

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

- 1A. Chairman Demgen convened the regular meeting of the Cass County Board of Commissioners at 9:00 a.m. on Tuesday, July 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	Marlee Morrison	HHVS
John Ringle	ESD Director	Josh Stevenson	Land Commissioner
Tim Richardson	Central Services Director	David Enblom	Highway Engineer
Christopher Strandlie	County Attorney	Sharon Anderson	Auditor-Treasurer
LeeAnn Sampson	Working Together Coalition	Kelly Felton	Working Together Coalition
Monica Lundquist	Brainerd Dispatch	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 the addition of Item 2A10.(Gambling License - Deep Portage Chapter- Ruffed Grouse Society, Jerry Lamon, Woodrow), and Item 4B.(Solid Waste receivables report back from June 25, 2010 Cass County Retreat). Unanimous.

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

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

Approve - Board of Equalization Board Minutes of June 14, 2010 and Board Minutes of June 15, 2010.

Approve - Auditor warrants dated June 10, 2010 in the amount of \$219,592.01.

Approve - Auditor warrants dated June 17, 2010 in the amount of \$576,164.20.

Approve - HHVS Auditor warrants dated June 18, 2010 in the amount of \$122,499.13.

Approve - HHVS Commissioner warrants dated June 18, 2010 in the amount of \$161,952.75.

Approve - Auditor warrants dated June 24, 2010 in the amount of \$295,024.60.

Approve - Auditor warrants dated June 24, 2010 in the amount of \$628.00.

Approve - Auditor warrants dated July 1, 2010 in the amount of \$208,361.92.

Approve Personnel Items - A. Budgeted positions scheduled for replacement: None. B. Positions scheduled for no replacement: None. C. Other:

Receive & file - Notice of probation completion for Ashley Hill, Social Worker, Children's Social Services, grade 28 step 1, effective 6/28/10.

Receive & file - Notice of promotion of Marcia Freeman, to Financial Assistance Specialist, IMU, grade 22 step 9, effective July 10, 2010.

Receive & file - Notice of promotion of Wanda Reed, to Financial Assistance Specialist, IMU, grade 22 step 9, effective July 10, 2010.

Approve licenses – On Sale Intoxicating Liquor including Sunday Application - Huddle's South Shore Resort - Huddle's South Shore Resort, Inc. Pine Lake; The Boulders - JHN, Inc., Shingobee; The Pub - Patricia Zorman, Remer Twp; Beach Fire Bar & Grille - Mulligan's of Leech Lake, LLC, Pine Lake; Sandtrap Supper Club - Rip's, Inc., Pike Bay; Ranch House Supper Club - Harold Magnuson, Shingobee; Deer Haven Supper Club - Kovall's Deer Haven, Inc., Thunder Lake; Hiawatha Beach Resort - Larry Jacobson, Leech Lake; The Big Fish Supper Club & Resort - Alan D Hemme, LLC., Unorganized. On & Off Sale Intoxicating Liquor

including On-Sale Sunday Application - Jake's City Grille - Gull Lake Jakes, Inc., Fairview; Mule Lake Corral - Mule Lake Corral Food & Liquors, Inc., Woodrow; High Banks Resort - K & R Development, Inc., Unorganized; Bears Den - Bears Den Family Rest/Lnge, Inc., Meadowbrook; Harriet Club - Pamela Siltman, Barclay; The Narrow's on Roosevelt - Jacqueline Kratz, Crooked Lake; McGuires Inn on Woman Lake - M & M, Inc., Woodrow. Wine & Beer including Sunday Application - Ski Gull - Ski Gull, Inc., Fairview; Shores of Leech Lake Campground/Marina - Mara Loomis, Shingobee. Off Sale Intoxicating Liquor - Jim's Off Sale, James Off Sale, Inc., Powers; The Shadberry, The Washburn Group, Inc., Crooked Lake; Lone Wolf Liquor - Lone Wolf Outpost, Inc., Remer Twp; Corner Store Express - Corner Store Express, Inc., Sylvan; Hoss All American Liquor - Trevor Berg, Shingobee. Off Site Liquor - Bears Den - Gary Dauer, Meadowbrook (This event, also known as the Growlers Party, is a city celebration taking place on July 31<sup>st</sup>, 2010 from 10:00 am to 1:00 am on August 1<sup>st</sup>. Location of this event is across the street from the Bears Den in Leader on parcel #26-006-3704 & 3705. See Attached Diagram provided by Gary Dauer). Gambling - Baxter Snowmobile Club - Kim Imsanda @ Corner Store Express, Sylvan; Deep Portage Chapter- Ruffed Grouse Society, Jerry Lamon, Woodrow. The following licenses are approved contingent upon receiving completed documentation & fees: - On Sale Intoxicating Liquor including Sunday Application - Moondance Jam Saloon - Moondance Jam, Inc., Turtle Lake; Lazy Moon Saloon - Northern J & B Enterprises, Inc., Turtle Lake; LJ's Club Car & Sports Bar - Julianne Johnson, Remer Twp. On & Off Sale Intoxicating Liquor including Sunday Application - Village Inn Dining Saloon - Crooked Lake Investments, Crooked Lake.

Approve - Resolution No. 33-10 Federal Boating Safety Supplement Grant Agreement (#B44153) in the amount of \$9,003.00.

Commissioner Kangas offered Resolution No. 33-10 and moved its adoption, and Commissioner Dowson seconded:

BE IT RESOLVED that the Cass County Board of Commissioners hereby approves the 2010 Federal Boating Safety Supplement Grant Agreement #B44153 in the amount of \$9,003.00 with the State of Minnesota Department of Natural Resources, and authorizes signature of the Chairman, Auditor or Administrator and Sheriff to execute the Agreement.

Resolution No. 33-10 was adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

- Accept - Donation in the amount of \$250.00 from Lakeport Twp. (Hubbard County) for the Lakes Area Dive Team.
- Approve - Pay request Invoice #4180291 for AGC Re-Use Project to Kimley-Horn in the amount of \$6,037.50 (capital fund).
- Receive & file - Timber auction results of June 24, 2010 totaling 9,052 cords in the amount of \$239,070.01.
- Approve - Road easement on #10-3-144-26-34 to Gary E & Julie a. Kroll and James A. Moores.
- Approve - Application for HAVA operating grant, estimated maximum grant \$11,400.

M/S/P Kangas, Dowson – To approve quotes on mowing forest trails from Sawyer Timber Company (no other quotes submitted by deadline) for Cut Lake & Hiram Ski Trails: \$2,800; Snowflea & Mayo Creek Hunter-Walking Trails: \$1100; Vermillion, Thunder Hollow, Washburn, & Old Grade Hunter-Walking Trails: \$6,250 (Proof of proper insurance requirements is on file.) Unanimous.

- Approve - Payment to Greentree Graphics in the amount of \$513.00 for "Permit by Rule" for landfill signage (capital fund).
- Receive & file - Response from Land Department from June 15, 2010 Board Meeting regarding Blair Whitnah road improvements/repairs.
- Approve - Safe & Sober Communities Grant Resolution No.34-10 from October 1, 2010 through September 30, 2011 in the amount of \$20,000.00.

Commissioner Kangas offered Resolution No. 34-10 and moved its adoption; Commissioner Dowson seconded:

Be it resolved that the Cass County Sheriff's Office enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety in the amount of \$20,000.00 for the project entitled SAFE & SOBER COMMUNITIES during the period from October 1, 2010 through September 30, 2011.

The Chief Deputy of Cass County is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Cass County Sheriff's Office.

Be it further resolved that the Cass County Sheriff's Office designated Administrative Assistant is hereby authorized to be the fiscal agent and administer this grant on behalf of the Cass County Sheriff's Office.

Resolution No. 34-10 was adopted by majority vote: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

- Approve - Amended agreement - MN Department of Corrections for funding of the Cass County Sentence to Service (STS) Program in the amount of \$42,797.57.
- Receive and file - Monthly HHVS Cash Accounts Report to date, May 31, 2010 in the amount of \$7,433,353.
- Approve - Agreement with MN Dept. of Health for HHVS, Public Health Division, to administer the WIC Nutrition Program from January 1, 2011- December 31, 2015.
- Approve - Non-financial contract for Home and Community Based Services Addendum adding homemaking services for Circle of Life.

M/S/P Kangas, Dowson - Award Area #1 (193 systems) and Area #2 (192 systems) to Aaron Kellerman in the amount of \$60.00 per system; and Area #2 (238) to Joni Tulenchik in the amount of \$69.00 per system for area SSTS inventory of Roosevelt, Lawrence, and Leavett Lake from MN BWSR Clean Water Fund grant. Unanimous.

	<u>Area 1</u> (193 systems)	<u>Area 2</u> (238 systems)	<u>Area 3</u> (192 systems)
Aaron Kellerman	\$60.00	\$60.00	\$60.00
Joni Tulenchik	\$85.00	\$69.00	\$69.00
LouAnn Maschler	No bid	No bid	\$100.00
Bridget Smude	\$150.00	\$142.00	\$142.00
Ron Brown	No bid	\$145.00	No bid
Dan Switzer	\$155.00	\$155.00	\$155.00

- Approve - Robert Hobson appointment to the Pine River Area Sanitary District Board replacing Michael Mills-Chickamaw Beach representative, term ending July 31, 2011.
- Approve - Acceptance of metes & bounds description for easement/drainfield in Unorganized Township (Twp 146, Range 29, Section 34) to Tom and Jim Steve.
- Approve - Appointment of Leslie Bouchonville - HHVS Advisory Committee (Representing Family Centers) to Dec. 31, 2011.
- Approve - Amendment of a 2% increase per meal rate for the Jail Food Service & Commissary Management Agreement with A'viands, LLC, July 1, 2010 - June 30, 2011.

<u>Number of Inmates</u>	<u>Base Rate per day</u>
0-24	\$183.86
25-49	\$210.12
40 +	\$236.39

Per meal rate – in addition to base rate, A'viands will charge \$1.10 per meal – to cover the variable portion of its services. Bag lunches will be added to the lunch count and charged as a meal.

- Approve - Timber harvest violation amendment to the Cass County Land Department Policy and Procedure Manual.
- Approve - Pay request #9 for AGC Re-Use Project, Young Excavating, Inc. in the amount of \$36,811.77 (capital fund).
- Approve - Change Order #7 for AGC Re-Use Project to Young Excavating, Inc. Inc. in the deduct amount \$2,884.72.
- Approve - HHVS Auditor warrants dated June 30, 2010 in the amount of \$15.00.
- Approve - 2010 Federal PILT Distribution to towns with federal forest in the amount of \$299,784.00.

Approve - Amendment to 2010 Natural Resource Block Grant – BWSR in the amount of \$11,431.00 (SSTS Program).

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

- 2B. Administrator Yochum presented a Memorandum of Understanding with AFSCME Local #2195 HHVS Unit that establishes a process for alternate work schedules. Mr. Yochum added that final approval by the County Administrator is not grievable, or precedent setting for any other alternative scheduling requests, and that this MOU expires December 31, 2010.

M/S/P Downham, Dowson – To approve a Memorandum of Understanding through December 31, 2010 with AFSCME Local #2195 HHVS Unit regarding alternate work schedules. Unanimous.

- 3A. HHVS Director Ane Rogers presented the Child Placement Costs for May 2010 in the amount of \$125,803.

M/S/P Kangas, Peterson – To receive & file the Child Placement Costs for May 2010 in the amount of \$125,803. Unanimous.

- 3B. Emergency Preparedness Coordinator Marlee Morrison presented an update on the H1N1 vaccination program. Cass County had received 6,740 doses of the H1N1 vaccine, and gave 3,131 doses of the vaccine (doses left over will not expire until 2011). The program was administered at 10 school-based clinics, in addition to walk-in clinics at the HHVS office, WIC, CTC, immunization, and senior centers. The H1N1 vaccine will be included in next fall's seasonal flu vaccine clinics. There will be an update to the Mass Dispensing Plan to reflect lessons learned from H1N1, including training from a conference in July. Additional plans are to review special populations who are harder to reach, and enhancements to the Cass County website for improved outreach. No action necessary.

- 4A. ESD Director John Ringle discussed possible amendments to Cass County Land Use Ordinance. The Environmental Services Department has been asked to look at possible revisions including: 1) Clarification of fractional ownership at it relates to the definition of a resort and related occupancy issues, 2) Variance criteria language to reflect recent MN State Supreme Court rulings, 3) Operating hours of gravel pits, and 4) Ordinance "housekeeping issues", i.e. spelling, grammatical, and numbering corrections.

M/S/P Peterson, Downham – To refer revisions to the Cass County Land Use Ordinance including: 1) Clarification of fractional ownership at it relates to the definition of a resort and related occupancy issues, 2) Variance criteria language to reflect recent MN State Supreme Court rulings, 3) Operating hours of gravel pits, and 4) Ordinance "housekeeping issues" to the Planning Commission for review, public hearing and related recommendations to the County Board. Unanimous.

- 4B. The Board requested an update regarding solid waste receivables discussed at the Cass County Planning Retreat of June 25, 2010. ESD Director John Ringle reported that one account is on a COD basis and two accounts have balances in excess of 90 days. By consensus, the Board re-affirmed the policy on receivables dated August 5, 2008 - That payments are due within 30 days of statement date; Accounts more than 30 days old shall be subject to a 1.5% service charge per month, on the unpaid balance; Accounts with unpaid balance for 90 days or more shall result in cash on delivery (COD) status until balance is paid in full; and Upon satisfaction of an overdue account that has resulted in COD status, the account shall revert to payment due within 30 days except that any delinquency within 1 year shall place the account back on COD status. Mr. Ringle will report back at the next meeting.

- 5A. Land Commissioner Josh Stevenson presented the budget for the 2010 FSC/SmartWood Audit. The agreement serves as a contract between Cass County and Smartwood to conduct the 2010 annual audit.

M/S/P Downham, Dowson – To approve the 2010 FSC/SmartWood Audit budget in the amount of \$24,895.00. Unanimous.

- 6A. Central Services Director Tim Richardson presented a status report on the OSHA corrective action plan due before August 5, 2010 as a result of the May 3-5, 2010 inspection. The three major problem areas: 1) Electrical - 1/3 done with the electrical corrections, and will also be correcting the electrical in areas that were not inspected; 2) Chemicals - personal protective equipment is on order and labeling issues corrected 3) Organizational issues - safety committee, Lockout/Tagout procedures, and AWAIR program being updated. Mr. Richardson also discussed the storage of fuels and motorized equipment primarily in the vicinity of the Jail. Although some of the motorized equipment is appropriate in the building, he recommended that fuels and other flammables be in an outside storage area in proper containers or lockers.

M/S/P Dowson, Downham – To receive and file the MN OSHA Workplace Safety Consultation Program Report on the Cass County Courthouse Complex, Cass County HHVS Building, Cass County Highway Department and the Cass County Highway Department Hackensack Facility, and further, to authorize advertisement for quotes for a storage building. Unanimous.

- 7A. Chairman Demgen acknowledged the public hearing notice of intent to enact Social Host Ordinance No. 2010-01. The Ordinance would prohibit any person or persons from hosting an event where alcohol is present and being possessed or consumed by persons less than twenty-one (21) years of age. County Attorney Strandlie added no written comments were received and requested adoption on first reading. No one else appeared before the Board for comment.

M/S/P Dowson, Peterson – To adopt on 1<sup>st</sup> Reading Ordinance #2010-01 as presented, and further to establish 2<sup>nd</sup> Reading and consider final adoption on Tuesday, July 20, 2010, beginning at 6:45 p.m., at the Turtle Lake Township Hall, 4196 72nd St. NW, Walker, MN. Unanimous.

- 7B. Chairman Demgen continued the June 15, 2010 public hearing regarding updates to the Cass County Capital Improvement Plan. Auditor-Treasurer Sharon Anderson summarized the Capital Improvement Plan changes. The Board discussed project criteria, priorities, and future plans for the calendar years 2009 through 2014. Administrator Yochum reported that no related written comments have been received as a result of the published hearing notice. Mr. Yochum requested that 2011 budget planning include maintaining the existing capital levy of \$284,000 subject to final review by the Citizen Budget Committee and Board of Commissioners.

M/S/P Peterson, Downham – To approve the Capital Improvement Plan as amended, and further, to authorize staff to include the Capital Improvement Plan Levy in the 2011 budget requests, and further to continue scheduling a public hearing in June of each year to consider plan updates. Unanimous.

8. Administrator Yochum confirmed the upcoming meeting schedule: County Board Meeting, Tuesday, July 20, 2010, 6:00 p.m. at Turtle Lake Town Hall, 4196 72<sup>nd</sup> St. NW, Walker, MN. Region Five Development Commission Meeting, Friday, July 23, 2010, 6:00 p.m., Bears Den, Leader, MN.
9. Chairman Demgen adjourned the meeting at 10:20 A.M.

SIGNED: \_\_\_\_\_  
Jim Demgen, Chairman  
Cass County Board of Commissioners

ATTEST: \_\_\_\_\_  
Robert H. Yochum  
Cass County Administrator