

**REGULAR ROSEAU CITY COUNCIL MEETING
MONDAY – September 10th, 2018 at 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, Councilmembers: Pat Novacek, Don Ross, Amy Bassingthwaite and Jane Evans. Absent: none. Others present were, Community Development Coordinator Todd Peterson, City Superintendent David Drown, City Attorney Michelle Moren, Police Chief Ward Anderson, Liquor Store Manager Linda Roseborough, Clerk-Treasurer Beth Carlson, Fire Chief Craig McMillin, NWRL – Kristi Hanson, Jack Swanson Wild 102 Radio, City Residents -Micky Slater, Tadeus Knap, Tevesa Knap and Tami Osweiler.

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

Council member Don Ross motioned, Council member Jane Evans seconded and it was carried by unanimous vote to approve the August 6th, 2018 regular meeting minutes as written.

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

Consent Agenda

1. Presentation of Accounts Payable claims August 1st, 2018 through August 31st 2018 BatchAP83118. CK#64928-65011 = \$165,371.80.
2. Presentation of daily checks August 1st, 2018 through August 31st, 2018
Ck#64848-64927 = \$419,803.06
E#1099-1139 = \$383,578.61
08/15/18PR = \$40,065.40
08/31/18PR = \$41,808.19
3. Presentation of Receipt entries July 1st, 2018 through July 31st, 2018.
4. Presentation of Journal entries JE06302018.
5. Audit Committee review of June 2018 General Ledger checks written compared with images on the bank statement.
6. Notices and Communications –
Upcoming scheduled meetings:
 - a. October 1st, 2018 Regular council meeting at 5:00 p.m.
7. Approve the use of alcohol in the Community Center-
 - a. Deer Hunter's Banquet – October 8th, 2018
 - b. LifeCare Gala – November 17th, 2018
 - c. Lund Wedding – December 29th, 2018
8. Investment–Roseau EDA Hi Fi as of 09/05/2018 is \$132,543.52.
9. Cash in bank-Regular checking as of 09/05/2018 is \$2,550,936.79.
10. Investment-Regular Hi Fi as of 09/05/2018 is \$1,553,303.15.
11. Investment Certificate of Deposit as of 09/05/2018 is \$800,193.86
12. Investment Certificate of Deposit as of 09/05/2018 is \$793,032.15.
13. Investment Certificate of Deposit as of 09/05/2018 is \$791,726.54.
14. Investment Certificate of Deposit as of 09/05/2018 is \$786,425.43.
15. Investment-Roseau EDA Money Market as of 09/05/2018 is \$345,600.99.
16. Cash in bank-Roseau EDA as of 09/05/2018 is \$390.21

17. Roseau County Fair – Thank you letter
18. Salvation Army – Heat Share Agreement
19. LG220 Exempt Permit-Fire Relief – Raffle at Roseau American Legion
- 20.

RESOLUTION #27-18
RESOLUTION ACCEPTING DONATION

WHEREAS, the following has presented to the City of Roseau, donations, and have designated that these donations be deposited in the City of Roseau Riverview Park Gazebo Concert Fund.

The Billberg Family \$300.00
General Public \$63.00

WHEREAS, the City Council is appreciative of the donations and commends them for their civic efforts, **NOW, THEREFORE BE IT RESOLVED**, BY THE City Council of the City of Roseau, Minnesota;

1. That the donations are accepted and acknowledged with gratitude, and
2. That the donations will be allocated to the Riverview Park Gazebo Concerts.

Adopted by the City Council of the City of Roseau, Minnesota this the 10th day of September, 2018

By: _____
Mayor

Attest: _____
Clerk/Treasurer

21. August 2018 City Revenues & Expenditures
22. Roseau Liquor Store Monthly Sales Report for August 2018
23. A Thank you letter from the Bernie Burggraf Family

Delegations/Petitions/Complaints

Kristi Hanson, representing the Northwest Regional Library (NWRL), reviewed the 2018 Profit and Loss Overview as well as the 2019 Projected Increase for the entire region. Ms. Hanson stated that the library budget will remain the same for 2019 and was not requesting an increase for the City of Roseau as NWRL had received sufficient money from the state. Ms. Hanson requested that council contact their senators and representatives to push for changing the formula used for library funding that would sustain libraries now and in the future. The Legacy grant uses the same formula as the state. Ms. Hanson also stated that library usage is up and there has been a shift back to paper media from electronic media, as people are finding the electronics are hard on their eyes.

City resident Micky Slater requested information on a proposed building center that may be built close to her property. Ms. Slater is concerned about how this construction may affect drainage in the area. CDC Peterson stated that no one has approached the city with plans for a building permit so there is no information to give Ms. Slater at this time. City Superintendent David Drown stated that he will see why black dirt is being removed at the site in question.

Committee Reports

Planning Commission –

CDC Todd Peterson reviewed the Planning Commission Meeting minutes from August 24th, 2018.

- The Planning Commission recommended, by unanimous vote to the Roseau City Council, to set a public hearing on the Steve Anderson Variance request #18-04 for September 24th, 2018 at 12:30 pm. Mr. Anderson is seeking to erect a new sign of 18 SF in lieu of the 8 SF allowed, a 10 SF variance; and have a total of all signs of 36 SF in lieu of 16 SF a 20 SF variance. The property along highway 11 is currently zoned R-2. The variance is for both sign size and total signage. The Planning Commission determined that this site is very commercial in nature and the amount of signage is not out of character for a commercial property.

After discussion, Council member Jane Evans motioned, Council member Amy Bassingthwaite seconded and it was carried by unanimous vote to set a public hearing on the Steve Anderson Variance request #18-04 for September 24th, 2018 at 12:30 pm. Mr. Anderson is seeking to erect a new sign of 18 SF in lieu of the 8 SF allowed, a 10 SF variance; and have a total of all signs of 36 SF in lieu of 16 SF a 20 SF variance.

- The Planning Commission recommended, by unanimous vote to the Roseau City Council, to set a public hearing on the Roseau River Watershed District (RRWD) Variance request #18-05 for September 24th, 2018 at 12:40 pm. (RRWD) is seeking a variance for its 4' x 8' (32 SF) in lieu of the maximum allowed 12 SF for a 20 SF variance; and total signage of 38 SF in lieu of the maximum allowed of 24 SF for a 14 SF variance. The Planning Commission determined that this site is very commercial in nature and the amount of signage is not out of character for a commercial property. CDC Peterson informed council the sign is already up, but that it would have to be removed if variance is not granted.

After discussion, Council member Jane Evans motioned, Council member Pat Novacek seconded and it was carried by unanimous vote to set a public hearing on the (RRWD) Variance request #18-05 for September 24th, 2018 at 12:40 pm. (RRWD) is seeking a variance for its 4' x 8' (32 SF) in lieu of the maximum allowed 12 SF for a 20 SF variance; and total signage of 38 SF in lieu of the maximum allowed of 24 SF for a 14 SF variance.

- At 12:30 pm the Planning Commission held a public hearing for variance request #18-03 for Curt Spilde who was seeking to build an attached garage addition with a front setback of 5' in lieu of the 30' setback required. The existing garage cannot house full size vehicles and other equipment. There were no oral or written comments, prior to or during the meeting. The Planning Commission recommended the City Council approve the variance request #18-03 for Curt Spilde to build an attached garage addition with a front setback of 5' in lieu of the 30' setback required. Siting the justification for this approval:
 - The addition will match up with the existing development on the site
 - There is sufficient room for utilities in the boulevard in front of the house for future utility work

- There are no adjacent properties for which this addition will be out of character with along the block

After discussion, Council member Pat Novacek motioned, Council member Don Ross seconded and it was carried by unanimous vote to approve the variance request #18-03 for Curt Spilde to build an attached garage addition with a front setback of 5' in lieu of the 30' setback required.

- The Planning Commission discussed the clean-up report. Police Officer Manka will be sending out tickets for properties that have not addressed the issues on the clean-up report.
- CDC Peterson stated there was also brief discussion about the "Weed Ordinance" and the proposed Rental Home Licensing Ordinance.

Roseau County Commissioner

County Commissioner Jack Swanson informed council the County is deciding what to do with the old law enforcement building and will probably be offering it up for sale.

Commissioner Swanson stated that the Association of Counties is having a meeting about the "Opioid Crisis". Representatives from Life Care Medical Center will be attending. Police Chief Ward Anderson stated that opioids are a concern in the City of Roseau, though the problem is not as bad as it was few years ago.

Commissioner Swanson also informed council that the County Commissioners will begin budget discussions at their meeting tomorrow.

Operations Committee – did not meet.

Oakcrest Golf Course – Council member Don Ross stated that fall preparations have begun to ready the golf course for the end of the season, but it is still open for golfing.

EDA

CDC Peterson reviewed the minutes of the EDA meeting held August 29th, 2018.

- Kurt Weston resigned his position on the EDA as he left Border State Bank and took a position at Citizens State Bank. Border State Bank representative Jason Smith was recommended to the Roseau City Council for placement on the EDA board for the remainder of Kurt Weston's term, which is 6 years.

Council member Pat Novacek motioned, Council member Amy Bassingthwaite seconded and it was approved by unanimous vote to place Jason Smith on the EDA board.

- The EDA approved a \$75,000 loan to Jacob Berger (Berger Building Center) and voted to rescind the loan offer to the Roseau Lumber Company if it is not acted upon within the next 30 days.

- There was a general discussion of local workforce development efforts. A second employer led meeting was held at Textron in TRF that included discussions on different strategies to bridge the workforce shortages.
- The Multi-County HRA is working on a program to purchase homes in quantity from Homark Homes in an effort to reduce the costs of the housing to a level that is more cost effective.

5:30 Public Hearing. Annexing to the City of Roseau certain real estate located in Jadis Township, Roseau County, Minnesota, pursuant to Minnesota Statutes Section § 414.033, entitled “Annexation by Ordinance “ Subdivision 2 (3). Ordinance No.37 Third Series Petition from D & J Properties.

At 5:30 pm a public hearing was held to consider annexing to the City of Roseau certain real estate located in Jadis Township, Roseau County. Council member Jane Evans motioned, Council member Don Ross seconded and it was approved by unanimous vote to open the public hearing on Ordinance No. 37. Third Series.

There were no written or oral comments received by the City prior to or during the public hearing.

Council member Jane Evans motioned, Council member Don Ross seconded and it was carried by unanimous vote to close the public hearing.

Council member Pat Novacek introduced the following ordinance No. 37 Third Series and moved for its adoption and authorized Mayor and Clerk to sign:

ORDINANCE NO. 37 THIRD SERIES
(Uncodified)

AN ORDINANCE OF THE CITY OF ROSEAU, MINNESOTA, ANNEXING TO THE CITY OF ROSEAU CERTAIN REAL ESTATE LOCATED IN JADIS TOWNSHIP, ROSEAU COUNTY, MINNESOTA, PURSUANT TO MINNESOTA STATUTES SECTION § 414.033, ENTITLED “ANNEXATION BY ORDINANCE” SUBDIVISION 2 (3).

WHEREAS, D & J Properties of Roseau, LLC, has petitioned the City of Roseau, Minnesota, to annex by Ordinance the following described real estate currently located in Jadis Township, Roseau County, Minnesota:

The South Eighty-eight (88) feet, EXCEPT the East Three Hundred Thirty (330) feet thereof of Lot Three (3) in Auditor’s Plat Number Six (6) in the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section Thirteen (13), Township One Hundred Sixty-two (162) North, Range Forty (40) West, according to the Plat thereof on file and of record in the office of the County Recorder of Roseau County, Minnesota.

AND

Lot Four (4) of Auditor’s Plat Number Six (6) of the South Half of the Northwest Quarter (S½ NW¼) of Section Thirteen (13) in Township One Hundred Sixty-two

(162) North, Range Forty (40) West of the Fifth Principal Meridian in Minnesota, according to the Plat thereof on file and of record in the Office of the County Recorder in and for Roseau County, Minnesota, excepting therefrom the following described tract, to-wit:

Beginning at the point of intersection of the South line of Lot 4, of Auditor's Plat No. 6 of the SE¼ NW¼, Section 13, Township 162 North, Range 40 West, with the Easterly line of the highway known as Riverside Avenue, but not officially designated as such, but being an extension of Riverside Avenue within the City of Roseau; thence East on and along said South line of said Lot 4, a distance of 250 feet; thence due North a distance of 151.25 feet; thence due West, to the center of the main channel of the Roseau River; thence Southerly, along the main channel of the Roseau River to the South line of said Lot 4 of said Auditor's Plat No. 6, thence Easterly on and along the South line of said Lot 4, to the point of beginning.

Said parcel abuts the City of Roseau.

AND WHEREAS, the above described parcel:

- (a) Is urban or suburban in character or about to become so;
- (b) Is all residential property;
- (c) Contains 6.2 acres ± (being less than 120 acres);
- (d) Is not presently served by public water, public wastewater facilities and public water and public wastewater facilities are not otherwise available;
- (e) Consists of 6.2 acres ± which abut the corporate limits of the City of Roseau;
- (f) Contains no existing conditions under Minnesota Statutes § 414.033 Subdv. 2(3), which would prohibit the annexation of the above described land (real estate) by Ordinance.

AND WHEREAS, the provisions of Minnesota Statutes § 414.033 Subdv. 13 are not applicable for the reason that the current electrical provider, the City of Roseau, will continue to provide electrical services to the subject real estate, and therefore there will be no need for an estimate of the cost impact of any change in electric utility service; and

WHEREAS, the City of Roseau previously set a Public Hearing on the above described Petition for Annexation by Ordinance said hearing to be held on Monday, September 10, 2018, at 5:30 p.m. at the City Council Chambers on the 2nd floor of the Roseau City Center building, 121 Center Street East, Suite 201, Roseau, Minnesota 56751; and

WHEREAS, Notice of said Public Hearing was given in accordance with Minnesota law

by Certified Mail to Jadis Township, Roseau County, Minnesota, and to all landowners within, or contiguous to the area to be annexed, and further that said Notice was published in two (2) consecutive editions of the Roseau Times Region newspaper; and

WHEREAS, the Public Hearing above described was duly held on Monday, September 10, 2018, at the time and location above specified; and

WHEREAS, all persons desiring to be heard with respect to the requested annexation were heard at said Hearing;

WHEREAS, following the closing of the Public Hearing the City Council of the City of Roseau approved the Petitioner's request for annexation to the City of Roseau.

NOW THEREFORE, the City of Roseau, Minnesota, does ordain as follows:

SECTION 1. That the corporate limits of the City of Roseau, Minnesota are hereby extended to include the following described real estate and said lands are hereby annexed to be included within the City of Roseau, Roseau County, Minnesota, and upon approval by the Chief Administrative Law Judge of the Office of Administrative Hearings-Municipal Boundary Adjustments said annexed real estate shall be zoned R-1 – Single Family Residence:

The South Eighty-eight (88) feet, EXCEPT the East Three Hundred Thirty (330) feet thereof of Lot Three (3) in Auditor's Plat Number Six (6) in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Thirteen (13), Township One Hundred Sixty-two (162) North, Range Forty (40) West, according to the Plat thereof on file and of record in the office of the County Recorder of Roseau County, Minnesota.

AND

Lot Four (4) of Auditor's Plat Number Six (6) of the South Half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Thirteen (13) in Township One Hundred Sixty-two (162) North, Range Forty (40) West of the Fifth Principal Meridian in Minnesota, according to the Plat thereof on file and of record in the Office of the County Recorder in and for Roseau County, Minnesota, excepting therefrom the following described tract, to-wit:

Beginning at the point of intersection of the South line of Lot 4, of Auditor's Plat No. 6 of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 162 North, Range 40 West, with the Easterly line of the highway known as Riverside Avenue, but not officially designated as such, but being an extension of Riverside Avenue within the City of Roseau; thence East on and along said South line of said Lot 4, a distance of 250 feet; thence due North a distance of 151.25 feet; thence due West, to the center of the main channel of the Roseau River; thence Southerly, along the main channel of the Roseau River to the South line of said Lot 4 of said Auditor's Plat No. 6, thence Easterly on and along the South line of said Lot 4, to the point of beginning.

SECTION 2. In conjunction with Minnesota Statutes § 414.036, with respect to the property taxes payable on the area legally described above hereby annexed to the City of Roseau, the City of Roseau shall make cash payments to Jadis Township in accordance with the following schedule:

(a) In the first year following the year the City of Roseau could first levy on the annexed area, an amount equal to \$159.13.

(b) In the second year, an amount equal to \$159.13.

With respect to the requirements under Minnesota Statutes § 414.036 regarding any special assessments assigned by the Township to the annexed property and any portion of debt incurred by the Township prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the real estate described above, the City has determined that there are no special assessments or debt incurred by the Township on the subject real estate for which reimbursement is required.

SECTION 3. That in accordance with Minnesota Statutes § 414.033 Subdv. 7 this annexation ordinance shall be filed with the Chief Administrative Law Judge of the Office of Administrative Hearings-Municipal Boundary Adjustments (hereinafter designated "Judge"), with Jadis Township, with the Roseau County Auditor, and with the Secretary of State of the State of Minnesota; and upon the approval by the Judge a copy of the annexation ordinance shall be delivered immediately by the City Council of the City of Roseau, Minnesota, to the Roseau County Auditor.

SECTION 4. All ordinances and parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION 5. This ordinance shall take effect and be in full force following its passage, publication and approval by the Judge.

Dated this 10th day of September, 2018.

APPROVED:

Jeff Pelowski, Mayor

ATTEST:

Elizabeth Carlson, City Clerk/Treasurer

(Publication in the Roseau Times Region Newspaper on the ____ day of September, 2018.)

The motion for the adoption of the foregoing Ordinance was duly seconded by Council member Amy Bassingthwaite. Those voting in favor of the motion: Pelowski, Novacek, Ross, Bassingthwaite and Evans. Opposed: None. The motion was passed.

Committee Reports continued

Airport Committee

CDC Peterson informed council:

- The Airport Master Plan is complete and approved by both the FAA and MnDOT. CDC Peterson provided to council the Airport Master Plan Executive Summary. CDC Peterson noted that the Implementation Plan shows reconstruction on highway 11. The sharp curves will be replaced with more gradual curves.
- The final amounts of the FAA and State grants for the terminal project were slightly different than the original estimates. There will be a preconstruction meeting tomorrow (September 11th). Rod Wulff Construction plans to start in the next week or two and hopes to have the terminal building enclosed by winter.
- Polaris and the DNR Fire watch each plan on entering into a 5 year lease with the City of Roseau, for office space in the new terminal building. This will bring the City cost share down significantly.
- The “Construct (move Fuel Facility)” project, for an estimated total cost of \$300,000, has been selected to receive a state airport improvement grant from the Minnesota Department of Transportation Aeronautics. CDC Peterson asked for council approval to accept this grant and to draft and send the grant acceptance and request letters.

Council member Pat Novacek motioned, Council member Jane Evans seconded and it carried by unanimous vote to accept the MnDOT Aeronautics 2019 CIP (capital improvement program) grant and authorize CDC Peterson to draft the acceptance and request letters.

- CDC Peterson received an estimate from Johnson Markstrom of \$100,000 to relocate the existing Terminal building. Valley Med wishes to continue leasing the building. KLJ is checking to see if there may be a zero percent loan from MnDot to move the building. There may be FAA money available, but only for demolition.
- CDC Peterson informed council that there are three private hangar land leases coming up for renewal. John Johnson’s is this fall and Gene Fichter’s is in March. If council wishes to change the \$100 per year lease amount, now would be the time to do it. The State would like to see the City charge more.

After discussion, Council member Pat Novacek motioned, Council member Jane Evans seconded and it carried by unanimous vote to renew the three private hangar leases, contingent the hangars are being used for aeronautical purposes, and to increase the lease amount to \$150 per year.

Department Reports

Liquor Store

Liquor Store Manager Linda Roseborough informed council that the liquor store POS is up and working well. Sales have also been increasing compared to this time last year.

Fire Department

Fire Chief Craig McMillin informed council that:

- September 22nd is the upcoming Fire Relief Association's ball.
- October 7th is the Polaris sponsored tailgating party that will be held at the American Legion. Council member Evans stated that it will be to raise money for the "Jaws of Life" for the new fire truck.
- Fire Chief McMillin asked for council approval to accept the Badger Fire Department bid of \$40,000 for the 1996 Freightliner Pumper Truck. CDC Peterson stated that only one bid came in.

Council member Pat Novack motioned, Council member Amy Bassingthwaite seconded and it carried by unanimous vote to accept the Badger Fire Department bid of \$40,000 for the 1996 Freightliner Pumper Truck.

- The firefighter's air packs are changing and are not compatible with the current masks. Once the fire department has to order new air packs, new masks will be needed as well. The new masks could cost around \$70,000.

Police Department

Police Chief Ward Anderson had no new business.

Superintendent

Superintendent David Drown informed council, compressors 2 and 3 went down at the arena, less than 24 hours ago so Superintendent Drown did not have any firm numbers as to the cost. It could be \$100,000 to \$150,000 to replace them. The current 350 compressors in the arena are run on an R22 refrigerant that is being phased out beginning in 2020. There is \$35,000 in the budget. It would cost around a million dollars to switch to the new ammonia system so that is out of the question at this time. Superintendent Drown estimates the arena will be down from one to two months. Commercial Refrigeration Systems is inspecting the compressors to see why both of them were damaged. A claim has been submitted to the insurance company to see if insurance will cover some of the cost

Council inquired about the start dates of the hockey schedules and discussed options. No action was taken.

Superintendent Drown informed council that there was no word on when the bituminous would be laid on the streets under repair.

CDC Peterson asked for council to approve Change Order No. 1 from Houston Engineering, Inc. on the 2018 Street Improvements project due to a change in the curb & gutter design special for a segment along 7th AVE SE. and a casting assembly on 10th St. SW.

Council member Pat Novacek motioned, Council member Amy Bassingthwaite seconded and it carried by unanimous vote to approve Change Order No. 1 from Houston Engineering, Inc.

City Attorney

City Attorney Michelle Moren presented to Council Ordinance #36 (Third Series) "Weed Ordinance" for council review and approval.

After discussion, Council member Jane Evans introduced and motioned to approve Ordinance No. 36 (Third Series).

ORDINANCE NO. 36 (THIRD SERIES)

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

The City Council of the City of Roseau, Minnesota does ordain as follows:

SECTION 1. That the City Code of the City of Roseau, Minnesota, Chapter 93 entitled "NUISANCES" is hereby amended to read as follows:

§ 93.35 SHORT TITLE.

This subchapter shall be cited as the "Weed Ordinance."

§ 93.36 JURISDICTION.

This subchapter shall be in addition to any state or county ordinance presently in effect, subsequently added, amended or repealed.

§ 93.37 DEFINITIONS; EXCLUSIONS

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DESTRUCTION ORDER. The notice served by the Council or designated city official, in cases of appeal, on the property owner of the ordinance violation.

PROPERTY OWNER. The person occupying the property, the holder of legal title or a person having control over the property of another, such as a right-of-way, easement, license or lease.

WEEDS, GRASSES and RANK VEGETATION. Includes but is not limited to the following:

- (1) Noxious weeds and rank vegetation shall include but not be limited to: alum (allium), Buckthorn, Bur Cucumber, Canada Thistle, Corncockle, Cressleaf Groundsel, Curly Dock, Dandelions, Dodder, Field Bindweed, French Weed, Hairy Whitetop, Hedge Bindweed, Hoary Cress, Horsenettle, Johnsongrass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sowthistle, Poison Hemlock, Purple Loosestrife, Quackgrass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Sorghum, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion, Wild Parsnip, and shall also

include any other noxious weeds as enumerated by Minnesota Rules 1505.0750, as it may be amended from time to time;

(2) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated or otherwise maintained for two consecutive years;

(3) Bushes if the species of tall, common, or European barberry, further known as *Berberis vulgaris* or its horticultural varieties;

(4) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 6 inches;

(5) Rank vegetation includes the uncontrolled, uncultivated growth of annuals and perennial plants;

(6) The term **WEEDS** does not include shrubs, trees, cultivated plants or crops.

(B) In no event shall cultivated plants or crops include plants which have been defined by the state statute or administrative rule as being noxious or detrimental plants.

§ 93.38 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL AND THE LIKE.

All property owners shall be responsible for the removal, cutting, or disposal and elimination of weeds, grasses, and rank vegetation or other uncontrolled plant growth on their property, which at the time of the notice, is in excess of 6 inches in height.

§ 93.39 FILING COMPLAINT.

Any person, including the city, who believes there is property located within the corporate limits of the city which has growing plant matter in violation of this subchapter shall make a written complaint signed, dated and filed with the City Clerk-Treasurer. If the city makes the complaint, an employee, officer or Council Member of the city shall file the complaint in all respects as set out above.

§ 93.40 NOTICE OF VIOLATIONS

(A) Upon receiving notice of the probable existence of weeds in violation of this subchapter, a person designated by the Council shall make an inspection of the property in question. The inspector, upon concluding that there is a probable belief that this subchapter has been violated, shall forward written notification in the form of a "Destruction Order" to the property owner as that information is contained within the records of the City Clerk-Treasurer or any other city agency. The notice shall be served in writing by regular first class mail, or given to the property owner in person or posted on the property in question. The notice shall provide that the property owner must eradicate the nuisance within four regular business days after service of the notice.

- (B)
 - (1) The notice shall state that the city will take appropriate remedial action to eradicate or control the weeds upon the expiration of the aforementioned four business days, with a charge to the owner/property for costs.
 - (2) For properties for which there have been two or more notices issued within the prior 12 month period, the property owner property will not receive another notice. The first two notices given shall contain a general notice that the city may abate future violations without providing additional specific notice of the violation.

§ 93.41 APPEALS.

- (A) The property owner may appeal by filing written notice of objections with the City Clerk-Treasurer which written notice must be received by the City Clerk-Treasurer within 48 hours (excluding weekends and holidays) of the property owner receiving the Destruction Order notice, if the property owner contests the issued Destruction Order. It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants or crops is not otherwise in violation of this subchapter, and should not be subject to destruction under the subchapter.
- (B) An appeal by the property owner shall be brought before the Council and shall be decided by a majority vote of the Council Members in attendance and being at a regularly scheduled or special meeting of the Council.

§ 93.42 ABATEMENT BY CITY.

In the event that the property owner shall fail to comply with the "Destruction Order" within four calendar days and has not filed a notice within 48 hours to the City Clerk-Treasurer of an intent to appeal, the Council or its designee may employ the services of city employees or outside contractors and remove the weeds to conform to this subchapter by all lawful means.

§ 93.43 LIABILITY.

- (A) The property owner is liable for all costs of removal, cutting or destruction of weeds as defined by this subchapter.
- (B) (1) The property owner is responsible for all collection costs associated with weed destruction, including but not limited to, court costs, attorney's fees and interest on any unpaid amounts incurred by the city.
 - (2) If the city uses municipal employees it shall set and assign an appropriate per hour rate for employees, equipment, supplies and chemicals which may be used as determined by the City Superintendent for each abatement.
 - (3) Administrative Fee. Each time the City is required to enforce this ordinance by removing the weeds (nuisance) or employing a contractor to remove the weeds, the property owner will be assessed an administrative fee of \$100.00.
- (C) All sums payable by the property owner are to be paid to the City Clerk-Treasurer and to be deposited in a general fund as compensation for expenses and costs incurred by the city.
- (D) All sums payable by the property owner may be collected as a special assessment as provided by M.S. § 429.101, as it may be amended from time to time.

SECTION 2. All ordinances and parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION 3. This ordinance shall take effect and be in full force after its passage and publication.

Dated this 10th day of September, 2018.

APPROVED:

Jeff Pelowski, Mayor

ATTEST:

Elizabeth Carlson, City Clerk-Treasurer

(Publication in the Roseau Times Region Newspaper on the ____ day of September, 2018.)

Superintendent Drown informed council that some people are taking advantage of the current ordinance as it is cheaper to let their grass grow and pay the City crew to mow it than to hire a mowing service. With this new ordinance that situation should be less frequent.

The motion for the adoption of the foregoing Ordinance was duly seconded by Council member Amy Bassingthwaite. Those voting in favor of the motion: Pelowski, Novacek, Ross, Bassingthwaite and Evans. Opposed: None. The motion was passed.

City Attorney Michelle Moren, said thank you to council on behalf of former City Attorney Pat Moren for the certificate of recognition for the years of service. It means a lot to him.

Community Development Coordinator

CDC Peterson informed council the Park and Rec director Katy Spoden has spoken with the Park Board about attending a conference for Park and Rec Directors. Ms. Spoden is a member of a National Park & Recreation Association. The cost would be approximately \$2,000 to attend. The Park Board recommended council approval to send Ms. Spoden to see if it will be something worthwhile.

After discussion, Council member Amy Bassingthwaite motioned, Council member Jane Evans seconded and it was approved by unanimous vote to send Ms. Spoden to this year's National Conference for Park and Rec Directors.

Mayor and Council

Mayor Pelowski opened discussion on the 2019 budget process, highlighting that the City must adopt a preliminary budget and tax levy by September 30th, 2018 despite the fact that the information today is still very preliminary and there will be considerable discussion about the budget over the next four months. However, the preliminary levy that is set in September cannot be raised and can only be lowered. After discussion about how to proceed with developing the final 2019 budget and the 2019 tax levy, Council member Pat Novacek motioned, Council member Don Ross seconded and carried by unanimous vote to set the overall 2019 preliminary levy at the same level as 2018 at \$1,049,242.00.

TAXES PAYABLE 2019

City of: Roseau _____

	LEVY PURPOSE	PROPOSED LEVY
01	GENERAL REVENUE	\$ 995,988.00
03	BONDS AND INTEREST JOBZ EXEMPT	
30	BONDS AND INTEREST JOBZ NON-EXEMPT	
05	AIRPORT	
11	LIBRARY	\$ 53,254.00
14	PORT AUTHORITY	
	TOTAL 2019 LEVY	

CERTIFIED BY:



DATE 9/10/18

CDC Peterson presented council with the 2019 Preliminary Budget. After discussion Council member Jane Evans motioned, Council member Amy Bassingthwaite seconded and it was carried by unanimous vote to accept the 2019 Budget as presented.

2019 PRELIMINARY BUDGET

	REVENUE	DISBURSEMENTS	+ OR ()
	BALANCE		
101 General	\$ 2,322,446	\$ 3,445,320	\$ (1,122,874)
228 Lodging Tax	\$ 47,000	\$ 79,991	\$ (32,991)
227 Gazebo Concert Fund	\$2,500	\$2,500	\$ 0
229 Commercial Rehab (SCDP)	\$ 1,000	\$ 0	\$ 1,000
231 DOC Lease	\$ 30,786	\$ 17,800	\$12,986
233 TIF	\$ 84,578	\$ 78,605	\$ 5,973
453 Airport Terminal	\$ 4,356,363	\$ 4,481,050	\$ (124,687)
601 Water Enterprise	\$ 386,000	\$ 382,783	\$ 3,217
602 Sewer Enterprise	\$ 367,000	\$ 275,122	\$ 91,878
603 Garbage Enterprise	\$ 439,000	\$ 409,196	\$ 29,804
604 Electric Enterprise	\$ 4,142,628	\$ 3,774,335	\$ 368,293
609 Liquor Enterprise	<u>\$ 1,905,900</u>	<u>\$ 1,571,229</u>	<u>\$ 334,671</u>
TOTAL ALL FUNDS	\$ 14,085,201	\$ 14,517,931	\$ (432,730)

It was noted that Council must set a 2019 Truth and Taxation Public Hearing date. Council member Amy Bassingthwaite motioned, Council member Pat Novacek seconded and it was carried by unanimous vote to set the date of December 3rd, 2018 for the Truth and Taxation Public Hearing at 6:00 pm during the regular City Council meeting.

Mayor Pelowski informed council that CDC Peterson, Superintendent Drown and himself would be meeting with representatives of the MPCA Wednesday morning concerning the MPCA’s new and/or more restrictive phosphorus limits for municipal wastewater treatment plants. Attorney’s representing the cities opposing the MPCA’s permit limits has drafted common responses for each of the cities.

Unfinished Business-

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

ATTEST:

Elizabeth Carlson Clerk-Treasurer

Mayor Jeff Pelowski