

TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
March 16, 2010

- 1A. Chairman Demgen convened the regular meeting of the Cass County Board of Commissioners at 9:00 a.m. on Tuesday, March 16, 2010, with the flag pledge, in the Land Department Meeting Room, Backus, MN. Commissioners present: Demgen, Dowson, Kangas, and Peterson. Commissioners absent: Downham.

Others present during portions of the meeting included:

<u>NAME</u>	<u>REPRESENTING</u>	<u>NAME</u>	<u>REPRESENTING</u>
Robert Yochum	Administrator	Larry Wolfe	Chief Financial Officer
John Ringle	ESD Director	Josh Stevenson	Land Commissioner
David Enblom	Highway Engineer	Tom Burch	Chief Deputy Sheriff
Kevin Lee	North Ambulance-LASSD	Pat Coyne	North Ambulance-LASSD
Gail Levenson	Cass County EDC	Greg Booth	Sylvan Twp.
Gail DeBoer	Pilot Independent		

- 1B. M/S/P Kangas, Peterson - To approve the agenda items for discussion as presented and amend Item 2A.26 (Refer - Correspondence from Pine River Chamber of Commerce regarding support of the Cass County Economic Development Corporation to an Ad Hoc Committee of the Board - Commissioners Kangas, and Peterson), and the addition of Item 2A.28 (Refer - an appeal of the timber contract extension policy to an Ad Hoc Committee of the Board - Commissioners Demgen, and Kangas), and the addition of Item 9. (Receive & file Chief Deputy Sheriff Tom Burch's notice of intention to run for the Office of Cass County Sheriff in upcoming election). Unanimous.
- 2A. County Administrator Robert Yochum presented to the Board the following matters:

M/S/P Dowson, Kangas - To waive reading and approve the consent agenda as amended. Unanimous.

Approve - Board Minutes of March 2, 2010.

Approve - Auditor manual warrants dated February 28, 2010 in the amount of \$1,363,882.92.

Approve - HHVS Auditor's warrants dated February 26, 2010 in the amount of \$52.00.

Approve - HHVS Auditor's warrants dated February 26, 2010 in the amount of \$650.30.

Approve - Auditor's warrants dated March 4, 2010 in the amount of \$64,043.33.

Approve - HHVS Commissioner's warrants dated March 5, 2010 in the amount of \$98,843.28.

Approve - HHVS Auditor warrants dated March 5, 2010 in the amount of \$90,280.49.

Approve - Auditor's warrants dated March 11, 2010 in the amount of \$334,829.71.

Receive & file - 2009 OSA Audit Entrance Meeting Notes of March 2, 2010.

Approve Personnel Actions - A. Budgeted positions scheduled for replacement: None. B. Positions scheduled for no replacement: None. C. Other: Receive and file - Resignation of Alicia R. Tri, Cass County Probation Officer, effective March 12, 2010.

Approve licenses - On & Off Sale Intoxicating Liquor including On Sale Sunday - Jake's City Grille (fka Kelly's of West Gull Lake), Gull Lake Jakes, Inc., Fairview. Gambling - Lakeshore Conservation Club, Patrick Goff, Fairview.

Receive & file - Cass County EDC February 2010 Activity Report.

Receive & file - Auditor-Treasurer's Interest Income Report for February 2010.

Approve - Resolution No. 14-10 FY2010 OHV Grant MN DNR - Soo Line ATV Trail in the amount of \$4,500.00

Commissioner Dowson offered Resolution No.14-10 and moved its adoption; Commissioner Kangas seconded:

BE IT RESOLVED, the Board of Commissioners of Cass County, Minnesota, hereby approves FY 2010 Cass County Soo Line OHV Trails Grant Agreement in the amount of \$4,500.00 with the MN Department of Natural Resources.

BE IT FURTHER RESOLVED, the Chairman and County Auditor are hereby authorized to sign agreements whereby Cass County will act as sponsoring agent.

Resolution No. 14-10 was adopted by majority vote: Demgen, Dowson, Kangas, Peterson. Absent: Downham. Nays: None.

Approve - Out of state travel for Sheriff Deputies Bryan Welk and Bob Landreville - Crisis/Hostage Negotiation Class in Johnston, IA on Aug. 2-6, 2010.

Approve - Pay request for HHVS (removal of insulation from exterior of the ductwork on 3rd Floor) Project to Thelen Heating & Roofing, Inc. in the amount of \$1,400.00.

Approve - Pay request for AGC Re-Use Project, Kimley-Horn, in the amount of \$3,975.00 (capital fund).

Approve - FY2009 Annual Audit Engagement letter from the Office of State Auditor dated February 26, 2010.

Approve - ISTS Inspector one year contract extensions - Joni Tulenchik - Zone #1(North) \$63.00 and Ron Brown - Zone #2(South) \$70.00 effective April 1, 2010.

Approve - HHVS contract with Peggy Dolney for interpreter services for the deaf and hard of hearing clients at \$37 per hour, effective through December 31, 2010.

Receive & file - Letter of commendation to HHVS staff for perfect performance in meeting the DHS Human Services financial reporting requirements.

Receive & file - E-911 Audit for year ending December 31, 2009.

Authorize - Gate installation in Section 3 of Sylvan Township, gate installation per current policy on bids from private contractors for this type of work.

M/S/P Dowson, Kangas – To support a legislative position to repeal the \$250.00 minimum tax payment, and further to revert minimum tax payment back to \$50.00. Unanimous.

Approve Assessor's Office Abatements - Connie Ducheneaux - Cass Lake, Value Reduction 2009/2010; Joe Bugg – Sylvan, Class Change 2008/2009; Joe Bugg - Sylvan, Class Change 2007/2008; Larry Knight/Patricia Yager - Turtle Lake, Cancel Lease 2007/2008; Connie Ducheneaux - Cass Lake, Delinquent Tax 2005-2009; Connie Ducheneaux - Cass Lake, Delinquent Tax 2004.

Refer - Correspondence from the Pine River Chamber of Commerce regarding support of the Cass County Economic Development Corporation to an Ad Hoc Committee of the Board (Commissioners Kangas, and Peterson).

Approve - Acceptance of MPCA Surface Water Assessment Grant (SWAG) #B40888 Grant in the amount of \$198,971.25.

Refer – An appeal of the timber contract extension policy to an AdHoc Committee of the Board (Commissioners Demgen, and Kangas).

- 2B. Administrator Yochum reported back on an AdHoc Committee of the Board meeting held March 2, 2010 regarding the Mass Gathering Ordinance. Attendees at the meeting were: Commissioners Dowson, Peterson, Sheriff Randy Fisher, Chief Deputy Tom Burch, Sergeant Erik Hoglund, Auditor-Treasurer Sharon Anderson, and County Administrator Yochum. The Committee discussed the County Board action of February 2, 2010 requesting the 2010 Eelpout Festival to provide additional sanitation services and the applicability of the present Mass Gathering Ordinance to lake events. Overall the 2010 Eelpout Festival cleanup efforts were improved but much more is needed. County staff played a major role in the clean-up efforts, which were still on-going at the time of the committee meeting. Sheriff Fisher will respond to Mr. Gerchy with this information.

The Committee recommends amending the Lawful Assembly Ordinance to be more effective in regulating activities permitted on ice, including provisions of the Ordinance that address penalties for non-compliance, performance bond requirements as applies to clean-up, possible restitution for non-compliance, define when a contract for law enforcement will be required, and provision for road access for emergency response. Administrator Yochum added that the Committee would like to look at the definition of which events are to be regulated, perhaps looking at a tiered type structure for events that are of a shorter duration, with the primary intent that any event held on the ice is held to the same standards.

M/S/P Dowson, Peterson – To approve the recommendation of the Ad-Hoc Committee by requesting the County Attorney, and Auditor-Treasurer to prepare amendments to the Lawful Assembly Ordinance 2004-03, and further, to authorize Commissioners Dowson and Peterson to present those amendments to other interested entities prior to full Board consideration. Unanimous.

- 2C. Administrator Yochum reported back on the Association of MN Counties redesign proposals that were tabled by the Board Tuesday, March 2, 2010 to provide an opportunity for responses from related Cass County departments. Responses included Auditor-Treasurer comments on County Home Rule Charters; the Sheriff commented on reducing the size of the state highway patrol by 50%; the County Engineer commented on Counties taking over the responsibility of state highway maintenance except for freeways; the County Attorney commented on adopting Minnesota court reform; the Environmental Services Department commented on adopting a uniform statewide planning and zoning law for both Townships and Counties; the Administrator commented on adopting a single statewide probation system and County Home Rule Charters.

Chief Financial Officer Larry Wolfe discussed the AMC concept of elimination of CPA (County Program Aid) and other funding for counties and replacing it with a .5% County local option sales tax. Mr. Wolfe also presented an estimate of .5% sale tax collections compared to existing related State funding for Cass County and eight neighboring Counties. No action was taken.

- 3A. At this time the Board had a telephone briefing with MN State Representative (4B) Larry Howes from his office in St. Paul. Items discussed with the Representative Howes were the Association of MN Counties redesign proposal; MN House File No. 2779, a bill that would extend a sales tax exemption previously granted to MN metropolitan counties to the balance of the State when purchasing ARMER 800MHz radio system equipment after June 30, 2010; and the 2010 Bonding Bill. Representative Howes also informed the Board that a \$500,000 grant to the City of Walker for the Shingobee Bike Trail Connection was recently passed by the Legislature and signed by the Governor. The Board thanked Representative Howes for the update. No action necessary.
- 4A. Kevin Lee and Pat Coyne from North Memorial Ambulance (Brainerd Region) presented the Longville Ambulance Subordinate Service District year end 2009 report. The Longville Ambulance Service has transported 230 patients vs. the budgeted amount of 263. The Board thanked them for the update.

M/S/P Kangas, Dowson – To receive & file the 2009 Year End Report from North Memorial Ambulance for the Longville Ambulance Subordinate Service District. Unanimous.

- 5A. ESD Director John Ringle discussed the relationship between County and Township land use regulations. Mr. Ringle explained that Cass County has had an informal policy that once a Township enacts their own land use and zoning ordinance (which by State law must be at least as restrictive as the County) that the County then completely steps out of regulation and enforcement of all or certain aspects of land use and zoning in that Township. December 15, 2009 the Board directed the ESD staff to refer the recommendation of Aaron Jordan, Assistant County Attorney to the Cass County Planning Commission for discussion and a recommendation back to the Board of Commissioners. The proposed policy would treat all Townships equally by applying the County Ordinances as the minimum standard. If the Township wished to adopt higher standards they could elect to do so through their own land use and zoning Ordinance. Director Ringle reported that the Planning Commission met on March 8, 2010 and recommends that the County Board adopt the policy that: "All County land use and zoning Ordinances shall be enforced in all townships within the County regardless of whether a Township has enacted their own Ordinance."

Greg Booth of Sylvan Township commented on the Sylvan Township desire to continue commercial zoning jurisdiction and the possible confusion or conflicts of requiring both a County and Township permit.

M/S/P Kangas, Peterson - To approve recommendation of the Planning Commission that all Cass County land use and zoning Ordinances shall be enforced in all townships within Cass County regardless of whether a township has enacted their own Ordinance. Unanimous.

- 5B. Mr. Ringle reported back on the commercial building permit fee structure tabled by the Board February 2, 2010. Per the Board direction Commissioner Peterson and ESD staff reviewed possible changes. The recommendation to the Board is to maintain the fee schedule for Commercial Structures as amended on February 2, 2010 (reduced fees for smaller additions to resorts to \$0.20 per square foot with a minimum of \$150 and a maximum of \$1,500) and that all other commercial building permit fees remain at the previous level of \$300 minimum and \$545 maximum, depending on size.

M/S/P Dowson, Peterson – To approve the recommendation to maintain the fee schedule for Commercial Structures as amended on February 2, 2010 (reduced fees for smaller additions to resorts to \$0.20 per square foot with a minimum of \$150 and a maximum of \$1,500) and that all other commercial building permit fees remain at the previous level of \$300 minimum and \$545 maximum, depending on size. Unanimous.

- 5C. John Ringle presented printed copies of the 2009 Comprehensive Plan. Developed in 2002, the original plan was developed by the citizens of Cass County to provide a comprehensive policy guide and define strategies to meet County goals. The Board requested that printed copies be distributed upon request.

M/S/P Kangas, Peterson – To receive and file the 2009 Cass County Comprehensive Plan update as presented. Unanimous.

- 6A. Land Commissioner Josh Stevenson presented grant agreement (#B40739) with MN DNR – Conservation Partners Legacy Grant Program for Restoring Pine Habitat in the Silver/Carnahan Lake Area in the amount of \$51,872.00. Mr. Stevenson added that this is a cooperative project between the USFS, the State of MN, the Leech Lake Band of Ojibwe, Cass County, and the project is consistent with goals identified in the Forest Resource Management Plan.

M/S/P Dowson, Kangas - Approve grant agreement(#B40739) with the Minnesota Department of Natural Resources – Conservation Partners Legacy Grant Program for Restoring Pine Habitat in the Silver/Carnahan Lake Area. This is a cooperative project between the USFS, the State of MN, the Leech Lake Band of Ojibwe, and Cass County. This activity is consistent with goals identified in the Forest Resource Management Plan. The grant is for \$51,872.00. Unanimous.

- 6B. Mr. Stevenson presented a contract with the USFS for the MNDNR Grant – Conservation Partners Legacy Grant Program and the Cass County Land Department for Restoring Pine Habitat in the Silver/Carnahan Lake Area. This agreement allows the USFS to request payment from Cass County for activity required in the grant agreement on USFS Lands. All activity is reimbursable through grant funds.

M/S/P Dowson, Kangas – To approve the contract with the USFS for reimbursable grant funds from the MNDNR - Conservation Partners Legacy Grant Program for restoring pine habitat in the Silver/Carnahan Lake area in the amount of \$51,872.00. Unanimous.

- 6C. Mr. Stevenson reported on his attendance at a Department of Natural Resources meeting and presented correspondence from the Office of the Legislative Auditor of March 2010. Mr. Stevenson informed the Board that the Governor's 2010 supplemental budget recommendations include a reduction in the State payment in lieu of taxes (PILT) in the amount of \$2.307 million with a probable impact to Cass County of \$67,000. Administrator Yochum noted that the 2010 budget update scheduled for April 6, 2010 will reflect the proposed adjustment. No action taken.

- 7A. Highway Engineer David Enblom informed the Board of a recent inquiry from Beltrami County Administrator Tony Murphy regarding interim County Engineer Services due to the Beltrami County Engineer resigning effective April 2, 2010.

M/S/P Dowson, Kangas – To authorize the Cass County Administrator and Cass County Highway Engineer to prepare a contract with Beltrami County for interim County Engineer Services and report back to the Board of Commissioners for approval. Unanimous.

8. Administrator Yochum confirmed upcoming meeting schedule.

9. Chief Deputy Sheriff Tom Burch reported to the Board his intention to run for Cass County Sheriff in the upcoming 2010 election due to Sheriff Fisher's decision not to run.

M/S/P Dowson, Kangas – To receive & file Chief Deputy Sheriff Tom Burch's intention to run for the Office of Cass County Sheriff in accordance with the Cass County Policies and Rules, Section 2. E. Employee Related Policies - 9. Political Activity Policy. Unanimous.

Chairman Demgen adjourned the meeting at 10:40 a.m.

SIGNED: _____
Jim Demgen, Chairman
Cass County Board of Commissioners

ATTEST: _____
Robert H. Yochum
Cass County Administrator