

**REGULAR ROSEAU CITY COUNCIL MEETING
 MONDAY – OCTOBER 3RD, 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, City Superintendent David Drown, Chief of Police Ward Anderson, City Attorney Pat Moren, Liquor Store Manager Brad Wiberg, Fire Chief Jeff Ballard, Roseau County Commissioner Jack Swanson- WILD 102 Radio, Lyle Grindy and Mitch Rhen.

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

The following correction (s) were noted in the September 12, 2011 minutes.

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Community Development Coordinator Todd Peterson reported on the following:

- The new preliminary flood plain maps are posted in the Council Chambers for review.

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After discussion Council member Pat Novacek motioned to approve the ~~2011 payable~~ 2012 preliminary tax levy in the amount of \$1,049,243.00 and the motion failed for a lack of a second.

After discussion Council member Pat Novacek motioned to approve the ~~2011 payable~~ 2012 preliminary tax levy in the amount of \$71,049,242.00 as follows, seconded by Council member Gerry Schiltz, carried by unanimous vote.

2011		
PRELIMINARY LEVY		
1.	General Levy	\$ 1,000,242
	Bonds & Interest JOBZ Non-Exempt.	\$ 7,000
	Library	42,000
	Total 2012 Levy	\$ 1,049,242

Council member Gerry Schiltz motioned to set the date for the public comment, and consideration and possible adoption of the final ~~2011~~ 2012 Levy and ~~2011~~ 2012 Budget as required by state law at the December 5th, 2011 City Council meeting to be held at 6:00 pm, seconded by Council member Curt Ireland and it was carried by unanimous vote.

Council member Pat Novacek motioned, Council member Curt Ireland seconded and it was carried by unanimous vote to approve the September 12, 2011 minutes with corrections.

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

- a. Presentation of Accounts Payable claims September 1st, 2011 through September 30th, 2011 batch AP093011 and is filed in edit books in the City Clerk’s Office.
- b. Daily Batch checks written from September 1st, 2011 through September 30th, 2011 were audited, approved and filed in edit books in the City Clerk’s Office.
- c. Receipt entries August 1st, 2011 through August 31st, 2011 were audited, approved and are filed in edit books in the City Clerk’s Office.
- d. Journal entries for July 1, 2011 through July 31, 2011, batch JV073100 were audited, approved and are filed in edit books in the City Clerk’s Office.

- e. A review of the July 2011 General Ledger checks written compared with check images on the bank statements found no irregularities.
- f. Upcoming meetings –
 - a. November 7th, 2011 Regular meeting at 5:00 pm.
- g. Approve the use of alcohol in the Community Center :
 - a. None
- h. Email from League of Minnesota Cities – LMC Cities Bulletin: September 22, 2011.
- i. Email from LMC – City Learning Points

j.

R #27-11

RESOLUTION ACCEPTING DONATION

WHEREAS, the Roseau VFW Post 8663 has presented to the City of Roseau a donation of \$1,000.00 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 City Council is appreciative of the donation and commends the Roseau VFW Post 8663 for their civic efforts,

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City 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 fire equipment.

Adopted this 3rd day of October, 2011

By: s/s Jeff Pelowski
Mayor

Attest:
s/s Todd Peterson
Community Development Coordinator

k.

R #28-11

Resolution Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessment

WHEREAS, a contract has been let for the improvement of 6th Avenue north of 8th Street NE and the contract price for such improvement is \$65,608.00, and the expenses incurred in the making of such improvement amount to \$778.33 so that the total cost of the improvement will be \$66,386.33.

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

- 1. The portion of the cost of such improvement to be paid by the city is hereby declared to be \$27,218.39 and the portion of the cost to be assessed against benefited property owners is declared to be \$39,167.94.
- 2. Assessments shall be payable in equal annual installments extending over a period of 15 years, the first of the installments 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 the assessment resolution.
- 3. The City Clerk, with the assistance of the Community Development Coordinator, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and file a copy of such proposed assessment in the City Clerk's Office for public inspection.

4. The Clerk shall upon the completion of such proposed assessment, notify the council thereof.

Adopted by the council this 3rd day of October, 2011.

s/s Jeff Pelowski
Mayor

s/s Todd Peterson
Community Development Coordinator

1. **R # 29-11**

RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT

WHEREAS, by a resolution passed by the Council on October 3, 2011, the Community Development Coordinator was directed to prepare a proposed assessment of the cost of improving 6th Avenue NE north of 8th Street NE.

AND WHEREAS, the Community Development Coordinator has notified the Council that such proposed assessment has been completed and filed in his office for public inspection,

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

1. A hearing shall be held on the 7th day of November in the City Hall Council Chambers at 5:30 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and he shall state in the notice the total cost of the improvement. The City Clerk shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.
3. The owner 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 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 succeeding year.

Adopted by the Council this 3rd day of October, 2011.

s/s Todd Peterson
Comm. Dev. Coord.

s/s Jeff Pelowski
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-	Front Assessment	Corner Cost Share Assessment	TOTAL
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Share

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%

m. **JOINT POWERS AGREEMENT
LAW ENFORCEMENT MUTUAL
ASSISTANCE**

THIS AGREEMENT, entered into by and among ROSEAU COUNTY, the CITY OF GREENBUSH, hereinafter referred to as “Greenbush”, the CITY OF ROSEAU, hereinafter referred to as “Roseau”, the CITY OF WARROAD, hereinafter referred to as “Warroad”, and the CITY OF BAUDETTE, hereinafter referred to as “Baudette”, and LAKE OF THE WOODS COUNTY, hereinafter referred to as “L.O.W. County”, all parties being governmental and political subdivisions of the State of Minnesota.

WITNESSETH:

WHEREAS, Roseau County, L.O.W. County, Greenbush, Roseau, Baudette, and Warroad employ licensed peace officers for the purpose of maintaining law and order within their respective jurisdictions and affording police protection to their respective citizens; and

WHEREAS, the law enforcement officers of Roseau County, L.O.W. County, Greenbush, Roseau, Baudette, and Warroad are vested with powers appropriate to accomplish these purposes, and

WHEREAS, Roseau County, L.O.W. County, Greenbush, Roseau, Baudette, and Warroad are desirous of having their respective law enforcement officers extend their services beyond their respective jurisdictions for the purpose of providing assistance in emergency situations to enforce the statutes and ordinances enacted by the State of Minnesota and ordained by Roseau County, L.O.W. County, Greenbush, Roseau, Baudette, and Warroad respectively;

NOW, THEREFORE, Roseau County, L.O.W. County, Greenbush, Roseau, Baudette, and Warroad, pursuant to the authority contained in Minnesota Statutes, Section 471.59, commonly known as the Joint Powers Act, in order to accomplish the foregoing purposes, agree as follows:

1. **RESPONDING PARTIES TO ASSIST**
Upon the request of any of the parties, any and all other parties shall provide assistance and the responding party or parties shall direct its law enforcement officers to provide assistance to the

requesting party. Such assistance shall be provided by the responding law enforcement officers in a manner appropriate under the circumstances.

2. **OFFICERS TO PROTECT OWN JURISDICTION FIRST**

It is the express understanding of the parties hereto that the first and foremost priority of the law enforcement forces of all jurisdictions is to maintain law and order and provide police protection within their respective jurisdictions. It is therefore expressly understood that the assistance contracted for by this Agreement shall be provided only if the officers requested to provide assistance can provide such assistance without unduly jeopardizing the law and order of police protection within their respective jurisdictions.

3. **OFFICERS TO RETURN TO ROSEAU COUNTY, L.O.W. COUNTY, GREENBUSH, ROSEAU, BAUDETTE, AND WARROAD WHEN NEEDED; LIMITATIONS**

If at any time while the law enforcement officers of one party are giving assistance to the law enforcement officers of the other party it becomes apparent that the law and order and police protection of the party whose officers are giving assistance is jeopardized, such officers may immediately terminate the giving of such assistance and return to their jurisdiction: provided that such officers shall not terminate the giving of such assistance if the lives of the officers of the party which requested assistance would be put in jeopardy.

4. **NO LIABILITY FOR FAILING TO ASSIST**

It is expressly understood that Roseau County, L.O.W. County, Greenbush, Roseau, Baudette, and Warroad shall not be in any way liable for any claim based upon a failure for any reason of the law enforcement officers of one jurisdiction to provide assistance when requested by the law enforcement officers of the other jurisdiction.

5. **REQUESTING OFFICERS AUTHORITY OVER ASSISTANT OFFICERS**

It is expressly understood and agreed that the law enforcement officers who respond to a request for assistance by law enforcement officers of the other party shall follow the orders and commands of the senior law enforcement officer then on duty of the party requesting assistance during the time such assistance is being given.

6. **RADIO COMMUNICATIONS**

The senior law enforcement officer, then on duty of the requesting agency, will designate which radio channel will be used by personnel during the period in which assistance is provided.

7. **POWER OF OFFICERS**

The Joint Exercise of Powers Act entitles officers to the same authority they have in their own jurisdiction when assisting another agency under the authority of this Agreement. The senior law enforcement officer, then on duty with the requesting agency, may assign personnel from the provider agency to any appropriate duties, including but not limited to, effecting arrests, transporting prisoners, processing prisoners, and staffing temporary detention facilities.

8. **NO PAYMENT TO ASSISTING JURISDICTION OF OFFICERS**

Roseau County, L.O.W. County, Greenbush, Roseau, Baudette, and Warroad shall not be responsible or liable for the payment of wages or other remuneration to the other party or to the other party's law enforcement officer(s), notwithstanding the fact that such law enforcement officer(s) may from time to time, pursuant to this Agreement, provide police protection services to the party hereunder who is not the regular employer of such law enforcement officer(s).

9. **NO LIABILITY TO ASSISTING JURISDICTION FOR DAMAGES**

It is expressly understood and agreed that Roseau County, L.O.W. County, Greenbush, Roseau, Baudette, and Warroad shall not be responsible or liable in any way for any claim for injury or death of any law enforcement officer in the employ of the other party or for any damage to the equipment owned by the other party notwithstanding the fact that such law enforcement officers and equipment may from time to time, pursuant to this Agreement, provide assistance to the party who is not the employer of the law enforcement officer or the owner of the equipment.

10. CONSTRUCTION

This Agreement is expressly intended to authorize requests for assistance only in emergency situations and nothing herein shall be construed as authorizing requests for assistance by one party of the other party for patrols and other routine activities.

11. DURATION

This Agreement shall remain in full force and effect until it shall be terminated in the manner provided herein.

12. TERMINATION

This Agreement may be terminated by any party upon thirty (30) days' written notice to any party. Such notice shall be delivered to the Mayor or Clerk of Greenbush, Roseau, Baudette, and Warroad and to the Clerk of the Roseau County Board and the L.O.W. County Board. It is agreed that any prior agreement among the parties covering the same subject matter is hereby terminated. WITNESS WHEREOF, Roseau County, L.O.W. County, Greenbush, Roseau, Baudette, and Warroad have hereunto set their hands and seals this _____ day of _____, 2011.

CITY OF GREENBUSH
BY: _____
Its Mayor

CITY OF ROSEAU
BY: s/s Jeff Pelowski
Its Mayor

ATTEST:
BY: _____
City Clerk

BY: s/s Todd Peterson
City Clerk or Comm. Dev. Coord.

CITY OF WARROAD
BY: _____
Its Mayor

COUNTY OF ROSEAU
BY: _____
Chair, County Board

ATTEST:
BY: _____
City Clerk

BY: _____
Sheriff

CITY OF BAUDETTE
BY: _____
Its Mayor

COUNTY OF LAKE OF THE WOODS
BY: _____
Chair, County Board

ATTEST:
BY: _____
City Clerk

BY: _____
Sheriff

APPROVED AS TO FORM & EXECUTION

BY: _____
Greenbush City Attorney

BY: _____
Roseau City Attorney

BY: _____
Warroad City Attorney

BY: _____
Roseau County Attorney

BY: _____
Baudette City Attorney

BY: _____
Lake of the Woods Co. Attorney

- n. Investment-Roseau EDA Hi Fi as of 9/27/11 is \$180,825.42
- o. Cash in bank-DNR Escrow as of 09/27/2011 is \$832,000.00.
- p. Cash in bank-Regular checking as of 09/27/2011 is \$1,762,719.16
- q. Investment-Regular Hi Fi as of 09/27/2011 is \$1,323,541.37.
- r. Investment of Certificate of Deposit as of 09/27/2011 is \$750,000.00.
- s. Investment of Certificate of Deposit as of 09/27/2011 is \$754,834.93.
- t. Investment of Certificate of Deposit as of 09/27/2011 is \$755,727.53.
- u. Investment of Certificate of Deposit as of 09/27/2011 is \$763,485.07.
- v. Cash in bank - Airport Fuel Sales Credit Card as of 09/27/2011 is \$7,433.47.
- w. Investment - Roseau EDA Money Market as of 09/27/2011 is \$192,653.44.
- x. Cash in bank - Pine to Prairie Birding Trail as of 09/27/2011 is \$2,424.15.
- y. Cash in bank - Scandinavian Festival as of 09/27/2011 is \$3,527.86.
- z. Cash in bank - Welcome to Roseau as of 09/27/2011 is \$1,287.17.
- aa. Cash in bank - Roseau EDA as of 09/27/2011 is \$1,760.03.
- bb. Year to Date Revenues & Expenditures (September 31, 2011).
- cc. Email - CGMC in Brief September 29, 2011

hh. **#R30-11 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. 99289,
“Grant Agreement for Airport Maintenance and Operation,”
at the Roseau Municipal Airport is accepted.
2. That the Mayor and Community Developmnt Coord. are
authorized to execute this Agreement and any amendments on behalf of the
City of Roseau.

CERTIFICATION

STATE OF MINNESOTA
COUNTY OF ROSEAU

I certify that the above Resolution is a true and correct copy of the Resolution adopted by the
City of Roseau

at an authorized meeting held on the 3rd day of October, 2011

as shown by the minutes of the meeting in my possession.

s/s Todd Peterson
Community Development Coordinator

- ii. September Liquor Store Sales
- jj. EPA FIP Comment Form for ND Regional Haze Rule

Roseau Promotions Director Lyle Grindy reported on the following:

- Fulfillment of requests for information on Roseau. The majority of inquiries come from Manitoba followed by Minneapolis/St. Paul and North Dakota.
- The Civic & Commerce Customer Appreciation Free Lunch will be October 13th from 4 to 7.
- The C&C, Pamida and the Roso Theater will be sponsoring two youth dances, and a free movie
- The Holiday Arts & Crafts Show will be November 27th & 28th.

After review of the North Country Inn (#5-2011) Variance application Council member Curt Ireland motioned, Council member Linda Vatnsdal seconded and it was carried by unanimous vote to approve the North Country Inn Variance (#5-2011) to replace an existing monument 48 square foot sign with a new sign by the entrance on the frontage road with a 70 square foot LED sign. The total of all of North Country Inn signs would be 224 square feet in lieu of the 120 square feet maximum allowed, a 104 square foot sign Variance as recommended by the Planning Commission. Justification for approval of the Variance is that the North Country Inn is replacing an existing sign with a new sign that is smaller and in conformity with the business district.

After review of the Shane McFarlane (#6-2011) Variance application Council member Pat Novacek motioned, Council member Curt Ireland seconded and it was carried by unanimous vote to set a Public Hearing to be held on Monday, October 31st, 2011 for Shane McFarlane (#6-2011) for a Variance to build an addition to his garage that has a square footage of 1,337.25 square feet in lieu of the 1,000 square feet allowed, a 337.25 square foot Variance. It was noted that the square footage of the Variance required may be reduced if Shane McFarlane is able to combine two parcels of real estate which he currently owns into one parcel, the combined lots may result in a parcel of sufficient size to preclude the necessity of a Variance, in which case Shane McFarlane would withdraw his Variance request.

Todd Peterson reported that he had contacted Mike Nordos with the Minnesota Department of Public Health regarding the conditions at the West Side Trailer Court. The City requested information on the most recent licensing inspection of the park and it was noted that the State has had difficulty in getting compliance from the park owners in the past. Mr. Blake Nordin from the regional Public Health Office in Bemidji stated that they would likely issue a letter to the owners of the West Side Trailer Park requesting (within 10 days) a plan for how they will bring the park into compliance on their health and safety violations at the park.

Roseau County Commissioner Jack Swanson reported on the following:

- The preliminary 2012 County Levy has been set and represents a 1.52% increase over last year. At that level, the County's budget has a deficit of roughly \$280,000.
- New information on the effects of the new Market Value Exemption show that the property tax shifts will result in increases to commercial and industrial properties by about 10-15%.
- Jack attended a Collaborative Governance Meeting in which a main topic of discussion included the consolidation of government services and jurisdictions.

City Council member Linda Vatnsdal reported that the Beautification committee has been active doing fall decoration around the city. It was also noted that new lighting will be placed on the trees on Main Street and that Polaris provided \$500 to purchase these lights. The committee is also seeking volunteers to help do winter decorating around the city.

Community Development Coordinator Todd Peterson reported on the following:

- The EDA met at the end of September and the EDA reviewed a proposed Tax Increment Financing plan for a building expansion proposal by Byfuglien Trucking.
- The EDA also reviewed information on the proposed sale of Christian Hockey to a new investor
- The EDA has also had contacts with some additional new retail business prospects.

Liquor Store Manager Brad Wiberg reported on the following:

- The Liquor Store has added some new part-time employees to alleviate a shortage of help the Liquor Store has experienced over the last couple of months. The new employees should be trained and on the job shortly.

Fire Chief Jeff Ballard reported on the following:

- The 26th Annual Roseau Volunteer Fireman’s Barbecue and Ball was held in September and the event went well. Numbers were down from last year but were on par with previous years.
- Fire department personnel will be attending a regional meeting in Mentor and that the Roseau Fire Department will be hosting the regional meeting in April.
- The Fire Department is busy doing Fire Education at the school
- The Fire Department will be participating in a tour of Polaris along with other emergency agencies; they will be paying particular attention to some of the recent changes to the plant.

Community Development Coordinator Todd Peterson reported on the following:

- The East Diversion Project progress
- The open house for the Preliminary FEMA floodplain maps. It was noted that the preliminary maps did not utilize the best available elevation data and that the 2’ contour data used may have resulted in a larger flood plain than the newer data 6” contours might. The City requested that FEMA and the DNR incorporate the 6” data to determine if it would change the extent of the floodplain. The FEMA/DNR representatives expressed a willingness to evaluate the data if it was made available.

By consensus, the City Council approved setting the preliminary 2012 budget meetings with the committees and department head for October 26th and 27th from 5:00 pm to 7:00 pm each day.

Mayor Pelowski provided the Council with a handout on the City’s 2012 Assessed Value and the impact the Market Value Exclusion has on the city’s tax levy and on local property taxes. The new MVE will provide an approximately 10+% increase to commercial property taxes while holding homesteaded property taxes roughly the same.

Mayor Pelowski noted that he had received a letter from State Representative Dan Fabian inviting local leaders to a meeting on October 20th in Crookston to discuss ways to reform and improve the delivery of government services.

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

ATTEST:

Community Development Coordinator

Mayor