

**ROSEAU CITY COUNCIL SPECIAL MEETING  
MONDAY – November 15, 2021, at 5:00 P.M.  
Roseau City Council Chambers**

The special 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 Jane Evans; CDC Todd Peterson, City Attorney Michelle Moren and Jack Swanson WILD102 Radio. Others present include Sgt. Jeff Klein, Joseph Thornton, Robert Volker, Austin Borych, and Aspen Pomplun.

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

There were 6 items on the agenda for the special meeting:

- Dangerous Dog Designation
- Minnesota Energy Franchise Agreement
- Josh Broten November & December 2021 Hangar Lease Agreement
- 2022 Budget Discussion
- MnDOT ACRGP Grant Resolution and Agreement
- FAA Approval of Agreement for Transfer of Entitlements

A public hearing was scheduled upon the requests of Robert Volker and Joseph Thornton regarding the designation of their respective dogs as “dangerous dogs” by the Animal Control Officer. Prior to the hearing Mr. Thornton, by written consent, agreed to the destruction of his dog, Missy, so Missy will not be a part of this hearing, and the hearing will only deal with the dog owned by Robert Volker named, Buzzy.

The public hearing was opened and City Attorney Moren provided a summary of the proceedings. City Attorney Moren provided an evidence packet compiled by Roseau Police Sargent Jeff Klein regarding incidents involving Mr. Volker’s dog Buzzy for the record. Said reports were made a part of the official record. Sgt. Jeff Klein also appeared before the City Council and presented testimony and evidence to support the designation of Buzzy as a dangerous dog. The evidence included testimony regarding an unprovoked dog attack incident in the West Side Trailer Court involving Mr. Volker’s dog and Mr. Volker’s neighbor Mr. Austin Borych. Sgt. Klein also presented video clip evidence of the incident from a surveillance camera in the area as well as videos of the two dogs (Buzzy and Missy) in the Roseau Pound. Sgt. Klein also presented video interviews with Mr. Volker and Mr. Borych following the incident. Sgt. Klein also presented a police report of another incident in 2020 involving Mr. Volker’s dog, Buzzy and an attack on a bike rider in the neighborhood. Ultimately, Sgt. Klein discussed his notice to Mr. Volker of the designation of Buzzy as a dangerous dog and provided Mr. Volker with an opportunity for this public hearing before the City Council. City Attorney Moren then called Mr. Austin Borych to appear and provide testimony before the City Council. Mr. Borych stated that he was doing some work on the outside of his house and standing out in the road when Mr. Volker and Mr. Thornton’s dogs ran out at him and one bit him from behind. Mr.

Borych stated that he received medical attention for his wounds. City Attorney Moren then called Ms. Aspen Pomplun to testify. Ms. Pomplun stated that she provided a warning her fiancée about looking for the dogs before going out of the house. She also indicated that there were multiple neighbors who had also been attacked by the dogs. City Attorney Moren concluded her witness testimony. Mr. Volker then appeared before the City Council. Mr. Volker was very remorseful and apologized for the incident. Mr. Volker admitted that his dog, Buzzy attacked someone previously, but that he keeps the dog on a very short leash and under control. He stated that his dog would never bite a child. Mr. Volker stated that the issue was not the dog's fault, but that it was his fault, and he should be punished, not the dog. After Mr. Volker's testimony Sgt. Klein added that Buzzy has been more difficult to control than Missy when they have been dealing with the dogs at the pound. Councilmember Pat Novacek made a motion, seconded by Councilmember Brady Johnson, to close the public hearing. The motion was approved by unanimous vote.

Councilmember Pat Novacek then made a motion, seconded by Councilmember Amy Bassingthwaite to designate the dog owned by Mr. Robert Volker named, Buzzy, to be a dangerous dog. The motion passed by unanimous vote. Councilmember Pat Novacek then motioned, seconded by Councilmember Brady Johnson, to give Mr. Volker, or any other owner of Buzzy, until December 6, 2021, to provide proof of compliance with the dangerous dog ordinance and requisite state law, or the dog will be ordered to be destroyed. The motion was passed with Councilmembers Novacek, Johnson, Evans and Bassingthwaite voting in favor and Mayor Fabian voting against.

City Attorney Michelle Moren presented information on the effort to renew the Minnesota Energy Franchise Agreement with the City of Roseau. City Attorney Moren has been working with David Drown and Paul O'Sullivan (Minnesota Energy Resources) on the new agreement. Attorney Moren just received the marked-up version of the agreement from Mr. O'Sullivan prior to the meeting so it is not ready for approval and the Council was asked to provide a temporary extension of the existing franchise agreement until the new one is ready for approval by the Council. Councilmember Jane Evans motioned, seconded by Councilmember Amy Bassingthwaite to approve a temporary extension of the existing franchise agreement with Minnesota Energy Resources until the final agreement can be completed. The motion passed by unanimous vote.

CDC Todd Peterson presented the City Council with a proposed lease agreement with Josh Broten for a t-hangar at the Roseau Airport. The lease agreement is for only November and December 2021. A new lease agreement will be put in place for 2022 when all t-hangar leases are up for renewal. After discussion Councilmember Pat Novacek motioned, seconded by Councilmember Jane Evans to approve entering into a t-hangar lease agreement with Josh Broten for the months of November and December 2021, contingent upon all required insurance and paperwork being filed with the City Clerk's office. The motion passed by unanimous vote.

CDC Peterson presented a grant agreement for the Roseau Municipal Airport. The City Council previously authorized accepting these emergency relief funds from the FAA. The funds will be

channeled through the State of Minnesota and therefore the following resolution authorizing the City to enter into a grant agreement with the State is needed.

Councilmember Amy Bassingthwaite motioned, seconded by Jane Evans to introduce the following resolution for its consideration:

**RESOLUTION 56 - 21  
AUTHORIZATION TO EXECUTE  
MINNESOTA DEPARTMENT OF TRANSPORTATION  
GRANT AGREEMENT FOR FEDERAL AIRPORT  
EXPENSES REIMBURSEMENT**

It is resolved by the **City of Roseau** as follows:

1. That the state of Minnesota Agreement No. **1047053**, "Grant Agreement for Federal Airport Expenses Reimbursement," for State Project No. **A6801-C2** at the **Roseau Municipal/Rudy Billberg Field** is accepted.
2. That the Mayor and Community Development Coordinator are authorized to execute this Agreement and any amendments on behalf of the **City of Roseau**.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witnessed

All those voting in favor of the resolution: Fabian, Novacek, Evans, Johnson & Bassingthwaite

Those voting against: None

CDC Peterson requested approval from the City Council to transfer \$150,000 in 2022 FAA entitlement funds from the Roseau Municipal Airport to the City of Crookston to repay entitlements borrowed from the Crookston Municipal Airport in previous years for the new construction at the Roseau Airport. After discussion Councilmember Pat Novacek motioned, seconded by Councilmember Brady Johnson to approve the transfer of \$150,000 in 2022 FAA entitlement funds to the City of Crookston and execute a Request for FAA Approval for Transfer of Entitlements agreement. The motion passed by unanimous vote.

**RESOLUTION NO. 57-21  
OF THE CITY OF ROSEAU REGARDING THE AUTHORIZATION TO  
EXECUTE REQUEST FOR FEDERAL AVIATION ADMINISTRATION  
APPROVAL OF AGREEMENT FOR TRANSFER OF ENTITLEMENTS**

At a special meeting of the City Council of the City of Roseau, Minnesota, held on Monday, November 15, 2021, at 5:00 p.m., a Motion was made by Councilperson Patrick Novacek for passage of the following Resolution:

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

**WHEREAS**, in order to facilitate the Roseau Airport project, the City of Roseau, pursuant to 49 U.S. Code § 47117(c)(2), utilized federal aviation funds which were from the City of Crookston, Municipal Airport in the sum of \$150,000.00;

**WHEREAS**, the City of Roseau is entitled to the receipt for the fiscal year of 2022 of the sum of \$150,000.00;

**WHEREAS**, in accordance with the transfer previously made by the City of Crookston to the City of Roseau, the City of Roseau agrees to waive the receipt of the non- primary 2022 funds apportioned pursuant to 49 USC § 47117(c) in the sum of \$150,000.00 and to transfer said funds to the City of Crookston;

**WHEREAS**, this matter was fully discussed by the City Council of the City of Roseau;

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Roseau, Minnesota that the attached Request for FAA Approval of Agreement for Transfer of Entitlements to the City of Crookston Municipal Airport, be approved by the Council and that the Council authorize Todd Peterson, City Development Coordinator, and Michelle E. Moren, Legal Counsel, to execute said Request For Approval;

This Motion for Resolution was seconded by Councilperson Brady Johnson and the following voted in favor: Jane Evans, Amy Bassingthwaite, and Dan Fabian.

The following voted against the same: None

The following abstained: None

The following were absent: None

Adopted by the Council this 15<sup>th</sup> day of November, 2021.

EFFECTIVE DATE: November 15<sup>th</sup> , 2021.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
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 November 15<sup>th</sup>, 2021.

\_\_\_\_\_  
Elizabeth Carlson, City Clerk-Treasurer,  
City of Roseau, Minnesota.

CDC Todd Peterson presented the revised 2022 budget proposal for City Council review and discussion. The budget was reduced by approximately \$300,000 from its previous level. The current proposed budget reflects a negative balance of approximately \$270,000. CDC Peterson also presented additional information related to the city's tax levy, tax rate, reserves, and utility rates for discussion. No action was taken.

There being no further business Councilmember Jane Evans motioned, seconded by Councilmember Brady Johnson to adjourn the meeting. The motion passed by unanimous vote.

ATTEST:

\_\_\_\_\_  
Todd Peterson, Community Development Coordinator      \_\_\_\_\_  
Mayor Dan Fabian