

TRANSCRIPT AND REPORT OF PROCEEDINGS  
 CASS COUNTY BOARD OF COMMISSIONERS  
 COUNTY OF CASS  
 AUGUST 17, 2010

- 1A. Chairman Demgen convened the regular meeting of the Cass County Board of Commissioners at 6:00 p.m. on Tuesday, August 17, 2010, with the flag pledge, held at the Remer Depot, 104 Main Street West, Remer, MN for Slater Township. 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>
Larry Wolfe	Chief Financial Officer	Dave Enblom	Highway Engineer
Kris Lyytinen	Highway Department	Tom Burch	Chief Deputy Sheriff
Josh Stevenson	Land Commission	Katie Norby	County Recorder
Sharon Anderson	Auditor-Treasurer	Michelle Tessin	Northland Area Family Center
Gail DeBoer	Pilot Independent	Monica Lundquist	Brainerd Dispatch

- 1B. M/S/P Downham, Kangas - To approve the agenda items for discussion as presented and the addition of Item 2A.27 (Authorize - Paul Reuvers of Iverson Reuvers, LLC to represent Cass County in the matter of Netter vs. Cass County and Reierson Construction), and Item 6B. (Report back on Ad-Hoc Committee Meeting of August 3, 2010). Unanimous.

- 2A. In the absence of County Administrator Robert Yochum, Chief Financial Officer Larry Wolfe acted as recording clerk and presented to the Board the following matters:

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

- Approve - Regular Board Minutes of August 3, 2010.
- Approve - Auditor Manual Warrants dated June, 2010 (Batch #1) in the amount of \$3,841,816.90.
- Approve - Auditor Manual Warrants dated June, 2010 (Batch #2) in the amount of \$546.00.
- Approve - HHVS Auditor Warrants dated July 30, 2010 in the amount of \$167.00.
- Approve - HHVS Auditor Warrants dated July 30, 2010 in the amount of \$150.00.
- Approve - Auditor Warrants dated August 5, 2010 in the amount of \$219,198.80.
- Approve - HHVS Auditor Warrants dated August 6, 2010 in the amount of \$58,478.81.
- Approve - HHVS Commissioner's Warrants dated August 6, 2010 in the amount of \$50,974.93.
- Approve - Auditor Warrants dated August 12, 2010 in the amount of \$565,837.49.
- Receive & file - Monthly Budget Reports.
- Approve Personnel Items – A. Budgeted positions scheduled for replacement – none. B. Positions scheduled for no replacement – none. C. Other – Receive & file - Retirement of Frank Schaap, Social Services Supervisor, Adult Unit, effective December 3, 2010.
- Approve licenses - Temporary On Sale 3.2 Beer contingent upon receiving all documentation & fees: Crooked Lake Volunteer Fire Dept.- Sept. 4, 2010, Brian Olds, Crooked Lake Twp.
- Receive & file - Cities of Cass Lake, Hackensack, Pillager, Pine River, & Walker - Annual Disclosure of Tax Increments year ending Dec. 31, 2009.
- Receive & file - Timber auction results July 29, 2010 totaling 11,518.50 cords plus 56.40mbf saw timber totaling \$263,871.31.
- Approve - 33' easement for Wayne & Diane Hess on existing trails to access PID #11-028-2101 located in 28-135-32 (Byron Twp).
- Approve Assessor's Office Abatements - Michael Shepard - Ansel, Homestead 2009/2010; Michael Victor Gearey - Pine River Twp, Homestead 2009/2010; George Korsmo – Shingobee, Cancel PPTT 2010/2010; Dean Claney – Wabedo, Cancel PPTT 2010/2010.
- Approve - Transfer of funds from Unorganized Township to Highway Department in the amount of \$130,275.05 for road maintenance from January 2010 through July 2010.
- Receive & file - Auditor -Treasurer's Interest Income Report for June and July 2010.
- Authorize - Payment of \$9,500.00 from the CWL Grant to AI Nystrom Construction for Imminent Health Threat SSTS Installation (Boy River Twp.)
- Approve - Cass County to act as fiscal agent for the Mule Lake HLRP \$5,000.00 Implementation grant from the Initiative Foundation.
- Authorize - Cass County to accept a \$30,000 Grant amendment for Cass County Shoreland Restoration Projects (#B18788).

M/S/P Dowson, Peterson – To award low bid on the installation of five automatic handicap door openers and related electrical at the Pine River Government Facility to Gull Lake Glass in the total amount of \$9,686.30 (source of funds – General Fund – Department #113). Unanimous.

5 Automatic Handicap Door Opener's including electrical circuits at the Pine River Government Facility

<u>Bidder</u>	<u>Bid Amount</u>
Gull Lake Glass	\$9,686.20 (including electrical circuits)
Brainerd Glass Company	\$9,800.00 (including electrical circuits)

- Receive & file - Medical Examiner Statistics for January 1, 2010 through June 30, 2010.
- Authorize - Paul Reuvers of Iverson Reuvers, LLC to represent Cass County in the matter of Netter vs. Cass County and Reierson Construction (MCIT has recently determined this is not a covered claim ).

- 2B. Northland Area Family Service Center Director Michelle Tessin, discussed the 2011 Program and Service detail submitted by each of the five Family Centers (Northland, Pillager, Pine River-Backus, HOWA, and Cass Lake) in accordance with the August 17, 2010 Board approval of contracts to provide services to residents of Cass County including children, adults and families.

M/S/P Peterson, Downham – To approve the 2011 Program and Service detail submitted by each of the five Family Centers (Northland, Pillager, Pine River-Backus, HOWA, and Cass Lake) in accordance with the August 17, 2010 Board approval of contracts to provide services to residents of Cass County including children, adults and families. Unanimous.

- 2C. Mr. Wolfe presented a draft agenda for meetings with Leech Lake Tribal Council on Tuesday, September 7, 2010, beginning at 1:00 P.M. in the Cass County Board of Commissioners Meeting Room, Walker to post the Leech Lake Band of Ojibwe flag in the Board Room, and then a Joint Meeting beginning at 2:00 P.M. at Northern Lights Event Center, Walker, MN to discuss current collaborations.

M/S/P Dowson, Downham – To approve the draft agenda including a flag ceremony on Tuesday, September 7, 2010, beginning at 1:00 P.M., in the Cass County Board of Commissioners Meeting Room, Walker (posting the Leech Lake Band of Ojibwe flag in the Commissioners Board Room), and then a Joint Meeting to be held beginning at 2:00 P.M. at Northern Lights Event Center, Walker, MN. Unanimous.

- 3A. Chairman Demgen read the Public Hearing Notice on the revocation of County road status for Old County 52 – Near Graves Lake. David Enblom and Kris Lytinen reported their recommended improvements by the County prior to reversion of the subject roads to Slater Township. Mr. Enblom also reaffirmed that pursuant to MN Statute the road authority transfer would be effective two years after adoption of Resolution No. 41-10 by the County Board. Mr. Wolfe added that no written responses have been received as a result of the public notice. No one at the meeting requested to be heard on this subject.

Commissioner Peterson offered Resolution No. 41-10 and moved its adoption; Commissioner Downham seconded:

Pursuant to MN Statute 163.11, Subd. 5, it appears to the Cass County Board of Commissioners, State of Minnesota; that Cass County part of the former County Roads, known as Old County 52, located within Slater Township MN, should be revoked to the political subdivision for which it lies.

Cass County right-of-way turnback to Slater Township CCSO #2010.022

Old County Road Number 52.

That part of old County Road Number 52 (formerly known as State Aid Road #1) in the Southwest Quarter of the Northeast Quarter, the Northwest Quarter of the Northeast Quarter, Government Lot 2 and Government Lot 3, all in Section 14, Township 142 North, Range 26 West, Cass County, Minnesota, lying westerly of the westerly right-of-way established for County State Aid Highway Number 52 defined in Project Number S.A.P. 11-652-01 as approved July 6, 1999.

Included is that part of Old County Road #52 as dedicated in the plat of DEER HAVEN DEVELOPMENT according to the record plat thereof on file in the office of the Cass County Recorder.

Resolution No. 41-10 was adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

- 4A. Highway Engineer David Enblom presented the bid results for SAP 11-607-11 (Bridge replacement - CSAH 7 east of Longville) that had been opened on Monday, August 16, 2010.

M/S/P Peterson, Downham – To accept the apparent low bid (opened on August 16, 2010) and authorize a construction contract for SAP 11-607-11 (Bridge replacement - CSAH 7 east of Longville) to Duinick Inc. in the amount of \$630,873.32. Unanimous.

Project No.: SAP 011-607-011 - Replace Bridge No. 11505  
Engineers Estimate: \$550,081.50

<u>Bidder</u>	<u>Bid Amount</u>	<u>Percent Over/Under Estimate</u>
Duinick Inc.	\$630,873.32	14.69% Over Estimate
Restone Construction Co., Inc.	\$733,076.11	33.27% Over Estimate
Robert R. Schroeder Const. Inc.	\$838,022.11	52.35% Over Estimate
Swingen Construction Company	\$908,791.70	65.21% Over Estimate

Mr. Enblom presented Resolution No. 42.10 that any non-participating costs of the bridge will be appropriated from funds available to the County of Cass, and that any State Bridge Fund monies appropriated for the bridge but not required, based on the final estimate, shall be returned to the Minnesota State Transportation Fund.

Commissioner Peterson offered Resolution No. 42-10 and moved its adoption; Commissioner Downham seconded:

WHEREAS, the County of Cass has authorized the Cass County Highway Department to apply for State Bridge Funds for the replacement of Bridge No. 11505, over Inguadona Bay on CSAH 7 in Cass County and:

WHEREAS, the amount of the project, SAP 11-607-11, that is participating from State Bridge Funds is \$275,969.84 by reason of the lowest responsible bid.

NOW THEREFORE, BE IT RESOLVED, that the County of Cass does hereby affirm that any non-participating costs of the bridge will be appropriated from funds available to the County of Cass, and that any State Bridge Fund monies appropriated for the bridge but not required, based on the final estimate, shall be returned to the Minnesota State Transportation Fund.

Resolution No. 42-10 was adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

- 4B. Highway Engineer David Enblom presented the bid results on SAP 11-608-12 (resurfacing project - CSAH 8 South of the City of Federal Dam to County Road # 157 also known as Indian Service Road #3208) that had been opened on Monday, August 16, 2010.

M/S/P Downham, Kangas – To accept the apparent low bid (opened on August 16, 2010) and authorize a construction contract for SAP 11-608-12 (resurfacing project - CSAH 8 South of the City of Federal Dam to County Road # 157 also known as Indian Service Road #3208) to Anderson Brothers Construction Co. in the amount of \$1,338,881.79. Unanimous.

Project No.: SAP 011-608-013 - CSAH 8 Resurfacing  
Engineers Estimate: \$1,403,921.96

<u>Bidder</u>	<u>Bid Amount</u>	<u>Percent Over/Under Estimate</u>
Anderson Brothers Construction Co.	\$1,338,881.79	4.63% Under Estimate
Tri-City Paving, Inc.	\$1,352,760.30	3.64% Under Estimate
Knife River Materials	\$1,399,171.35	0.34% Under Estimate
Hawkinson Construction., Inc.	\$1,464,287.19	4.30% Over Estimate
Mark Sand & Gravel Co.	\$1,476,252.75	5.15% Over Estimate
Central Specialties, Inc.	\$1,519,035.71	8.20% Over Estimate

Engineer Enblom informed the Board that MN DOT State Aid project rules allow contract extensions up to 125% of the original contract amount. In view of the Leech Lake Band of Ojibwe agreement to participate in the project up to \$1.6M, Mr. Enblom requested permission to negotiate with Anderson Brothers Construction Co. to extend the project of 8.4 miles approximately 1.75 additional miles (south) to use the full allocation of Leech Lake Band funds.

M/S/P Downham, Kangas – To authorize the County Engineer to negotiate with Anderson Brothers Construction Co. for a contract extension that would utilize the full allocation of \$1.6 million from the Leech Lake Band of Ojibwe and to report the results to the Board and Tribal Council. Unanimous.

- 4C. Mr. Enblom presented a draft agenda for a Special Meeting on Tuesday, August 31, 2010 beginning at 1:00 P.M. at the Cass County Land Department Meeting Room, Backus, MN. Items to be discussed include funding trends, cost trends, Highway system condition, equipment costs, Cass County Highway Safety Plan, and the Americans with Disabilities Act (ADA).

M/S/P Dowson, Downham – To approve the agenda as presented for a Special Meeting on Tuesday, August 31, 2010 beginning at 1:00 P.M. at the Cass County Land Department Meeting Room, Backus, MN. Unanimous.

- 5A. County Recorder Katie Norby discussed the status of permanent record storage in the sub-basement of the Law Enforcement Center at Walker. Ms. Norby explained the deteriorating condition of the 5,596 Tax and Assessment lists presently stored in their original book format. The retention schedule established by the State of MN requires a permanent record of Tax and Assessment lists for all years prior to 1900 and all years ending in "0" and "1" and the most current 20 years maintained locally. An option for permanent record storage of Tax and Assessment lists would be to release the books to the State Archives. The Tax and Assessment lists with years ending in "2" through "9" are not required to be a permanent record and could be released to the respective Township or City, then to the Cass County Historical Society, and the balance disposed of. Ms. Norby also discussed the option of scanning all or some the records by an outside vendor to provide digital local access. In addition, the County Recorder requested additional storage containers for on site records.

M/S/P Kangas, Dowson – To refer the option of scanning the Tax and Assessment list books to the Cass County Citizen Budget Committee. Unanimous.

M/S/P Kangas, Downham – To authorize the purchase of storage containers (covered plastic boxes) for paper records from Office Depot not to exceed \$5,000.00 (source of funds – General Fund). Unanimous.

- 6A. Land Commissioner Josh Stevenson presented the history of the Soo-Line Trail Ordinance and requested board action to amend Ordinance No. 1988-03 Soo Line Trail Rules and Safety Regulations as it relates to the use of the abandoned Soo Line Railroad Right-of-Way within the boundaries of Cass County, Minnesota. Mr. Stevenson also reported coordination with Soo-Line counties that have a similar ordinance in place.

M/S/P Downham, Kangas – To approve public hearing dates of Tuesday, September 7, 2010, for the regular meeting beginning at 10:00 a.m., in the Commissioners Boardroom, 1<sup>st</sup> Floor, Cass County Courthouse Annex, Walker, MN to consider adopting on 1<sup>st</sup> reading Ordinance 2010-02 amending Ordinance 1988-03 Soo Line Trail Rules and Safety Regulations and Tuesday, September 21, 2010, regular meeting beginning at 6:00 p.m., East Gull Lake City Hall, 10790 Squaw Point Road, East Gull Lake, MN to consider 2nd reading and final adoption of Ordinance 2010-02 amending Ordinance 1988-03 Soo Line Trail Rules and Safety Regulations. Unanimous.

- 6B. Mr. Stevenson reported back on the Ad-Hoc Committee Meeting of Tuesday, August 3, 2010. The Committee discussed current land value price practices and the request from Ford Jensen to address the Committee regarding the current policy.

M/S/P Peterson, Kangas – To approve the recommendations of the Ad-Hoc Committee: that market value will be obtained from a third party for tax forfeit parcels offered for sale to a private party, that the County will offer tax forfeit land at the market value rate when being offered for sale,

and that the Land Commissioner shall be authorized to offer credit for the costs of obtaining Certificates of Surveys against the land purchase price. Unanimous.

- 7A. Chief Financial Officer Larry Wolfe discussed the designation of fund balance for uninsured claims. Mr. Wolfe noted the recent Board action of August 3, 2010 receiving notice of the 2010 Minnesota Counties Intergovernmental Trust (MCIT) dividend of \$290,042, which is \$230,042 more than the 2010 budget as amended (\$60,000). Previous Board action established a \$500,000 fund balance designation for uninsured losses. Mr. Wolfe reported that although uninsured claim activity has been minimal, costs of defense and award trends suggest an increase in the fund balance designation should be considered.

M/S/P Downham, Dowson – To approve increasing the fund balance designation for uninsured losses from \$500,000 to \$730,042 and further, to establish a target of \$1.0M utilizing any MCIT dividends in excess of the operating budget. Unanimous.

8. Larry Wolfe confirmed the upcoming meeting schedule – “September 11<sup>th</sup> Observance” beginning at 7:40 a.m., Veterans Podium, north lawn of the Cass County Courthouse, Walker, MN.
9. Chairman Demgen adjourned the meeting at 6:55 p.m.

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

ATTEST: \_\_\_\_\_  
Larry R. Wolfe  
Chief Financial Officer