

**REGULAR ROSEAU CITY COUNCIL MEETING
MONDAY – NOVEMBER 7TH, 2011 @ 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 Gerry Schiltz, Curt Ireland, Pat Novacek, and Linda Vatnsdal. Others present were Community Development Coordinator Todd Peterson, Liquor Store Manager Brad Wiberg, City Attorney Pat Moren, City Clerk Janet Lundbohm, Roseau County Commissioner Jack Swanson- WILD 102 Radio, Lyle Grindy and Shane McFarlane.

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

Council member Curt Ireland motioned, Council member Linda Vatnsdal seconded and it was carried by unanimous vote to approve the October 3rd, 2011 minutes as presented.

Council member Linda Vatnsdal motioned, Council member Gerry Schiltz seconded and it was carried by unanimous vote to approve the October 26, 2011 minutes as presented.

Council member Gerry Schiltz motioned, Council member Curt Ireland seconded and it was carried by unanimous vote to approve the October 27, 2011 minutes as presented.

Council member Linda Vatnsdal motioned, Council member Curt Ireland seconded and it was carried by unanimous vote to approve the November 2nd, 2011 minutes as presented.

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

- a. Accounts payable claims from October 1st, 2011 through October 31st, 2011 as presented, with a batch number of AP010312011 and is filed in edit books in the City Clerk's Office.
- b. Daily Batch checks written from October 1st, 2011 through October 31st, 2011 were audited, approved and are filed in edit books in the City Clerk's Office.
- c. Receipt entries September 1st, 2011 through September 30th, 2011 were audited, approved and are filed in edit books in the City Clerk's Office.
- d. Journal entries August 1st, 2011 through August 31st, 2011 were audited, approved and are filed in edit books in the City Clerk's Office.
- e. A review of August, 2011 General Ledger checks written compared with check images on the bank statements found no irregularities.
- f. Approve Freeburg & Grund, Inc. invoices 11411-11016 for \$18,000.00 and 11411-07027 for \$2,553.75 contingent upon review and approval by Community Development Coordinator Todd Peterson and City Superintendent David Drown.
- g. Upcoming meetings –
 - a. December 5th, 2011 Regular meeting at 5:00 p.m.
- h. Approve the use of alcohol in the Community Center:
 - a. January 16th, 2012 – C & C Annual meeting.
- i. LMC Cities –New Online Training Course, preventing harassment, promoting respect.
- j. 2011 CGMC Fall Conference Agenda & CGMC in Brief October 27, 2011 & CGMC Settlement and Cost-Cutting Measures Update 0711 xls; CGMC Settlement and Cost-Cutting Measures Update Form 1011.doc. & Sign-up for a CGMC Committee, E-mail from Timothy Flaherty – response to legislators on property tax increase.
- k. E-mail regarding 2011 Springsted Upper Midwest Regional Symposium – Thursday, November 17, 2011.
- l. Liquor Store Quarterly Sales Recap 3rd Quarter 2011.
- m. Liquor Store Monthly Sales Recap October 2011.
- n. Liquor Store Sales 2011.

- o. Minnesota Administrative Rules – 7515.0630 Storage.
- p. Letter regarding the Minnesota Department of Natural Resources (DNR) Response to Roseau River Watershed District September 9th, 2011 letter to Gov. Mark Dayton.
- q. Copy of letters from U.S. Senator Amy Klobuchar, U.S. Senator Al Franken, U.S. House of Representative Collin C. Peterson to Mr. Jacob J. Lew, Director of Office Management and Budget, Lieutenant General Robert L. Van Antwerp, U.S. Army Corps of Engineers requesting inclusion of Roseau River Flood Control Project located in Roseau, MN into the U.S. Army Corps of Engineers budget request for year 2013 and a copy of a letter to the Senate Committee on Appropriations to please give consideration to U.S. Army Corps of Engineers projects that were not mentioned in the President’s budget, but are crucial to the economic wellbeing and safety of local communities such as Roseau.
- r. Notice of the 2012 MBA Scholarship Program.
- s. Letter from the Minnesota Department of Education notifying the City of the Certification of Minimum Local Support Requirement: 2012, which is \$36,000.00 for continued participation in your regional public library system.
- t. \$500.00 Donation by David Wensloff & Joan Miller Wensloff for painting and transporting of Outdoor Art Sculpture.
- u. “2011 Christmas Lighting Contest” (to be the same categories as 2010 with prizes awarded in Roseau Dough).
- v. Approve 2012 (December 1, 2011 – November 30, 2012) Liquor Licenses contingent upon all paperwork is obtained by the Clerk’s office.
 - American Legion + Sunday
 - Oakcrest Golf Club + Sunday
 - Roseau Eagles Club + Sunday
 - VFW Club
 - Brickhouse Bar & Grille + Sunday
 - Gene’s Bar & Grill
 - RJ’s Place
 - Roseau Diner
 - Sparetime Bowl (Legends) + Sunday
- w. Approve 2012 (January 1, 2012 – December 31, 2012) 3.2 Beer Licenses contingent upon all paperwork is obtained by the Clerk’s Office.
 - RJ’s Place – Off Sale
 - Holiday – Off Sale
 - Pamida – Off Sale

x.

#R 31-11 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 Janet Lundbohm be and is hereby authorized to remit one (1) unclaimed warrant to the State of Minnesota Department of Commerce Unclaimed Property Division totaling \$25.00.

| <u>Ck No.</u> | <u>Date</u> | <u>Amount</u> | <u>Payee</u> |
|---------------|-------------|---------------|----------------|
| 044193 | 2/29/08 | \$25.00 | Terry VandeHey |

Approved this November 7th, 2011

s/s: Jeff Pelowski
Jeff Pelowski, Mayor

ATTEST:

s/s: Janet Lundbohm
Janet Lundbohm, City Clerk

y.

RESOLUTION NO. 32-11

RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF ROSEAU ON BEHALF OF ITS CITY ATTORNEY AND POLICE DEPARTMENT

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

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

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of Roseau on behalf of its Prosecuting Attorney and Police Department, are hereby approved. Copies of the two Joint Powers Agreements are attached to this Resolution and made a part of it.

2. That the Chief of Police, Ward Anderson or his successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, Sergeant Jeff Klein is appointed as the Authorized Representative's designee.

3. That the Assistant Roseau City Attorney, Michelle E. Moren, or her successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, Roseau City Attorney, Patrick D. Moren is appointed as the Authorized Representative's designee.

4. That Jeff Pelowski, the Mayor for the City of Roseau, and Janet Lundbohm, the City Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

Passed and Adopted by the Council on this 7th day of November, 2011

CITY OF ROSEAU

s/s: Jeff Pelowski
By: Jeff Pelowski
Its Mayor

ATTEST: s/s: Janet Lundbohm
By: Janet Lundbohm
Its City Clerk

z. STATE OF MINNESOTA JOINT POWERS AGREEMENT CRIMINAL JUSTICE AGENCY.

aa. CITY OF ROSEAU 457 HARTFORD RETIREMENT PLAN (APPROVAL UPON CITY ATTORNEY PAT MOREN'S REVIEW OF THE PLAN).

bb.

RESOLUTION #33-11

**ACTION BY THE BOARD OF
ROSEAU CITY COUNCIL**

OF CITY OF ROSEAU ("EMPLOYER")

The undersigned, City Clerk ("Title"), hereby certifies that the following extract of resolutions below was taken from a duly called meeting of the Board:

RESOLVED, that the Board has previously approved and adopted the City of Roseau 457 Reirement Plan ("Plan") to provide employees of the Organization/Agency with retirement benefits.

RESOLVED, that the Board does hereby declare the intention of the Organization/Agency to continue the Plan, but reserves the right to terminate or amend the Plan at any time.

RESOLVED, that the members of the Board are hereby jointly and severally authorized to take such actions and to execute such documents as they deem necessary or desirable in order to carry out the intent of the foregoing resolutions and required under the Plan to make the Plan fully effective in accordance with its terms and intent.

I DO HEREBY CERTIFY that I am the City Clerk ("Title) of the Organization/Agency, and the keeper of its records and seal.

I FURTHER CERTIFY that the above is a true, correct and complete extract of resolutions adopted at a duly called and held meeting of the Board, and that said resolutions are still in effect and have not been modified or revised and are not in conflict with the by laws of this Organization/Agency.

IN WITNESS WHEREOF, I have set my hand and the seal of the Organization/Agency

s/s: Janet Lundbohm
Signature
City Clerk
Title

- cc. \$1,000.00 donation by Polaris for painting and transporting of Outdoor Art Sculpture.
- dd. Invitation from the Occupational Development Center for its 40th year in business in 2011, and saying goodbye to current President/CEO, Peter Lavalier and welcoming new President/CEO June Schelde.
- ee. Investment-Roseau EDA Hi Fi as of 11/01/2011 is \$192,220.02.
- ff. Cash in bank-DNR Escrow as of 11/01/2011 is \$832,000.00.
- gg. Cash in bank-Regular checking as of 11/01/2011 is \$1,513,883.96.
- hh. Investment-Regular Hi Fi as of 11/01/2011 is \$1,344,977.64.
- ii. Investment of Certificate of Deposit as of 11/01/2011 is \$750,000.00.
- jj. Investment of Certificate of Deposit as of 11/01/2011 is \$754,834.93.
- kk. Investment of Certificate of Deposit as of 11/01/2011 is \$755,727.53.
- ll. Investment of Certificate of Deposit as of 11/01/2011 is \$763,485.07.
- mm. Cash in bank - Airport Fuel Sales Credit Card as of 11/01/2011 is \$3,529.69.
- nn. Investment - Roseau EDA Money Market as of 11/01/2011 is \$189,373.09.
- oo. Cash in bank - Pine to Prairie Birding Trail as of 11/01/2011 is \$2,404.15.
- pp. Cash in bank - Scandinavian Festival as of 11/01/2011 is \$3,527.86.
- qq. Cash in bank - Welcome to Roseau as of 11/01/2011 is \$1,287.17.
- rr. Cash in bank - Roseau EDA as of 11/01/2011 is \$1,485.62.

- ss. Year to Date City Revenue & Expenditures (October 31, 2011).
- tt. LMC Cities Bulletin: November 2, 2011.

Roseau Promotions Director Lyle Grindy reported on the following:

- The Civic and Commerce served their annual Customer Appreciation lunch on October 13th, 2011. The numbers were down from last year about 38% but the C & C served about 560 guests.
- Roseau Theater, Pamida, 4-H organization and the Civic and Commerce held a Youth Dance at the 4-H building, it was two dances divided into age groups followed by a movie at the Roseau Theater.
- The Women of Today and the Civic and Commerce promoted and held Diva Day at the City Center this past Saturday, there were 64 vendors with 71 displays. Lyle had a request from someone from Apple Valley to be a part of Diva Day. The whole City Center and hallways were filled with displays, they had traffic all day long and it was a great success.
- Plans are in place for Roseau's Holiday Fantasy:
 - Starts with the Tree Lighting by the bridge, free hot cider and singing of Holiday songs.
 - There will be free sleigh rides available starting at Citizens State Bank.
 - The "Civic and Commerce" will be promoting Roseau with its Holiday Fantasy drawings. In addition to giving away \$4,000.00 in Roseau Dough, Polaris has donated a "Youth Razor" to be given away with a value of \$4,299.00.
 - This is a big promotion, no other community has a promotion of this size.
- Lyle is happy to report that negotiations are progressing with the possibility of a New Mexican Restaurant opening in Roseau.

Roseau County Commissioner Jack Swanson reported on the following:

- There is a conceptual plan for the former Christian school located on the Park Road for a sevenplex, the plan will go to Spruce Township and then to the county.
- The county will be addressing the Market Value Homestead Credit Exclusion commercial tax.
- Jack attended a Collaborative Governance meeting which is considering doing a survey for collaborative agreements around the state. Discussion was held on Roseau County, City of Roseau, and Roseau School collaborative agreements, and how they all get along, the committee would seek Roseau's help.
- Mayor Jeff Pelowski reported that the County will put an insert in the tax statements attempting to simplify the explanation of the Market Value Homestead Credit Exemption.

After review and discussion of Shane McFarlane's (#6-2011) Variance request and the information presented by City Attorney Pat Moren from the County Auditor that the two lots owned by Shane McFarlane could not be combined because they were located in two different subdivisions and there is an alley in between the lots, Council member Curt Ireland motioned, Council member Gerry Schiltz seconded and it was carried by unanimous vote to refer the Shane McFarlane's (#6-2011) Variance request back to the Planning Commission for a Public Hearing to be held November 28th, 2011 on the original Variance request made by Shane McFarlane for the purpose of building an addition to the existing garage. The addition will increase the square footage of said garage to 1,337.25 square feet in lieu of the 1,000 square feet maximum allowed, thereby creating a 337.25 square foot Variance.

Community Development Coordinator Todd Peterson expressed his concerns for the size of this garage and in the past the City was getting many Variance requests for garages and CDC Peterson reported that considerable time was spent on revising the Section 154.290(accessory buildings and standards and garage structure size) to allow a larger garage. If this Variance is allowed will it set a precedent for future Variance requests for over-sized garages in neighborhoods and should the Ordinance be revised for larger garages. CDC Peterson did not think Shane McFarlane presented the hardship for this Variance request for the large garage size.

The Planning Commission reviewed the dog and cat Ordinance.

Community Development Coordinator Todd Peterson reported that the Department of Health has been working with the owners of West Side Trailer Court on the health and safety issues at West Side Trailer Court and will keep the city informed of the progress but some of these issues are confidential and the Department of Health will not be able to report on those.

Community Development Coordinator Todd Peterson presented an overview of the 6th Avenue NE, north of 8th Street NE Assessment project including that the project was proposed by the residents.

Council member Pat Novacek motioned, Council member Curt Ireland seconded and it was carried by unanimous vote to open the Public Hearing.

Written comments – none

Oral comments – none

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

With respect to the 6th Avenue NE, north of 8th Street NE assessment roll Council member Pat Novacek introduced the following Resolution and moved for its adoption:

**#R 34-11
RESOLUTION ADOPTING ASSESSMENT**

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and heard and passed upon all objections to the proposed assessment of the improvement of 6th Avenue NE north of 8th Street NE.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of 15 years, the first of the installment to be payable on or before the first Monday in January 2012, and shall bear interest at the rate of 2 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2011. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owners of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Clerk, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.
4. The clerk shall forthwith transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists of the county. Such assessments shall be collected paid over in the same manner as other municipal taxes.

Adopted by the Council this 7th day of November 2011.

s/s: Janet Lundbohm

s/s: Jeff Pelowski

City Clerk

Mayor

6th Avenue NE Assessment Roll

| | | |
|--------------------------|-----------|------------------|
| Construction (R&Q) | \$ | 65,439.00 |
| Engineering (Roseau Co.) | \$ | 947.33 |
| TOTAL | \$ | 66,386.33 |
| City Cost-Share 20% | \$ | 13,277.27 |
| Assessable Amount | \$ | 53,109.06 |

| Property Owners | Cost-Share | Front | | Corner Cost Share | TOTAL |
|-----------------------------|-------------|---------------------|--------------------|-------------------|---------------------|
| | | Assessment | Assessment | Assessment | |
| Flaig | 0.20 | \$ 10,621.81 | \$ 663.86 | | \$ 11,285.68 |
| Halvorson | 0.20 | \$ 10,621.81 | \$ 663.86 | | \$ 11,285.68 |
| Larsen (Out of City) | 0.20 | \$ 10,621.81 | \$ 663.86 | | \$ 11,285.68 |
| Wulff | 0.20 | \$ 10,621.81 | \$ 663.86 | | \$ 11,285.68 |
| Dahlquist (Corner) | 0.20 | \$ 5,310.91 | | | \$ 5,310.91 |
| City of Roseau (Corner) | | | \$ 2,655.45 | | \$ 2,655.45 |
| TOTAL | | \$ 47,798.16 | \$ 5,310.90 | | \$ 53,109.06 |
| TOTAL CITY COST | | \$ 27,218.39 | | | |

| Street Assessment | Parcel ID | TOTAL | Annual Principal (15 yrs) | Interest Rate |
|-------------------|------------|-------------|---------------------------|---------------|
| Flaig | 54.0250802 | \$11,285.68 | \$752.38 | 2% |
| Halvorson | 54.0250811 | \$11,285.68 | \$752.38 | 2% |
| Wulff | 54.0250831 | \$11,285.68 | \$752.38 | 2% |
| Dahlquist | 54.0250706 | \$5,310.91 | \$354.06 | 2% |

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

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.

Community Development Coordinator Todd Peterson reported that the Operations committee met and discussed the following:

- Personnel pay plan questions.
- Park and recreation.
- Engineering issues.

There were no recommendations from the committee to the City Council.

Council member Linda Vatnsdal reported that the Beautification committee and other volunteers have removed fall decorations and are now doing winter decorating. The Beautification Committee thanks the many volunteers who help keep our city looking great.

Community Development Coordinator Todd Peterson reported that the EDA met on October 26th, 2011 and discussed the following.

- Jeff Cahill gave a presentation for purchasing an existing business.
- Discussion on a loan.
- There were a number of projects proposed, a lot of ideas.
- Nominate Joe Ulwelling to replace Norm Hayes for 2012-2017 term (6 years), this will be done at the January 9th, 2012 City Council organizational meeting.

Liquor Store Manager Brad Wiberg reported on the following:

- Off-site storage is not feasible.
- The Culligan warehouse was not sold with the car wash, it is still owned by Culligan.
- There will be a correction on the monthly sales recap for October 2011 as there is an outstanding invoice that was not included.

City Attorney Pat Moren reported that he had contacted Keith Porter (designer of the Liquor Store) in regards to the Liquor Store plans but has not heard back from him.

Community Development Coordinator Todd Peterson presented the City Council the Medica rates at the October 26th, 2011 Special City Council budget meeting and after review and discussion Council member Linda Vatnsdal motioned, Council member Curt Ireland seconded to accept the 2012 Medica Proposal with the change of lowered out-of-pocket maximums, carried by unanimous vote.

Community Development Coordinator Todd Peterson reported that three years ago the City solicited and interviewed five firms for a City Engineer. The City decided to stay with Freeburg and Grund and Freeburg and Grund agreed to the "City of Roseau Engineer Expectations" (on file at the Roseau City Office). Freeburg and Grund were better for a little while but the City has not been getting a lot of response from them and would like to hire Houston Engineering out of Thief River Falls an Engineering firm that was one of the five interviewed.

After discussion Council member Curt Ireland motioned, Council member Pat Novacek seconded and it was carried by unanimous vote to hire Houston Engineering for the 2012 Street project and 2013 Bike Trail project as presented.

Community Development Coordinator Todd Peterson has contacted Tracee Bruggeman from Brady Martz & Associates in regards to the GASB Statement 54 Fund Balance Classification, Tracee had not gotten back to him so this will be discussed at the December 5th, 2011 City Council meeting.

After review and discussion Council member Pat Novacek motioned, Council member Curt Ireland seconded and it was carried by unanimous vote to deny Ron Olson's request to install an outdoor wood burning furnace because of the conflict of the proposed wood burning stove located in a city right-of-way.

Mayor Jeff Pelowski reported on the following:

- Jeff and Linda have met with the Employees Association twice and the Police Department representatives once for labor negotiations.
- Jeff has been asked to serve on a House tax committee which includes six members from the house and six members from the senate to reform LGA. Jeff has requested that Community Development Coordinator Todd Peterson be the representative if Jeff cannot attend. The first meeting will be held in December.

After much discussion about the location of where the forms have been poured for the Outdoor Art Sculpture, which was located in the green space north of the city center where it is more visible from the

highway and has easier access to an electric supply for lighting, Council member Curt Ireland motioned to leave the proposed Outdoor Art Sculpture where it is located but it died for a lack of a second.

After further discussion of the proposed location of the Outdoor Art Sculpture, Council consensus was to leave the Outdoor Art Sculpture in the current location adjacent to the highway.

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

ATTEST:

City Clerk

Mayor

