

**TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
SEPTEMBER 21, 2010**

- 1A. Chairman Demgen convened the regular meeting of the Cass County Board of Commissioners at 6:00 p.m. on Tuesday, September 21, 2010, with the flag pledge, held at the East Gull Lake City Hall, 10790 Squaw Point Road, East Gull Lake, 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>
Larry Wolfe	Chief Financial Officer	Reno Wells	Probation Director
John Ringle	ESD Director	Randy Fisher	Sheriff
Tom Burch	Chief Deputy Sheriff	Jim Schneider	Probation Officer
Christopher Strandlie	Cass County Attorney	John Sumption	Sumption Environmental
Gail Levenson	Cass County EDC	Kevin Lee	North Ambulance
Dave Kavanaugh	East Gull Lake	Marla Yoho	Fairview Twp.
Carol Demgen	East Gull Lake	Mark Kavanaugh	EGL Trails
Dan Helbling	Self	Neal Gaalswyk	East Gull Lake
Rob Mason	East Gull Lake	Ken LaPorte	Fairview Twp.
Jerry Stromberg	East Gull Lake	Jim Tertin	Cass County EDC
Gail DeBoer	Pilot Independent	Robert Yochum	Cass County Administrator
Monica Lundquist	Brainerd Dispatch		

- 1B. M/S/P Kangas, Dowson - To approve the agenda items for discussion as presented and the addition of Item 8B. (Letter of support for Crow Wing County grant application to MN Department of Employment and Economic Development – technical assistance services). Unanimous.

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

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

Approve - Regular Board Minutes of September 7, 2010.

Approve - Auditor Manual Warrants dated August, 2010 in the amount of \$852,368.58.

Approve - HHVS Auditor Manual Warrants dated August 27, 2010 in the amount of \$1,143.02.

Approve - Auditor Warrants dated September 1, 2010 in the amount of \$80,595.50.

Approve - Auditor Warrants dated September 9, 2010 in the amount of \$339,672.89.

Approve - HHVS Auditor Warrants dated September 10, 2010 in the amount of \$138,781.67.

Approve - HHVS Commissioner's Warrants dated September 10, 2010 in the amount of \$93,041.70.

Approve - Auditor Warrants dated September 16, 2010 in the amount of \$242,038.38.

Receive & file - Monthly Budget Reports.

Approve licenses - On & Off Sale 3.2 Beer - Northland Lodge Resort, Michael O'Reilly, Unorganized.

Receive & file - Cass County HRA Audit Report for FY ending December 31, 2009.

Approve - Appointment of Wayne LaDuke as a Veteran representative to the CCHHVS Advisory Committee through December 31, 2011, to fill the position vacated by J.R "Dick" Hein.

M/S/P Downham, Dowson - To approve the quote from Vredenburg Construction, Inc. for an equipment storage building project adjacent to the Cass County Law Enforcement Center, Walker, MN in the amount of \$12,475.00. Unanimous.

<u>Bidder</u>	<u>Bid Amount</u>
Vredenburg Construction	\$12,475.00
B.T.L. Construction	\$15,175.12

Approve - Payment to Cass County Highway Department - AGC water tower road in the amount of \$8,364.40 (capital fund).

Receive & file - Northwest MN Juvenile Center Budget Summary.

Approve - Chairman Demgen nomination of Commissioner Dick Downham to National Association of Counties Steering Committee.

Refer - Request from Attorney Igor Lenzner – Rinke, Noonan to a Committee of the Board (Commissioners Downham and Peterson) to discuss the potential of a County Tax Increment Financing District.

Approve - HHVS contract with the Minnesota Institute of Public Health, to carry out the required grant budgeted evaluation of the Cass County State Health Improvement Program grant, \$12,000, effective August 15, 2010-June 30, 2011.

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

Approve Assessor's Office Abatements - Karen Tuttle - Cass Lake, Homestead 2009/2010; Michael Vasecka - May, Homestead 2009/2010; Ronald Ludwig - Wabedo, Homestead 2009/2010, 2008/2009, and 2007/2008.

Approve - Purchase of ITV equipment from South Country Health Alliance located at HHVS Meeting Room (\$2,500).

Authorize - Vice Chairman Dowson to be the Board representative at State Auditor Exit Interview for FY2009.

Approve - Appointment of Commissioner Dick Downham and Chairman Demgen to the Chippewa National Forest Resource Advisory Committee.

Approve - City of Walker appointment of Jamie A. Couch – Deputy Registrar #125.

Approve - FY11-MN Snowmobile Maintenance & Grooming Grant (#B48898) MN DNR in the amount of \$190,296.00.

- 2B. Administrator Yochum presented meeting notes of the Leech Lake Tribal Council and Cass County Board of Commissioners Joint Meeting held on Tuesday, September 7, 2010. Items discussed at the meeting included: roads, trails, public safety, human services, courts, facilities, and other potential initiatives. Mr. Yochum submitted draft resolutions for action items that were discussed at the referenced meeting.

Commissioner Dowson offered Resolution No. 50-10 and moved its adoption, Commissioner Peterson seconded:

WHEREAS, Cass County and the Leech Lake Reservation cooperatively work to provide road maintenance and construction projects on County and Tribal road systems; and

WHEREAS, this cooperation has resulted in bringing much needed improvements to these road systems which serve Native American and other area residents; and

WHEREAS, these improvements have improved safety and mobility for the traveling public near and through the Leech Lake Reservation; and

WHEREAS, without the present level of Bureau of Indian Affairs (BIA) funding, the ability to address future needed projects will be reduced;

NOW THEREFORE, BE IT RESOLVED, that the Cass County Board of Commissioners supports the Leech Lake Band of Ojibwe position to retain the current BIA funding allocation formula.

Resolution No. 50-10 was adopted by majority vote: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

Commissioner Dowson offered Resolution No. 51-10 and moved its adoption, Commissioner Peterson seconded:

WHEREAS, the Leech Lake Band of Ojibwe Tribal Council requested that the bridge crossing over the Boy River on County State Aid Highway # 8 be examined for replacement, reconstruction, or an additional adjacent structures.

WHEREAS, the Cass County Board of Commissioners desires to cooperatively address any safety issues and the possible improvement of adjacent recreational trails.

NOW THEREFORE, BE IT RESOLVED, that the Cass County Board of Commissioners supports the Leech Lake Band of Ojibwe Tribal Council request to examine alternatives and funding sources to improve the bridge crossing over the Boy River on County State Aid Highway # 8.

BE IT FURTHER RESOLVED, that the County Engineer and County Administrator are directed to identify alternatives and funding sources and to report the same to the Cass County Board of Commissioners and the Leech Lake Band of Ojibwe Tribal Council.

Resolution No. 51-10 was adopted by majority vote: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

Commissioner Dowson offered Resolution No. 52-10 and moved its adoption, Commissioner Peterson seconded:

WHEREAS, Cass County Resolution 30-09 requested Federal funding for MN Trunk Highway 371 reconstruction including four lanes from the City of Nisswa MN to the City of Pine River MN in the next Federal Transportation Authorization; and

WHEREAS, the Leech Lake Band of Ojibwe Tribal Council requested that MN Trunk Highway 371 reconstruction including four lanes from the City of Pine River MN to MN State Highway 200 be included as an additional phase of the MN Trunk Highway 371 reconstruction.

NOW THEREFORE, BE IT RESOLVED, that the Cass County Board of Commissioners supports the Leech Lake Band of Ojibwe Tribal Council request that MN Trunk Highway 371 reconstruction including four lanes from the City of Pine River MN to MN State Highway 200 be included as an additional phase of the MN Trunk Highway 371 reconstruction.

BE IT FURTHER RESOLVED, that the MN DOT is respectfully requested to advise the Cass County Board of Commissioners and the Leech Lake Band of Ojibwe Tribal Council as to the next steps to include additional phases to the MN Trunk Highway 371 reconstruction.

Resolution No. 52-10 was adopted by majority vote: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

- 2C. Mr. Yochum reported on the upcoming meeting of Wednesday, September 22, 2010 with the Public Works Committee from the City of Walker. Items to be discussed will be the AhGwahChing project close out, municipal utility easements, city acceptance of utilities, and future AGC issues. Mr. Yochum presented Amendment No. 2 to the Joint Powers Agreement between the County of Cass and the City of Walker that changes the expiration date to December 31, 2010, or until all obligations have been satisfactorily fulfilled, whichever occurs first (except any maintenance commitments are ongoing), and 2.3 – Both parties acknowledge that the scope of improvements contemplated by this agreement are complete and therefore conveyed in all respects to the City of Walker, Minnesota. Mr. Yochum also requested authorization for the Chairman to sign a municipal utility easement from Cass County to the City of Walker for the underground utilities and the lift station building site at the intersection of 73rd Street and former State Highway #290.

M/S/P Dowson, Peterson – To authorize the Cass County Board Chairman to sign a municipal utility easement from Cass County to the City of Walker for underground utilities and the lift station building site at the intersection of 73rd Street and former State Highway #290, and further to approve as presented Amendment No. 2 to the Joint Powers Agreement (AGC Re-use Project) between the County of Cass and the City of Walker. Unanimous.

- 2D. Administrator Yochum presented the Request for Proposals for Engineering Services to the Region Five Development Commission for a Camp Ripley/Veterans Trail Corridor Study. The study will provide a planning document, for both motorized and non-motorized routes, and will illustrate preferred routes that can be used subsequently for future budgeting and planning. The trail is planned to date to originate at the Crow Wing State Park at the southern end of the Paul Bunyan Trail, then westerly to the City of Pillager, then encircling Camp Ripley, and then southerly to the Soo Line Trail via the City of Little Falls. Mr. Yochum reported that previous Board action endorsed a Cass County destination trail priority from the City of Pillager to the Paul Bunyan Trail via Baxter, MN.

M/S/P Kangas, Downham – To approve a request to the Region Five Development Commission to include a Cass County destination trail link from the City of Pillager to the Paul Bunyan Trail via the City Baxter in the upcoming Camp Ripley/Veterans Trail Corridor Study. Unanimous.

3. Chairman Demgen acknowledged the public hearing notice of Intent to Enact Ordinance 2010-02 that amends Ordinance 1988-03 as it relates to the use of the abandoned Soo Line Railroad Right-of-Way within the boundaries of Cass County. Chief Deputy Sheriff Tom Burch commented that the Cass County Sheriff's Office supports updating the Ordinance to present State statutes and that future recommendations will be made regarding speed limits on the Soo-Line Trail near municipalities. No one else appeared before the Board for comment.

M/S/P Downham, Kangas – To adopt on 2nd Reading Ordinance #2010-02 Soo-Line Trail Rules and Safety Regulations as presented. The Ordinance will be effective November 1, 2010 after its publication and filing as provided by law. Unanimous.

4. Kevin Lee from North Memorial Ambulance (Brainerd Region) presented the Longville Ambulance Subordinate Service District 2nd quarter report. The Longville Ambulance Service has transported 101 patients vs. the budgeted amount of 113. Mr. Lee also commented that revenues were off by \$17,000 due to having fewer transports. The revenue deduction percentage was 64.3% vs. the budgeted amount of 62.9%. Expenses were \$15,730 under budget with a net margin of 7.5%. The Board thanked Mr. Lee for his update.

M/S/P Peterson, Dowson – To receive & file the 2nd Quarter Report from North Memorial Ambulance for the Longville Ambulance Subordinate Service District. Unanimous.

- 5A. Probation Director Reno Wells requested Board action approving the appointment of a Cass County Probation Officer to be assigned to the Cass County/Leech Lake Band of Ojibwe Wellness Court Program. Mr. Wells explained his nomination of Michelle Nistler presently the Office Manager in the Probation Office. Mr. Wells informed the Board that if Ms. Nistler is appointed as a Probation Officer to Wellness Court Program, her position of Office Manger will remain vacant and that HHVS Office Support staff will assist as necessary.

M/S/P Dowson, Downham – To approve the appointment of Michelle Nistler as a Cass County Probation Officer assigned to the Cass County/Leech Lake Band of Ojibwe Wellness Court Program upon receipt of a District Court order making the appointment and establishing salary/benefits as a grade 28, step 2 effective October 1, 2010. Unanimous.

Mr. Wells informed the Board that he has received the State of Minnesota Joint Powers Agreement for the Cass County/Leech Lake Band of Ojibwe Wellness Court Program which provides State funding not to exceed \$94,000 effective October 1, 2010 through September 30, 2011.

M/S/P Dowson, Downham – To authorize Director Wells to execute the State of Minnesota Joint Powers Agreement (CFMS # ___) for the Cass County/Leech Lake Band of Ojibwe Wellness Court Program to provide program administration and client supervision effective October 1, 2010 through September 30, 2011. Unanimous.

- 5B. Mr. Wells reported on the Personnel Policy Committee recommendation to amend the Personnel Policies and Rules by an addition to Section 8 – Code of Ethics – F. Electronic Communications – 3.

M/S/P Dowson, Peterson - To approve the recommendation from the Personnel Policy Committee to amend the Personnel Policies and Rules by an addition to SECTION 8: CODE OF ETHICS – F. ELECTRONIC COMMUNICATION 3. RESPONSIBILITIES as presented. Unanimous.

- 6A. ESD Director John Ringle reported that the East Gull Lake Planning and Zoning Service Agreement that began May 4, 2010 that provides County staff assistance to City Code zoning administration is working well. East Gull Lake City Mayor Dave Kavanaugh and East Gull Lake Planning Commission Chairman Rob Mason thanked the Board for the on going cooperation between the City and Cass County. No action necessary.

- 6B. Mr. Ringle reported that the 2010 summer mobile household hazardous waste collection program at six locations resulted in 423 participants and 7.85 tons of electronics collected.

M/S/P Downham, Peterson – To authorize the 2011 Cass County summer mobile household hazardous waste collection program including electronics at six locations in Cass County. Unanimous.

- 6C. Mr. Ringle requested authorization to submit an application for the FY 2011 BWSR Clean Water Fund (Legacy Amendment) Competitive Grant Program. The application is for \$152,158 and includes 3 projects: 1) Cass Co Hwy #161 Erosion control and sediment/nutrient reduction to the Pug-Hole Lakes/Big Rice Lake, 2) Sylvan Lake - SSTS Lakeshore Septic Inspection Project, and 3) Lake Margaret Watershed (listed as an Impaired Water) – SSTS Watershed Septic Inventory and Inspection Project. If successful, funds would be available beginning the winter of 2011.

M/S/P Downham, Dowson – To authorize submission of FY 2011 BWSR Clean Water Amendment grant application in the amount of \$152,158 for and includes 3 projects: 1) Cass Co Hwy #161 Erosion control and sediment/nutrient reduction to the Pug-Hole Lakes/Big Rice Lake, 2) Sylvan Lake - SSTS Lakeshore Septic Inspection Project, and 3) Lake Margaret Watershed (listed as an Impaired Water) – SSTS Watershed Septic Inventory and Inspection Project. Unanimous.

- 6D. Director Ringle updated the Board on the second phase of the donated Conservation Easement Project using \$250,000 in FY2011 LCCMR funding. Mr. Ringle informed the Board that the Leech Lake Watershed Foundation will assist in obtaining donated easements on up to 15 riparian (lakeshore) properties to preserve conservation value. In addition, Cass County in partnership with Aitkin County, Crow Wing County, the Minnesota Land Trust and the Leech Lake Area Watershed Foundation have been notified that Phase 3 of this project will be recommended for funding by the Lessard-Sams Outdoor Heritage Council in the amount of \$1.06 million in FY2012. The Board congratulated the ESD Department on their continued work on the Conservation Easement Project.

- 7A. John Sumption of Sumption Environmental updated the Board on the Gull Lake Micropolitan Project which was initiated as a pilot to develop cooperative relationships between businesses, organizations, local governmental units, and individuals. The goal of the project is to plan and construct the infrastructure needed to support the population growth that is expected in the Brainerd Lakes area while also protecting the natural resources, recreation, and the economy that gives the area such a high quality of life. Planning taskforces are underway including representatives from Cass County, Crow Wing County, City of Lake Shore, City of Nisswa, City of East Gull Lake, Fairview Township and other interested planning partners. Recommended action items will be reported in the spring of 2011. No action necessary.

- 8A. Cass County Economic Development Director Gail Levenson presented the Cass County EDC update with a continuing focus on results in providing economic development services for Cass County. Ms. Levenson added recent activities include 13 new businesses have completed their projects and will create 67 new jobs and \$3,385,500 in capital investment. Ms. Levenson thanked the Board for Cass County's budget allocation of \$16,875.00 during 2010 which equates to \$251.00 per job. Cass County Economic Development President Jim Tertin thanked the Board for their continued support for the Cass County EDC.

- 8B. Ms. Levenson requested a support letter for a grant application that Crow Wing County is considering submitting to the Minnesota Department of Employment and Economic Development (DEED). The CBDG Microenterprise Assistance Grant from DEED will provide increased funding for business counseling services.

M/S/P Kangas, Peterson – To send a letter of support for a grant application that Crow Wing County is considering submitting to the Minnesota Department of Employment and Economic Development (DEED) to provide increased funding for business counseling services. Unanimous.

- 9A. Administrator Yochum confirmed the upcoming meeting schedule - AMC Annual Conference – Dec. 6 – 8, 2010, St. Cloud Civic Center, St. Cloud, MN.

10. Chairman Demgen adjourned the meeting at 7:35 p.m.

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

ATTEST: _____
Robert H. Yochum
Cass County Administrator