

TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
APRIL 6, 2010

- 1A. Chairman Demgen convened the regular meeting of the Cass County Board of Commissioners at 9:00 a.m. on Tuesday, April 6, 2010, with the flag pledge, in the Board Room of the Courthouse, Walker, MN. Commissioners present: Demgen, Downham, Dowson, Kangas, and Peterson. Commissioners absent: None.

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
Ane Rogers	HHVS Director	Jamie Richter	HHVS
Renee Lukkason	HHVS	Candy Enblom	HHVS
Kim Minton	HHVS	Joan Helms	HHVS
Kathy Ramos	VSO	Steve Kuha	County Assessor
Mark Peterson	Assessor's Ofc.	Sandy Pence	Assessor's Ofc.
Theresa Felix	Assessor's Ofc.	Penny Vikre	Assessor's Ofc.
Sharon Anderson	Auditor-Treasurer	Randy Fisher	Sheriff
Dave Enblom	Highway Engineer	Kris Lyytinen	Highway Engineer
Lori Koch	Highway Dept.	Josh Stevenson	Land Commissioner
Christopher Strandlie	County Attorney	Tim Richardson	Central Services Director
Tom Fitzpatrick	Labor Counsel	Jerry Halloway	Longville Bike Committee
Laura Hansen	Longville Bike Committee	Leonard DeWitt	Self
Gail DeBoer	Pilot Independent	Allan Olson	Cass Lake Times

- 1B. M/S/P Kangas, Peterson - To approve the agenda items for discussion as presented and to delete Item 2A. 29 (Approve pay request #9 for AGC Re-Use Project to Young Excavating, Inc. in the amount of \$3,135.00), and to move Item 2A24 (Refer budget commitment for office facility for MN Counties Information System (MCIS) to Capital Committee of the Board) to Item 2D. Unanimous.

- 2A. Robert Yochum presented the Board the following matters:

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

Approve - Board Minutes of March 16, 2010.

Approve - Auditor warrants dated March 18, 2010 in the amount of \$113,338.13.

Approve - HHVS Auditor warrants dated March 19, 2010 in the amount of \$73,620.63.

Approve - HHVS Commissioner warrants dated March 19, 2010 in the amount of \$1,193.90.

Approve - HHVS Commissioner warrants dated March 19, 2010 in the amount of \$224,605.58.

Approve - Auditor warrants dated March 25, 2010 in the amount of \$567.00.

Approve - Auditor warrants dated March 25, 2010 in the amount of \$79,239.58.

Approve - HHVS Auditor warrants dated March 31, 2010 in the amount of \$69.00.

Receive & file - Monthly Budget Reports.

Approve Personnel Items – A. Budgeted positions scheduled for replacement 1. Receive & file the notice of appointment of Central Services Maintenance Custodian - Cecil Louks, Grade 16, step 2 (\$14.85/hr.), effective April 5, 2010. 2. Receive & file the notice of retirement - Randy Mattson, Social Worker, Adult Protection/Case Management, Adult Social Services Unit, effective May 21, 2010. 3. Receive and file the notice of intent to fill the budgeted Adult Social worker position vacated by Randy Mattson (Grade 28, step 1, before May 21 in order to assist with orientation of job duties). B. Positions scheduled for no replacement: None. C. Other - 1. Approve - Temporary compensation for Jail Program Coordinator - Mary Tennis, grade 33, step 5 (\$26.85/hr.) which represents a 3% increase to her current wage, due to Jail Administrator Woodfords absence. 2. Receive & file - Notice of probation completion, internal position change for Tim Crawford, Adult Social Services Unit, grade 28, step 10, effective April 3, 2010.

Approve licenses – On & Off Sale 3.2 Beer - Birch Ridge Resort, Frank Alianello, Ottertail Peninsula; Pine River Golf, Black Bear Golf, LLC, Pine River Twp; Black Bear Golf, Black Bear Golf, LLC, Pine River Twp; Wedgewood Golf Course, Richard Watson, Leech Lake.

Set-Up's - Birch Ridge Resort, Frank Alianello, Ottertail Peninsula; Cass Lake Lodge, Jim Ball, Pike Bay; All Pine Inn Resort, Richard Anderson, Beulah; Salty Dog Saloon & Eatery, Thomas Sewall, Powers. Gambling - Ski Gull @ Jake's City Grille, Kari Dayton, Fairview.

Approve - Out of state travel for County Recorder Kathryn Norby – Fidar Technologies training in Rock Island, IL on May 18-19, 2010.

Approve Resolution No. 15-10 – Sheriff's Office - 2010 Boat and Water Safety Grant (#B40896) in the amount of \$60,330.00.

Commissioner Peterson offered Resolution No. 15-10 and moved its adoption; Commissioner Dowson seconded:

BE IT RESOLVED that the Cass County Board of Commissioners hereby approves the 2010 Annual County Boat and Water Safety Agreement (#B40896) for \$60,330.00 with the State Department of Natural Resources, and authorizes signature of the Chairman, Auditor or Administrator, and Sheriff to execute the Agreement.

Resolution No.15-10 was adopted by majority vote: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

Receive & file - Timber auction results of March 25, 2010 totaling 12,711 cords in the amount of \$244,134.00.

Accept - Donation from Orhan Soykan in the amount of \$8.00.

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

Authorize - Use of 25% Fund allocation - \$1,705.00 for school forest project at Northland Community School-Remer for 30 -4th graders.
Authorize - Auditor-Treasurer to enter election administration agreement - absentee voting procedures for off schedule non-home schools districts.
Approve - Purchase of 87,200 Jack Pine and Red Pine seedlings from Pacific Regeneration Technologies in the amount of \$17,440.00 for the 2011 planting season (\$8,720 due end of May 2010 and \$8,720 due end of May 2011).

M/S/P Peterson, Dowson - To award bid (per JPA with State of Minnesota) to Scott's Helicopter for aerial seeding contract for 140 acres at \$7.09 per acre, and purchase of seeds from MNDNR Badoura Nursery at a cost of \$1214.50/lb., plus \$1/acre for 140 acres (spring 2010). Unanimous.

<u>Bidder</u>	<u>Amount per acre</u>
Scotts Helicopter	\$ 7.09/acre
Teryjon Aviation	\$ 7.40/acre
Jaybird Helicopter	\$12.50/acre

Receive & file - Monthly HHVS cash accounts report to date, February 28, 2010 in the amount of \$8,609,595.

Approve - HHVS payment to Department of Human Services, \$16, 673 for the 2007 targeted case management disallowance.

Approve - Request for Proposals - Group basic and supplemental life insurance.

Reschedule - until Tuesday, April 20, 2010 the award of an RFP for energy conservation and facility improvements in multiple County buildings.

Approve Assessor's Office Abatements - Matthew Woodwick - Deerfield, Homestead, 2009/2010; Gary E Carlson, Jr - Wilson, Homestead, 2009/2010; Donald Horbach - Thunder Lake, Class Change, 2009/2010; Robert Rickard - Maple, Value Reduction, 2009/2010; Joel Barrick - Cass Lake, Value Reduction, 2009/2010; Dennis Hollstadt - East Gull Lake, Value Reduction, 2009/2010; Josh Mellema - Pike Bay, Cancel PPMH, 2009/2009; Josh Mellema - Pike Bay, Cancel PPMH, 2008/2008

Refer - Shingobee Island Subordinate Sewer District to Capital Committee of the Board (Dowson, Peterson).

Approve - Transfer of Acclaim Benefits, (Medical and Childcare Flexible Reimbursements Spending) administration to TASC; term ending Dec. 31, 2010.

Approve - Pay request #3 (final) Deep Portage Biomass Gasification Project to Kuepers, Inc. in the amount of \$8,346.65 (capital fund-33-651).

- 2B. Administrator Yochum reported on the March 24-25, 2010 Association of MN Counties (AMC) Legislative Conference. Mr. Yochum summarized discussions he and Chairman Jim Demgen (along with Beltrami, and Crow Wing Counties) had with State Representative Larry Howes and State Representative John Persell. Items discussed included the State budget status, the Leech Lake Band of Ojibwe out-of home placement project, ARMER sales tax exemption and the distribution of Cass County property tax payers throughout the State (10,905 or 41.6% of Cass County property tax payers live in MN outside of Cass County). No action necessary.
- 2C. Administrator Yochum reported that the County Assessor Interview Team has: interviewed with all existing Assessor staff to assist in defining search priorities, reviewed the County Assessor job description (no changes), advertised on a Statewide basis, reviewed four applications, and conducted personal interviews with three candidates. The Interview Team unanimously recommends the appointment of Mark Peterson for the position of County Assessor by the adoption of Resolution No. 16-10. Mr. Peterson has held the position of Appraisal Supervisor since 2005 and has been employed by the Cass County Assessor's Office since 1989.

Commissioner Kangas offered Resolution No.16-10 and moved its adoption, Commissioner Dowson seconded:

BE IT RESOLVED that Mark Peterson is hereby appointed to the position of Cass County Assessor, effective May 1, 2010, appointment made pursuant to Minnesota Statutes 273.061, for remaining months of Steve Kuha's four year term ending December 31, 2012.

BE IT FURTHER RESOLVED that Mark Peterson will be placed on Grade 40, step 4, of the Cass County 2010 salary plan effective May 1, 2010.

Resolution No. 16-10 was adopted by majority vote: Demgen, Downham, Dowson, Kangas. Nays: None. Abstain: Peterson (to avoid appearance of a conflict of interest).

At this time, Board Chairman Jim Demgen presented retiring County Assessor Steve Kuha a Certificate of Appreciation. The Board thanked Mr. Kuha for his many years of dedicated service to the property tax payers of Cass County since 1983.

- 2D. Auditor-Treasurer Sharon Anderson presented the Minnesota Counties Information Systems MCIS building construction project proposal which has been scaled back from the original estimate of \$910,000. that had been presented to the Board in March 2008. Ms. Anderson reported that a building of approximately 7,500 square feet will meet the needs of the organization, with a facility cost estimate of \$728,500. Ms. Anderson requested Cass County's commitment to its share of the project in the amount of \$50,700.00.

M/S/P Dowson, Downham - To approve a lump sum payment of \$50,700.00 to the MN Counties Information Systems (MCIS) as Cass County's total share of the MN Counties Information Systems (MCIS) building project. Ayes: Demgen, Dowson, Downham, Kangas. Nays: Peterson.

- 3A. Chief Financial Officer Larry Wolfe reported back on the Boards request of March 2, 2010 to amend the 2010 Budget Contingency Plan. Mr. Wolfe discussed selected state funding to Cass County, the 2010 budget contingency plan to date totaling \$758,400, and the recommendation to amend the plan by an additional \$259,390. Administrator Yochum requested the Board to acknowledge the ongoing cooperation of County staff.

M/S/P Peterson, Kangas - To amend the 2010 contingency plan target to a minimum of \$1,006,406, to approve implementation of additional 2010 budget savings as presented (\$259,390), and to acknowledge the ongoing cooperation of County staff. Unanimous.

- 3B. Mr. Wolfe presented Change Order #16 to Landwehr Construction Inc. in the add amount of \$27,980.00 for hauling and disposal of RACM regulated material at the Ah-Gwah-Ching Re-Use Project.

M/S/P Kangas, Peterson – To approve Change Order #16 to Landwehr Construction Inc. in the add amount of \$27,980.00 for hauling and disposal of RACM regulated material at the Ah-Gwah-Ching Re-Use Project . Unanimous.

- 3C. Mr. Wolfe presented Change Order #6 to Young Excavating Inc. in the add amount of \$37,700.00 per the City of Walker requests (Water tower site piping & AhGwahChing site water gate valves).

M/S/P Downham, Dowson – To approve Change Order #6 to Young Excavating Inc. in the add amount of \$37,700.00 per the City of Walker requests (Water tower site piping & AhGwahChing site water gate valves). Unanimous.

- 4A. HHVS Director Ane Rogers presented the Child Placement Costs for February, 2010 in the amount of \$154,341.

M/S/P Peterson, Kangas – To receive & file the Child Placement Costs for February 2010 in the amount of \$154,341. Unanimous.

- 4B. Director Rogers and HHVS Supervisors Jamie Richter, Renee Lukkason, Kim Minton, Kathy Ramos, Joan Helms, and Candy Enblom presented the 2009 HHVS Annual Report which included program descriptions and outcomes for each of the unit activities in the Cass County Health, Human, and Veterans Services Department.

M/S/P Dowson, Demgen – To receive & file the 2009 HHVS Annual Report as presented. Unanimous.

- 4C. HHVS Adult Health Supervisor Jamie Richter presented the Jail Health 2009 Annual Report. Ms. Richter remarked that the Jail Health Budget for is very difficult to predict, and Jail health nursing time has increased to 9 hours per week demonstrated by 279 inmate nursing visits in 2009. The Public Health Jail Health Nurse has worked with the Cass County Detention Center to go paperless as much as possible with medical charts utilizing the jail software PC Enforce for documentation which has save paper as well as staff time for filing. The 2009 Jail Health Budget was \$97,550.00; 2009 Jail Health Expenditures were \$96,515.04; and the 2009 Year End totaled+1,034.96. Sheriff Randy Fisher thanked the nursing staff for a job well done.

M/S/P Dowson, Demgen – To receive & file the 2009 Jail Health Annual Statistical Report as presented. Unanimous.

- 5A. County Attorney Christopher Strandlie requested Board approval to contract with municipalities within Cass County for prosecutorial services. The County Attorney's Office presently provides services to all municipalities within Cass County except for the City of Walker and the City of Pine River (provide their own). Mr. Strandlie added that MN Statute 484.87 subd. 3 requires County's to provide prosecution services for cities with a population of 600 or less. Resolutions of both the County and the City are necessary to implement.

Commissioner Downham offered Resolution No. 17-10 and moved its adoption, Commissioner Dowson seconded:

Contract for Criminal Prosecution Services

BE IT RESOLVED, that the Cass County Attorney's Office wishes to enter into an agreement for Criminal Prosecution Services with municipalities within Cass County;

BE IT FURTHER RESOLVED, that the Cass County Attorney's Office is willing to provide criminal prosecution by assuming legal and clerical staff as necessary;

BE IT FURTHER RESOLVED, that the Cass County municipality shall pay Cass County for services as outlined in the Agreement for Criminal Prosecution Services;

NOW, THEREFORE BE IT RESOLVED, that the Cass County Board of Commissioners, Walker, Minnesota approves such agreements with the Cities of Cass County and authorizes the Cass County Board Chairman, and the Cass County Attorney's Office to sign such agreements on behalf of the County of Cass, Minnesota.

Resolution No. 17-10 adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, and Peterson. Nays: None.

- 6A. Land Commissioner Josh Stevenson reported back on Ad-Hoc Committee meeting with a Committee of the Board (Commissioners Demgen and Kangas) on March 16, 2010 regarding on timber permit extensions.

M/S/P Kangas, Peterson – To approve the recommendations of the Ad Hoc Committee that the existing policy on timber permit extensions stands for all permits currently in place and any change to the policy should only take place on new permits sold on or after April 29, 2010 when proper notice can be given before the permits are offered at public auction. The policy should be changed to allow permits with completed cutting blocks to be extended for six months at a rate of 5% of the appraised value of the completed cutting block for the purpose of using the existing landing to hold cut stumpage and equipment. Completed cutting blocks will be defined as cutting blocks in which all timber is removed from the stump and brought to the landing for processing or currently processed and decked, ready for hauling. The number 11 standard regulation on all new permits should be changed to read "All equipment and cut timber not removed from the permit area within 30 days of permit expiration date becomes property of the County of Cass and removal of such will constitute trespass (MS 282.04 Subd 2). All uncut timber becomes property of the County of Cass on the permit expiration date and removal of such will constitute trespass (MS 282.04 Subd 2)". Unanimous.

- 6B. Mr. Stevenson presented the two quotes for color infrared aerial photography flight of the southern part of Cass County.

M/S/P Dowson, Downham – To approve apparent low bid for color infrared aerial photography flight of southern Cass County to ProWest and Associates in the amount of \$22,800.00. Unanimous.

<u>Bidder</u>	<u>Bid Amount</u>
ProWest and Associates	\$22,800.00
Infrared Baron, Inc.	\$25,700.00

- 6C. Mr. Stevenson presented the MNDNR Environmental Assessment Statement (Project #L017-09-1D) approval for the Shingobee Bike Trail Phase 2 and 3 that would cross Cass County Administered Land. In order to receive funds in the amount of \$175,000.00 from the DNR Trail Legacy Grant an EAS would be completed and approved by Cass County and the MNDNR.

M/S/P Dowson, Downham – To approve the MN DNR Environmental Assessment Statement (Project #L017-09-1D) approval for the Shingobee Bike Trail Phase 2 and 3 that crosses Cass County Administered Land, Cass County has reviewed the plans for development on lands that are under Cass County's jurisdiction, Cass County will agree with the conclusions contained within the EAS, Cass County finds that the project creates no undue environmental impact and that there is no prudent nor feasible alternative to the project, further, Cass County agrees with plans to develop the proposed trail linkage on land administered by Cass County, and further, Cass County hereby declines participation in project management. Unanimous.

- 7A. Chairman Jim Demgen presented Leonard DeWitt a Certificate of Appreciation in recognition of his dedicated service to the Cass County Building & Grounds Maintenance Department since 1977.
- 7B. Mr. Richardson updated the Board on the final submission to Office of Energy Security (OES) for the Energy Efficiency and Conservation Block Grant as Cass County was selected by the Office of Energy Security (OES), part of the State of MN Department of Commerce, for approval of the Energy Efficiency and Conservation Block Grant application submitted last month in the grant proposal amount of \$100,000.00. Final approval is pending receipt of certain program identifiers (DUNS number, CCR number, and Financial Statement), as well as agreeing to stipulated reporting requirements. This project was also identified as the base measure from the ESG Energy Program for HVAC controls. The Board thanked Mr. Richardson for the update.

- 7C. Mr. Richardson informed the Board of recent notice of State of MN OSHA voluntary inspection of Cass County Facilities from May 3-5, 2010. The inspector will be on-site May 3rd – 5th. The inspection will start with an opening conference at the Highway Department followed by the Highway Department inspection and then the Land Department in Backus, with the Courthouse complex and HHVS on Tuesday, May 4, 2010, with time permitting; the exit conference will be Tuesday, otherwise on Wednesday, May 5, 2010. Mr. Richardson added that the advantage of a voluntary inspection is that anything cited is noted, and then will have a period of time to correct the problem prior to any fine being imposed. This also precludes any non-voluntary OSHA inspection except for investigations prompted by complaints. The Board thanked Mr. Richardson for the update.

- 8A. Highway Department Fiscal Officer Lori Koch presented the 2009 Cass County Highway Financial Statement. The Board complimented the Highway Department on the detailed report that was presented.

M/S/P Dowson, Downham – To approve the 2009 Cass County Highway Financial Statement as presented. Unanimous.

Assistant Highway Engineer Kris Lyytinen presented the 2010 Highway shop maintenance program. Included in the maintenance shop work program are shop safety inspections, gravel road projects, chloride treatments, pavement patches, striping, mowing, crack sealing, signage and snowplowing by staff. The 2010 program includes 45.9 miles of contractor and 12.25 miles of county applied gravel, All-Weather Striping projects on CSAH's 1, 2, 5, 7, 13, 33, 36, 38, 44, 60, 75, 78 & C.R. 105, chloride program totaling 151.9 miles with approximately 398,056 gallons applied, and a roadway striping program of 162.9 miles and 67 of additional enhanced edge line striping.

M/S/P Dowson, Downham – To approve the 2010 proposed Cass County Highway Department Maintenance Program as presented. Unanimous.

- 8B. County Highway Engineer Dave Enblom presented the completed traffic speed limit study from MNDOT on CR#142 Steamboat Loop Road and MNDOT's recommendation to set the speed limit at 35 miles per hour based on their findings.

M/S/P Dowson, Downham – To approve the recommendation from MNDOT to set the speed limit at 35 miles per hour on CR#142 Steamboat Loop Road. Unanimous.

- 8C. The Highway Department requested concurrence of the practice of allowing Maintenance Foreman to take County owned vehicles home outside of work hours. The Department feels that this would provide for more efficient delivery of services during emergency situations such as storm response, adverse weather road condition assessments, and coordination with other emergency service providers in accordance with the Personnel Rules and Policies - Section 4 - F. Work Related Expenses and Travel Policies 7. Authorized Expenses – 7.3 Exceptions.

M/S/P Kangas, Peterson – To deny the request of the Highway Department to allow Maintenance Foremen to take County owned vehicles home on a daily basis outside work hours. Unanimous.

- 8D. Mr. Enblom requested approval to increase the Petrovend fund balance from \$20,000. to \$50,000. Mr. Enblom added that the fund was established in 1999 to pay for maintenance and replacement when necessary of the fuel management systems at the Highway Department.

M/S/P Dowson, Kangas - To approve increasing the Petrovend fund balance limit to \$50,000. Unanimous.

- 8E. Mr. Enblom requested approval to enter into a partnership proposal with MNDOT to study the feasibility of a joint truck station located in Pine River, MN. Mr. Enblom added that the partnership proposal does not commit the County to a project without further review of any mutual benefits.

M/S/P Dowson, Kangas – To enter into a partnership proposal with MNDOT to explore the costs and any benefits of a joint Cass County/MNDOT truck station located in Pine River, MN. Ayes: Demgen, Downham, Dowson, Kangas. Nays: Peterson.

8F. Mr. Enblom reported on the Conservation Fund #73 request from the Longville Bike Group to provide signs establishing a bike route along shoulders of CSAH #5 between the Cities of Longville and Hackensack. The Hackensack Chamber of Commerce has previously endorsed the idea.

M/S/P Dowson, Downham – To approve the Conservation Trust Fund #73 request for bike route signage along the shoulders of CSAH#5 between the Cities of Longville and Hackensack not to exceed \$4,000.00 and authorize the Cass County Highway Department to purchase and install the same. Unanimous.

8G. Highway Engineer David Enblom presented a draft agreement between Beltrami County and Cass County regarding interim County Engineer Services due to the Beltrami County Engineer resigning effective April 2, 2010.

M/S/P Kangas, Dowson – To approve the Temporary Engineering Services Agreement with Beltrami County for interim Cass County Engineer Services for approximately one day per week beginning in April through July 2010 (\$100.00 per hour and any related expenses reimbursed per the Cass County Personnel Policy and Rules). Unanimous.

9A. Jeff Holubar from the Minnesota Counties Intergovernmental Trust (MCIT) reviewed the 2010 MCIT Members Report. Also, Mr. Holubar informed the Board of the services that MCIT provides to the county including Defensive Driver Training, Employee Assistance Program, On-site Loss Control & Risk Management Services, Publications, Video Library, Website (www.mcit.org), Webinars, and Risk Management Regional Workshops. Collaborative Projects with State Associations include Sheriffs, Jail Administrators, Human Resource Professionals, and County Attorney's. The Board thanked Mr. Holubar for the update. No action necessary.

10A. M/S/P Dowson, Downham - To close the meeting to the public pursuant to M.S. 13D.05, Subd.3. (b). – Attorney/Client discussion of Veteran Preference Rights claim. Unanimous.

Meeting closed at 11:15 A.M. Present for the closed session were all Board members, Administrator Robert Yochum, County Attorney Christopher Strandlie, Chief Financial Officer Larry Wolfe, Sheriff Randy Fisher, and Labor Counsel Tom Fitzpatrick.

11. M/S/P Kangas, Downham – To re-open and adjourn the meeting at 11:45 A.M. Unanimous.

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

ATTEST: _____
Robert H. Yochum
Cass County Administrator