

**REGULAR ROSEAU CITY COUNCIL MEETING
MONDAY – MAY 6TH, 2013 @ 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 Curt Ireland, Linda Vatnsdal, Don Ross, absent Pat Novacek. 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, Fire Chief Jeff Ballard, City Clerk Janet Lundbohm, Lyle Grindy, Wild 102 – Jack Swanson, Gerry Schiltz, Natalie Anderson, Mary Huglen, and Jamie Thelen.

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

Council member Linda Vatnsdal motioned, Council member Don Ross seconded and it was carried by unanimous vote to approve the April 1st, 2013 minutes as presented.

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

- a. Accounts payable claims from April 1st, 2013 through April 30th, 2013 presented, with a batch number of AP043013 and is filed in edit books in the City Clerk’s Office.
- b. Daily Batch checks written from April 1st, 2013 through April 30th, 2013 were audited, approved and are filed in edit books in the City Clerk’s Office.
- c. Receipt entries March 1st, 2013 through March 31st, 2013 were audited, approved and are filed in edit books in the City Clerk’s Office.
- d. Journal entries February 1st, 2013 through February 28th, 2013 were audited, approved and are filed in edit books in the City Clerk’s Office.
- e. A review of February 2013 General Ledger checks written compared with check images on the bank statements found no irregularities.
- f. Upcoming meetings –
 - a. June 3rd, 2013 Regular meeting at 5:00 p.m.
- g. Approve the use of alcohol in the Community Center - none
- h. 2012 LMCIT Worker’s Compensation Devidend \$9,364.00.
- i.

R #19-13

**RESOLUTION APPOINTING DIRECTOR AND ADVISOR AS CITY OF ROSEAU REPRESENTATIVES
ON
THE NORTHERN MUNICIPAL POWER AGENCY BOARD**

BE IT RESOLVED, that Todd Peterson is hereby appointed Director and David Drown is appointed Advisor as City of Roseau representatives on the Northern Municipal Power Agency Board for May 1, 2013 to April 30, 2014.

Dated this 6th day of May 2013.

s/s: Janet Lundbohm
Janet Lundbohm, City Clerk

s/s: Jeff Pelowski
Jeff Pelowski, Mayor

j. Email from Jeanette Behr, J.D. Research Manager, League of Minnesota Cities, in regards to National Flood Insurance Program and an email in regards to State Health Insurance exchange and 2013 Fact Sheet-Health Care Exchange. Pdf.

k. **MEMORANDUM OF UNDERSTANDING BETWEEN
ROSEAU COUNTY EMERGENCY MANAGEMENT**

AND
CITY OF ROSEAU
EMERGENCY ALL-HAZARD FACILITY

THIS AGREEMENT IS MADE this _____ day of _____, 2013 by and between Roseau County Emergency Management, hereinafter "County" and City of Roseau hereinafter "Owner", to provide physical facilities to support personnel who are providing emergency public services to designated populations affected by a disaster or public health emergency.

A. DUTIES AND RESPONSIBILITIES

The Owner agrees to the following:

- 1. Provide facility located at: 121 Center St E., Roseau, Mn 56751*
- 2. Provide support to access appropriate and necessary telecommunications resources.*
- 3. Provide access to facility/utility resources.*
- 4. Be responsible for the cost of utilities to the extent of normal utility usage.*
- 5. Provide access to facility resources equipment and supplies (as available) necessary to support emergency functions as determined by event.*

The County agrees to the following:

- 1. Provide specialized equipment necessary to support facility operations.*
- 2. Provide reasonable compensation for facility supplies used for purposes related to emergency operation.*
- 3. Provide reasonable compensation for additional operating utility costs incurred by the Owner due to emergency operations during the time period of the event.*

B. TERM.

This Agreement shall be effective on the _____ day of _____, 2013 and shall terminate on the _____ day of _____, 2015. Thereafter the agreement shall renew for a term of one year annually on the anniversary of the effective date, unless either party provides written notice to the other of intent to withdraw from the agreement at least 60 days prior to the anniversary renewal date.

C. OTHER CONSIDERATIONS

The parties agree to the following:

- 1. No modifications or changes will be made to the facility/property without the express written approval of the Owner.*
- 2. Prior to occupancy, representatives of both parties will inspect the facility/property and will note any discrepancies found in writing.*
- 3. Prior to vacating the facility, representatives of both parties will inspect the facility/property to note any discrepancies in writing. Normal wear and tear is considered to be the responsibility of the Owner.*

D. INSURANCE

The County agrees that in order to protect itself from claims arising out of the use of the premises under this Agreement, it will at all times during the term of this Agreement keep in force coverage providing:

- 1. General Liability, Public Officials Liability, Automobile Liability and Workers' Compensation coverage's*
- 2. All such coverage's shall provide limits not less than the tort liability limitations set forth in Minnesota Statutes 466.04 for all claims subject to those statutory limitations.*
- 3. Certificates of Insurance evidencing the coverage's under this clause will be provided to Owner upon request and at other times during the term of this Agreement as requested by the Owner.*

Indemnification:

(Only If Political Subdivision of the State of Minnesota): Both parties to this Agreement recognize each other as political subdivisions of the State of Minnesota.

County agrees to indemnify, defend, and hold harmless Owner, its officers, employees and agents for any and all claims arising out of the County's use of the location provided under this Agreement, including operations of the County. The County's obligation to

indemnify Owner under this clause shall be limited in accordance with statutory tort liability limitations as set forth in Minnesota Statute 466.04 to limit the County's total liability for all claims arising from a single occurrence, including Owner's claim for indemnification, to the limits prescribed under section 466.04.

E. NOTICE AND CORRESPONDENCE

All notices and correspondence, which may be necessary or proper for either party, shall be addressed as follows:

TO EMERGENCY MANAGEMENT:

Roseau County Emergency Management
Attention: Gracia Nelson, Director
606 5th Ave SW
Roseau, Mn 56751

TO OWNER:

City of Roseau
Attention: Janet Lundbohm, - City Clerk
121 Center Street E
Roseau, Mn 56751

F. INTERPRETATION

This agreement shall be interpreted according to the laws of the State of Minnesota, regardless of its place of execution. Any actions, suits, or claims that may arise pursuant to this agreement shall be brought in a court of competent jurisdiction in the State of Minnesota.

This document represents the entire Agreement between the parties. Any amendments shall be in writing and agreed upon by both parties.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed as of the date and year first above written.

FOR THE OWNER:

Date: _____

FOR THE COUNTY:

Director, Roseau County Emergency Management
Date: _____:

I.

SUBORDINATION AGREEMENT

DATE: April 2, 2013

FOR VALUABLE CONSIDERATION, the undersigned hereby subordinates the lien on real property in Roseau County, Minnesota legally described as follows:

PARCEL 1:

ALL THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4 NE 1/4) OF SECTION TEN (10), IN TOWNSHIP ONE HUNDRED SIXTY-TWO (162) NORTH, RANGE THIRTY SIX (36) WEST OF THE FIFTH PRINCIPAL MERIDIAN IN MINNESOTA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, LYING NORTHEAST OF THE NORTH RIGHT OF WAY LINE OF THE CANADIAN NATIONAL RAILROAD, ROSEAU COUNTY, MINNESOTA. (PID #21.0026801)

PARCEL 11:

THE SOUTH ONE HUNDRED (100) FEET OF THE EAST FIVE HUNDRED (500) FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4) SECTION THREE (3), TOWNSHIP ONE HUNDRED SIXTY-TWO (162) NORTH, RANGE THIRTY-SIX (36) WEST OF THE FIFTH PRINCIPAL MERIDIAN IN MINNESOTA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, ROSEAU COUNTY, MINNESOTA. (PID #21.0005600)

Check here if all or part of the described real property is Registered Torrens)

which is evidenced by a Mortgage dated April 25, 2007 and recorded on May 11 2007, as Document Number 257579 (or in Book ___ of ___ Page ___), in the Office of the County Recorder Registrar of Titles of Roseau County, Minnesota, to a subsequent lien evidenced by a Mortgage from Laura J. Monkman, a single person to

Citizens State Bank of Roseau, in an amount not to exceed Ninety-four thousand Dollars (\$94,000) and recorded on November 28, 2011, as Document Number 272114 (or in Book _____ of _____ Page _____), in the Office of the County Recorder Registrar of Titles of Roseau County, Minnesota.

City of Roseau

STATE OF MINNESOTA)
COUNTY OF _____)

By: _____
Its _____

This foregoing instrument was acknowledged before me on this ____ day of _____ by, _____ as _____ of City of Roseau.

Notary Public

My Commission Expires: _____

This Document Drafted by:
Citizens State Bank of Roseau
118 Main Ave. S. P.O. Box 160
Roseau, MN 56751

- m. Letter from Minnesota Department of Natural Resources, Jennifer Teegarden, Forestry Outreach Specialist and Ken Holman, Community Forestry Coordinator, in regards to May is Arbor Month in Minnesota.
- n. Land Use Planning Workshops For Local Government Officials, sponsored by GTS Education Events.
- o. Investment-Roseau EDA Hi Fi as of 04/30/2013 is \$233,131.98.
- p. Cash in bank-DNR Escrow as of 04/30/2013 is \$832,000.00.
- q. Cash in bank-Regular checking as of 04/30/2013 is \$2,123,326.55.
- r. Investment-Regular Hi Fi as of 04/30/2013 is \$1,422,338.25.
- s. Investment of Certificate of Deposit as of 04/30/2013 is \$762,084.05.
- t. Investment of Certificate of Deposit as of 04/30/2013 is \$765,888.81.
- u. Investment of Certificate of Deposit as of 04/30/2013 is \$768,483.10.
- v. Investment of Certificate of Deposit as of 04/30/2013 is \$775,426.41.
- w. Cash in bank - Airport Fuel Sales Credit Card as of 04/30/2013 is \$2,260.72.
- x. Investment - Roseau EDA Money Market as of 04/30/2013 is \$217,146.58.
- y. Cash in bank - Pine to Prairie Birding Trail as of 04/30/2013 is \$8,982.75.
- z. Cash in bank - Scandinavian Festival as of 04/30/2013 is \$4,130.63.
- aa. Cash in bank – Welcome to Roseau as of 04/30/2013 is \$1,287.17.
- bb. Cash in bank - Roseau EDA as of 04/30/2013 is \$891.41.
- cc. Renew Coast True Value’s request to use the City owned downtown vacant lot at 118 Main Avenue North (former Jake’s Pizza lot) to display lawn mowers, etc. for sale, for the period of April 1, 2013 through March 31,2014 (one year).
- dd. LMCIT Ambassador Talking Points – April 2013.
- ee. Letter from Pamela Biladeau, Executive Director EMSRB – Notice of Completed Application - Allina Health EMS.
- ff. Liquor Store Monthly Sales Recap April 2013.
- gg. Liquor Store Sales 2013.
- hh. April 2013 City Revenues & Expenditures.

After discussion Council member Linda Vatnsdal made a motion to approve the “Border State Bank Lucky Border Stars Relay for Life team’s (represented by Natalie Anderson) 5k/walk run” that will be held June 15th, 2013 starting at 9:00 a.m. at the Roseau City Park and finish at the Roseau City Park and they will use the same route as last year, seconded by Council member Curt Ireland and it was carried by unanimous vote.

Mary Huglen appeared before the City Council to express concerns in regards to safety issues for children that live along 3rd Ave NE because there is a large number of vehicles and campers that are parked on the street and there is a lot of traffic traveling at excessive speeds.

Gerry Schiltz appeared before the City Council to discuss the proposed “Welcome Signs” that were approved at the December 10th, 2012 Special City Council meeting. Community Development Coordinator Todd Peterson reported that the Park Board was not interested in assisting with the proposal for the signs. After discussion Council consensus was to have Roseau Promotions Director Lyle Grindy ask the C & C if they are interested in working with Gerry Schiltz on the sign proposal.

Roseau Promotions Director Lyle Grindy reported on the following:

- The Carson & Barnes Circus is on track for Friday June 21st, 2013 that feature two performances.
- Lyle attended the Minnesota Heartland & Tourism Association - Board of Directors & general meeting in Little Falls, Minnesota.
- The proposed bill to increase the budget for Explore Minnesota from \$8.4 million annually to \$14 million annually is working its way through the committee's, it has passed both the House and Senate. The big selling feature is “for every tax dollar invested in Minnesota Tourism, it returns \$8.00”.
- The Roseau Scandinavian Festival will be Friday, June 14th, & 15th, 2013.
- The Roseau Cruise-In Car Show will be held at the Pioneer Farm & Village, June 8th, 2013.

Jamie Thelen representing Sand Company, Inc. presented the City Council an overview of Tamarack Place New Development Proposal (on file at the Roseau City Office). After discussion Council member Curt Ireland made a motion to authorize Mayor Jeff Pelowski sign a letter of support for the Sand Development, LLC, Tamarack Place New Development Proposal, seconded by Council member Don Ross and carried by unanimous vote.

After discussion Council member Curt Ireland motioned, Council member Don Ross seconded to approve Mike Pelowski's Variance request (#2-13) to replace an existing garage with a new 26' x 30' garage with a side setback of 1'9" (which is the same side setback as the existing garage) in lieu of the 10' side setback required, an 8' 3" side setback Variance as recommended by the Planning Commission and upon vote being taken the following voted in favor thereof: Ireland, Ross, and Vatnsdal

and the following voted against the same: None

and the following abstained: Pelowski

and the following were absent: Novacek

whereupon, said motion was declared duly passed and adopted.

The reasons for approving the request include:

- The new garage will replace an existing garage with the same side setback.
- There are other garages in the area with about the same setback as this garage.

After discussion Council member Curt Ireland motioned, Council member Linda Vatnsdal seconded and carried by unanimous vote to approve Nathan & Brenda Acker's Variance request (#4-13) to replace an existing free standing sign with a 6' x 4' sign and to put a 5' x 20' wall sign on the north side of the building and a 4' x 8' wall sign on the northwest side of the building with a total square footage of 156 square feet for business signs in lieu of the 120 square feet maximum allowed for business signs, a 36 square foot Variance for business signs as recommended by the Planning Commission.

The reasons for approving the request include:

- The free standing sign will be replaced by a sign that was displayed at his previous business location.
- The signs on the wall will allow Nathan Acker to display services and business information.

After discussion Council member Curt Ireland motioned, Council member Linda Vatnsdal seconded and it was carried by unanimous vote to set a Public Hearing for Overland Properties (Dollar General) Variance request (#5-13) to replace an existing building with a new building with a rear setback of 20' in lieu of the 35' rear setback required, a 15' rear setback Variance and a Variance request for the purpose of having 32 parking stalls in lieu of the 61 parking stalls required, a Variance of 29 parking stalls, as recommended by the Planning Commission.

The Planning Commission set the date for the "Tour of the City" for May 22, 2013 (with the time of the Tour of the City to be the same as last year which was from 10:00 am until 11:30 am) and the regular monthly Planning Commission meeting will be held that same day at 12:00 noon.

Community Development Coordinator Todd Peterson reported that he had received an email from Ryan Trenberth (MDH) in regards to West Side Trailer Court. The clean-up issues have been sent to the MDH office in St. Paul for enforcement due to non-compliance with clean-up actions outlined by the Bemidji office, no information can be released regarding on-going enforcement actions.

Roseau County Commissioner Jack Swanson reported on the following:

- The valuations went out for Roseau County and there is a slight increase for the City of Roseau residential valuations, while agricultural valuations increased more dramatically.
- Roseau County Emergency Management Director Gracia Nelson retired at the end of April, 2013 and the County will be accepting applications until May 17, 2013 with a new director being hired in July, 2013.

Council member Don Ross reported that Oakcrest Golf Course is open.

Community Development Coordinator Todd Peterson updated the City Council in regards to on going projects at the Roseau Municipal Airport including that the City of Roseau has received a Zoning Grant Amendment from MNDOT allowing the Airport Zoning Board to complete the rezoning of the turf runway at the airport.

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

- Progress on Multi-family housing and Single Family Housing.

Liquor Store Manager Brad Wiberg reported that the Liquor Committee did meet and Brad presented the City Council with Preliminary Cost Estimates for the proposed Roseau Liquor Store Addition & Remodel (on file at the Roseau City Office). After review and discussion Council member Curt Ireland motioned, Council member Don Ross seconded to table the proposed Roseau Liquor Store Addition & Remodel until the June 3rd, 2013 Regular City Council meeting, and upon vote being taken the following voted in favor thereof: Pelowski, Ireland, Ross

and the following voted against the same: Vatnsdal

and the following abstained: None

and the following were absent: Novacek

whereupon, said motion was declared duly passed and adopted.

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

Fire Chief Jeff Ballard reported on the following:

- The Fire Department will be conducting a controlled burn of a house for training purposes located at 401 3rd Ave NE on Saturday May 18th, from 8:00 am until 2:00 pm.

Council person Curt Ireland offered the following resolution and moved for its adoption:

RESOLUTION # 20-13

BE IT RESOLVED, that pursuant to advertisement for bids for the City of Roseau 2013 Streets Reconstruction Project, City of Roseau, Minnesota, the following Base Bid Amounts were received:

R & Q Trucking, Inc.	\$681,121.05
Wagner Construction, Inc.....	\$779,264.00
The Spruce Valley Corporation.....	\$916,613.70
Utility Systems of America, Inc.....	\$942,768.75

NOW THEREFORE BE IT RESOLVED that the Base Bid amount of R & Q Trucking, Inc. in the amount of \$681,121.05 be accepted and authorize Community Development Coordinator Todd Peterson sign agreement with R & Q Trucking, Inc.

Council person Linda Vatsndal seconded the motion and the same being put to a vote, was duly carried.

s/s: Jeff Pelowski
Mayor

Aye: Pelowski, Ireland, Vatsndal, Ross
Absent: Novacek
Nay: None

Community Development Coordinator Todd Peterson reported that the City of Roseau had advertised for an administrator for grant administrative services for Roseau’s anticipated Small Cities Grant Program project funding and the City received one proposal. After discussion Council member Curt Ireland motioned, Council member Linda Vatsndal seconded and carried by unanimous vote to accept Wynne Consulting, Inc. proposal for grant administrative services for Roseau’s anticipated project for Small Cities Grant Program funding as recommended by Community Development Coordinator Todd Peterson.

Community Development Coordinator Todd Peterson reported that he had attended the FEMA Resilience Meeting for Roseau County April 30th, 2013 in regards to Roseau’s flood mitigation plan and the flood plain maps that will be in place in 2014.

After review and discussion Council member Curt Ireland motioned, Council member Don Ross seconded and carried by unanimous vote to approve the Memorandum of Understanding (MOU) Roseau County Work Force Housing Single Family Development (on file at the Roseau City Office) and authorize Community Development Todd Peterson to sign the final Memorandum of Understanding (MOU).

Community Development Coordinator Todd Peterson presented a letter to the City Council from Mark Karl, Polaris Industries, in regards to Polaris would like to pursue tax abatement related to the expansion of their operation in Roseau (on file at the Roseau City Office).

After review and discussion Council member Curt Ireland made a motion to authorize Community Development Coordinator Todd Peterson to proceed with talks with the Roseau County Board and the Roseau School Board for tax abatement for Polaris Industries for their proposed expansion in Roseau and approval to hire Springsted, seconded by Council member Don Ross and carried by unanimous vote.

The Roseau City Council noted that the City of Roseau had received a letter from the Minnesota Department of Health for a Notice of Violation – Failure to Perform Monthly Bacteriological Monitoring and Total Chlorine Residual Monitoring, City of Roseau, Roseau County, PWSID 1680003. City Superintendent David Drown reported that the Public Notice was published in the Roseau Times Region on May 4th, 2013 as required.

Council member Don Ross 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:

City Clerk

Mayor

