

TRANSCRIPT AND REPORT OF PROCEEDINGS

CASS COUNTY

COUNTY OF CASS

AUGUST 7, 2018

1. Call to Order

Chair Robert Kangas convened the regular meeting of the Cass County Boards of Commissioners at 9:00 AM on Tuesday, August 7, 2018 with the flag pledge in the Commissioners Board Room, Walker, MN.

1.a

Attendee Name	Title	Status	Arrived
Neal Gaalswyk	Commissioner	Present	8:50 AM
Robert Kangas	Chair	Present	8:50 AM
Jeff Peterson	Commissioner	Present	8:50 AM
Scott Bruns	Vice Chair	Present	8:50 AM
Dick Downham	Commissioner	Absent	

<u>NAME</u>	<u>REPRESENTING</u>	<u>NAME</u>	<u>REPRESENTING</u>
Joshua Stevenson	Administrator	Sandra Norikane	Chief Financial Officer
Ray Hines	Purple Heart	Ben Dykema	Purple Heart
Darrick Anderson	Highway Department	Mark Dorholt	Self
Jeff Hrubes	BWSR	Jeff Woodford	HHVS
Betty Kangas	Self	Gail DeBoer	Pilot Independent
Monica Lundquist	Brainerd Dispatch	Allan Olson	Cass Lake Times
Linda Bruss	Self	Wayne Bruss	Purple Heart
Dan Dierkhising	Purple Heart	Pam Peterson	Self
Mike Paulus	EDC	Andy Shaw	Dorholtz
David Nikkel	Self	Ben Lindstrom	County Attorney
Marina Lovell	EDC	Chuck Jones	Purple Heart
Michele Piprude	HHVS		

1.b. Approval of agenda for discussion. (Any requests to be heard not on the proposed agenda are considered for inclusion at this time.)

Administrator Stevenson presented the agenda for Board consideration. Commissioner Gaalswyk asked to add item 6b County Road 105 Update. Administrator Stevenson asked for a motion to approve the agenda as amended with the addition of item 6b County Road 105 Update.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Neal Gaalswyk, Commissioner
SECONDER:	Scott Bruns, Vice Chair
AYES:	Neal Gaalswyk, Robert Kangas, Jeff Peterson, Scott Bruns
ABSENT:	Dick Downham

2. Josh Stevenson - County Administrator

2.a. Consent Agenda

Administrator Stevenson asked for a motion to waive reading and approve the consent agenda as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Scott Bruns, Vice Chair
SECONDER:	Jeff Peterson, Commissioner
AYES:	Neal Gaalswyk, Robert Kangas, Jeff Peterson, Scott Bruns
ABSENT:	Dick Downham

Approve - Minutes of July 17th, 2018

Approve – Auditor Warrants dated July 12, 2018 in the amount of \$311,780.93

Approve – Auditor Manual Warrants/Voids/Corrections (Batch 1) dated July 2018 in the amount of \$281,517.15

Approve – Auditor Warrants dated July 19, 2018 in the amount of \$1,057,061.64

Approve – Auditor ACH (2018 Federal PILT) dated July 20, 2018 in the amount of \$76,039.00

Approve – Auditor Warrants (4H premiums) dated July 20, 2018 in the amount of \$5,420.50

Approve – Auditor Warrants (4H Judge’s fees) dated July 23, 2018 in the amount of \$2,071.40

Approve – Auditor ACH (2018 Forfeited Tax) dated July 25, 2018 in the amount of \$512,852.88

Approve – Auditor Warrants dated July 26, 2018 in the amount of \$251,762.77

Approve – HHVS IFS Auditor Warrants dated July 13, 2018 in the amount of \$213,277.73

Approve – HHVS IFS-SSIS Auditor Warrants dated July 13, 2018 in the amount of \$176,038.02

Approve – HHVS IFS Special Auditor Warrants dated July 26, 2018 in the amount of \$4,220.48

Approve – HHVS IFS-SSIS Special Auditor Warrants dated July 26, 2018 in the amount of \$440.39

Approve – HHVS IFS Auditor Warrants dated July 27, 2018 in the amount of \$79,664.48

Approve – HHVS IFS-SSIS Auditor Warrants dated July 27, 2018 in the amount of \$139,158.61

Approve – Grade rating with Dorothy Person, TRIAD HR Consulting, for the positions of Maintenance Mechanic I and Maintenance Mechanic II. These positions are intended to replace the existing Maintenance Mechanic (Grade 16) position acknowledging licensing level differences with existing staff.

Receive & file - Notice of probation completion for Jessica Plotz, Assistant County Attorney, Grade 40, Step 2, effective July 16, 2018.

Receive & File - Notice of probation completion for Kari Camara, County Agency Social Worker, Grade 30, Step 05, on July 31, 2018.

Receive & File - Notice of probation completion for Keith Peterson, County Agency Social Worker, Grade 30, Step 03, on August 1, 2018.

Receive & file - Notice of resignation of Jenny Rittgers, Registered Nurse, effective August 3, 2018 and receive and file the notice of intent to fill budgeted Public Health Nurse position, Grade 32.

Receive & file - Notice of resignation of Molly Fischer, County Agency Social Worker, effective August 17, 2018 and receive and file the notice of intent to fill budgeted County Agency Social Worker position, Grade 30.

Receive & file - Notice of resignation of Lacy Hill, County Agency Social Worker, effective July 16, 2018 and receive and file the notice of intent to fill budgeted County Agency Social Worker position, Grade 30.

Receive & file - Notice of appointment of Jana Lung, Child Support Officer, Grade 22, Step 1 vacated by Judyne Hein, Child Support Officer, effective August 8, 2018.

Receive & file - Notice of voluntary demotion of Karen Eischens, from County Team Leader to County Agency Social Worker, Grade 30, Step 4 vacated by Lacy Hill, County Agency Team Leader, effective August 27, 2018 and receive and file the notice of intent to fill budgeted County Team Leader position, Grade 35.

Receive & file - Notice of resignation of Mary Krecklau, Home Health Aide, effective July 20, 2018 and receive and file the notice of intent to fill budgeted Home Health Aide position, Grade 13.

Receive & Approve - Notice to re-advertise and fill Fiscal Supervisor I instead of Fiscal Supervisor II vacated by Heidi Massie, July 20, 2018.

Receive & file - Notice of 6-month probation completion for Wanda Jensen, Data Entry Clerk, Grade 16, Step 2, effective July 22, 2018.

Tobacco:

Riverside Quick Stop – Brenda Greene – Federal Dam

Gambling:

Northern Cass Ducks Unlimited @ Moondance Event Center – Anthony Freeman – Turtle Lake

Approve – Capital Projects Fund Activity:

City of Remer reimbursement for shared Remer HWY parking lot paving (\$19,382)

Know iNK (Election equipment) \$52,985

Action Contracting, Inc. (Voter Storage) \$24,800

Bemidji Steel Company (Voter Storage) \$344.08

Specialty Solutions, Inc. (Longville HWY) \$783.14

Cardmember Services (Longville HWY – MPCA stormwater permit) \$400.00

Approve – Cass County SWCD Invoice #40 for Aquatic Invasive Species (AIS) prevention and management.

Approve- Contract with Northland Family Resource Center to provide Child & Teen Check-up outreach services.

Approve- Contract with Pillager Family Center to provide Child & Teen Check-up outreach services.

Approve- Contract with Pine River/Backus Family Center to provide Child & Teen Check-up outreach services.

Approve – Amendment to the South Country Health Alliance Provider Participation Agreement pertaining to Billing Procedures Section 6.3.

Award - Contract for trail brushing to Schrupp Excavation not to exceed \$500.

Approve - Easement to Mark N. Ewoldt and Lynn A. Wells for ingress and egress across tax forfeit lands.

Approve Abatements:

2018 Adrian Melbraaten, 29-906-3105, Pike Bay, Delete MH Parcel

Current \$ 32.00 , Proposed 0.00, Tax \$ Change: (\$32.00)

Authorize – Sheriff to accept donation in the amount of \$500.00 for Sentence to Service Program for equipment from Turtle Lake Township.

Authorize – Sheriff to accept donation in the amount of \$4,185.00 for the purchase of 3 AED Units.

Refer – Kitchigami Regional Library 2019 Budget request to Citizen budget Committee

Refer – Cass County Agricultural Association request of \$5,000 for the 2019 budget to the Citizens Budget Committee.

Receive & File - Application for Zoning Reclassification and remand to Cass County Planning Commission to notify and schedule public hearing.

Receive & File - Application for Zoning Reclassification and remand to Cass County Planning Commission to notify and schedule public hearing.

Receive & file – July 26, 2018 Timber auction results 10,001 cords totaling \$371,457.86

Receive & File – 2018 2nd Quarter ESD Annual Activity Report

2.b. Establish Committee of the Board for County 129 Bridge Closure

Administrator Stevenson reported a constituent concern regarding the absence of a temporary bridge during the County Road 129 bridge replacement. It was noted that the decision to install a temporary bridge is made by looking at numerous factors including funding sources, the ability to obtain wetland permits, the need to replace the existing bridge, traffic counts, length of detours, and how long the project will take to complete. It was also noted that emergency responders have been notified of the detour and several areas are available to land a helicopter in the area if needed. The Board took no action continuing with the bridge replacement project as planned.

RESULT:	RECEIVED AND FILED
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2.c. Dorholt Cartway Hearing

Chairman Kangas opened the cartway hearing at 9:05am. Comments were heard from the attorney of the petitioner and staff. It was noted that the petition as submitted does not connect the parcel to a public road. It was also noted that a tax forfeited parcel would need to be condemned in addition to the private parcel to complete the cartway. It was also noted the petitioner is requesting that the Board condemn the private parcel and issue an easement over the tax forfeited parcel. Chairman Kangas closed the hearing at 9:20am. Chairman Kangas asked for a motion to table the matter to a future meeting. No motion to table the matter was made. Administrator Stevenson then asked for a motion to adopt Resolution 38-18 denying the cartway petition. Commissioner Bruns offered Resolution No. 38-18 and moved its adoption, Commissioner Peterson seconded:

RESOLUTION 38-18 DENYING A CARTWAY PETITION PURSUANT TO MINN.
STAT. § 164.08

WHEREAS, the County Board of Unorganized Township (144-25), Cass County, Minnesota has received a petition calling for the establishment of a cartway across portions of those parcels of real property legally described as follows, to wit:

1. NW¼ of NW¼ of Section 26, Township 144, Range 25 West

For the benefit of property described as follows:

Government Lot 7, Section 23, Township 144N, Range 25W (Parcel 47-023-4300)

and that said petition requests the course of the roadway be located upon that portion of the above described real property described as follows:

The North 33 feet of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) Section 26, Township 144N, Range 25W

WHEREAS, said parcels of real estate owned by the petitioner contain more than five acres of land and have no legal access or access less than 33 feet in width, and that the owner is therefore entitled to access pursuant to the provisions of Minnesota Statute §164.08;

WHEREAS, the petition as submitted does not provide access to the property and requires crossing State property;

WHEREAS, the Minnesota Court of Appeals held in the case *Silver vs. Ridgeway*, No A06-1600 (Minn. Ct. App. June 19, 2007), that the cartway statute, Minn. Stat. § 164.08, provides only a general grant of condemnation authority that does not extend to State property;

WHEREAS, the Minnesota Court of Appeals further concluded that condemnation authority cannot be implied in favor of a county if State property has been put to public use;

WHEREAS, the petitioner has presented the Board with affidavits as proof that the required notice was given to landowners who may be affected by the grant of the petition, and that said notice was posted in accord with statute;

WHEREAS, a quorum of the County Board (Commissioners Kangas, Downham, and Peterson) held a cartway hearing on September 30, 2016, at which the petitioner's attorney, David and Samantha Nikkel, Cass County Land Commissioner Kirk Titus and Cass County Highway Engineer David Enblom and other members of the public were present. It was determined the owners of the property which would be affected by the cartway route had been provided notice of the hearing and had either responded by providing written objections or were present at the hearing. The board chairman heard the interested parties both in favor of the petition as presented and opposed.

WHEREAS, the County Board, by majority vote, has determined that the grant of a cartway is prohibited, and the reasons underlying the County Board decision are that 1) the route petitioned does not provide access to the petitioners property, 2) condemnation authority does not extend to State property, 3) and a condemnation authority cannot be implied in favor of a county if State property has been put to public use.

WHEREAS, the County Board has determined that it is not in the public interest to utilize public funds to open or maintain the cartway;

WHEREAS, the County Board finds that additional "damages" – as defined by Minn. Stat. § 164.08, Subd. (c) either have been or will be incurred, including but not necessarily limited to the County's attorney fees, the time and expenses for the supervisors, Administrator and Auditor/Treasurer related to these proceedings, and filing and recording costs. Some of these damages have been incurred, and others will not be incurred until a future date. The final amount of these damages will be ascertained when these proceedings are completed, and an itemization of the same will be given to the attorney representing the Petitioner, the same which shall be included in the total damage award to be paid by the Petitioners prior to opening the cartway in question.

NOW, THEREFORE, BE IT RESOLVED, that the County Board of Unorganized Township 144-25, Cass County, Minnesota hereby denies a cartway to the petitioners.

BE IT FURTHER RESOLVED, that no public funds shall be expended to open or maintain said cartway;

BE IT FURTHER RESOLVED, that the County Administrator is authorized and directed to provide a copy of this resolution to the petitioner and affected landowner. Resolution No. 38-18 was adopted by majority vote: Ayes: Bruns, Peterson, Kangas Nays: Gaalswyk Absent: Downham
Motion to adopt Resolution 38-17 denying the cartway petition.

RESULT:	APPROVED [3 TO 1]
MOVER:	Scott Bruns, Vice Chair
SECONDER:	Jeff Peterson, Commissioner
AYES:	Robert Kangas, Jeff Peterson, Scott Bruns
NAYS:	Neal Gaalswyk
ABSENT:	Dick Downham

3. Jeff Woodford - HHVS

3.a. Purple Heart County Ceremony

Veterans Service Officer Jeff Woodford and Minnesota Order of the Purple Heart Chairman, Chuck Jones presented a proclamation for consideration by the County Board to honor the service and sacrifice of our nation's men and women in uniform wounded or killed by the enemy while serving in to protect the freedoms enjoyed by all Americans. It was noted that proclaiming Cass County as a Purple Heart County informs residents, visitors, and recipients of the purple heart that Cass County honors those members of the armed forces. It was also noted that the Minnesota Order of the Purple Heart conducts fundraisers for families of Purple Heart recipients for vehicles and other items to assist them. Signs intended to be mounted at County border locations by the Highway Department were displayed for the Board and meeting participants to view. Mr. Woodford then asked the County Board for a motion to adopt Resolution 39-18 establishing Cass County as a

Purple Heart County.

Commissioner Peterson offered Resolution No. 39-18 and moved its adoption, Commissioner Bruns seconded:

RESOLUTION ESTABLISHING CASS COUNTY AS A PURPLE HEART COUNTY

WHEREAS, the people of Cass County have great admiration and the utmost gratitude for all the men and women who have selflessly served their country and this community in the U.S. Armed Forces; and

WHEREAS, veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm's way for the good of all; and

WHEREAS, the contributions and sacrifices of the men and women from Cass County who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, many men and women in uniform have given their lives while serving in the Armed Forces; and

WHEREAS, many citizens of our community have earned the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force, construed as singularly meritorious act of essential service; and

WHEREAS, August 7, 2018 has officially been designated as the day in Cass County to remember and recognize veterans who are recipients of the Purple Heart Medal.

NOW THEREFORE BE IT RESOLVED, that the Cass County Board of Commissioners hereby proclaims Cass County as a Purple Heart County, honoring the service and sacrifice of our nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans.

Resolution No. 39-18 was adopted by majority vote: Ayes: Peterson, Bruns, Gaalswyk, Kangas Nays: None Absent: Downham

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeff Peterson, Commissioner
SECONDER:	Scott Bruns, Vice Chair
AYES:	Neal Gaalswyk, Robert Kangas, Jeff Peterson, Scott Bruns
ABSENT:	Dick Downham

4. Mike Paulus - Cass County EDC

4.a. Report back on PACE from EDC Board

Cass County Economic Development Commission (CCEDC) Executive Director Mike Paulus reported back on the Property Assessed Clean Energy (PACE) program offered to the Board of Commissioners at the June 5th, 2018 meeting. He noted that a request was made that the CCEDC research the PACE Program in order to provide a recommendation to the County Board. He reported that during the CCEDC Board of Directors meeting on July 23rd, the findings of the PACE Program were discussed, and a motion was passed to support Cass County's use of the PACE Program for commercial projects with a recommendation of a capped dollar amount per project and/or other project limitations deemed appropriate by the Cass County Board. The Board thanked Mr. Paulus for the report and asked Administrator Stevenson to place the PACE program back on the agenda at a future meeting for Board consideration.

Mr. Paulus also provided a summary on the "side hustle" program noting that they have engaged ten people providing consultant help to grow their side hustle with a goal of providing \$500 per month of additional revenue. The Board thanked Mr. Paulus for the update.

RESULT:	RECEIVED AND FILED
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5. Sandra Norikane - Chief Financial Officer

5.a. 2018 State PILT Settlement

Chief Financial Officer Sandra Norikane provided details on the 2018 payment in lieu of tax distribution. She noted that the 2018 distribution is based off the 2017 valuation. She also noted that during 2017 a reassessment took place. She also noted that the 2017 reassessment year saw a State PILT payment decrease of approximately \$286k over the 2016 payment. She reported that in 2018, the payment rebounded because 1) the State payment per acre was increased from \$1.50 per acre to \$2.00 per acre and, 2) a \$278k increase in our acquired PILT lands valuation through a DNR acquisition.

She also reported that for the 2017 payment, the Township's 10% allocation continued to be allocated based on appraised value and cities were excluded from this allocation in accordance with guidance from the Minnesota Department of Revenue. She noted that cities receive a small portion of PILT for trust and other lands that are

subject to the \$2 per acre payment. She then asked for a motion to approve the 2018 distribution of State "In Lieu" Payment in the amount of \$1,233,015.58, and Wildlife Management Lands distribution in the amount of \$106,987.50.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Neal Gaalswyk, Commissioner
SECONDER:	Jeff Peterson, Commissioner
AYES:	Neal Gaalswyk, Robert Kangas, Jeff Peterson, Scott Bruns
ABSENT:	Dick Downham

6. Darrick Anderson - Highway Department

6.a. Award contract for Pine River Transfer Station Repairs

Highway Engineer Darrick Anderson provided bid results for remodeling the concrete building at the Pine River Transfer Station. He reported the apparent and only bidder for was Hy-Tec Construction with a base bid of \$274,000.00 and an alternate bid of \$32,000 deduction if they do not replace the damaged doors. It was noted that this project was to repair damage to the building from our solid waste management contractor and that they have agreed to pay for the project as a condition of their existing contract. He then asked for a motion to award bid for the Pine River Transfer Station remodel to Hy-Tec Construction not to exceed \$274,000.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Neal Gaalswyk, Commissioner
SECONDER:	Scott Bruns, Vice Chair
AYES:	Neal Gaalswyk, Robert Kangas, Jeff Peterson, Scott Bruns
ABSENT:	Dick Downham

6.b. County Road 105 Update

Commissioner Gaalswyk provided a report to the Board on a recent public hearing to receive input on County Road 105. He noted that the portion of the road in question is a City street that connects two County roads. He reported that the road has been in its current location for over 100 years and located in an area with significant cultural resources. It was also reported that the US Corp of Engineers have indicated that American Indian Tribes have asked that the road be moved. It was reported that moving the road would require a new bridge, moving County Roads to make a connection, and the potential for disturbing additional cultural resources in the area. He noted that the County Board may want to comment on this project noting that input from the Leech Lake Band of Ojibwe should be received before any decisions are made.

7. Confirm Upcoming Meeting Schedule

- 7.a. Commissioner's Board Meeting on Tuesday, August 21, 2018, beginning at 6:00 p.m., Blind Lake Township Hall, 811 8th Ave. NE, Pine River, MN.
- 7.b. Commissioner's Board Meeting on Tuesday, September 4, 2018, beginning at 9:00 a.m., Board Room, 1st Floor Crts. Annex, Walker, MN.
- 7.c. Commissioner Peterson to attend Citizen Budget Committee meetings in August for Commissioner Downham pending schedule conflicts.

8. Executive Session

- 8.a. Attorney client privilege -closed to the public pursuant to M.S. 13D.05, Subd.3(b) - To Discuss Pending Litigation

Administrator Stevenson introduced MCIT appointed attorney Kristi Hastings and asked for a motion to close the meeting to the public pursuant to M.S. 13D.05

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Neal Gaalswyk, Commissioner
SECONDER:	Jeff Peterson, Commissioner
AYES:	Neal Gaalswyk, Robert Kangas, Jeff Peterson, Scott Bruns
ABSENT:	Dick Downham

- 8.b. Attorney client privilege -closed to the public pursuant to M.S. 13D.05, Subd.3(b) - To Discuss Pending Litigation

Administrator asked for a motion to open the meeting to the public and adjourn with no action taken from the executive session.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Neal Gaalswyk, Commissioner
SECONDER:	Jeff Peterson, Commissioner
AYES:	Neal Gaalswyk, Robert Kangas, Jeff Peterson, Scott Bruns
ABSENT:	Dick Downham

9. Adjourn

The meeting was adjourned at 10:55am.

SIGNED: _____
Robert Kangas, Chair

ATTEST: _____
Joshua Stevenson

Cass County Board of Commissioners

Cass County Administrator