECESSITY FOR AND
AUTHORIZING THE HIRING OF LEGAL COUNSEL**

WHEREAS, the City of Roseau, Minnesota in conjunction with the State of Minnesota and the U.S. Army Corps of Engineers, has begun work on a flood diversion channel which will help negate the potential for any future flooding in the City of Roseau ("the East Diversion Project"); and

WHEREAS, to accomplish the construction of the East Diversion Project, certain parcels and parts of parcels of privately held real estate must be acquired by the City of Roseau through either negotiated purchase or pursuant to the City of Roseau's powers of eminent domain; and

WHEREAS, the City of Roseau requires the advice and assistance of outside legal counsel to accomplish these objectives; and

WHEREAS, the City of Roseau and the law firm of Briggs and Morgan, P.A. of Minneapolis, Minnesota share a long-standing professional relationship.

NOW, THEREFORE, BE RESOLVED, by the City Council of the City of Roseau, Minnesota as follows:

1. Retention of outside legal counsel is necessary for acquisition of the necessary land parcels for the East Diversion Project.
2. The law firm of Briggs and Morgan, P.A. ("Legal Counsel") are hereby retained to provide legal advice and assistance in acquiring the necessary land parcels. The Mayor may enter into a Retainer Agreement with Legal Counsel on the City of Roseau's behalf.
3. Legal Counsel shall work in cooperation with the City of Roseau staff and consultants and, whenever appropriate, the City Attorney's office.

Adopted by the City Council of the City of Roseau, Minnesota, this 2nd day of November 2009.

Attest:

s/s Michelle Slater
City Clerk

Approved:

s/s Jeff Pelowski
Mayor

The motion for adoption of the foregoing resolution was duly made by Council member Schiltz and seconded by Council member Vatsdal and upon vote thereon, the following voted in favor thereof: Council member Schiltz, Council member Vatsdal, Council member Novacek and Mayor Pelowski

and the following voted against the same: None

and the following abstained: None

and the following were absent: Ireland

whereupon said motion was declared duly passed and adopted.

Council member Vatsdal motioned, Council member Schiltz seconded and it was carried by unanimous vote to authorize the mayor to execute the **Retainer Agreement with Briggs and Morgan, P.A.** regarding land acquisition matters related to the East Diversion Project. A copy of this agreement is on file in the office of the City Clerk.

The Council acknowledged the Minnesota Management & Budget notification of compliance with the Local Government Pay Equity Act dated 2009.

Council member Schiltz motioned, Council member Novacek seconded and it was carried by unanimous vote to approve the Roseau Court Townhomes 2010 budget as presented, which includes a \$15 per month rent increase and a \$15,000 capital improvement to add black dirt and grass seed to the lawn.

A meeting was scheduled to be held November 23, 2009 at 5:00 p.m. to discuss the proposed 2010 budget.

Council member Novacek motioned, Council member Schiltz seconded and it was carried by unanimous vote that there was no further business, therefore the meeting be adjourned.

ATTEST:

Clerk-Treasurer

Mayor