

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

- 1A. Chairman Demgen convened the regular meeting of the Cass County Board of Commissioners at 9:00 a.m. on Tuesday, November 16, 2010, with the flag pledge, in the Land Department Meeting Room, Backus, 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
Chris Strandlie	County Attorney	Josh Stevenson	Land Commissioner
Tom Burch	Cass County Sheriff elect	John Ringle	ESD Director
Kevin Lee	North Memorial Ambulance	Gary Pearson	North Memorial Ambulance
Paula West	LL Area Watershed Fnd.	Cheryl Lee Hills	Region Five Dev. Comm.
Gail Levenson	Cass County EDC	Joe Graw	Self
Monica Lundquist	Brainerd Dispatch	Gail DeBoer	Pilot Independent

- 1B. M/S/P Kangas, Peterson - To approve the agenda items for discussion as presented and the addition of Item 2D. (Approve the University of MN Extension Program Memorandum of Agreement with Cass County for FY 2011-2013) and table Item 2A22. (2011 Interagency Agreement between Cass County and the Cass County/Leech Lake Reservation Children's Initiative). 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 as amended. Unanimous.

Approve - Board Minutes of November 2, 2010, and November 9, 2010.

Approve - Auditor manual warrants (Batch #1) dated October 2010 in the amount of \$3,871,686.97.

Approve - Auditor manual warrants (Batch #2) dated October 2010 in the amount of \$391.00.

Approve - HHVS Auditor's warrants dated October 28, 2010 in the amount of \$135.00.

Approve - Auditor's warrants dated November 4, 2010 in the amount of \$196,589.82.

Approve - HHVS Commissioner's warrants dated November 5, 2010 in the amount of \$35,902.52.

Approve - HHVS Auditor's warrants dated November 5, 2010 in the amount of \$43,687.09.

Receive & file - Monthly Budget Reports.

Approve personnel actions - Receive and file – Notice of the resignation of Sheriff's Office Dispatcher Randy Yeats, effective November 15, 2010. Receive & file - Notice of intent to fill the budgeted Dispatcher position vacated by Randy Yeats, grade 21. Receive & file - Notice of resignation of Certified Appraiser, Barb Olivier, effective December 1, 2010. Receive and file - Notice of intent to fill the budgeted Certified Appraiser position vacated by Barb Olivier, grade 26. Receive & file - Notice of 20 hour/week increase in hours for Jennifer Johnson, .5FTE Office Support Specialist, HHVS Clerical Unit, effective through September 30, 2011, pending financial approval of the Leech Lake Tribal Court, as part of the collaborative effort for the Wellness Court.

Approve licenses – On & Off Sale 3.2 Beer - Iowana Beach Resort – Wilderness Retreat, LLC, Unorganized. On Sale 3.2 Beer -Hunt's Point Sportsman's Club-James Wills, Homebrook. Tobacco - Super One Foods #452- Miner's Inc, Walker; Orton's Walker- Orton Motor Inc, Walker; Orton's Y-Mart, Orton Motor Inc, Shingobee; Y-Bottle Shop- T.G.L. Corp, Shingobee; Jerry's Super Valu/Fuel Max- Jerry's SuperValu, Ltd, Pine River (City); Ultimate Liquor, Inc - Ultimate Liquor, Inc, Pine River (City).

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

Approve - Submission of 2011 Nite Cap Grant (CDFA#20.608) with MN Public Safety and authorize the Chief Deputy to execute agreements.

Report back - November 9, 2010 Performance Evaluation – Administrator Robert Yochum achieves the requirements of the position.

Report back - November 9, 2010 Performance Evaluation – Auditor-Treasurer Sharon Anderson achieves the requirements of the position.

Report back - November 9, 2010 Performance Evaluation – Central Services Director Tim Richardson achieves the requirements of the position.

Report back - November 9, 2010 Performance Evaluation – Land Commissioner Josh Stevenson achieves the requirements of the position.

Report back - November 9, 2010 Performance Evaluation – ESD Director John Ringle achieves the requirements of the position.

Report back - November 9 2010 Performance Evaluation – County Assessor Mark Peterson achieves the requirements of the position.

Report back - November 9, 2010 Performance Evaluation – Chief Financial Officer Larry Wolfe achieves the requirements of the position.

Report back - November 9, 2010 Performance Evaluation – County Engineer Dave Enblom achieves the requirements of the position.

Approve - Bid specifications for annual printing & publishing for year 2011.

Table - 2011 Interagency Agreement between Cass County and the Cass County/Leech Lake Reservation Children's Initiative to the regular Commissioners Board Meeting of Thursday, December 9, 2010.

Approve - HHVS 2011 Purchase of Service Agreements for outpatient mental health services not to exceed \$5,000.00.

Approve - HHVS 2011 Purchase of Service Agreement for Case Management Supervision/Consultation for 7 hours each month, not to exceed \$13,000.00.

Approve - HHVS 2011 Agreements for Purchase of Services for Home Based Mental Health Services/In-Home Family Counseling.

Approve - Ongoing HHVS five year contract with Computer Management for Human Services for support fees for 2011-2015.

Approve Assessor's Office Abatement - Marty Tulenchik-Walden, 2009/2010 Value Change.

- 2B. Administrator Yochum reported back on the Personnel Committee of the Board Meeting of November 2, 2010. Items discussed included the emergency management staffing plan, 2011 labor negotiations and the upcoming Department Head performance evaluations.

M/S/P Dowson, Downham – To approve the Personnel Committee of the Board recommendation to accept an Emergency Management Performance Grant (EMPG) from the MN Department of Public Safety to provide funding (2011 - \$20,000, 2012 - \$15,000, 2013 – \$10,000) for a fulltime Emergency Management Director with a focus on ARMER project implementation, business continuity planning, and sharing services with neighboring jurisdictions. Unanimous.

M/S/P Kangas, Dowson – To approve the Personnel Committee of the Board recommendation to utilize the Cass County Department Head consensus as a basis for initial discussions with the six collective bargaining units. Unanimous.

After further discussion, the Board determined that the collective bargaining units should be consulted prior to establishing a County position on 2011 labor negotiations. Administrator Yochum reported that the Personnel Committee of the Board is scheduled to meet with all units on Tuesday, November 23, 2010 and the Personnel Committee of the Board could make interim reports to the full Board as necessary.

M/S/P Kangas, Dowson – To rescind the previous motion (utilizing the Cass County Department Head consensus as a basis for initial discussions with the six collective bargaining units) and request the Personnel Committee of the Board to make interim reports to the full Board as they deem necessary. Unanimous.

- 2C. Mr. Yochum presented the 2011 Citizen Committee appointment list, and requested permission from the Board to advertise committee openings on the Cass County Website and provide personal notice to incumbents.

M/S/P Peterson, Dowson - To receive and file the Cass County Citizen Committee appointment list and further, to direct the staff to provide personal notice to incumbents, advertise committee openings on the Cass County Website, and the "Official Newspaper" (through December 20, 2010). Unanimous.

- 2D. Administrator Yochum presented a draft Memorandum of Agreement between the University of Minnesota and Cass County. Mr. Yochum added that the 2011 agreement funding level is the same as the 2010 agreement. Yochum presented Resolution No. 59-10 for Board consideration.

Commissioner Kangas offered Resolution No. 59-10 and moved its adoption, and Commissioner Peterson seconded:

Between the University of Minnesota And Cass County
For providing Extension programs locally and Employing Extension Staff

This Agreement ("Agreement") between the County of Cass, Minnesota ("County") and the Regents of the University of Minnesota on behalf of its Extension unit, 240 Coffey Hall, St. Paul, Minnesota, 55108 ("University") is effective January 1, 2011, and supersedes and replaces any and all current or existing agreements relating to Extension and its programs that may exist between the County and University.

The term of this Agreement shall be three (3) years, beginning on January 1, 2011 and ending on December 31, 2013, unless earlier terminated as provided in paragraphs 7 and 8.

WITNESSETH:

WHEREAS, Minn. Stat. §38.34 authorizes a Board of County Commissioners to incur expenses and spend money for County Extension work; and

WHEREAS, the money set aside and appropriated by the County Board in the County Extension Fund may be paid out by orders of the University's Director of Extension, or the Director's designee, as identified in Minn. Stat. §38.36, Subd. 3; and

WHEREAS, Minn. Stat. §38.37 provides that Extension educators must be employed according to University personnel procedures and - must be University employees; and

WHEREAS, it is the intention of the County and University that the University shall provide Extension services on behalf of the County in exchange for considerations as detailed herein.

NOW THEREFORE, in consideration of the mutual undertaking and agreements contained within this Agreement, the County and University hereby agree as follows:

1. In accordance with Minn. Stat. §38.37 County desires to augment University's state-wide Extension programs. The programs that the County will augment are detailed in Table A below.

<u>Program</u>	<u>Table A</u>	
	<u>Price</u>	<u>Funding to Support</u>
4-H Youth Development	\$64,900.00	100% time Program Coordinator

*Other monetary contributions from the County include items specified below:

- \$2,400.00 for 4-H Program Support (postage, supplies, etc.)
- \$1,700.00 for Extension Committee Per Diem and Mileage

County recognizes that University costs for supporting these positions may increase from year to year. The costs payable for these positions will be reviewed annually by the Association of Minnesota Counties' ("AMC") Extension Committee and University's Extension central administration, at which time the parties will agree on an appropriate inflation factor for the coming year. Unless County and University otherwise agree, the inflation factor will be as agreed to by AMC and University. Any increase agreed to by the parties to this Agreement will be reflected annually in an amendment to this Agreement. For 2011, the agreed upon inflationary adjustment is zero (0) percent as compared to 2010. Any increase agreed to by the parties to this Agreement for 2012 and 2013 will be reflected annually in an amendment to this Agreement.

2. University will be responsible for providing the following: salary & fringe benefits for the positions, enhanced programming from regional extension educator staff, program supervision, travel (mileage, meals, and lodging), in-service training within program area, payroll, and accounting services.

The County agrees to provide local support in the form of office space, telephone, computer, network connections for email and other communications, software, support staff and other general office supplies. The University will recommend technology needs and other office standards. Nevertheless, the level of availability and type of such support will be determined by the County.

3. University will bill the County on a quarterly basis and the County will submit payment within thirty (30) days of receipt of the bill. The total annual amount to be paid by the County shall be paid in four (4) equal quarterly payments.
4. As vacancies occur, and if the County and University agree to continue to support the desired program and position, University will hire new personnel with involvement and concurrence of the County Extension Committee. The County will not be billed for a position during the time that position is vacant.
5. The University will complete an annual performance evaluation of each University Extension employee working in the County and supporting the programs identified in paragraph 1. The County Extension Committee will have the option to provide input to University on such evaluation. The University in accordance with University personnel guidelines will determine salary adjustment of each University Extension employee.
6. Annually, the County Extension Committee, in coordination with University, will be responsible for approving the County Extension educational programming and services, as provided for in Minn. Stat. §38.34. The parties acknowledge that County extension educational programming includes University's Nutrition Education Program educational programming.
7. Nothing in this Agreement precludes the County or University at any time during the term of this Agreement from requesting a modification of the County Extension program, including an adjustment of the number of University Extension personnel working in the County. The County or University will provide a minimum of three (3) months notice if either party desires a change in programs that results in a decrease in the staffing or funding level, and both parties agree to enter into good faith discussions to address such request.
8. If University or the County in good faith determines that funding is no longer available to support the programs or positions providing services locally, either party may terminate this Agreement. Termination of the Agreement in its entirety requires a minimum of ninety (90) days prior notice. Notice shall be dated and provided in writing to the parties listed below as the contacts for this Agreement.

If to County: Robert Yochum
Cass County Administrator Courthouse Annex, 2nd Floor 303
Minnesota Avenue West PO Box 3000
Walker, MN 56484

If to University: University of Minnesota Extension
Attn: Chief Operating Officer 246 Coffey Hall
1420 Eckles Avenue
St. Paul, MN 55108
Facsimile No.: 612-625-6227 [E-mail: werne012@umn.edu](mailto:werne012@umn.edu)

9. Each party agrees that it will be responsible for its own actions and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party or the results thereof. The County's liability is governed by the provisions of Minn. Stat. Chap. 466 and other applicable laws, The University's liability is governed by the provisions of the Minnesota Tort Claims Act, Minn. Stat. §3.736 and other applicable law.
10. Pursuant to Minn. Stat. §16C.05, Subd. 5, the University agrees that County, the State Auditor, or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of relating to this Agreement. University agrees to maintain these records in accordance with applicable law.
11. All data collected, created, received, maintained, or disseminated for any purposes by the activities of University because of this Agreement is governed by the Minnesota Government Data Practices Act, Minn. Stat. Chap. 13, as amended, the Minnesota Rules implementing such Act now in force or as adopted, as well as Federal Regulations on data privacy.

12. The University is committed to the policy that all persons shall have equal access to its programs, facilities, and employment without regard to race, color, creed, religion, national origin, sex, age, marital status, disability, public assistance status, veteran status, sexual orientation or other classifications protected by state or federal law. In adhering to this policy, the University abides by the Minnesota Human Rights Act, Minnesota Statute Ch. 363; by the Federal Civil Rights Act, 42 U.S.C. 2000e; by the requirements of Title IX of the Education Amendments of 1972; by Sections 503 and 504 of the Rehabilitation Act of 1973; by the Americans With Disabilities Act of 1990; by Executive Order 11246, as amended; by 38 U.S.C. 2012, the Vietnam Era Veterans Readjustment Assistance Act of 1972, as amended; and by other applicable statutes and regulations relating to equality of opportunity.

Resolution No. 59-10 was adopted by majority vote: Ayes: Demgen, Dowson, Downham, Kangas, Peterson. Nays: None.

- 3A. Kevin Lee and Gary Pearson of North Memorial Ambulance presented the third quarter 2010 Report for the Longville Ambulance Subordinate Service District. Mr. Lee added that they have been continuing to schedule paramedics in Longville every shift with little difficulty finding staff to work, and able to form a backup crew to take runs. Longville has transported 175 patients vs. the budgeted amount of 179. Mr. Lee reported that LASSD's year to date the revenues were \$1,800 over budget due to decreased revenue deductions. The revenue deduction percentage was 61.1% vs. the budgeted amount of 62.7%; expenses were \$17,821 under budget. Mr. Pearson added that effective in 2011 the Medicare reimbursement rate to ambulance services will be reduced from 123% to 100%, and that fifty percent of LASSD's transports are Medicare related.

M/S/P Dowson, Kangas – To receive & file the third quarter 2010 Longville Ambulance District Subordinate Service District Report. Unanimous.

- 4A. Land Commissioner Josh Stevenson thanked the Cass County Board, the media, and the public for cooperation regarding the tree spiking incident in the fall of 2009. Mr. Stevenson reported that the Cass County Land Department has paid \$1,000.00 to date for information leading to the arrest and conviction of two different individuals regarding the incident. No action necessary.
- 4B. Land Commissioner Stevenson asked for Board approval of classifying a parcel as non-conservation and approval of a repurchase application to Jeffrey Koski, Parcel ID# 02-016-2203 (part of the NW¼ of NW ¼ Section 16 of Barclay Township). The request and satisfaction of all fees and interest was submitted before the one year deadline. The fees with interest total \$221.00. The Resource Manager from the area, Kim Wells, attended a Barclay Township meeting and received approval for non-conservation classification and the repurchase. Permission from the MNDNR to proceed with the repurchase has also been received.

Commissioner Peterson offered Resolution No. 60-10 and moved its adoption, Commissioner Kangas seconded:

Be it resolved that the Cass County Board of Commissioners hereby approves the repurchase of Parcel #02-016-2203, part of the NW¼ of NW ¼ Section 16 of Barclay Township.

The repurchase to Jeffrey Koski, is authorized for payment of \$221.00 for past and current taxes and fees in accordance with the application and subject to deed approval.

Resolution No. 60-10 was adopted by majority vote: Ayes: Demgen, Dowson, Downham, Kangas, Peterson. Nays: None.

- 4C. Mr. Stevenson requested Board approval of an application for easement across State School Trust Fund Land in the SE¼ of the SW¼, Section 10, Township 141N(Turtle Lake Twp.), Range 30W. Mr. Stevenson added that due to the proximity of County Road 124 Cass County is the appropriate easement holder. The private party has agreed to pay all associated fees and supply a certificate of survey describing the easement. Mr. Stevenson presented Resolution No. 61-10 approving the application easement across State School Trust Fund Land which is required to complete the application process.

Commissioner Dowson offered Resolution No. 61-10 and moved its adoption, and Commissioner Downham seconded:

Whereas, Federal Home Loan Mortgage Corporation is selling Parcel # 45-010-3104 which is accessed across School Trust Fund Land located in the SE¼ of the SW¼, Section 10, Township 141N, Range 30W.

Whereas, Cass County Road 124 is located across School Trust Fund Land located in the SE¼ of the SW¼, Section 10, Township 141N, Range 30W.

Whereas, easements across School Trust Fund Land can only issued to a local unit of government (Cass County) and not to private individuals.

Whereas, the easement is open to the public.

Whereas, all cost associated with the acquisition and maintenance of the easement to Parcel # 45-010-3104 will be the responsibility of the owners of Parcel # 45-010-3104. Cass County will continue to maintain County Road 124.

Be it Resolved, the Board of Commissioners of Cass County, Minnesota hereby approves the Application for Easement across State School Trust Fund Land in the SE¼ of the SW¼, Section 10, Township 141N, Range 30W.

Resolution No. 61-10 was adopted by majority vote: Ayes: Demgen, Dowson, Downham, Kangas, Peterson. Nays: None.

- 5A. ESD Director John Ringle informed the Board that the Cass County Environmental Services Department on October 28, 2010 was presented a statewide "Lake-Friendly Protection Strategy Award" by a consortium of natural resource protection organizations. Mr. Ringle added that the award is in recognition of working closely with the Leech Lake Area Watershed Foundation (LLAWF) to offer Cass County property owners' incentives to donate conservation easements on shoreline properties identified as sensitive. Mr. Ringle reviewed the work already completed in the Phase I BWSR grant and outlined the current progress on the Phase II LCCMR grant that began on July 1, 2010. Paula West of the Leech Lake Area Watershed Foundation (LLAWF) highlighted the ongoing work performed under contract by the LLAWF and provided updated information on the status of the Phase III Lessard – Sams Outdoor Heritage Council (LSOHC) grant proposal. The Board congratulated the Cass County Environmental Services Department on the award and thanked the Watershed Foundation for their assistance.
- 5B. Mr. Ringle presented an update on the NCEDA Household Water Well Program which provides loans for Cass County residents to replace or repair failing existing household water wells. Director Ringle also informed the Board that shortly after their action on October 5, 2010, the MN Department of Agriculture received USEPA approval for MDA to expand their AgBMP Loan program to replace or install a well where there is an existing or potential water pollution problem. Cass County residents now have two loan programs to fund well replacement for anyone that can show repayment ability and can meet the criteria of improving their water quality. Administration is provided through the Region Five Development Commission. No action necessary.
- 6A. Executive Director Cheryal Lee Hills of the Region Five Development Commission presented an update on projects including receipt of an \$825,050 grant from HUD for Sustainable Communities Regional Planning. Ms. Hills also commented on potential future services by Region 5 including Human Resource Management Training, regional survey data, and the coordination of member counties affected by the Camp Ripley/Veterans State Trail Corridor Project.
- M/S/P Kangas, Peterson – To request the Association of Minnesota Counties to improve the wage and benefit survey services to member Counties. Unanimous.
- 6B. Ms. Hills presented the Region Five Development Commission Financial Audit Report for the year ending June 30, 2010.
- M/S/P Kangas, Peterson – To receive & file the Region Five Development Commission Financial Audit Report for year ending June 30, 2010. Unanimous.
7. Administrator Yochum presented the upcoming meeting schedule: a. AMC Annual Conference – Dec. 6-8, 2010, St. Cloud Civic Center, St. Cloud, MN. b. Commissioners Board Meeting - Thursday, December 9, 2010 Board Meeting, beginning at 3:00 p.m. followed by final adoption of 2011 Cass County budget and property tax levy beginning at 6:00 p.m. in the Commissioners Board Room, Courthouse, Walker, MN.
8. Chairman Demgen adjourned the meeting at 10:31 a.m.

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

ATTEST: _____
 Robert H. Yochum
 Cass County Administrator