

**REGULAR ROSEAU CITY COUNCIL MEETING
MONDAY – AUGUST 6TH, 2012 @ 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, Liquor Store Manager Brad Wiberg, City Attorney Pat Moren, Assistant City Attorney Michelle Moren, Fire Chief Jeff Ballard, City Clerk Janet Lundbohm, Roseau County Commissioner Jack Swanson- WILD 102 Radio, Lyle Grindy , Diane Sandland, Carson Hedlund, Sharon Pelowski, and Linda Pavek.

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

Council member Pat Novacek motioned, Council member Linda Vatnsdal seconded and it was carried by unanimous vote to approve the July 2nd, 2012 minutes as presented.

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

- a. Accounts payable claims from July 1st, 2012 through July 31st, 2012 as presented, with a batch number of AP073112 and is filed in edit books in the City Clerk's Office.
- b. Daily Batch checks written from July 1st, 2012 through July 31st, 2012 were audited, approved and are filed in edit books in the City Clerk's Office.
- c. Receipt entries June 1st, 2012 through June 30th, 2012 were audited, approved and are filed in edit books in the City Clerk's Office.
- d. Journal entries May 1st, 2012 through May 31st, 2012 were audited, approved and are filed in edit books in the City Clerk's Office.
- e. A review of May, 2012 General Ledger checks written compared with check images on the bank statements found no irregularities.
- f. Upcoming meetings –
 - a. September 10th, 2012 Regular meeting at 5:00 p.m.
- g. Approve the use of alcohol in the Community Center - None
- h. SECTION 1: LIABILTIY COVERAGE WAIVER FORM.
- i. 2011 Population and Household Estimates.
- j. Notice from the League of Minnesota Cities informing the City of Roseau that the League of Minnesota Cities partners with Ochs, Inc to offer member cities long-term care insurance.
- k. Notice from Allied Risk Management Investments, LLC, in regards to setting up a meeting to discuss ARMI services, costs, benefits and savings for your city.
- l. LMC Cities Bulletin: July 11, 2012
- m. LMC Cities Bulletin: July 25, 2012
- n. Thank you from the Roseau County Fair Board – Buddy Erickson, Secretary/Manager.
- o.

RESOLUTION #19-12

BE IT RESOLVED that City of Roseau act as legal sponsor for the project contained in the Park Legacy and/or Regional Park Application to be submitted on September 3, 2012 and that the Community Development Coordinator is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of City of Roseau.

BE IT FURTHER RESOLVED that City of Roseau has the legal authority

to apply for financial assistance, and financial capability to meet the match requirement and ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that City of Roseau has not incurred any development costs and has not entered into a written purchase agreement to acquire the property described on Item 4.

BE IT FURTHER RESLOVED that City of Roseau has or will acquire fee title or permanent easement over the land described in the site plan included in the application.

BE IT FURTHER RESOLVED that, upon approval of its application by the state, City of Roseau may enter into an agreement with the State of Minnesota for the above-referenced project, and that City of Roseau certifies that it will comply with all applicable laws and regulations as stated in the grant agreement including dedicating the park property for uses consistent with the funding grant program into perpetuity.

NOW, THEREFORE BE IT RESOLVED that the Community Development Coordinator is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the City Council of the City of Roseau on August 6, 2012.

SIGNED:

WITNESSED:

s/s: Jeff Pelwoski
(Signature)

s/s: Janet Lundbohm
(Signature)

Mayor 8/6/12
(Title) (Date)

City Clerk 8/6/12
(Title) (Date)

- p. Investment-Roseau EDA Hi Fi as of 7/31/2012 is \$245,278.97.
- q. Cash in bank-DNR Escrow as of 7/31/2012 is \$832,000.00.
- r. Cash in bank-Regular checking as of 7/31/2012 is \$3,065,059.26.
- s. Investment-Regular Hi Fi as of 7/31/2012 is \$1,383,395.52.
- t. Investment of Certificate of Deposit as of 7/31/2012 is \$759,404.29.
- u. Investment of Certificate of Deposit as of 7/31/2012 is \$759,781.68.
- v. Investment of Certificate of Deposit as of 7/31/2012 is \$765,012.25.
- w. Investment of Certificate of Deposit as of 7/31/2012 is \$768,103.63.
- x. Cash in bank - Airport Fuel Sales Credit Card as of 7/31/2012 is \$2,364.71.
- y. Investment - Roseau EDA Money Market as of 7/31/2012 is \$229,903.65.
- z. Cash in bank - Pine to Prairie Birding Trail as of 7/31/2012 is \$4,255.40.
- aa. Cash in bank - Scandinavian Festival as of 7/31/2012 is \$3,895.63.
- bb. Cash in bank – Welcome to Roseau as of 7/31/2012 is \$1,287.17.
- cc. Cash in bank - Roseau EDA as of 7/31/2012 is \$654.96.
- dd. July 2012 Year to Date City Revenues & Expenditures.
- ee. Liquor Store Monthly Sales Recap July 2012.
- ff. Liquor Store Sales 2012.

Roseau Promotions Director Lyle Grindy reported on the following:

- Farmers Market has had a total of 41 vendors selling their goods on Saturdays from 8:00 am until 12:00 noon.
- Quilt S'More "Quilting Tour" supported by the CVB, is off to a great start and they are expecting over 900 guests through the Roseau store. They will be coming from Manitoba, North Dakota and Minnesota and three buses will be staying overnight in Roseau.
- The Civic and Commerce will be starting "Facebook" featuring Roseau activities.

- City wide Crazy Day was held Thursday, August 2nd, 2012 and the reports were that it was a good promotion, some sales matched last years sales while others showed a small increase. The money grab was well attended and the C&C gave away \$500.00 in Roseau Dough. The dog show was a big success with 35 entries and it was well attended.

Roseau County Commissioner Jack Swanson reported on the following:

- Jack is at LEAN training Wed-Fri this week in St Cloud. LEAN is an efficiency program developed in the private sector by Toyota; these sessions are designed to create efficiencies in the public sector. After this train-the-trainer event, Jack will be available to teach local public entities. Roseau County Officers Diane Gregerson, Pam Grand and Martie Monsrud will be doing LEAN training in September through the Association of Minnesota Counties.

Community Development Coordinator Todd Peterson gave an overview of the proposed changes to the existing tree Ordinance #93.02 to comply with the Community Forest Grant.

A Public Hearing was held for proposed changes to the existing tree Ordinance #93.02 to comply with Community Forrest Grant Requirements as presented by Community Development Coordinator Todd Peterson.

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

There were no written comments.

Oral comments were: Community Development Coordinator Todd Peterson reported that the ordinance creates an inspector who can inspect for diseased trees and the city may, at its discretion, remove the trees as a public service or bill the property owner.

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

Council member Pat Novacek introduced Ordinance No. 22 Third Series and moved for its adoption and to authorize signature:

ORDINANCE NO. 22 THIRD SERIES
(Codified)

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ROSEAU, MINNESOTA, TO AMEND THE ROSEAU CITY CODE SECTION 93.02 GOVERNING NUISANCES; SAID SECTION 93.02 BEING ENTITLED "SHADE TREE PEST CONTROL".

The City Council of the City of Roseau, Minnesota, ordains as follows:

SECTION 1. That the Shade Tree Pest Control ordinance incorporated by reference in the Roseau City Code, Section 93.02, is amended as follows:

§ 93.02 TREE DISEASES

A. Declaration of policy.

The health of the trees in the city is threatened by shade tree pests, and the loss or ill health of trees growing upon public and private property substantially depreciates the value of property within the city and impairs the safety, good order, general welfare and convenience of the public. In addition to and in accordance with Minn. Stat. §89.001, 89.01, and 89.51-64, the provisions of this section are adopted as an effort to control and prevent the spread of shade tree pests.

B. Trees constituting nuisance declared.

The following are public nuisances whenever they may be found within the city:

(1) Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm disease fungus *Ceratocystis Ulmi* (Buisman) Moreau or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Eichh.) or *Hylungopinus Rufipes* (Marsh);

(2) Any dead elm tree or part thereof, including branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide;

(3) Any living or standing oak tree or part thereof infected to any degree with the Oak Wilt fungus *Ceratocystis fagacearum*;

(4) Any dead oak tree or part thereof which in the opinion of the designated officer constitutes a hazard, including, but not limited to logs, branches, stumps, roots, firewood or other oak material which has not been stripped of its bark and burned or sprayed with an effective fungicide;

(5) Any living or standing ash tree or part thereof which harbors emerald ash borer larvae or beetles;

(6) Any dead ash tree or part thereof, which in the opinion of the designated officer constitutes a hazard, including, but not limited to logs, branches, stumps, firewood or other ash material from which the bark has not been removed and burned or sprayed with an effective emerald ash borer insecticide; or

(7) Any other shade tree with an epidemic disease.

C. Tree Inspector.

The City Council may appoint a tree inspector to coordinate the activities of the city relating to the control and prevention of damage by shade tree pests. The tree inspector will recommend to the Council the details of any program for the declaration, control and prevention of shade tree pests. The tree inspector is authorized to enforce or cause to be enforced the tasks incident to such a program adopted by the Council. The term "tree inspector" includes any person designated by the Council or the tree inspector to carry out activities authorized in this section.

D. Inspection and application of control measures.

The tree inspector is authorized to inspect premises and places within the city to determine whether shade tree pests exist thereon and to investigate all reported incidents of shade tree pests. The tree inspector is authorized to take all reasonable measures to prevent the maintenance of public nuisances and may enforce the provisions relating to abatement in this section. Diagnosis of shade tree pests may be by the presence of commonly recognized symptoms; by tests as may be recommended by the commissioner of the Minnesota Department of Agriculture or the commissioner of the Minnesota Department of Natural Resources; or other reliable means. Except in situations of imminent danger to human life and safety, the tree inspector shall not enter private property for the purposes of inspecting or preventing maintenance of public nuisances without permission of the owner, resident, or other person in control of the property, unless the inspector has obtained a warrant or order from the court of competent jurisdiction. No person, firm or corporation shall interfere with the tree inspector or with anyone acting under the tree inspector's authority while engaged in activities authorized by this section.

E. Reporting the discovery of shade tree pest.

Any owner or occupier of land or any person engaged in tree trimming or removal who becomes aware of the existence of a public nuisance caused by a shade tree pest as defined under division (B) of this section shall report the same to the city.

F. Abatement of nuisance.

It is unlawful for any person to permit any public nuisance as defined in division (B) of this section to remain on any premises the person owns or controls within the city. In abating a nuisance, as defined in division (B) of this section, the organism, condition, plant, tree, wood, or material identified as injurious to the health of shade trees shall be removed or effectively treated so as to destroy and prevent as fully as possible the spread of the shade tree pest. The Council may by resolution order the nuisance abated.

G. Public notice.

Before action is taken on a resolution, the Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to the affected property owner and published once no less than one week prior to the meeting. The notice shall state the time and place of the meeting, the street affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At the hearing or adjournment thereof, the Council shall hear any property owner with reference to the scope and desirability of the proposed project. The Council shall thereafter adopt a resolution confirming the original resolution with modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

H. Record of costs.

The City Clerk-Treasurer shall keep a record of the costs of abatement done under this section for all work done for which assessments are to be made, stating and certifying the description of the land, lots, parcels involved, and the amount chargeable to each.

I. Unpaid charges.

(1) In accordance with Minnesota Statutes, the City Clerk-Treasurer shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this section.

(2) The Council may then spread the charges or any portion thereof against the property involved as a special assessment as authorized by M.S. § 429.101 as it may be amended from time to time and other pertinent statutes for certification to the County Auditor and collection the following year. In the alternative, the Council may, at its discretion determine that it is in the best interest of the City, and its residents, that the City as a whole bear the expense of abating the nuisances caused by diseased trees.

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.

APPROVED:

s/s: Jeff Pelowski
Mayor

ATTEST:

s/s: Janet Lundbohm
City Clerk-Treasurer

The motion was duly seconded by Council member Linda Vatnsdal and upon vote being taken, the following voted in favor thereof: Jeff Pelowski, Pat Novacek, Linda Vatnsdal, Curt Ireland, and Gerry 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.

Linda Pavek representing the Northwest Regional Library presented the City Council for their review the Roseau Public Library Operating Budget for 2012 and the Preliminary Budget for 2013 with an increase request in order to cover costs of purchasing new library materials and for material delivery costs.

After discussion Council member Pat Novacek motioned, Council member Curt Ireland seconded to set a Public Hearing to be held on Monday, August 27th, 2012 for Brian Pelowski (#2-2012) for a Variance request to replace an existing garage with a new 14' x 20' garage with a cornerside setback of 4' in lieu of the 20' cornerside setback required, a 16' cornerside setback Variance and to modify the existing application to allow Brian Pelowski's request for a side setback of 1' in lieu of the 10' side setback required, a 9' side setback Variance.

and the following voted in favor: Novacek, Ireland, Schiltz, and Vatnsdal

and the following voted against the same: none

and the following abstained: Jeff Pelowski

and the following were absent: none

Whereupon said motion was declared duly passed and adopted.

After discussion Council member Gerry Schiltz motioned, Council member Curt Ireland seconded and it was carried by unanimous vote to sell a small portion of city owned property for \$250.00 to the Roseau Youth Hockey Association to allow the construction of an addition (the city will retain a street and sidewalk easement across the land to be sold to Roseau Youth Hockey) to the North Rink. The City Council also voted to waive the City building permit fees.

After much discussion Council member Linda Vatnsdal motioned, Council member Gerry Schiltz seconded that when the contract with the Sandland's expires at the Roseau Municipal Airport that the house owned by the Sandland's shall be removed (the city will provide a reasonable timeframe for removal and/or sale and removal of the structure) and that future operations of the Roseau Municipal Airport would be handled without an Airport manager as recommended by the committee of Council member Pat Novacek, Council member Curt Ireland, Community Development Coordinator Todd Peterson, and City Superintendent David Drown.

and the following voted in favor: Pelowski, Vatnsdal, Schiltz, and Ireland

and the following against the same: none

and the following abstained: none

and the following were absent: Pat Novacek

Community Development Coordinator Todd Peterson reported that the EDA met July 25th, 2012 and discussed the following:

- The progress on the housing market study.
- The possible sale of the downtown retail building.

Council member Curt Ireland, Council member Gerry Schiltz and Liquor Store Manager Brad Wiberg will meet Wednesday August 15, 2012 at 10:00 am with Dick Rude from RRA, Inc. to discuss the possible addition to the liquor store.

Fire Chief Jeff Ballard reported on the following:

- The damages at the fire hall have been repaired from the water main break, they are awaiting one bill and then the entire claim can be submitted to the insurance adjuster. A more expensive and durable floor was installed; however, all but approximately \$400.00 of the price was offset by firemen doing the clean up and some of the labor themselves.
- The fire department will be addressing the need for more space and new lockers during the 2013 budget process.

Council member Curt Ireland motioned, Council member Linda Vatnsdal seconded to approve Change order #1, Houston Engineering, Inc. 2012 Street Improvements with a net decrease of -\$19,200.00. The motion was duly seconded by Council member Linda Vatnsdal and upon vote being taken, the following voted in favor thereof: Jeff Pelowski, Curt Ireland, Linda Vatnsdal, and Gerry Schiltz.

and the following voted against the same: none

and the following abstained: none

and the following were absent: Pat Novacek

After review and discussion council consensus was to table the “City of Roseau Background Check Policy” for City of Roseau youth activities and have City Clerk Janet Lundbohm ask the question to other cities through “Clerk Administrator Listserv” what they are doing in regards to how many cities require BCA background checks for city sponsored youth sports. Council consensus was to put the “City of Roseau Background Check Policy” under unfinished business.

Assistant City Attorney Michelle Moren will contact City Clerk Janet Lundbohm in regards to the changes in data practices.

Community Development Coordinator Todd Peterson reported that he had attended a Minnesota Power Workshop meeting on August 2nd, 2012 at the City Center. Minnesota Power is proposing a new transmission line through northern Minnesota and is seeking public input on its location.

Community Development Coordinator Todd Peterson reported that NMPA and Minnkota Power Cooperative, Inc. will be reviewing the contractual relationship between the two entities and will begin the process of visiting each city council to discuss new agreements between NMPA and each participating city.

Community Development Coordinator Todd Peterson updated the City Council on the progress of the East Diversion Project.

Council consensus was to not have a Special meeting to discuss the Preliminary Budget prior to the September 10th, 2012 Regular City Council meeting unless as the departments are submitting their budgets

to Community Development Coordinator Todd Peterson there is something out of the ordinary the city council can hold a special meeting.

Council member Linda Vatnsdal reported that David Hagen would like to say thank you to the city staff for the planting of the trees and everything the city has done to make the city look good. Larry & Linda Vatnsdal are hosting 72 students from Minnesota State University Moorhead's International Students Department on August 24-25, 2012. The students will be touring the Roseau area to learn what life is like in small-town America.

Council member Curt Ireland reported that Life Care Medical Center will be celebrating 50 years on September 8th, 2012 from 2:00 – 5:30 p.m.

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

ATTEST:

City Clerk

Mayor

