

REGULAR ROSEAU CITY COUNCIL MEETING
MONDAY – May 1st, 2017 @ 5:00 P.M.
ROSEAU CITY CENTER COUNCIL CHAMBERS
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 Jeff Pelowski, Council members, Don Ross, Amy Bassingthwaite, and Jane Evans. Absent: Pat Novacek. Others present were Community Development Coordinator Todd Peterson, City Superintendent David Drown, City Attorney Pat Moren, City Attorney Michelle Moren, Police Chief Ward Anderson, Liquor Store Manager Linda Roseborough, Fire Chief Craig McMillin, Clerk-Treasurer Beth Hellquist, Lyle Grindy-Promotions Director, Jack Swanson-Wild 102 Radio, Brad Bassingthwaite - Park Board and Natalie Anderson – Lucky Border Stars.

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

Council member Amy Bassingthwaite motioned, Council member Don Ross seconded and it was carried by unanimous vote to approve April 3rd, 2017 Regular meeting minutes and April 4th, 2017 continued meeting minutes as written.

Council member Jane Evans motioned, Council member Amy Bassingthwaite seconded and it was carried by unanimous vote to approve the following Consent Agenda:

1. Presentation of Accounts Payable claims April 1st, 2017 through April 30th, 2017 Batch AP043017. CK#62347-62408 = \$194,395.07
2. Presentation of daily checks April 1st, 2017 through April 30st, 2017
E#471-507 = \$394,124.80
CK#62272-62346 = \$130,600.77
04/15/2017 PR DD = \$32,774.70
04/30/2017 PR DD = \$33,889.79
3. Presentation of Receipt entries March 1, 2017 through March 31, 2017.
4. Presentation of Journal entries JE022817.
5. Audit Committee review of February 2017 General Ledger checks written compared with images on the bank statement.
6. Notices and Communications –
Upcoming scheduled meetings:
 - a. June 5th, 2017 Regular City Council meeting at 5:00 pm.
7. Approve the use of alcohol in the Community Center-none.
8. Investment–Roseau EDA Hi Fi as of 4/25/2017 is \$79,386.20.
9. Cash in bank-DNR Escrow as of 4/25/2017 is \$2,000.00.
10. Cash in bank-Regular checking as of 4/25/2017 is \$2,830,977.86.
11. Investment-Regular Hi Fi as of 4/25/2017 is \$1,548,563.69.
12. Investment Certificate of Deposit as of 4/25/2017 is \$793,250.70.
13. Investment Certificate of Deposit as of 4/25/2017 is \$786,348.74.
14. Investment Certificate of Deposit as of 4/25/2017 is \$783,694.15.
15. Investment Certificate of Deposit as of 4/25/2017 is \$779,601.75

16. Investment-Roseau EDA Money Market as of 4/25/2017 is \$341,457.00.
17. Cash in bank-Pine to Prairie Birding Trail as of 4/25/2017 is \$6,316.38.
18. Cash in bank-Roseau EDA as of 04/25/2017 is \$701.41.
19. LMC – April Newsletter
20. LG240B – Eagles Application to Conduct Excluded Bingo - Fairgrounds
21. LG240B – American Legion Application to Conduct Excluded Bingo - Fairgrounds
22. Northwest Community Action – Reach Out for Warmth (The City cannot donate).
23. April 2017 City Revenues & Expenditures

Delegations

Brad Bassingthwaite of the Roseau Park Board presented to council a City Parks Tobacco policy. It is the Park Board's recommendation for council to adopt the policy to make the City Parks smoke free with the exception of a person's campsite and a few designated areas. This policy does not impose any penalties but would allow the Park board to put up signage. Council member Ross is concerned with the government over reach this policy would impose as there have not been any complaints about smokers to this point. The policy could be addressed if and when this becomes an issue.

After discussion, it was council consensus to send the policy back to the Park Board for amending, allowing smoking except in designated areas around the play grounds where the children are.

Natalie Anderson informed council the Luck Border Stars will be holding their annual Stomp Out Cancer 5K Walk/Run on May 13th, 2017 in the City Park. The run will be on the Park Trail, the same as last year, so the participants will not be using any roads. Registration starts Friday evening from 6-7pm. and again at 8am Saturday morning with the race starting at 9am. This event has been a very good fund raiser.

Committee Reports

Roseau Promotions Director

Promotions Director Lyle Grindy informed council:

- The Civic & Commerce has added 8 new members this past month.
- Lifecare Walk/Run will be this weekend at the City Center.
- The C & C Wine Walk will be Saturday July 22nd, 2017.
- Crazy Days will be August 3rd & 4th
- Polaris Stock closed at \$85.69, compared to Skidoo stocks at \$32.86 and Arctic Cat stocks at \$18.50(The same price when Arctic Cat was purchased by Textron), Polaris is still doing well.

Planning Commission-

CDC Todd Peterson reported that the Planning Commission met April 24th, 2017, the following items were discussed:

- A rezoning application #1-17 from William O’Connell for Lot 1, Block 2 Corrected Oak Crest West Subdivision and Lots 4 and 5, Block 7 of the Oak Crest west Subdivision to rezone the lots from R-1 (Single Family Residential) to R-2 (Single Family or Two Family Residential) was recommended for public hearing by the Planning Commission. These lots are located across the street from the Tamarac Apartments. The O’Connell’s would like to build a duplex on each of these three lots. These duplexes will not change the neighborhood as the area is all vacant lots with the exception of William O’Connell’s personal residence. Mr. O’Connell indicated to the Planning Commission that the duplexes will fit on these lots without the need for variances. The Planning Commission recommended setting a Public Hearing for May 22, 2017 at 12:30 pm.

Council member Jane Evans motioned, Council member Amy Bassingthwaite seconded and it was carried by unanimous vote to set a Public Hearing for the William O’Connell rezoning application #1-17 for May 22, 2017 at 12:30 pm.

- The Planning Commission recommended the City Council proceed with the abatement process in the West Side Trailer Court, after reviewing a clean-up report that showed there has been no activity in the cleanup of the abandoned trailers in the West Side Park.

After discussion, Council member Amy Bassingthwaite motioned, Council member Jane Evans seconded and it was carried by unanimous vote to proceed with the abatement process of the abandoned trailers in the West Side Trailer Park.

- The Planning Commission reviewed the efforts to cleanup 4 unoccupied and substandard homes.
 1. It was the consensus of the Planning Commission to give the owner of the home at 806 2nd ST SE a deadline on which to act on the demolition permit that he has had for nearly a year, after which the city will proceed with the abatement process.

City Attorney Michelle Moren informed Council the abatement process would be the same as any other abatement, and recommended giving him a deadline to demo the building or the abatement process would begin.

After discussion, Council member Jane Evans motioned, Council member Amy Bassingthwaite seconded and it was carried by unanimous vote to have City Attorney Michelle Moren send a letter of compliance giving the owner of the home at 806 2nd ST SE a deadline to demo the building or the abatement process would begin.

2. There are no clear deficiencies at the vacant Jack Lund home located at 1013 2nd Street SE, on which the City can act. Jack Lund will not allow anyone into the home to inspect. Therefore there is nothing that can be done at this time.
3. Ann Butler has signed Consent to Abatement of her property on 800 Center Street E so the City will be able to take action to have the home removed and the cost assessed back to the property.

Council member Amy Bassingthwaite motioned, Council member Don Ross seconded and it was carried by unanimous vote to approve Resolution No. 20-17 Resolution Ordering the Abatement of a Nuisance and Razing of Hazardous Buildings Located at 800 Center Street East, City of Roseau

RESOLUTION ORDERING THE ABATEMENT OF A NUISANCE/RAZING OF A HAZARDOUS BUILDING

**CITY OF ROSEAU
RESOLUTION NO. 20-17**

RESOLUTION ORDERING THE ABATEMENT OF A NUISANCE AND RAZING OF HAZARDOUS BUILDINGS LOCATED AT 800 CENTER STREET EAST, CITY OF ROSEAU

WHEREAS, a Public Hearing was preliminarily scheduled to be held at the Roseau City Council Chambers on May 1, 2017, to determine whether the residence located at 800 Center Street East in the City of Roseau, constitutes a nuisance and/or hazardous building.

WHEREAS, based upon a Consent to Abatement signed by Ann Butler, Ms. Butler agreed to the abatement by the City and waived her right to notice of further proceedings, as such it was determined that a public hearing was not necessary and said public hearing was not placed on the Council agenda,

WHEREAS, Chief Ward Anderson of the Roseau Police Department provided correspondence dated March 17, 2017, to Ann Butler, whom is currently residing at LifeCare Roseau Manor regarding the hazardous conditions of her property.

WHEREAS, Ms. Butler was advised that the subject residence was to be repaired and brought up to code or demolished no later than May 1, 2017.

WHEREAS, said correspondence was personally served upon Ms. Butler on March 17, 2017. Chief Anderson also personally served upon her on said date, a Notice of City Council Meeting and Public Hearing indicating that a Public Hearing would be held on May 1, 2017, at 5:30 p.m., at the Roseau City Council Chambers located at 121 Center Street East, Suite 201, Roseau, Minnesota 56751. The purpose of said Notice was in the event that Ms. Butler had not taken the

necessary action to order the City to abate the alleged nuisance and/or remove the hazardous building.

WHEREAS, the City Council was in receipt of photographs of the subject site; which photographs were taken on December 28, 2016. The photographs depicted that the foundation, floors, and walls were in disrepair and full of mold and that the residence was unsafe and uninhabitable in its current condition.

WHEREAS, the City Council is in receipt of a “Consent to Abatement of Hazardous Property” agreement signed by Ms. Butler on April 21, 2017.

WHEREAS, based upon the Consent to Abatement executed by Ms. Butler and pursuant to Chapter 93 of the General Regulations of the Roseau City Code, the City Council of Roseau finds that the residence at 800 Center Street East, in the City of Roseau, constitutes a nuisance and further, pursuant to Minn. Stat. §§ 463.15 and 463.261, said residence further constitutes a hazardous building for the following reasons:

1. Said residence is no longer habitable.
2. That the residence has been abandoned and inadequately maintained, and is dilapidated.
3. That the residence is unsanitary and unsafe.

WHEREAS, the conditions listed above are more fully documented in the correspondence from Chief Anderson dated March 17, 2017, together with the attached photographs. (Copies of which are attached to this Resolution as Exhibit A.

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

1. That pursuant to the foregoing findings and in accordance with Chapter 93 of the Roseau City Code and Minn. Stat. §§ 463.15 and 463.261, and in accordance with the “Consent” signed by Ms. Butler, the Council orders the above described nuisance and hazardous buildings/property to be abated immediately.

- a. That this Order will be served upon the land owner, Ms. Ann Butler, and the City may move forward immediately with the abatement of the nuisance property as set forth in the “Consent” signed by Ms. Butler.
- b. The corrective action will be completed in compliance with all applicable City Codes and State and Federal regulations.
- c. That all enforcement costs will be specially assessed against Ms. Ann Butler’s real property and collected in accordance with Minnesota Statutes §§ 463.22, 463.161, and 463.21 and in accordance with the “Consent” signed by Ms. Butler.
- d. That the City Attorney is authorized to proceed with the enforcement of this Order as provided in Minnesota Statutes §§ 463.15 and 463.261 and as set out in the “Consent” signed by Ms. Butler.

Adopted by the City Council of the City of Roseau on May 1st, 2017

Approved:

Jeff Pelowski, Mayor

Todd Peterson, Community
Development Coordinator

Attested:

Beth Hellquist, City Clerk/Treasurer

4. Lori Olson has been given the date of August 1st to repair or remove the home she owns on 309 9th Ave SE, after which the City will proceed with the abatement process.

- The Planning Commission’s Tour of the City and regular meeting will be held the Monday prior to Memorial Day (May 22, 2017). The tour will take place from 10 am to noon.

CDC Peterson informed council that Ordinance No. 32 is lengthy and requested approval of Resolution No. 19-17 approving summary publication of amending City Code Chapter 93 Entitled “Nuisances”.

**RESOLUTION NO. 19-17
OF THE CITY OF ROSEAU REGARDING SUMMARY PUBLICATION OF
AMENDING CITY CODE CHAPTER 93 ENTITLED “NUISANCES”**

At the regular meeting of the City Council of the City of Roseau, Minnesota, held on Monday, May 1st, 2017, at 5:00 p.m., a Motion was made by Councilperson Jane Evans for passage of the following Resolution:

THE CITY COUNCIL OF THE CITY OF ROSEAU, MINNESOTA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, The City Council of the City of Roseau has determined the publication of the title and a summary of ORDINANCE NO. 32 (THIRD SERIES) AN ORDINANCE OF THE CITY OF ROSEAU, MINNESOTA, AMENDING CITY CODE CHAPTER 93 ENTITLED “NUISANCES”

WHEREAS, Pursuant to Minnesota Statutes 412.191, Subdivision 4 and M.S. 331A.01, Subd. 10, the Council may, by a majority vote of its members, direct that only the title of the Ordinance and a summary be published with notice that a printed copy of the Ordinance is available for inspection by any person during regular office hours at the City Offices; and,

WHEREAS, Prior to the publication of the title and summary, the Council has read and approved the text of the summary and determined that it clearly informs the public of the intent and effect of the Ordinance.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROSEAU, MINNESOTA, that the County of Roseau, Minnesota that the title and summary of ORDINANCE NO. 32(THIRD SERIES) AN ORDINANCE OF THE CITY OF ROSEAU, MINNESOTA, AMENDING CITY CODE CHAPTER 93 ENTITLED “NUISANCES” is available in its entirety for inspection by any person during regular office hours at the City Offices.

BE IT FURTHER RESOLVED: the publication shall read as follows:

"On April 3rd, 2017 the City Council of the City of Roseau approved

ORDINANCE NO. 32 (THIRD SERIES)

**AN ORDINANCE OF THE CITY OF ROSEAU, MINNESOTA, AMENDING
CITY CODE CHAPTER 93 ENTITLED "NUISANCES"**

The following is a summary of the Ordinance. The Ordinance, in its entirety is available for review and/or photocopying during regular office hours at the City of Roseau Offices, at 121 Center Street East, Suite 201, in the City of Roseau, Minnesota, or by standard or electronic mail.

The newly adopted ordinance 32 codifies the various regulations involving Abandoned, Inoperable, and Unregistered Vehicles including, but not limited to Definitions; Declaration of Nuisance; Exemptions that may apply; Storage of Unregistered Vehicles; Covering Vehicles; Duty to Dispose of Abandoned, Inoperable, or Unregistered Vehicles; Notice requirements; Hearing requirements; and Towing.

The city council hereby finds as follows:

The City Council finds and declares that abandoned vehicles, inoperable vehicles, and unregistered vehicles, whether located upon private property or upon public property, and which have continued to exist in that location and/or in that state for a period exceeding 30 days, constitute a safety hazard and a public nuisance detrimental to the health, safety and welfare of the general public, by harboring disease, providing breeding places for vermin, inviting plundering, creating fire hazards and presenting physical dangers to children and others, and by creating scenic blights which degrade the environment and adversely affect land values and the proper maintenance and development of the city.

The Purpose and intent of this Ordinance is as follows:

To create a Duty that any person, not exempted under this Section, shall dispose of any abandoned, inoperable or unregistered vehicle owned by him or her, and, if the vehicle is located upon private property, the owner or person occupying the private property shall dispose of the abandoned, inoperable or unregistered vehicle, if it has existed in that location and/or in that state for more than 30 days, as set forth in this chapter, upon written notice received from the city commanding the disposition thereof.

The Effect of this Ordinance is as follows: To define and create a more swift abatement procedure for nuisances involving Abandoned, Inoperable, or Unregistered Vehicles.

Ordinance No. 32 shall be in full force and effect from and after the date of its passage (April 3rd, 2017) and this summary publication according to law.”

This Motion for Resolution was seconded by Councilperson Amy Bassingthwaite, and upon a vote being taken, the following voted in favor: Mayor Pelowski, Council members Ross, Evans and Bassingthwaite.

The following voted against the same: None.

The following abstained: None.

The following were absent: Novacek.

Adopted by the Council this 1st day of May, 2017.

EFFECTIVE DATE: May 6th, 2017.

Mayor

ATTEST:

City Clerk

CDC Peterson informed council of a number of complaints about poorly maintained rental properties. Council discussed the role the City should have in disputes between Landlord and Tenant. Police Chief Anderson stated that unless there is a public health risk, such as mold, there is not a lot the City can do. City Attorney Michelle Moren informed Council that Tenants are given a lot of rights and recourse against Landlords, in Minnesota Statute 504B.

After discussion it was consensus to refer the Tenants to the Attorney Generals website and Minnesota Statute 504B: Landlord and Tenant.

Roseau County Commissioner –

Roseau County Commissioner Jack Swanson informed council Scott County has a group of officials referred to as SCALE (Scott County Association for Leadership and Efficiency). Members include elected and appointed officials from the cities, schools, and townships within Scott County. This group has been meeting monthly since 2003 looking for ways to provide mutual services and make the most out of limited local government resources. The County Board is researching this to see if a similar program would be applicable to Roseau County.

Commissioner Swanson also informed Council that the State Auditor's Office informed Roseau County that the County will have to redo their audit. The auditing firm of Hoffman, Philip and Knutson, PLLC has said that they would redo the audit at no charge just this one time.

Council member Jane Evans asked Commissioner Swanson if the County had an abatement process as a property just outside of the City limits is piled with debris and needs cleaning up. Commissioner Swanson stated the County did not have an abatement process. The County is aware of the problems with this property but unless there is a public health issue there is basically nothing they can do.

Operation Committee –

CDC Peterson reported the Operations Committee did not meet but the following items were a carryover from the previous meeting. On June 29, 2016 the League of Minnesota Cities (LMC) conducted a Data Security Survey. The conclusion was that though the City has many safeguards in place, additional safeguards will strengthen the city's program. LMC has recommendations for social media and computer use and has provided the following Model Policies.

- a. Social Media Policy
- b. Social Media Policy for Fire Department
- c. Social Media Policy for Law Enforcement
- d. Computer Use Policy
- e. City of Roseau Handbook

City Attorney Michelle Moren stated these policies could be adopted individually or as part of the existing Data Practices Policy. The department heads would like to meet with City Attorney Michelle Moren to see if these policies will work for their departments. The LMC will provide training on these policies if the City requests it.

After discussion, it was consensus to table the discussion and put it on the agenda for next month after review by City Attorney Michelle Moren and the Department Heads.

Oak Crest Golf Course –

Council member Don Ross stated the golf course is open. They had to close because of the snow but are now reopened.

Airport Committee –

CDC Peterson stated the airport committee did not meet

EDA

CDC Todd Peterson reported the EDA met April 26th, 2017 and approved three loans. (The Waage, Broten and Geroy loans).

Department Reports

Liquor Store-

Liquor Store Manager Linda Roseborough presented the April 2017 Liquor Store sales report. Roseborough stated sales are starting to pick up but they are not at the summer numbers yet.

CDC Peterson stated the Liquor Store Expansion project bids were opened April 26th, 2017. There were six bids submitted. Scott Johnson Company had the lowest bid at \$469,900 for the Building Expansion Contract. These bids did not include the coolers, shelving, fixtures, inspections, Architect fees and contingencies. CDC Peterson provided council with a total of for the Roseau Liquor Store project and the total is still under budget.

After discussion, Council member Jane Evans motioned, Council member Don Ross seconded and it was carried by unanimous vote to award Scott Johnson Companies the contract for the Roseau liquor Store Expansion Project.

CDC Peterson stated St. Cloud Refrigeration had the lowest bids for the Cooler Contract and Cooler Shelving. Council member Bassingthwaite had concerns about a company from that area and recommended a reference check before awarding the cooler contract.

After discussion, Council member Amy Bassingthwaite motioned, Council member Don Ross seconded and it was carried by unanimous vote to award St. Cloud Refrigeration the cooler and cooler shelving contracts contingent on the outcome of a reference check. If the St. Cloud Refrigeration company fails the reference check, the cooler and cooler shelving contracts will be awarded to the next lowest bidder.

CDC Peterson asked that the building permit fee for the Roseau Liquor Store Expansion project be waived as it is a City owned building.

Council member Amy Bassingthwaite motioned, Council member Jane Evans seconded and it was carried by unanimous vote to waive building permit fee for the Roseau Liquor Store Expansion Project.

Fire Department

Fire Chief Craig McMillin informed council; estimates are done on the new fire truck and should be ready for the next council meeting. Fire Chief McMillin also informed council Fire fighters 1 and Fire fighters 2 need Hazmat fire training on a live burn. The fire department can either burn a house in Roseau or go to training in East Grand Forks. Karlstad has donated land for a burn training center and asked for our input if we would be interested in using it at a low or no cost option. Karlstad is offering this to all area departments. Fire Chief McMillin told Karlstad the Roseau Fire Department would be interested and would like to know more about it as the plan progresses.

Police Department – Police Chief Ward Anderson stated the new police vehicle is in and will be picked up on Wednesday.

Superintendent-

City Superintendent David Drown informed council the City Park is open and Gilbertson Field is in good shape.

Superintendent Drown presented to Council a revised Youth Hockey Agreement. The only changes are in Appendix A. Early Opening/Late Closing (Sept/Oct/Apr)* ½ actual cost, not to exceed \$900/week. Summer Opening (May – Aug) Actual Cost, not to Exceed \$1,500 per week (max 2 weeks) *Early openings and/or late closings of the North Rink would be any operation of the North Rink in the month(s) immediately prior to, or following, the regularly scheduled opening and/or closing of Memorial Arena, not to include any operation in the months of May, June, July or August. The Maximum number of weeks the City will costs share is capped at 10 weeks. Any outside sale of ice time by RYH during the Early Opening/Late Closing cost-share period shall be used only for the on-going operation and maintenance of the North Rink.

After discussion, Council member Jane Evans motioned, Council member Don Ross seconded and it was carried by unanimous vote to approve the amended Roseau Youth Hockey Agreement and extend it through June 30th, 2020.

Superintendent Drown informed council there were no qualified applicants for the Engineering Tech position with a water and waste water license. Superintendent Drown asked for council approval to advertise for just a public works operator, grade 5 position. The City would train that person once they are hired.

Council member Amy Bassingthwaite motioned, Council member Don Ross seconded, and it was carried by unanimous vote to approve advertising for a public works operator, grade 5 position, instead of an Engineering Tech position.

Council member Jane Evans inquired as to when the dead flowers would be cleaned up. Superintendent Drown stated the City crew has started working on them.

Superintendent Drown asked Fire Chief McMillin if the Roseau Fire Department along with the city crew were going to burn the river banks this spring. Fire Chief McMillin said the burn would have to be soon.

City Attorney – no new business

Community Development Coordinator-

CDC Todd Peterson informed council the Park & Rec Director position had 21 applicants. 11 applicants were interviewed and the list is narrowed down to 5. The selection process will begin again later in the month when Superintendent Drown and CDC Peterson both have time to work on it again.

Council member Jane Evans inquired as to which department head the Director would be answering to or if the Park and Rec position would be department head.

After discussion, it was consensus “that Council member Jane Evans would take this issue back to the Park and Rec Board for their recommendation.”

CDC Peterson informed council the construction of the Splash Pad in South River View Park has begun. The Construction crew is staking and digging today.

Mayor Council-

Mayor Pelowski informed council letters from lenders concerning flood insurance ratings had gone out, and inquired if anyone had heard complaints from citizens of the community. The concerns are when will the issues with the flood plain map will be resolved

Unfinished Business-

There being no further business Councilmember Amy Bassingthwaite motioned to adjourn the City Council meeting, seconded by Councilmember Don Ross and carried by unanimous vote.

ATTEST:

City Clerk- Treasurer Elizabeth Hellquist.

Mayor Jeff Pelowski