

REGULAR ROSEAU CITY COUNCIL MEETING DRAFT
MONDAY – April 3, 2023, at 5:00 P.M.

In person meeting

121 Center Street East Suite 201
Roseau, MN 56751

The Regular monthly meeting of the Roseau City Council was held on the above date, time, and place. Members present were, Mayor Dan Fabian, Councilmembers: Pat Novacek, Amy Bassingthwaite, Brady Johnson, and Mary Hayes. Absent: none. Others present were Community Development Coordinator Todd Peterson, City Superintendent David Drown, Police Chief Marc Hodge, Fire Chief Leon Huot, City Attorney Michelle Moren, Liquor Store Manager, Roseau County Commissioner Jack Swanson, Tracee Bruggeman – BradyMartz, Sinnamon Krings – Roseau C&C, Christine Sibilleau – Roseau Gazebo Committee, Amelia Krings, Police Officer Dan Berggren, Keith Severson, Hallie Sorenson, Kerrie Laurin, and Brodie Wensloff.

Mayor Dan Fabian called the meeting to order, and the Pledge of Allegiance was said.

Councilmember Brady Johnson motioned, Councilmember Amy Bassingthwaite seconded, and it was carried by unanimous vote to approve the March 6, 2023, regular meeting minutes as written.

Councilmember Pat Novacek motioned, Councilmember Mary Hayes seconded, and it was carried by unanimous vote to approve the following Consent Agenda as written.

1. Presentation of Accounts Payable claims March 1, 2023, through March 31, 2023, Batch AP03312023
CK# 73905-73947 = \$46,329.54
2. Presentation of daily checks March 1, 2023, through March 31, 2023
CK# 73768-73904 = \$259,933.56
E# 3301-3343 = \$407,839.80
PR 03/15/23 = \$42,092.71
Vac Payout = \$2,762.54
Comp Payout = \$883.56
PR 03/30/23= \$47,410.53
3. Presentation of Receipt entries February 1, 2023, through February 28, 2023.
4. Presentation of Journal entries JE013123.
5. Audit Committee review of January 2023 General Ledger checks written compared with images on the bank statement.
6. Notices and Communications –
Upcoming scheduled meetings:
 - a. May 1, 2023, Regular council meeting at 5:00 p.m.
7. Approve the use of alcohol in the
 - a. Memorial Arena – Brodie Wensloff wedding Sept 9, 2023.
 - b. Fire Hall – Regional Meeting April 13, 2023. (Gene’s Bar is serving)
8. Investment–Roseau EDA Hi Fi as of 03/24/2023 is \$66,286.97.
9. Cash in bank-Regular checking as of 03/24/2023 is \$2,393,878.83.
10. Investment-Regular Hi Fi as of 03/24/2023 is \$1,567,704.08.
11. Investment Certificate of Deposit as of 03/24/2023 is \$834,914.89

12. Investment Certificate of Deposit as of 03/24/2023 is \$824,124.54.
13. Investment Certificate of Deposit as of 03/24/2023 is \$825,849.50.
14. Investment Certificate of Deposit as of 03/24/2023 is \$818,283.33.
15. Investment-Roseau EDA Money Market as of 03/24/2023 is \$137,844.51.
16. Cash in bank-Roseau EDA as of 03/24/2023 is \$25.29.
17. LG220 ALS Raffle October 26, 2023
18. LG220 Roseau Fire Relief Association Raffle April 13, 2023
19. City Revenue & Expense Report March 2023
20. Liquor Store Monthly Sales Report & Analysis Report March 2023

Delegations/Petitions/Complaints

- Tracee Bruggeman from BradyMartz presented to council the City of Roseau audited financial statements for the year ended December 31, 2022. Ms. Bruggeman stated that the audit went well, and the City of Roseau has healthy fund balances and low debt levels. Ms. Bruggeman stated the financial statements present fairly, in all material respects, the financial position of the governmental activities of the City of Roseau as of December 31, 2022, and the changes in financial position are in accordance with the generally accepted accounting principles. Ms. Bruggeman noted that there were some construction funds with negative fund balances which were closed to the general fund in 2022, leaving the general fund with a very low year-end fund balance of \$51,000.

- Roseau Gazebo Night Committee – Christine Sibilleau from the Gazebo Concert Committee appeared to discuss the issue of the electrical outlets at Riverview Gazebo Park not being fully operational or sufficient for the entertainment being brought into the park. The concert entertainers have been unable to locate sufficient working outlets to power their equipment. Roseau Gazebo Night Committee is asking that every outlet be working before the first concert of the summer on June 15th. Councilmember Pat Novacek provided information on the history of the development of the electrical services that have been installed at the site. There is adequate power on site and the musicians should be providing their own 50-amp splitter box that can be plugged into the 50-amp service pedestal behind the gazebo. Councilmember Novacek noted that this was the same set up the fair board uses for its entertainment at the grandstand and mini stage for musicians. It was consensus that all parties would get together to resolve any issues prior to the concert season.

- Sinnamon Krings appeared before the City Council with an event proposal for Crazy Days on August 11th. The C&C is proposing to have a car show that day and along with that event it was discussed to also hold a street racing burnout rally on a closed section of city street, 15th Avenue NW. There is a hot rod group out of Littlefork/Big Falls that has performed this event in other communities like Ely with great success and they have expressed an interest in using Roseau as a location. Chief Hodge expressed some concern about using a city street for the event due to safety, liability and street damage concerns. There was little information on the ability to hold such an event on a city street as these events are more commonly held in closed parking areas or similar venues. Council requested that Sinnamon Krings provide more information and work with

Attorney Michelle Moren, Chief Hodge and Superintendent Drown, who were asked by Council to look into the logistics and liability of such an event and report back in May.

- Superintendent Drown raised some questions regarding the requests of his department for the ATV mud run scheduled for June 3rd, 2023. He was seeking clarification on some of the items requested of his department as not all of the items requested were available from the city and would need clearance from other entities. Ms. Krings said she would make those contacts.
- Bob Tuttle of the Roseau Masonic Lodge made the following request of council. The Roseau Masonic Lodge is looking to host a drive-thru Mother's Day meal on Sunday May 14, 2023. They plan to collaborate with the Roseau American Legion. They will serve parties/vehicles on 3½ St NW on the south side of the American Legion.

Councilmember Pat Novacek motioned, seconded by Councilmember Amy Bassingthwaite to allow the Roseau Masonic Lodge to set up on 3½ Street NW to serve Mother's Day meals on Sunday, May 14, 2023. The motion passed by unanimous vote.

Committee Reports

Planning Commission –

CDC Todd Peterson informed council that the Planning Commission met March 27, 2023, at 12:00 pm. The following items were discussed.

- Variance Application #1-23 from 4 Brothers Commercial LLC is seeking a variance from the R-4 (Mobile Home Court) setback requirements of 15' between units to 20' setback requirements from property lines. John Salsman and Andrew Keel from 4 Brothers Commercial LLC have entered into a purchase agreement to acquire the East Side Trailer Court. However, to make the investment and improvements into the park necessary to bring the court up to HUD financing standards they need to be able to fill existing vacant pads and replace dilapidated units with newer units that maybe larger than what the original park design contemplated. The East Side Trailer Court was designed prior to the implementation of the City's zoning code and therefore the existing units do not meet the setback requirements and have been grandfathered into place. The Planning Commission recommends to the City Council to set a public hearing on April 24, 2023, at 12:05 pm for Variance Application #1-23 (4 Brothers Commercial LLC) seeking a variance from the R-4 (Mobile Home Court) setback requirements of 15' between units and 20' setback requirements from property lines as provided in the mobile home court development plan.

Councilmember Amy Bassingthwaite motioned, Councilmember Mary Hayes seconded, and it was carried by unanimous vote to set a public hearing on April 24, 2023, at 12:05 pm for Variance Application #1-23 (4 Brothers Commercial LLC) seeking a variance from the R-4 (Mobile Home Court) setback requirements of 15' between units and 20' setback requirements from property lines as provided in the mobile home court development plan.

- The Planning Commission will hold its annual Tour of the City on May 22, from 10 am – 12 pm. The Regular May Planning Commission meeting would be immediately following the tour. Officer Cody Vonasek will be working with Officer Manka to take over all Planning Commission enforcement actions from 2022. The Planning Commission would only be working to identify new violations during the 2023 Tour and the PD would continue to work on resolution of all existing 2022 violations that are still pending. There was discussion about whether it might be more effective to make these violations petty misdemeanors rather than misdemeanors. This would reduce the amount of time spent in court for the prosecution, law enforcement and the judicial officers. Petty misdemeanors would be a fine only and not subject to a jail term and no right to a jury trial. If a defendant fails to appear, the fine amount can be turned over to collections.
- The latest version of the City’s zoning map has some areas of the city that have never been appropriately zoned and still fall under the default “Farm Residential”/ CDC Peterson suggested that all the default zoning be brought into conformity with the current or project use of these parcels before development activities begin to take place. It was also suggested that the Planning Commission look at the areas just outside the city limits to provide guidance on future zoning of those areas to be included in the City’s Comprehensive plan for future development.

Roseau County Commissioner

County Commissioner Jack Swanson informed council on the following:

- The County hired a new County Highway Engineer – Erica Halstensgard
- The County has begun the process of moving into the Highway Garage

Operations Committee

The Operations Committee will meet following tonight’s City Council meeting to discuss strategies for employee recruitment and retention.

Oakcrest Golf Course

Councilmember Johnson reported that Alex Halstensgard started today at the golf course.

Airport Committee

CDC Peterson informed council that the Airport Committee did not meet but presented to council a revised agreement for a private hangar land lease with Dale Niemi (Niemi Aviation LLC) drawn up by Moren Law Office. The agreement for a private hangar land lease is similar to the other City of Roseau 20-year private hangar land lease agreements except with the addition of, the “Lessee shall have the right to renew this lease for two (2) additional twenty (20) year terms by providing Lessor written notice of its intention to renew at least one (1) year prior to the end of the existing term. Each renewal shall be upon the same terms and conditions as contained

herein except that the annual payment may increase for each successive twenty-year term, provided however that any such increase shall not be greater than the cumulative consumer price increase from the initial date of lease.”.

Councilmember Brady Johnson motioned, Councilmember Amy Bassingthwaite seconded, and it was carried by unanimous vote to approve the revised private hangar land lease agreement with Dale Niemi (Niemi Aviation LLC).

EDA

CDC Peterson informed council the EDA met March 29, 2023.

CDC Peterson reviewed the meeting minutes.

Department Reports

Liquor Store

Liquor Store Manager Niki Johnson was not present.

The following items were presented by Councilmembers Brady Johnson and Mary Hayes from the Liquor Store Committee:

- Manager Niki Johnson has a trainer coming in on April 18th to work with liquor store staff
- There was discussion regarding moving the Assistant Manager to a full-time position. It was noted by CDC Peterson that the Assistant Manager was a full-time position about 10 years ago. It was changed to a part-time position, after Pam Johnson resigned the full-time position, to a part-time position to provide more flexibility for the liquor store manager to fill shifts, particularly in the evening and weekends when the full-time person did not want to work.
- They also reported that Manager Johnson is researching the replacement of the existing shelving and flooring in the store as they are old and in need of replacement.

Fire Department

Fire Chief Leon Huot informed council on the following

- Chief Huot provided the 2023 Fire Department Officer Appointments. There were only two changes from 2022
- Chief Huot provided the 2022 Fire Department Annual Report. Chief Huot reported that calls for 2022 were about average for the year
- Chief Huot noted that the Regional Fire Meeting to be held in Roseau was rescheduled to April 13th
- Mayor Fabian asked about the Minnesota Forestry Tabletop Exercise and Chief Huot provided a brief explanation of the exercise
- Chief Huot was also asked if there was any joint training between the Roseau PD and FD and if that might be beneficial.

Police Department

Police Chief Marc Hodge informed council on the following:

- Chief Hodge invited Officer Dan Berggren to present information on a Police Officer wellness program they would like to start in the Roseau PD. Officer Berggren provided a presentation on the need to address officer mental health issues. The League of Minnesota Cities recently held a training encouraging departments to address PTSD issues within their ranks. This is becoming a very serious problem with many officers needing to go on disability for untreated PTSD issues. The Roseau PD has engaged with a counseling consultant, LEAST, that will provide mandatory annual wellness check-ups to PD officers (and potentially FD officers, if desired) as well as additional follow-up visits if desired. The proposal from LEAST would have an annual cost of between \$5,100-\$6,000 per year. There is also new legislation being proposed (HF 1234 & SF 1959) to address PTSD disability claim and one of the items being proposed for this legislation is that officers receive mental health counselling.

After discussion Councilmember Pat Novacek motioned, seconded by Mary Hayes to approve entering into a contact with LEAST to provide wellness program counseling for the Roseau Police Department as negotiated by the Roseau PD. The motion passed by unanimous vote.

City Superintendent

City Superintendent Drown informed council on the following:

- Supt. Drown reported that he has an employee potentially interested in working on the Parks & Recreation items, but until he can get another employee hired that person does not have time to work on park items.
- Supt. Drown noted that Memorial Arena is being shut down today for the year.
- Supt. Drown noted that he met with Mike Benke today regarding Gilbertson Field, but still needs to meet with Josh Weckman regarding fencing needs at Gilbertson.

City Attorney

City Attorney Michelle Moren informed council on the following items in regard to the sale to TBA,LLP.

- City Attorney Moren reported that she has been working on the land sale between the City of Roseau and Intercept. She has been asked by the principals of Intercept to complete a title search and since she is already working with the city both parties would need to sign a conflict-of-interest waiver for her to continue doing this work. Councilmember Amy Bassingthwaite motioned, Councilmember Pat Novacek seconded, and it was carried by unanimous vote to approve the Conflict-of-interest waiver for the legal assistance of the Law Offices of Patrick D. Moren.
- Amended Purchase Agreement.

Councilmember Amy Bassingthwaite motioned, Councilmember Brady Johnson seconded, and it was carried by unanimous vote to approve the amended purchase agreement with TBA, LLC

- Resolution #25-23 Extract of City Council meeting minutes.

RESOLUTION 25-23

EXTRACT OF CITY COUNCIL MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF ROSEAU HELD ON MONDAY, APRIL 3rd, 2023 AT 5:00PM

Councilperson Amy Bassingthwaite made a motion to adopt the following amended resolution:

WHEREAS, the City of Roseau, is the owner of the following described real estate; and

WHEREAS, the following described real estate consists of a bare lot only, and;

WHEREAS, TBA, LLP, a Minnesota Limited Liability Partnership, has indicated its desire to purchase the following described real estate; and

WHEREAS, it is deemed to be in the best interest of the City of Roseau that said real estate be sold to TBA, LLP, a Minnesota Limited Liability Partnership, for the sum of Sixty-five Thousand and no/100 (\$65,000.00) Dollars. Said real estate is described as follows:

Legal Description:

Lot One (1) LESS the North Two Hundred Fifty (250) feet of Lot One (1) and Lot Two (2) of Block One (1), in Roseau Industrial Park, according to the recorded Plat thereof on file and of record in the office of the County Recorder in and for Roseau County, Minnesota.

NOW THEREFORE BE IT RESOLVED, that the City of Roseau, accepts the offer of TBA, LLP, a Minnesota Limited Liability Partnership, to purchase the above described real estate for said sum of Sixty-five Thousand and no/100 (\$65,000.00) Dollars, and that the Mayor and the City Clerk/Treasurer of the City of Roseau, are hereby authorized and directed to execute a deed of conveyance running from the City of Roseau, a municipal corporation, under the laws of the State of Minnesota, as Grantor, to TBA, LLP, a Minnesota Limited Liability Partnership, as Grantee, conveying the above described real estate, subject to an Option to Repurchase the above described real estate, by the City of Roseau at a

purchase price of \$65,000.00, in the event that the Buyer herein has not commenced development of said real property within a period of three (3) years from the closing date of this transaction, and;

The motion for adoption of the foregoing Resolution was duly seconded by Member Mary Hayes and upon roll call vote being taken thereon, the following voted in favor thereof: Fabian, Johnson, Hayes, Bassingthwaite, and Novacek

And the following voted against the same: None

And the following abstained: None

And the following were absent: None

Whereupon said motion was declared duly passed and adopted.

Dan Fabian, Mayor

ATTEST:

Elizabeth Carlson, City Clerk-Treasurer

I hereby certify that the foregoing resolution is a true and correct copy of the original resolution adopted by the City Council of the City of Roseau on April 3rd, 2023.

Elizabeth Carlson, City Clerk/Treasurer, City of
Roseau Minnesota

- Attorney Moren noted that she has prepared the warranty deed for the land sale.

Community Development Coordinator

CDC presented to council the following items:

- Joshua Easthouse, the owner of the property at 402 4th Ave NE, is offering the City of Roseau a chance to purchase the property for \$105,000. The Roseau School had offered Mr. Eastman \$105,000 to purchase the property and Mr. Eastman had accepted, but due to budget constraints the Roseau School is no longer interested. Because of its location the property it is well suited to be acquired for public use. However, the city does not currently have an interest in purchasing that property. If the Roseau Wellness Center project becomes a reality the city might have an interest in acquiring this property, but not at this time. It was council consensus that the city conveys to Mr. Easthouse that it does not currently have an interest in purchasing the property.
- Representatives from Coca Cola High Country are proposing the install a soft drink vending machine in the 1st floor lobby in the Roseau City Center between the janitor closet and elevator. The city would receive a 15-30% commission on sales. The commission would be paid quarterly. The city would be responsible for providing the electricity to the machine, estimated at \$10/mo. Coca Cola would service the machine and provide all product.

It was noted that Superintendent Drown has received additional requests for vending machines at other locations around the city.

Council member Brady Johnson motioned, Council member Pat Novacek seconded, and it was carried by unanimous vote to delegate the approval of any installation of a Coca Cola High Country vending machines on any city property to Superintendent Drown with the City receiving 15% of the proceeds.

- CDC Peterson had been working with Marco IT to extend the warranty on the City's computer server. After research it was determined that it would likely be just as expensive to extend the server's warranty as it would be to simply replace the server with a new piece of hardware that would be less prone to a component failure. In the process of providing a quote for a new server Marco found additional issues that needed to be addressed with the existing server setup that would significantly increase the cost of server replacement.

The current server unit is divided into 5 virtual servers and two of those virtual servers are running an operating system (MS Server 2012) that will no longer be supported by Microsoft in October of 2023 so those two virtual servers must be upgraded to a new operating system and migrated off their existing platforms. The remaining 3 servers will be supported for potentially 3-5 more years so those do not need to be addressed at this time. The total estimated cost to replace the existing server system is \$29,223.51. This is an unbudgeted cost.

Councilmember Amy Bassingthwaite motioned, Councilmember Brady Johnson seconded and it was carried by unanimous vote to contract with Marco to install a new server for the city with a cost of \$29,223.51.

- Council was presented a state grant agreement in the amount of \$8,798 from the Arts and Cultural Heritage Fund through the Minnesota Historical Society for the Roseau Memorial Arena National Register Evaluation grant number 2212-27605. The City of Roseau may provide matching funds in the amount of \$2,035.00 as specified in the application.

Councilmember Brady Johnson motioned, Councilmember Mary Hayes seconded, and it was carried by unanimous vote to accept the state grant agreement in the amount of \$8,798 from the Arts and Cultural Heritage Fund through the Minnesota Historical Society for the Roseau Memorial Arena National Register Evaluation grant number 2212-27605. The City of Roseau may provide matching funds in the amount of \$2,035.00 as specified in the application.

- Council was presented a Consulting Agreement between the City of Roseau and Daniel J. Hoisington. The work consists of a National Register of Historic Places nomination for the Roseau Memorial Arena. Services provided by Mr. Hoisington will consist of research, advising, Completion and submission of the National Register of Historic Places Registration Form to be submitted by September 1, 2023, and Mr. Hoisington will attend the Minnesota State Review Board meeting at which the nomination is presented. The City of Roseau shall pay Mr. Hoisington the total sum of \$8,798.00 for the work.

Council member Amy Bassingthwaite motioned, Council member Pat Novacek seconded and it was carried by unanimous vote to enter into the Consulting Agreement with Mr. Hoisington for work on National Register of Historic Places nomination for the Roseau Memorial Arena.

- CDC Peterson provided to council a letter informing the City of Roseau that the Roseau River Pedestrian bridge project was not selected for the 2022 Active Transportation Infrastructure Program by MNDOT. MNDOT has stated that if it receives additional funding in the 2023 Legislative Session it may revisit these applications and award additional project. It appears Roseau would be the next Greater Minnesota Small City project for funding. Also, MNDOT State Aid Engineer Brian Ketring has also contact the city stating that there may be some additional engineering funding available to existing Federal TA projects that are running over previous estimates, like the Roseau project. He stated that solicitations for those funds should be coming out in the next week or so and that the city should apply for funding of our project.

Mayor Council

- Mayor Fabian provided a letter from the North Dakota Industrial Commission on Minnesota H.F.7 and S.F.4. These two companion bills would require Minnesota utilities to procure all electricity from carbon-free sources by 2040. The North Dakota Industrial Commission is requesting both bills be slightly amended to relate to energy generation within the State of Minnesota and do not apply to electric generation outside of the state.

- Mayor Fabian asked Superintendent Drown about obtaining fill for the Hafdahl lot. Supt. Drown noted that he thought he would be able to get some fill last year, but that ended up getting taken by another party. They will keep looking for inexpensive options.
- Mayor Fabian noted that he spoke with a landowner adjacent to the industrial park regarding potential interest in selling to the EDA for expansion.

Councilmember Pat Novacek moved Resolution 24-23 to Close Board Meeting, seconded by Mary Hayes. The resolution was passed by unanimous vote.

RESOLUTION 24-23 CLOSING BOARD MEETING

WHEREAS, the Minnesota Open Meeting Law, Minn. Stat. § 13D.05, subd. 2(b) states that:

“A public body shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.”

WHEREAS, allegations of employee misconduct have arisen against an individual subject to the control of the City of Roseau; and

WHEREAS, the City Council shall conduct a preliminary consideration of these allegations on April 3rd, 2023, commencing at 6:30 PM, in the Council Chambers located at 121 Center Street East, Suite 202, Roseau, MN; and

BE IT RESOLVED by the Roseau City Council as follows:

1. The Roseau City Council hereby closes this meeting pursuant to Minn. Stat. § 13D.05, subd. 2(b) for preliminary consideration of allegations or charges against an individual subject to its authority;
2. The specific subjects to be discussed, pursuant to Minn. Stat. § 13D.01, subd. 3, are the allegations of employee misconduct.
3. The employee who is the subject of this meeting shall have the option to attend this closed meeting. Said employee also has the right to open this meeting to the public.

Dated this 3rd day of April, 2023.

Mayor (or acting Mayor)

City Clerk-Treasurer

The meeting was re-opened following the closed session. Following the closed session, a motion was made by Council member Pat Novacek, seconded by Council member Mary Hayes and approved by unanimous vote to provide a written reprimand to City Superintendent David Drown for failing to obtain council approval for a verbal cost share project with other entities and failure to enter into a written agreement to confirm the terms of the verbal cost-share agreement.

Unfinished Business-

There being no further business Councilmember Brady Johnson motioned to adjourn the City Council regular meeting, Seconded by Councilmember Amy Basingthwaite and it was carried by unanimous vote.

ATTEST:

Todd Peterson – Comm. Dev. Coord

Mayor Dan Fabian