

TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
February 1, 2011

- 1A. Chairman Dowson convened the regular meeting of the Cass County Board of Commissioners at 9:00 a.m. on Tuesday, February 1, 2011, with the flag pledge, in the Board Room of the Courthouse, Walker, MN. Commissioners present: Downham, Dowson, Gaalswyk, Kangas, 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 Deputy Auditor
Sharon Anderson	Auditor-Treasurer	Mark Peterson	County Assessor
Reno Wells	HHVS Director	Melanie Wolfe	HHVS
David Enblom	Highway Engineer	Kris Lyytinen	Highway Department
Josh Stevenson	Land Commissioner	Terri Foster	Cass County Fair
Barb Frederick	Cass County Fair	Gail DeBoer	Pilot-Independent
Monica Lundquist	Brainerd Dispatch	Allan Olson	Cass Lake Times
Linda Husby	County Administrator's Office		

- 1B. M/S/P Kangas, Gaalswyk - To approve the agenda items for discussion as presented and the addition of Item 2D. (Report on Labor Contracts), Item 2E. (Cass County Fair clarification of Board action on Tuesday, January 18, 2011) and Item 3C. (Land Department request for Board approval to purchase a snowmobile). Unanimous.

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

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

Approve - Board Minutes of January 18, 2011.

Approve - Auditor warrants dated January 13, 2011 in the amount of \$281,600.25.

Approve - Auditor warrants dated January 20, 2011 in the amount of \$218,653.59.

Approve - HHVS Auditor warrants dated January 21, 2011 in the amount of \$203,433.59.

Approve - HHVS Commissioner warrants dated January 21, 2011 in the amount of \$195,422.09.

Approve - Auditor warrants dated January 27, 2011 in the amount of \$229,210.28.

Approve - Auditor warrants dated January 27, 2011 in the amount of \$798.00.

Approve Personnel Items - A. Budgeted positions scheduled for replacement - 1. Receive & file - Appointment of Carol Mueller, Financial Worker .5 FTE, to budgeted full time Financial Worker position Grade 20, Step 1, effective February 5, 2011. 2. Receive & file - Notice of intent to fill the budgeted open .5FTE Financial Worker position vacated by Ms. Mueller, Grade 20, Step 1. 3. Receive & file - Notice of intent to fill Sheriff's Office Dispatcher position vacated by Kerry Swenson's appointment to System Administrator. 4. Receive & file - Notice of intent to fill budgeted Sheriff's Office Dispatcher position vacated by Peggy McBrien's appointment to full-time Dispatch position. 5. Receive & file - Cass County Land Department intent to advertise and fill the budgeted Assistant Land Commissioner position. 6. Receive & file - Appointment of Bryan Welk, Sheriff's Office Sergeant, grade 30, step 5, effective January 18, 2011. B. Positions scheduled for no replacement: None. C. Other - 1. Approve - PEHRC's point factor evaluation system rating for HHVS – Public Health Manager at grade 39. 2. Receive & file appointment of Jamie Richter to Public Health Manager, Grade 39, Step 7, effective February 1, 2011. 3. Approve - PEHRC's point factor evaluation system rating for HHVS –Business Manager at grade 39. 4. Receive & file - Appointment of Melanie Wolfe to Business Manager, Grade 39, Step 4, effective February 1, 2011. 5. Approve - PEHRC's point factor evaluation system rating for HHVS – Administrative Assistant I at grade 31. 6. Receive & file - Appointment of Kim Minton to Administrative Assistant I, Grade 31, Step 3, effective February 1, 2011. 7. Receive & file - Notice of probation completion for Joan Helms, Social Worker, Grade 28, Step 10 on January 26, 2011. 8. Receive & file - Notice of probation completion for Kate Thompson, Social Worker, Grade 28, Step 3 on November 22, 2010. 9. Receive & file - Notice of probation completion for Rachael Bratz, Social Worker, Grade 28, Step 1 on December 21, 2010. 10. Receive & file - Notice of probation completion for Wanda Reed, Financial Assistant Specialist, Grade 22, Step 9 on January 10, 2011.

Approve Licenses - On & Off Sale 3.2 Beer - Long Pine Store - Cynthia Bussian, Ponto Lake; Riverview RV Parks - Jeff Chlebecek, Wilson. Tobacco - Legacy Glassworks, LLC - Joshua B Wilken-Simon, Turtle Lake. Gambling - North Star Sportsmen's Club Of Leech Lake @ Moondance Saloon-Bar-Grill - Douglas W Braker, Turtle Lake.

Approve - Resolution No. 06-11 Amending Resolution 69-10 - Compensation for elected department heads (terminating the mandatory reduction of 64 hours).

Commissioner Downham offered Resolution No.06-11 and moved its adoption, Commissioner Peterson seconded:

Resolution amending compensation for elected department heads

Whereas: Minnesota Statute 386.015 provides in part for the establishment of the annual compensation of the County Recorder, and
Whereas: Minnesota Statute 387.20 provides in part for the establishment of the annual compensation of the County Sheriff, and
Whereas: Minnesota Statute 388.18 provides in part for the establishment of the annual compensation of the County Attorney, and
Whereas: That the adoption of the foregoing annual salaries is consistent with labor settlements and budgetary guidelines for 2011, and
Whereas: Each of the elected officials had volunteered to participate in the 2011 annual salary reduction plan, and
Whereas: The Board of Commissioners terminated the mandatory reduction of 64 hours (annual reduction plan) January 18, 2011.

Now, Therefore, Be It Resolved:

1. That the year 2011 salaries for the individuals indicated are hereby established as follows:

	<u>01/01/11</u>	<u>07/01/11</u>
County Attorney – Christopher Strandlie		
Grade	50	50
Step	8	9
Monthly rate	8,403	8,655
Annual rate	100,838	103,854
County Sheriff – Tom Burch		
Grade	45	45
Step	7	8
Monthly rate	7,037	7,248
Annual rate	84,448	86,986
County Recorder – Katie Norby		
Grade	34	34
Step	10	10
Monthly rate	5,555	5,555
Annual rate	66,664	66,664

2. That all positions are additionally eligible for an annual longevity payment in accordance with the current Cass County Personnel Policy Rules.

Resolution No. 06-11 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

Approve - Pay request to NE MN Regional Radio Board Operating Expense in the amount of \$297.16.

Approve - Cities of Deer River, Federal Dam and Walker fire contract for Unorganized Township - Jan. 1, 2011 - Dec.31, 2011.

Approve - Appointment of Bonnie Jepson to Central EMS Region Advisory Board (Advisory Board alternate), term ending Dec. 31, 2013.

Receive & file - HHVS Advisory Committee amendments to By-Laws to come into compliance with Cass County Board's policy on Committee Appointments: In effort to maximize citizen participation in County government, all citizen appointments by the Board of Commissioners shall be subject to term limits. No reappointment shall be considered for any individual that has served three (3) consecutive terms or nine (9) consecutive years, whichever is more. In the event that no qualified successor is available for appointment, the term limit may be waived by the Board in one (1) year increments until a successor is appointed. (Amended on January 24, 2011).

Receive & file - HHVS Child Service Costs 2010 summary and HHVS Cash Account Balance Comparison.

Assign - Duties of the Cass County Transportation Advisory Board duties to the HHVS Advisory Committee.

Approval - HHVS Home and Community-based service contracts: Cass County Public Health; Dunganvin Fiscal Services, LLC.; Faith in Action; Krushe Residential Services.

Approve - Second half payment -Targeted Case Management Contingency Funds pay back in the amount of \$54,508.00 per DHS Bulletin #09-32-14.

Receive & file - HHVS Advisory Committee recommendations on the 2011 HHVS Departmental Goals: Minimize the impact of state and federal revenue cuts through maximization of available revenue sources and identification of cost saving measures. Complete the process to consolidate Cass County Computerized General Ledger Integrated Financial System. Enhance electronic technology utilization, develop collaborative relationships with other agencies, and seek remote office access capabilities to increase direct time with clients to offset geographical challenges in the delivery of services. Continue to develop our collaborative relationship with the Leech Lake Band of Ojibwe.

Acknowledge - Statute change effective for taxes payable in 2011 amending the minimum tax payment to \$100, down from \$250 in 2010, and approve elimination of the aggregate parcel linking option for minimum payment threshold.

Approve - Out-of state travel for Auditor-Treasurer to attend annual meeting of Federal HAVA Standards Board, February 23-25, 2011, Oklahoma City, OK (all travel expenses paid by federal government).

Approve - Transfer of easement #11-35-141-30-44 from Northern Lakes Company to Luke and Terri Ebnet (Section 35 of Turtle Lake Township).

Receive & file - Recorders Office summary of annual fees collected.

2B. County Administrator Yochum presented a standard form of agreement between Cass County and thirty one Cass County Public Safety Response Agencies that choose to accept County provided radio equipment to facilitate implementation of the State of Minnesota Allied Radio Matrix Emergency Response (ARMER) system. In addition Mr. Yochum requested approval for the Chairman to execute the standard form of agreement on behalf of the Cass County Sheriff's Office and the Cass County Highway Department.

M/S/P Kangas, Peterson – To approve the standard form of agreement between Cass County and thirty one Cass County Public Safety Response Agencies that choose to accept County provided radio equipment to facilitate implementation of the State of Minnesota Allied Radio Matrix Emergency Response (ARMER) system, and authorize the Chairman to execute the standard form of agreement on behalf of the Cass County Sheriff's Office and the Cass County Highway Department. Unanimous.

- 2C. Administrator Yochum presented Resolution No. 07-11 that authorizes the HHVS Director Reno Wells and HHVS Business Manager Melanie Wolfe to sign on behalf of HHVS Accounts related to the management of social security benefits and receipt of cash child support payments.

Commissioner Downham offered Resolution No. 07-11 and moved its adoption, Commissioner Gaalswyk seconded:

WHEREAS, the First National Bank of Walker as a designated depository of the Cass County Health, Human and Veterans Services be and is hereby requested, authorized and directed to honor checks, drafts or other orders for the payment of money drawn in Cass County Health, Human and Veterans Services, including drawn to the individual order of any person or persons whose name or names appear thereon as signer or signers thereof, when bearing or purporting to bear the facsimile signature(s) of any one of the following:

Reno C. Wells – Cass County Health, Human and Veterans Services Director
Melanie Wolfe - Cass County Health, Human and Veterans Services Business Manager

BE IT RESOLVED, that the First National Bank of Walker shall be entitled to honor and to charge Cass County Health, Human and Veterans Services for all such checks, drafts or other orders, regardless of by whom or by what means the facsimile signature or signatures resemble the facsimile specimens duly certified to or filed with the First National Bank of Walker by the Office of Cass County Health, Human and Veterans Services.

BE IT FURTHER RESOLVED, that any and all resolutions heretofore adopted by the Cass County Board of Commissioners and certified to as governing the operation of Cass County Health, Human and Veterans Services Account(s): Account Number: 80630 Cass County Child Support Fund; Account Number: 80036 Cass County Social Welfare Checking; and Account Number: 124867 Cass County Social Welfare Savings with it, be and are hereby continued in full force and effect, except as the same may be supplemented or modified by the foregoing par of this resolution.

Resolution No. 07-11 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 2D. Administrator Yochum reported on the status of labor negotiations with the six Cass County bargaining units. Mr. Yochum presented tentative agreements with the AFSCME Courthouse Unit, and the AFSCME HHVS Unit. In addition, Administrator Yochum reported: that the Teamsters Local #320 Deputy/Jail Unit have filed for mediation, that the Local #49er's Highway Unit, and Teamsters Local #346 Dispatch/Records Unit have scheduled membership votes on tentative agreements (same as the AFSCME Units), and that Teamsters Local #320 Assistant Attorney Unit have a scheduled negotiation session with the Personnel Committee of the Board (Commissioners Downham, Dowson) following the Tuesday, February 15, 2011 Board Meeting.

M/S/P Peterson, Kangas – To approve the tentative agreements and authorize execution of collective bargaining contracts for calendar years 2011 through 2012 with the AFSCME Local #2195 Courthouse Unit, and the AFSCME Local #2195 HHVS Unit. Unanimous.

M/S/P Gaalswyk, Downham – To authorize retention of Labor Counsel Attorney Tom Fitzpatrick to assist the Personnel Committee of the Board, Sheriff and County Administrator in the Teamster Local #320 Deputy/Jail Unit mediation or arbitration proceedings. Unanimous.

- 2E. Cass County Agricultural Association President Terri Foster and member Barb Frederick appeared before the Board asking for clarification of the Board's previous action of Tuesday, January 18, 2011. Administrator Yochum explained the Board action of Tuesday, January 18, 2011 referred both the Cass County Agricultural Association-Pine River funding request in the amount of \$7,500.00 and the funding request from the Cass County Ag Society-Pillager in the amount of \$5,000.00 to an upcoming Cass County Citizen Budget Committee Meeting. No action necessary.
- 3A. Land Commissioner Josh Stevenson presented a resolution that supports the current language in MN Statutes 97A.061 and MN Statutes 477.11-145 for State Payments-in-Lieu-of-Taxes (PILT). Recent state aid shortfalls have prompted discussions by legislators that included reducing PILT payments for local taxing districts. Chief Financial Officer Larry Wolfe commented that the State Payments-in-Lieu-of-Taxes (PILT) provide annual local property tax relief by providing \$750,000.00 to the General Fund, \$150,000.00 to Land Department Fund and \$50,000.00 to Cass County Townships.

Commissioner Kangas offered Resolution No. 09-11 and moved its adoption, Commissioner Peterson seconded:

WHEREAS, the concept of the state making payments to local taxing districts to help defray cost for local government services provided in support of tax-exempt natural resource lands has been in existence since the 1940's, and

WHEREAS, the federal government recognized its obligation to help defray costs that local government services provided in support of tax-exempt natural resource lands and established federal payments in lieu of taxes on certain federal natural resource lands, and

WHEREAS, following suit with these actions, the 1979 State Legislature approved what is known today as State Payments-in-Lieu-of-Taxes (PILT) for tax exempt natural resource lands, and

WHEREAS, that considerable deliberation continued over the years to improve PILT reimbursement resulted in an overhaul of the PILT laws in 2000 that is still in place today.

THEREFORE, BE IT RESOLVED, that the Cass County Board of Commissioners support the current language of M.S. 97A.061 and M.S. 477A.11-145 and its' funding.

Resolution 09 -11 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 3B. Mr. Stevenson discussed the upcoming MNDNR process for recording prescriptive easements for Forest Access roads that cross private property which are used for timber management and public access. Mr. Stevenson added that State deeded County Administered lands have a similar need and that, as an example, Potlatch has asked the Land Department to work on recording prescriptive easements prior to additional sales of their land. No action necessary at this time.
- 3C. Mr. Stevenson asked for Board approval to purchase a snowmobile through the Land Department Fund #645 (Recreation Account). The snowmobile would be utilized by the Sheriff's Office for patrol, inspection and rescue on Grant-In-Aid Trails. The Sheriff's Office will also assist in related reporting to the State. The purchase of the snowmobile will be made under the State Contract and will not exceed \$9,500.00.

M/S/P Gaalswyk, Downham – To authorize the Sheriff's Office to purchase, or if more cost effective a lease, a snowmobile and trailer utilizing Land Department Fund #645 funds not to exceed \$9,500. Unanimous.

- 4A. County Engineer David Enblom presented the 2011 Cass County Highway Construction Projects and requested authorization to advertise and receive bids.

M/S/P Peterson, Kangas – To authorize the advertisement and request bids for the 2011 Cass County Highway Construction Projects as follows: CSAH 44 (Bituminous resurfacing from T.H. 371 to T.H. 84); CP 2011-1 (Grading, base & bituminous surfacing on CR 109 from T.H. 64 to CSAH 24); SAP 11-601-20 (Grading, base & bituminous surfacing on CSAH 1 from CSAH 15 to CR107); SP 11-601-18 (Grading, base & bituminous surfacing on CSAH 1 from CSAH 34 to CSAH 15); SAP 11-601-21 (Mill & resurface on CSAH 1 from County border to BNSF); SAP 11-606-09 (Bituminous resurfacing on CSAH 6 from west County line to 60th Ave.); SAP 11-603-06 (Bituminous resurfacing on CSAH 3 from County line to County line); SAP 11-607-10 (Reclaim & resurface on CSAH 7 from CR 129 to T.H.6). Unanimous.

- 4B. Assistant Highway Engineer Kris Lyytinen presented bids for the chloride application program (bids opened on January 31, 2011). Mr. Lyytinen reported that the 2010 unit price for magnesium chloride was \$0.755/gallon. The estimated quantity is 750,000 gallons (450,000 County, 300,000 Townships). The chloride program is used on 100 – 120 miles of Cass County roads which is about 25% of the County gravel road system.

Bid Option "A" – 2011

<u>Company</u>	<u>Material</u>	<u>Year</u>	<u>Unit Price (\$/gal)</u>	<u>Estimated Total</u>
Univar	Calcium Chloride	2011	\$0.683	\$512,250
Dustcoating, Inc.	Magnesium Chloride	2011	\$0.765	\$573,750

Bid Option "B" – 2012 & 2013

<u>Company</u>	<u>Material</u>	<u>Year</u>	<u>Unit Price (\$/gal)</u>	<u>Estimated Total</u>
Univar	Calcium Chloride	2012	\$0.708	\$531,000
		2013	\$0.729	\$546,750
Dustcoating, Inc.	Magnesium Chloride	2012	\$0.795	\$596,250
		2013	\$0.825	\$618,750

M/S/P Kangas, Gaalswyk – To accept the apparent low bidder for the chloride application program - for year 2011 Univar at the unit price per gallon of \$0.683 in the amount of \$512,250, and for year 2012 Univar at the unit price per gallon of \$0.708 in the amount of \$531,000 and for year 2013 Univar at the unit price per gallon \$0.729 in the amount of \$546,750. Unanimous.

- 4C. Mr. Enblom requested Board approval to proceed with final payment on CP2008-2(CR 163), CM 2010-5(CSAH 12), CM2010-6(Big Leech Road), Shingobee Trail, shoulder widening, CSAH 12 catch basin repair, aggregate base & bituminous resurfacing and Shingobee Connection Trail respectively. Upon receipt of contractor documentation final payment will be made. Mr. Enblom added the final cost of these combined projects was \$448,940.20 and was funded by County Road construction dollars and Federal Trails and DNR Legacy monies.

M/S/P Peterson, Downham – To approve final payment on CP2008-2(CR 163), CM 2010-5(CSAH 12), CM2010-6(Big Leech Road), Shingobee Trail, Shoulder widening, CSAH 12 catch basin repair, aggregate base & bituminous resurfacing and Shingobee Connection Trail, in the amount of \$448,940.20. Unanimous.

- 4D. Engineer Enblom requested Board approval to proceed with final payment on CP 2009-1 (CR 155) reconstruction of CR 155. Upon receipt of contractor documentation final payment will be made. Mr. Enblom added the final cost of this project was \$474,456.86 and was funded by County Road construction dollars.

M/S/P Peterson, Downham – To approve final payment on CP 2009-1 (CR 155 reconstruction) in the amount of \$474,456.86. Unanimous.

- 5A. County Assessor Mark Peterson presented the 4th Quarter 2010 Foreclosure Report (167 in 2010, 127 in 2009 and 140 in 2008). Mr. Peterson also reported that average sales prices (for arms length transactions of seasonal or residential improved properties) in 2010 were \$238,259 using 408 sales compared to 2009 with an average sale price of \$220,280 using 395 sales (8.2% increase). Total arms length transactions for 2010 were 657 vs. 570 for 2009 (15% increase county-wide).

M/S/P Gaalswyk, Peterson – To receive & file the 4th Quarter 2010 Foreclosure Report and 2010 summary as presented by the Cass County Assessor. Unanimous.

- 5B. Mr. Peterson requested Board approval to establish the 2011 County Board of Equalization on Monday, June 13, 2011 beginning at 2:00 P.M. in the Commissioners Board Room, Crtse, 1st Floor, Walker, MN.

M/S/P Kangas, Peterson – To establish the 2011 County Board of Equalization on Monday, June 13, 2011, beginning at 2:00 P.M. in the Commissioners Board Room, Crtse, 1st Floor, Walker, MN. Unanimous.

- 5C. Mr. Peterson presented the presented a list of abatements.

M/S/P Downham, Peterson - To approve 2009/2010 abatement applications as recommended by the County Assessor, for taxes payable in 2009/2010 - Diane Johnson – Torrey, Homestead, 2009/2010; Kathleen Sarles – Hiram, Property Damage, 2009/2010; John Tabaka – Wabedo, Property Damage 2009/2010. Unanimous.

- 6A. Auditor-Treasurer Sharon Anderson requested Board approval to transfer the passport acceptance facility manager function from the Auditor-Treasurer to the County Recorder to achieve compliance with new Federal dual function policy to be implemented no later than May 1, 2011. Ms. Anderson reported that Recorder Norby has agreed to assist as presented.

M/S/P Downham, Gaalswyk – To approve the transfer of passport acceptance facility manager function to the Cass County Recorder's Office to achieve compliance with new Federal dual function policy to be implemented no later than May 1, 2011. Unanimous.

- 6B. Ms. Anderson requested Board approval to participate in the MN Department of Revenue electronic filing of Certificates of Real Estate Value documents and the E-Recording project that will replace three-part paper CRV forms. Ms. Anderson added the contribution for Cass County will be a one time fee of \$5,000 to be paid from the Recorder's technology fund for the development of the eCRV system.

M/S/P Gaalswyk, Kangas – To approve Cass County participation in the MN Department of Revenue electronic filing of Certificates of Real Estate Value documents and the E-Recording project at a one time cost of \$5,000.00. Unanimous.

7. Administrator Yochum presented the tabled 2011 Board of Commissioners Board Meeting summer schedule including two public hearings on county roadway revocations affecting the Townships of Torrey and Thunder Lake.

M/S/P Peterson, Downham – To approve the 2011 summer schedule for Cass County Board of Commissioner Board Meetings and authorize public hearings at the same regarding revocation of county road status within the affected townships: District #5 - Tuesday, May 17, 2011- Torrey Township (Remer Depot-104 Main St. West, Remer, MN); District #4 – Tuesday, June 21, 2011 - Wabedo Township-3726 County 54 NE, Longville, MN; District #3 – Tuesday, July 19, 2011-Thunder Lake Township - 4643 State 6 NE, Remer, MN; District #2 – Tuesday, August 16, 2011- Maple Township – 6405 25th Avenue SW, Pequot Lakes, MN; and District #1 – Tuesday, Sept. 20, 2011- Lake Shore City - 8583 Interlachen Road, Lake Shore, MN , all Board Meetings will to begin at 6:00 p.m. Unanimous.

8. Chairman Dowson adjourned the meeting at 10:30 a.m.

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

ATTEST: _____
Robert H. Yochum
Cass County Administrator