
July 28, 2015

REGULAR BOARD MEETING AGENDA

Notice is hereby given that the Board of Commissioners of Roseau County will meet in session on July 28, 2015, at 9:00 a.m., in the Roseau County Courthouse, Room 110, Roseau, MN, at which time the following matters will come before the Board:

9:00 Call to Order

1. Presentation of Colors
2. Approve Agenda
3. Comments and Announcements
4. Approve Bills

9:05 Board Appointments/Public Comments*

9:10 Consent Agenda

1. July 14, 2015 Board Proceedings
2. Minnesota Lawful Gambling Permit
3. Roseau River Watershed-Related Petition

9:20 Department Reports

1. Highway Department
 - a. Aggregate Surfacing Contract
 - b. FEMA DR-4182 Contract – CR 147
 - c. MnDOT Speed Study Resolution – CSAH 46
 - d. Assistant Engineer-Maintenance Hire

9:45 County Board Items

1. Commissioner Committee Reports

10:15 Unfinished Business

10:15 Adjourn

***Limited to five minutes**

PROCEEDINGS OF THE ROSEAU COUNTY BOARD OF COMMISSIONERS

July 14, 2015

The Board of Commissioners of Roseau County, Minnesota met in the Courthouse in the City of Roseau, Minnesota on Tuesday, July 14, 2015 at 9:00 a.m.

CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Board Chair Jack Swanson. The Pledge of Allegiance was recited. Commissioners present were Roger Falk, Mark Foldesi, Todd Miller, Glenda Phillipe, and Jack Swanson.

APPROVAL OF AGENDA

A discussion to consider a property tax forfeiture re-purchase was added to the Auditor's Office Department Report. A motion to approve the amended Agenda was made by Commissioner Phillipe, seconded by Commissioner Miller and carried unanimously.

COMMENTS AND ANNOUNCEMENTS

Commissioner Swanson reminded the Board about the County Fair Booth sign-up sheet; Coordinator Pelowski reminded the Board of DNR Commissioner Landwehr's visit on July 21, 2015, and the Great Northern Transmission Line Environmental Impact Statement Public Hearing in Roseau on July 15, 2015.

APPROVAL OF BILLS

A motion was made by Commissioner Miller, seconded by Commissioner Foldesi and carried unanimously to approve the payment of the following bills:

Warrants Approved For Payment 6/25/2015

<u>Vendor Name</u>	<u>Amount</u>
AFLAC	4,020.24
HAUGEN PHD LP/MARK L	2,102.50
RIVERFRONT STATION	3,092.30
12 Payments less than 2,000.00	6,584.29
Final Total:	15,799.33

Warrants Approved For Payment 6/30/2015

<u>Vendor Name</u>	<u>Amount</u>
RFCC LLC	4,500.00
Final Total:	4,500.00

Warrants Approved For Payment 7/02/2015

<u>Vendor Name</u>	<u>Amount</u>
DEARBORN NATIONAL LIFE INSURANCE	2,496.55
JOHNSON/LAURE A	4,006.88
MN DEPT OF FINANCE -TREAS	2,228.00
NW MN SERV COOP-BLUE CROSS BLUE S	84,029.00
PRUDENTIAL	2,152.58
6 Payments less than 2,000.00	3,627.42
Final Total:	98,540.43

Warrants Approved For Payment 7/09/2015

<u>Vendor Name</u>	<u>Amount</u>
CENTURYLINK	3,279.70
14 Payments less than 2,000.00	7,048.29
Final Total:	10,327.99

Warrants Approved On 7/14/2015 For Payment 7/17/2015

<u>Vendor Name</u>	<u>Amount</u>
ACS	5,212.57
CDW GOVERNMENT INC	6,829.31
DELL MARKETING LP	8,999.17
FARMERS UNION OIL CO-LK BRNSN	3,183.21
FARMERS UNION OIL CO-WARROAD	7,369.08
FERGUSON SEALCOATING	17,800.00
H & S MANUFACTURING INC	19,590.00
JOBS HQ	3,718.20
MAR-KIT LANDFILL	41,073.00
MSOP-MN SEX OFFENDER PROGRAM-D	4,228.40
NORTHERN RESOURCES COOPERATIVE	59,194.92
NORTHLAND TIRE	2,855.60
PRO-WEST & ASSOCIATES INC	2,500.00
REGENTS OF U OF MINNESOTA	16,882.50
RELIANCE TELEPHONE SYSTEMS	2,650.00
SJOBERG'S INC	2,668.25
WARROAD READY MIX	8,170.00
ZIEGLER INC	233,626.83
86 Payments less than 2,000.00	34,781.09
Final Total:	481,332.13

In addition, the Board approved forthwith payments to: Mark Beito, in the amount of \$860.00, for beaver, beaver dam removal and dam inspection; O'Neil Lund, in the amount of \$890.00, for beaver removal and dam inspection; Mark Wojciechowski, in the amount of \$450.00, for beaver dam removal; and, Terry Ingalls, in the amount of \$11,750.00, for ditch brushing.

BOARD APPOINTMENTS AND PUBLIC COMMENTS

UND Forensic Pathologist and Roseau County's Medical Examiner, Dr. Mary Ann Sens, met with the Board to provide notification of a recent amendment to MN Statutes Section 390.11 Subdivision 2b, which allows for religious objection to an autopsy. The new legislation also states that a Coroner or Medical Examiner in the State of Minnesota must maintain and make publicly available a statement of policy or principles to be used for communicating this information with families during a death investigation. Dr. Sens distributed a brochure that includes a statement of policy and asked that this be available on the County website. In addition, Dr. Sens stated that it is not yet known what the additional costs may be for this change in policy and will keep the Board informed as the new changes are implemented.

CONSENT AGENDA

A motion to approve the Consent Agenda was made by Commissioner Miller, seconded by Commissioner Falk and carried unanimously. The Board, by adoption of its Consent

Agenda, approved the June 23, 2015 Board Proceedings; approved the 2015 Board of Appeal and Equalization meeting minutes; approved a Payroll Change Notice for Veterans Service Officer Martin Howes (7A – 7B); approved a OHV Trails Assistance Program request for reimbursement, in the amount of \$4,739.57, for the Roseau/Lake of the Woods Sportsman's Club; approved advertising for two positions on the Warroad River Watershed Board; approved a Vanguard Commercial Property Reappraisal Contract Addendum; approved Resolution #2015-07-01 in support of the Northern Access Dental Center expansion; and, approved a contract with Emergitech, in the amount of \$125,000.00 (plus \$9,000.00 for 2nd year maintenance) for the next generation 911 equipment and maintenance costs.

DEPARTMENT REPORTS

AUDITOR'S OFFICE

Colleen Hoffman – Hoffman, Phillip and Knutson

Colleen Hoffman met with the Board in order to provide them with the required Audit Planning Letter to Governance.

Tax-Forfeited Land Re-purchase

Auditor Monsrud met with the Board to request a Resolution approving the re-purchase of tax-forfeited land. A motion was made by Commissioner Foldesi, seconded by Commissioner Falk and carried unanimously to adopt the following Resolution:

2015-07-02

WHEREAS, an application for the re-purchase of tax-forfeited lands, submitted by Gregory Wojciechowski, described as:

A parcel of land located in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-one (31), Township One Hundred Sixty-one (161) North, Range Forty-two (42) West of the Fifth Principal Meridian in Minnesota, according to the United States Government Survey thereof, described as follows, to-wit:

The Westerly Five Hundred Twenty-eight (528) feet of the Easterly Two Thousand One Hundred Twelve (2,112) feet of the Southeast Quarter (SE $\frac{1}{4}$) LESS the Northerly One Thousand Five Hundred Eighty-four (1,584) feet of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-one (31), Township One Hundred Sixty-one (161) North, Range Forty-two (42) West. Subject to easements, reservations and restrictions of record.

has been presented to the Roseau County Board of Commissioners, and

WHEREAS, Gregory Wojciechowski does make the statement in the application for re-purchase that hardship due to family health issues contributed to his inability to pay real estate taxes which lead to the tax forfeiture of said land; and

WHEREAS, the re-purchase of said land by the applicant will promote and best serve the public interest because he will be able to maintain upkeep on the land;

NOW, THEREFORE, BE IT RESOLVED that the Roseau County Board of Commissioners hereby approves the application for re-purchase of said tax-forfeited lands as submitted by Gregory Wojciechowski and acknowledges that the statements made therein are true and correct;

BE IT FURTHER RESOLVED that approval of this application is subject to the payment in full of all delinquent taxes, penalty, interest, costs, and other charges required for the issuance of a State Deed for a total of \$1,277.90, payable to the Roseau County Treasurer by cash or cashier's check, on or before July 28, 2015;

COUNTY BOARD ITEMS

Commissioner Committee Reports

Commissioner Falk reported on the following committee(s): Safety Committee meeting, 6/25/15; Solid Waste Planning Committee, 6/30/15; Operations/Committee of the Whole meetings, 7/7/15.

Commissioner Foldesi reported on the following committee(s): Various constituent meetings.

Commissioner Miller reported on the following committee(s): MnDOT/Paul Bunyan Transit meeting, 6/24/15; U.S. Senator Amy Klobuchar visit, 7/2/15; Operations/Committee of the Whole meetings, 7/7/15; Northern Counties Land Use Coordinating Board, 7/8/15; Drainage Work Group, 7/9/15.

Commissioner Phillipe reported on the following committee(s): Public Health Committee, 6/23/15; MnDOT Paul Bunyan Transit meeting, 6/24/15; Warroad River Watershed Board, 6/24/15; Land of the Dancing Sky Area Agency on Aging, 6/29/15; Retired Senior Volunteer Program meeting, 6/30/15; Operations/Committee of the Whole meetings, 7/7/15.

Commissioner Swanson reported on the following committee(s): Public Health Committee, 6/23/15; Roseau County Committee on Aging, 6/24/15; Roseau Economic Development Authority, 6/24/15; Safety Committee, 6/25/15; Solid Waste Committee, 6/30/15; Roseau School Board, 6/30/15; Community Justice Coordinating Committee, 7/1/15; U.S. Senator Amy Klobuchar visit, 7/2/15; Northland Community & Technical College meeting, 7/2/15; Roseau City Council, 7/6/15; Operations/Committee of the Whole meetings, 7/7/15; Association of Minnesota Counties, County Program Aid Task Force, 7/8/15; Statewide Emergency Communications Board Finance Committee, 7/9/15; National Association of Counties Annual Conference, 7/10-7/13/15.

Upon motion carried, the Board adjourned the Regular Meeting at 11:40 a.m. The next Regular Meeting of the Board is scheduled for July 28, 2015 at 9:00 a.m.

Attest:

Date: _____

Jeff Pelowski, County Coordinator
Roseau County, Minnesota

Jack Swanson, Board Chair
Board of County Commissioners
Roseau County, Minnesota



Roseau County Request for Board Action

Agenda Item #: Consent 2 <small>(for office use only)</small>	
Requested Board Date:	July 28, 2015
Originating Department: Coordinator's Office	
Subject Title (as it will appear on the Agenda): Minnesota Lawful Gambling Permit	Presenter: Jeff Pelowski
Estimated Amount of Time Needed for Discussion:	
<input checked="" type="checkbox"/> < 5 minutes <input type="checkbox"/> 5 minutes <input type="checkbox"/> 10 minutes <input type="checkbox"/> 15 minutes <input type="checkbox"/> 30 minutes <input type="checkbox"/> >30 minutes	
Board Action Requested: Requesting approval of a MN Lawful Gambling Permit for the Warroad Chapter of Whitetails Unlimited in order to hold a Raffle at Springsteel Resort on August 29, 2015.	
Background:	
Supporting Documentation: <input checked="" type="checkbox"/> Attached <input type="checkbox"/> None	
Agenda Classification for County Board Meeting: <input type="checkbox"/> Delegations <input checked="" type="checkbox"/> Consent Agenda <input type="checkbox"/> Department Reports <input type="checkbox"/> Committee Reports <input type="checkbox"/> County Board Items <input type="checkbox"/> Other	

FOR OFFICE USE ONLY:

Board Action: Approved as Requested: _____ Denied: _____ Tabled: _____ Other: _____	Distribution/Filing Instructions:
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MINNESOTA LAWFUL GAMBLING
LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.
 Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Warroad Area Chapter of Whitetails Unlimited Previous Gambling Permit Number: _____
 Minnesota Tax ID Number, if any: 3891694 Federal Employer ID Number (FEIN), if any: 39-1415070
 Mailing Address: 31701 630th Ave
 City: Warroad State: MN Zip: 56763 County: Roseau
 Name of Chief Executive Officer (CEO): Leonard "Ike" Miller
 Daytime Phone: 218-202-0610 Email: _____

NONPROFIT STATUS

Type of Nonprofit Organization (check one):
 Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

- A current calendar year Certificate of Good Standing**
 Don't have a copy? Obtain this certificate from:
 MN Secretary of State, Business Services Division Secretary of State website, phone numbers:
 60 Empire Drive, Suite 100 www.sos.state.mn.us
 St. Paul, MN 55103 651-296-2803, or toll free 1-877-551-6767
- IRS income tax exemption (501(c)) letter in your organization's name**
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.
- IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**
 If your organization falls under a parent organization, attach copies of both of the following:
 1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
 2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): Springsteel Resort
 Address (do not use P.O. box): 38004 Beach Street
 City or Township: Warroad Zip: 56763 County: Roseau
 Date(s) of activity (for raffles, indicate the date of the drawing): August 29, 2015
 Check each type of gambling activity that your organization will conduct:
 Bingo* Paddlewheels* Pull-Tabs* Tipboards*
 Raffle (total value of raffle prizes awarded for the calendar year: \$ 15,000)

* **Gambling equipment** for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under **LIST OF LICENSEES**, or call 651-539-1900.

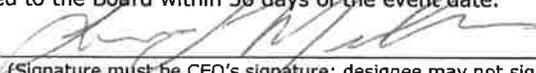
LG220 Application for Exempt Permit

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

<p style="text-align: center;">CITY APPROVAL for a gambling premises located within city limits</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print City Name: _____</p> <p>Signature of City Personnel: _____</p> <p>Title: _____ Date: _____</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px; text-align: center;"> <p>The city or county must sign before submitting application to the Gambling Control Board.</p> </div>	<p style="text-align: center;">COUNTY APPROVAL for a gambling premises located in a township</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print County Name: _____</p> <p>Signature of County Personnel: _____</p> <p>Title: _____ Date: _____</p> <p>TOWNSHIP (if required by the county) On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date: _____</p>
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CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature:  Date: 7-13-15

(Signature must be CEO's signature; designee may not sign)

Print Name: Leonard "Ike" Miller

<p>REQUIREMENTS</p> <p>Complete a separate application for:</p> <ul style="list-style-type: none"> • all gambling conducted on two or more consecutive days, or • all gambling conducted on one day. <p>Only one application is required if one or more raffle drawings are conducted on the same day.</p> <p>Financial report to be completed within 30 days after the gambling activity is done: A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.</p> <p>Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).</p>	<p>MAIL APPLICATION AND ATTACHMENTS</p> <p>Mail application with:</p> <p><input type="checkbox"/> a copy of your proof of nonprofit status, and</p> <p><input type="checkbox"/> application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is \$100; otherwise the fee is \$150. Make check payable to State of Minnesota.</p> <p>To: Gambling Control Board 1711 West County Road B, Suite 300 South Roseville, MN 55113</p> <p>Questions? Call the Licensing Section of the Gambling Control Board at 651-539-1900.</p>
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Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, braille) upon request.



**WHITETAILS
UNLIMITED**
Est. 1992

Working for an American Tradition
Education • Habitat Conservation • Hunting Tradition

July 15, 2014

This letter is to confirm that the organization known as Warroad, MN event to be held in Warroad, MN is a subordinate of the parent non-profit organization of Whitetails Unlimited, Inc. located in Sturgeon Bay, Wisconsin, Federal ID #39-1415070.

Wm. E Gerl, Jr
Executive Vice President

National Headquarters
PO Box 720
2100 Michigan St.
Sturgeon Bay, WI 54235

Phone: (920) 743-6777
Fax: (920) 743-4658
www.whitetailsonlimited.com
nh@whitetailsonlimited.com

Internal Revenue Service
District Director

Department of the Treasury

Date: NOV - 9 1984

Our Letter Dated: Oct 27, 1984

Person to Contact: Mr. E. Kelley

Contact Telephone Number:

(312) 896 1278

WHITE TAILS UNLIMITED INC
PO BOX 422
STURGEON BAY, WI 54235

Gentlemen:

This modifies our letter of the above date in which we stated that you would be treated as an organization which is not a private foundation until the expiration of your advance ruling period.

Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Internal Revenue Code, because you are an organization of the type described in section 509(a)(2). Your exempt status under section 501(c)(3) of the code is still in effect.

Grantors and contributors may rely on this determination until the Internal Revenue Service publishes notice to the contrary. However, a grantor or a contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(2) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(2) organization.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,


District Director

Internal Revenue Service

Date: September 2, 2004

Whitetails Unlimited Inc. National Headquarters
% Jeffrey Schinkten
P O. Box 720
Sturgeon Bay, WI 54235-0720

**Department of the Treasury
P. O. Box 2508
Cincinnati, OH 45201**

Person to Contact:
Yvette Davis 31-07751
Customer Service Representative
Toll Free Telephone Number:
8:00 a.m. to 6:30 p.m. EST
877-829-5500
Fax Number:
513-263-3756
✓ **Federal Identification Number:**
39-1415070
✓ **Group Exemption Number:**
9362

Dear Sir or Madam:

This is in response to your request of September 2, 2004, regarding your organization's tax-exempt status.

In June 1986 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records indicate that your organization is also classified as a public charity under section 509(a)(2) of the Internal Revenue Code.

Based on the information supplied, we recognized the subordinates named on the list your organization submitted as exempt from federal income tax under section 501(c)(3) of the Code.

Our records indicate that contributions to your organization are deductible under section 170 of the Code, and that you are qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Internal Revenue Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,



Janna K. Skufca, Director, TE/GE
Customer Account Services

Internal Revenue Service
District Director

Department of the Treasury

Date: NOV - 9 1984

Our Letter Dated: October 22, 1982

Person to Contact: Mr. E. Kelley

Contact Telephone Number:
(312) 896 1278

WHITE TAILS UNLIMITED INC
PO BOX 422
STURGEON BAY, WI 54235

Gentlemen:

This modifies our letter of the above date in which we stated that you would be treated as an organization which is not a private foundation until the expiration of your advance ruling period.

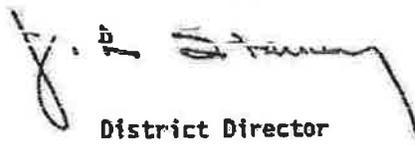
Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Internal Revenue Code, because you are an organization of the type described in section 509(a)(2). Your exempt status under section 501(c)(3) of the code is still in effect.

Grantors and contributors may rely on this determination until the Internal Revenue Service publishes notice to the contrary. However, a grantor or a contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(2) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(2) organization.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,


District Director

Jeffrey D. Pelowski

From: Michael P. Grover
Sent: Wednesday, June 17, 2015 4:40 PM
To: Jeffrey D. Pelowski
Subject: follow up memorandum on watershed issues
Attachments: watershed, petition presented under metro admin rule issue.docx II.docx

Dear Jeff,

Attached is a follow up memorandum that will hopefully address further concerns that the County Commissioners may have regarding this issue. Thank you and if anyone would like to talk with me or meet with me for further clarification or questions then do not hesitate to give me a call.

Sincerely,

Michael P. Grover
Assistant County Attorney
Roseau County Courthouse
606 5th Ave. SW Room #10
Roseau, MN 56751
(218) 463-4100

TO: JEFF PELOWSKI, ROSEAU COUNTY COORDINATOR
RE: FURTHER CONCERNS OF THE BOARD ON "PETITION FOR
CONSIDERATION"
FROM: MIKE GROVER, ASST CTY ATTN
DATE: 06/17/2015

ISSUE

Does the County Board have any legal responsibility to investigate the allegations made in the Petition?

SHORT ANSWER

No, County Commissioners are elected officials who oversee county activities. The County Board is responsible to meet citizen concerns, comply with federal and state requirements and ensure that county operations run smoothly.

The County Commissioners are not an independent investigative body or a tribunal set up to investigate and adjudicate legal claims or accusations made by general citizens during the "public comments" portion of a board meeting.

DISCUSSION

The signors of the petition for consideration allege violations of the open meeting law. Minnesota's Open Meeting law (Minn. Stat. 13D.01) states that all meetings, including executive sessions, must be open to the public when required or permitted by law to transact public business in a meeting. Any person who intentionally violates MN's open meeting law is subject to personal liability in the form of a civil penalty in an amount not to exceed \$300 for a single occurrence. An action to enforce the penalty may be brought by any person in any court of competent jurisdiction where the administrative office of the governing body is located.

The signors of the petition for consideration allege acts of official misconduct or malfeasance. If the signors believe there has been a violation of any of the laws in Chapter 103D, entitled "Watershed Districts", then any violation could be considered a misdemeanor. See Minn. Stat. 103D.545. In that case a report would need to be made to the Sheriff, the Sheriff would then investigate the

alleged violation, and the County Attorney would prosecute the violation if there was evidence to support the charge.

The signors of the petition for consideration allege acts of violations of State uniform hiring practices and entering into a private contract, "without public letting" and spending taxpayer money on a "malicious and irresponsible" attack on another Manager."

Again, a violation of a provision of the watershed chapter, a rule, order, or stipulation agreement made or a permit issued by the managers may be enforced by a civil action of injunction, action to compel performance, restoration, abatement or other appropriate action. See Generally Minn. Stat. 103D.545.

CONCLUSION

The signors of the petition have individual civil remedies available to them under Minnesota law to try to seek recourse for their alleged grievances. The Roseau County Board of Commissioners has no legal duty or obligation to investigate, litigate or provide recourse for these allegations.

Please feel free to share copies of this memorandum with the Board. Lastly, if anyone has any further questions or concerns then do not hesitate to call me. Thanks.

- MPG

TO: JEFF PELOWSKI, ROSEAU COUNTY COORDINATOR
RE: "PETITION FOR CONSIDERATION" SUBMITTED AT COUNTY BOARD MEETING ON 06/09/15
FROM: MIKE GROVER, ASST. CTY ATTN
DATE: 06/11/2015

BACKGROUND

A group of four county citizens appeared at the Roseau County Board meeting and during the public comments portion of the meeting presented a signed "Petition for Consideration" that requested the Board exercise authority under Minnesota Rules of Administrative Procedure 8410.0040 to remove the Roseau River Watershed manager.

ISSUE

What, if any action must the Board take in response to the presentation of the petition?

ANSWER

Minnesota Administrative Rule 8410.0010, Scope states as follows: "Subpart 1. Application. Upon adoption 8410.0010 to 8410.0180 apply to the general administration of metropolitan watershed management activities and to amendments to existing plans made after January 1, 1995."

Because the Roseau River Watershed is not a "metropolitan watershed," then using Minnesota Rules of Administrative Procedure 8410.0040 is not the correct procedure for this group of citizens to seek to remove the Roseau River Watershed manager.

It is my opinion and advise that the Board can disregard the petition/take no action on the petition filed.

CONCLUSION

Petition can be disregarded. No further board action necessary. Please feel free to share copies of this memorandum with the Board. Lastly, if anyone has any further questions or concerns then do not hesitate to call me.

- MPG

Petition for consideration to Roseau County Commission

We the undersigned do hereby petition the Roseau County Board of Commissioners to exercise your authority under Minnesota Rule 8410.0040 to investigate and hold accountable members of the Roseau River Watershed Board of Managers and its' Administrator for acts of malfeasance, misfeasance, nonfeasance, ethics violations and/or official misconduct. Minnesota Rule 8410.0040 addresses removal of a watershed district manager.

Minnesota Rule 8410.0040 states~ A manager of a watershed district or member of a joint powers board may be removed from the position by the appointing authority before term expiration for violation of a code of ethics of the watershed management organization or appointing authority or for malfeasance, nonfeasance, or misfeasance, after being provided an opportunity for hearing before the appointing authority. Managers holding the position as an elected official who are not reelected, or are serving an indefinite term at the pleasure of the appointing authority, may be removed by the appointing authority at will. A decision of the appointing authority may be appealed to the Board of Water and Soil Resources.

The Roseau County Board of Commissioners, as the appointing authority, may commence removal proceedings by providing notice and opportunity for hearing.

Petitioners allege the following illegal acts took place:

On or about December 26th, 2012 , a violation of MN statue 13D {open meeting law} took place when Watershed Managers LeRoy Carrier, Aaron Magnusson, Cody Schmaltz and Administrative Assistant Tracy Halstengard did knowingly and willfully communicated and conspired, outside a boardroom setting, to not attend a special board meeting called to possibly hire Torrin McCormick as the Watershed Administrator. Because of this, a quorum was not achieved and no hiring took place. This was done to maneuver Ms. Halstengard into the administrator position in the New Year. Petitioners allege these actions constitute official misconduct and/or malfeasance.

Note ~The January 2nd, 2013 board meeting Torrin McCormick was hired as the Watershed Administrator after a 3-2 vote. The Watershed Attorney stated Mr. McCormick was legally hired and was officially the Watershed Administrator.

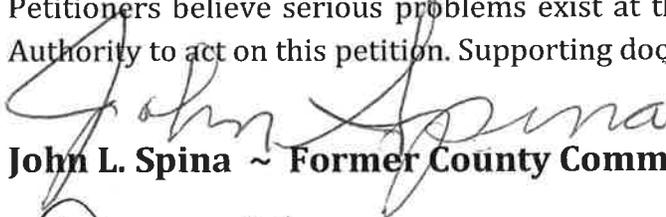
Serious violations of the State Uniform Hiring Practice for Public Employees occurred during the January 30, 2013 Watershed Board Meeting. The approved board meeting agenda only had wage negotiations on it in addition to normal business. The end of the meeting was a closed meeting

during which three board members, Manager's Carrier, Magnusson and Schmaltz voted to demote Mr. McCormick {without due process} to a technician's position that did not currently exist. This new position was subject to the public hiring process. The same three Managers then voted to make Ms. Halstensgard the Administrator. Ms. Halstensgard was never an applicant for the administrator position and did not possess the minimum qualification. Voting took place in a closed meeting and was not on the approved agenda. Again, petitioners state this was willful and planned and that said Managers conspired with Ms. Halstensgard to carry out these acts. Ms. Halstensgard admitted acts were illegal. Acts constitute ethics violations, official misconduct and/or malfeasance.

Additionally, in March 2013, the Watershed Board of Managers entered into a private 10 year contract with former County Commissioner Russell Walker to allow Mr. Walker sole opportunity to hay the Norland water impoundment and levies without a public letting. A public entity has to advertise to allow any interested party opportunity to hay public land it manages. This contract was significantly amended in April 2014, much to Mr. Walkers benefit and more costly for the taxpayers of the District. Petitioners believe Managers, Administrator and Mr Walker conspired knowing this act to be illegal and therefor constitutes ethics violations, official misconduct and/or malfeasance.

Lastly, approximately thirteen thousand dollars of taxpayer money were spent on attorney fees by four Managers and the Administrator in a malicious and irresponsible attack on another Manager over a baseless allegation. Said Manager was forced to retain council and had the felony charge dismissed by the Court. Petitioners believe ethical violations, official misconduct and/or acts of malfeasance took place.

Petitioners believe serious problems exist at the Roseau Watershed and request the Appointing Authority to act on this petition. Supporting documentation is available.



John L. Spina ~ Former County Commissioner



Doran E. Horner ~ Former County Commissioner



Floyd J. Haugen ~ Former Watershed Board Manager



Laverne A. Voll ~ Former Watershed Board Manager

Roseau County Board

July 2015

Glenda A. Phillipe

District One

July 7 – Operations/COW – Roseau

July 13 – Warroad City Council – Warroad

July 14 – Roseau County Board – Roseau

July 15 – MnDot/Paul Bunyan Transit

July 15 – Lake Township – Warroad

July 20 – RCCoA – Roseau

July 21 – Commissioner Landwehr – Roseau

July 21 – Social Services – Roseau

July 21 – Highway – Roseau

July 22 – MnDot/Paul Bunyan Transit – Roseau

July 22 – Roseau County Fair Booth – Roseau

JACK SWANSON COMMITTEE REPORTS

JULY 15, 2015 - NORTHWEST MINNESOTA HOUSING AND REDEVELOPMENT AUTHORITY (T.R.F.); approved terms of Foxtail Apartments (TRF) sale pending legal review; approved contract with Greater Minnesota Management

JULY 16, 2015 - ASSOCIATION OF MINNESOTA COUNTIES CONFERENCE PLANNING COMMITTEE (MPLS); identified 18 RFP's for 2015 annual conference breakout sessions; toured Minneapolis Hilton

JULY 17, 2015 - ASSOCIATION OF MINNESOTA COUNTIES GOVERNANCE COMMITTEE (ST PAUL); continued work on a governance structure for AMC Board of Directors

JULY 20, 2015 - ROSEAU COUNTY COMMITTEE ON AGING; discussed future of RCCoA

JULY 20, 2015 - SOCIAL SERVICES; met w/ Dave Anderson and Karla Langaas on topics presented at NACO Annual Conference

JULY 21, 2015 - DNR COMMISSIONER TOM LANDWEHR

JULY 21, 2015 - ROSEAU COUNTY AFFORDABLE HOUSING FUND COMMITTEE

JULY 21, 2015 - SOCIAL SERVICES BOARD

JULY 21, 2015 - HIGHWAY COMMITTEE

JULY 22, 2015 - ROSEAU COUNTY COMMITTEE ON AGING; PBT advisory work group

JULY 22, 2015 - NORTHWEST MINNESOTA EMERGENCY COMMUNICATIONS BOARD; approval of regional system administrator hire

JULY 24, 2015 - ROSEAU COUNTY FAIR BOOTH