

TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
April 19, 2011

- 1A. Chairman Dowson convened the regular meeting of the Cass County Board of Commissioners at 9:00 a.m. on Tuesday, April 19, 2011, with the flag pledge, in the Land Department Meeting Room, Backus, MN. Commissioners present: Downham, Dowson, Gaalswyk, 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
Tom Burch	Cass County Sheriff	Bill Conner & Portas	Cass County K-9 Unit
Josh Stevenson	Land Commissioner	Sharon Anderson	Auditor-Treasurer
Mark Peterson	Assessor	Kelly Felton	Working Together Coalition
Lu Ann Sampson	Working Together Coalition	Monica Lundquist	Brainerd Dispatch
Henry Drewes	MN DNR NW Region Fisheries Manager	John Zesbaugh	Bites Grill and Bar
Gail Levenson	Cass County EDC	Mary Zesbaugh	Bites Grill and Bar
Gail DeBoer	Pilot Independent	Ray Payne	Leech Lake Watershed Fnd.

- 1B. M/S/P Kangas, Gaalswyk – To approve the agenda items for discussion as presented and the addition of Item 2C. (Request from AMC to establish a legislative position regarding the MAGIC Act), Item 6A. (DEA prescription pick-up at sites located in the Cities of Cass Lake and Lake Shore), and Item 9A. (Emergency Operations Center Orientation, Friday, May 20, 2011, beginning at 9:00 a.m., LEC Meeting Room, Walker, MN). Unanimous.
- 2A. County Administrator Robert Yochum presented to the Board the following matters:

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

Approve - Board Minutes of April 5, 2011.

Approve - HHVS Auditor warrants dated March 31, 2011 in the amount of \$50.00.

Approve - Auditor manual warrants (Batch #1) dated March 2011 in the amount of \$1,276,028.12.

Approve - Auditor warrants dated April 7, 2011 in the amount of \$253,915.76.

Approve - HHVS Auditor warrants dated April 8, 2011 in the amount of \$91,095.32.

Approve - HHVS Commissioners warrants dated April 8, 2011 in the amount of \$67,434.22.

Approve - Auditor warrants dated April 14, 2011 in the amount of \$208,862.02.

Receive & file - Monthly Budget Reports.

Approve Personnel Actions - A. Budgeted positions scheduled for replacement – 1. Receive & file - Notice of retirement of Darlene Marquardt, Accounting Technician, effective June 6, 2011, and Receive & file - Intent to fill this position (Grade 19) by June 1, 2011 to allow for training by Darlene prior to her departure, and Request the County Board to award a Certificate of Appreciation for her years of service: September 28, 1976 to June 6, 2011. 2. Receive & file - Notice of resignation - Alita Reque-Peterson, Children's Mental Health Social Worker, effective April 22, 2011, and Receive & file - Intent to fill vacancy with a Merit System County Agency Social Worker position, Grade 28. 3. Receive & file - Notice of appointment of Shawn Karl, Motor Equipment Operator for the Walker-Cass Lake-Hackensack maintenance area, grade 20, step 1, effective May 2, 2011. B. Positions scheduled for no replacement - 1. Receive & file - Notice of resignation of Deb Andrews, Public Health Nurse, effective April 19, 2011, and Receive & file - Intent to table replacement to allow HHVS an opportunity to review the needs of the Agency and come back at a later date. C. Other - 1. Authorize - Grade rating evaluation submission to Public Employment HR Consulting (PEHRC) for Cass County Probation Office - Administrative Agent. 2. Approve changes from current County named positions for Social Workers to the Merit System titles of County Agency Social Worker or County Agency Social Worker (Child Protection Specialist), no changes in grade, position name change only.

Approve Licenses - On Sale Intoxicating Liquor including Sunday - Bites Grill & Bar for Bites Grill & Bar, Inc., Wilson Twsp.

Receive & file - Cass County EDC March 2011 Activity Report.

Receive & file - Timber auction results of March 31, 2011 totaling 6,849.50 cords plus 10.50mbf saw timber totaling \$123,737.00.

Table - Annual Cass County Auction on Saturday, August 20, 2011, 10:00 am, at the Cass County Highway Department, Walker for sale of surplus property, direct staff to advertise for auctioneer services, and notification to Townships & Cities that their surplus property may be included. Board requests examination of electronic sale options and subsequent report.

Receive & file - Cass County's share of State sales & use taxes collected in 2010 on the Leech Lake Reservation in the amount of \$77,327.00.

Authorize - 1st quarter Longville Ambulance Subordinate Service District payment in the amount of \$102,750.00.

Receive & file - Enhanced 911 Audit for year ending December 31, 2010.

Accept - Donation of \$250.00 from Wilkinson Township for Lakes Area Dive Team for Sheriff's Office Recreation Division.

Approve - State of MN Joint Powers Agreement - MN Internet Crimes Against Children Task Force (MICAC) (DP-M-0493).

Commissioner Kangas offered Resolution No. 22-11 and moved its adoption, Commissioner Gaalswyk seconded:

Resolution approving State of Minnesota Joint Powers Agreements with the County of Cass on behalf of its County Attorney and Sheriff's Office

WHEREAS, the County of Cass on behalf of its Prosecuting Attorney and Sheriff's Office desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the County of Cass is eligible. The Joint Powers Agreement further provide the County of Cass with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the County of Cass to pay the costs for the network connection.

NOW, THEREFORE BE IT RESOLVED, by the County Board of Commissioners of Walker, Minnesota as follows:

- That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the Cass County Sheriff's Office on behalf of its Prosecuting Attorney and Sheriff's Office, are hereby approved. Copies of two Joint Powers Agreements are attached to this Resolution and made a part of it.

2. That the Sheriff, Tom Burch, or his or her successor, is designated the Authorized Representative for the Cass County Sheriff's Office. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the Cass County's connection to the systems and tools offered.
3. That the County Attorney, Christopher Strandlie, or his or her successor, is designated the Authorized Representative or the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the Cass County's connection to the systems and tools offered by the State.
4. That Jim Dowson, the Board Chairman of the Cass County Board of Commissioners and Robert H. Yochum, the County Administrator, are authorized to sign the State of Minnesota Joint Powers Agreements.

Resolution No. 22-11 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

Receive & file - 2011 First Quarter ESD Planning and Zoning Activity report.

Approve - Cass County serving as fiscal agent for Leech Lake Association US Forest Service Secure Rural Schools Program grant proposal amount of \$110,715 - "Stopping Zebra Mussels".

Approve - Participation in the collaborative project of the Northwest Consortium to provide support services to individuals and families who experience long-term homelessness grant on behalf of BI-CAP Community Action Agency.

Approve - 2011 HHVS Amendment to the Home and Community-Based Services Contract effective through December 31, 2011 - Grand Itasca Clinic/Homecare.

Approve - HHVS Group Residential Housing Agreements January 1, 2011 through December 31, 2012 - Gramma Jo's; Laurel Lodge Assisted Living; Don and June Hanson; Memory Care Cottages; May Creek Lodge; John and Teresa Smith; Bookside Comfort Care; Riverside Assisted Living Pillager.

Accept - MnCHOICES Technology Grant (#444754) in the amount of \$4,875.00 no County match - to be used to purchase hardware to run the MnCHOICES assessment tool based on their specifications.

Approve - Cass County Family Center quarterly reporting and payment of quarterly expense reports totaling \$18,080.23, and receive & file 2010 Cass County Family Center Annual Reports.

Approve - HHVS fee increase for Skilled Nursing visits to \$165 and Home Health Aide to \$70 per visit as recommended by the Medicare Cost Study and the HHVS Advisory Committee effective June 1, 2011.

Table - Fraud Prevention Investigation Regional Plan and Grant Application for Cass County in the amount of \$80,000.00 in each of the State fiscal years 2012 and 2013. Board requests an explanation of current related programs at the Tuesday, May 3, 2011 Commissioners Board Meeting.

Approve - Expenditure not to exceed \$7,000 (from HHVS current budget or reserve funds) to establish a private office work station within HHVS Accounting.

Receive & file - Cass County's Statewide Health Improvement Program (SHIP) Update.

M/S/P Kangas, Gaalswyk - To accept the apparent low bid for site preparation (\$88.95/acre) and mechanical release (\$37.95/acre) of pine plantations to A&K Contracting. Unanimous.

<u>Contractor</u>	<u>Site Prep Chemical/gallon</u>	<u>Site Prep Trench & Herbicide Cost</u>	<u>Release Chemical/gallon</u>	<u>Release Mechanical Application Cost</u>
Future Forests Inc	(Garlon Forestry) \$100.00/gallon (Accord XRT) \$32.00/gallon	\$97.00/acre	(Garlon Forestry) \$100.00/gallon (Accord XRT) \$32.00/gallon	\$60.00/acre
A&K Contracting	(Garlon XRT) \$88.50/gallon (Accord XRT) \$21.50/gallon	\$88.95/acre	(Garlon Forestry) \$88.50/gallon (Accord XRT)\$21.50/gallon (Entry II sarfantant)\$21.00/gallon	\$37.95/acre
A&M Forestry	No Bid	No Bid	Hand Release	\$158.00/acres
John Berendes	No Bid	No Bid	No Bid	No Bid
Mutch's Forestry	No Bid	No Bid	No Bid	No Bid

M/S/P Kangas, Gaalswyk - To accept the apparent low bid of Scott's Helicopter Service for seeding 136 acres @ \$7.59/acre. Unanimous.

<u>Bidder</u>	<u>Bid Amount</u>
Scott's Helicopter Service	\$7.59/acre
Northern Helicopters	\$9.50/acre
JBird Helicopters	\$18.60/acre
Teryjon Aviation	\$9.09/acre

Accept - 2011 BWSR Lake Protection Challenge Grant Agreement to Cass County ESD and authorize County Administrator to execute.

Approve - Pay request No. 3 (#23685) for Cass County Energy Upgrade Project to CAM in the amount of \$3,000.00.

Approve - Pay request No. 4 (#23690) for Cass County Energy Upgrade Project to CAM in the amount of \$2,000.00.

Approve - Assessor's Abatements - Daisy Manders - Thunder Lake, Exempt 2010/2011; City of East Gull Lake - East Gull Lake, Exempt 2010/2011; Little Sand Group Home - Remer City, Exempt 2010/2011.

Approve - Pay request #3 for Cass County Energy Upgrade Project to Honeywell in the amount of \$76,807.40.

- 2B. County Administrator Yochum summarized the Personnel Committee of the Board meeting held Tuesday, April 5, 2011 regarding an AFSCME HHVS Unit grievance dated March 31, 2011. In addition, Mr. Yochum reported on a meeting held April 14, 2011 with HHVS management (Wells, Piprude, Yochum) and representatives of the AFSCME HHVS Unit regarding the grievance dated March 31, 2011 and a grievance dated April 5, 2011.

M/S/P Peterson, Kangas - To receive and file notice of the withdrawal of an AFSCME HHVS Unit grievance dated March 31, 2011. Unanimous.

M/S/P Downham, Gaalswyk - To authorize the Personnel Committee of the Board to deny an AFSCME HHVS Unit grievance dated April 5, 2011 absent any additional information before May 3, 2011. Unanimous.

- 2C. Robert Yochum presented correspondence from the Association of Minnesota Counties (AMC) requesting a legislative position on the Minnesota Accountable Government Innovation and Collaboration (MAGIC) Act. AMC reported that a bill will soon be introduced in the MN Legislature that will contain two provisions including - Counties would be statutorily authorized to take any action not prohibited by State law to provide for the health, safety and general welfare of the public, and secondly establish an outcome based waiver process to implement pilot programs. Administrator Yochum will file the related bill with the Board after its introduction.

Commissioner Kangas offered Resolution No. 23 -11 and moved its adoption; Commissioner Gaalswyk seconded:

Minnesota Accountable Government, Innovation and Collaboration (MAGIC) Act

WHEREAS, Minnesota is consistently placed at or near the bottom of national measures that assess the capacity for local government innovation in all 50 states,

WHEREAS, Minnesota and its counties face significant demographic trends that will require innovative approaches to program delivery in order to adequately meet the growing and changing needs of citizens;

WHEREAS, counties with innovative ideas should be provided the requisite opportunity and flexibility to successfully implement those ideas so as to best serve their communities,

WHEREAS, counties across Minnesota boast significant geographic, demographic and economic diversity that thus requires maximum flexibility in programmatic implementation,

WHEREAS, counties are willing and able to identify, implement and methodically verify increased programmatic efficiencies through a process that will cultivate and sustain a strong and trusting state-local partnership, and

WHEREAS, transitioning to an outcomes-based system of program evaluation is in the best interest of every Minnesota citizen and government that desires to maximize public resources and enhance the quality of life in their community to the fullest extent possible,

BE IT THEREFORE RESOLVED that Cass County recommends that the Legislature and governor work cooperatively with all 87 counties to swiftly pass the MAGIC Act into law during the 2011 legislative session, thus implementing a system that will enhance and incent local government efficiency and innovation throughout Minnesota by:

1. Allowing counties to take any action not prohibited by state law to provide for the health, safety and general welfare of the public; and
2. Creating a measured, outcomes-based waiver process whereby counties, in partnership with the legislative and executive branch of state government, can implement efficiency-based, time-limited pilot programs that are subject to final review by the Legislature and governor and will create a repository of best practices so as to improve long-term policy decisions across the state.

Resolution No. 23-11 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 3A. Henry Drewes, MN DNR NW Region Fisheries Manager spoke to the Board regarding a proposed state land acquisition (property on Five Mile Point of Leech Lake) located in Gould Township that would append the 26-acre Aquatic Management Area (AMA) purchased in 2009 to protect one of seven known muskellunge spawning areas in Leech Lake. The Leech Lake muskellunge population is one of Minnesota's most recognizable muskie fisheries, is supported entirely by natural reproduction and the protection of critical spawning habitat is paramount to its future status. The parcel (15-112-3301) is located in Section 12, Government Lot 4; it is 4.15 acres and has 200 feet of shoreline. The property would be designated as a General Use Aquatic Management Area (AMA), open to the public, and as an AMA, the riparian habitat will be protected and preserved.

Mr. Drewes also added that this acquisition is an excellent example of a public/private partnership to protect critical fish habitat for the benefit of public enjoyment, with funding sources include the Lessard-Sams Outdoor Heritage Council, nearly \$26,000 raised in cash by the Leech Lake Area Watershed Foundation and matching funds through the Reinvest in Minnesota (RIM) program, and other donations. Mr. Drewes also reported that he had discussed the Aquatic Management Area with the Gould Town Board and they are in support of the land acquisition, however, expressed concern that State acquisitions could impact the local tax base. Mr. Drewes assured the Township supervisors that DNR's sole purpose of lakeshore acquisition is to protect high value riparian and near-shore aquatic habitats for the long term well being of the sport fishery and for public enjoyment.

Mr. Drewes also informed the Board of a second parcel on Leech Lake that is being considered for acquisition. This is a 4.2 acre parcel on Otter Tail Point adjacent to a large embayment known as Lost Lake. This acquisition would protect 1,700 feet of lake shore adjacent to some high quality panfish and largemouth bass spawning areas. The parcel includes approximately three acres of wetland and just over an acre of forest upland.

Commissioner Downham offered Resolution No. 24 -11 and moved its adoption; Commissioner Peterson seconded:

Review of Proposed State Land Acquisition

In accordance with Minnesota Statutes 84.944, Subd. 3 and 97A.145, Subd. 2, the Commissioner of the Department of Natural Resources on April 19, 2011 provided the county board with a description of lands to be acquired by the State of Minnesota for Aquatic Management Area purposes.

Lands to be acquired are described as follows: Property located in Gould Township (Twp143 N, Rng 29 W), Section 12, Government Lot 4. This property is on Five Mile Point of Leech Lake, parcel number 15-112-3301. Altogether, the property totals approximately 4.15 acres with 200 feet of shoreline on Five Mile Point. Immediately offshore is one of seven known muskellunge spawning areas. The Leech Lake muskellunge population provides one of Minnesota's most important muskellunge resources. This population is maintained entirely by natural reproduction; thus, protection of necessary spawning habitats is paramount to the population's future status. The property would be designated as a General Use Aquatic Management Area (AMA) open to the public. As an AMA, the riparian habitat and near-shore areas will be protected and preserved.

IT IS HEREBY RESOLVED, by the Board of County Commissioners of Cass County on April 19, 2011 that the State's proposed acquisition of the attached described property be approved.

Resolution No. 24-11 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 4A. Kelly Felton and Lu Ann Sampson from the Working Together Coalition presented an update on the Alcohol, Tobacco, and Other Drug Programs (ATOD) that they have been working on including: Coalition of the Year recognition, Social Host Ordinances, Teen Winter Retreat, Parent Connections, Alcohol Compliance Checks, and Responsible Beverage Server Training. Ms. Felton added that the goal of the Working Together Coalition is to provide the school districts of Northland Community, Pine River-Backus and Walker-Hackensack-Akeley information on how to prevent the use of alcohol, tobacco and other drugs among our youth. The Board thanked Ms. Felton and Ms. Sampson for the update and complimented their results to date. No action necessary.
- 5A. Land Commissioner Josh Stevenson informed the County Board of the "No Hunting" zone posted in Deep Portage. The "No Hunting" zone is required to keep students and staff safe during hunting season. Mr. Stevenson added that this is consistent with the current operating contract between Deep Portage Environmental Learning Center and Cass County, and that the Deep Portage will install the signs.

M/S/P Peterson, Downham – To receive and file notification of the installation of a "No Hunting" zone posted in Deep Portage. Unanimous.

- 5B. Mr. Stevenson presented a request from the City of Boy River for funds and improvements to the Soo-Line Trail to facilitate access to a proposed Community Center. Mr. Stevenson informed the Board that after speaking with the DNR and the local ATV/Snowmobile Club, that the trail portion would be an excellent project for a Trail Capital Improvement Grant. The balance of the proposed community center project would be a local effort. Mr. Stevenson added that Land Department is also soliciting proposed projects from other Clubs throughout the County. Upon Board approval, this project would be added to the final grant application which will be submitted to the County Board for approval when all project proposals are finalized.

M/S/P Downham, Peterson – To approve the City of Boy River trail project concept and authorize preparation of a MN DNR Capital Improvement Grant that, among others, includes improvements to the Soo-Line Trail for better access to City building facilities. Unanimous.

- 6A. Sheriff Tom Burch, and Deputy Bill Conner (with K9 partner Portas) reported on recent K-9 certification in MN and special recognition by the USPCA Region 12 (representing the States of Western Minnesota, Wisconsin, North Dakota, South Dakota and Manitoba Canada) for outstanding team performance when Deputy Connor and Portas assisted officers with a K-9 sniff of a motor vehicle that resulted in finding 15 pounds of marijuana inside the trunk in heat sealed bags. Sheriff Burch and Deputy Conner thanked the Board for their continued support of the Cass County K-9 Unit (Portos just smiled).
- 6B. Sheriff Burch updated the Board that the US Department of Justice Drug Enforcement Administration will be observing the National Prescription Drug Take-Back Day at sites located at the City Halls of Cass Lake and Lake Shore. The public is invited to bring expired, unused or unwanted prescription drugs between 10 a.m. and 2 p.m. on Saturday, April 30, 2011. The Sheriff's Office will then safely dispose of the drugs and continues to work on a permanent collection site at the Sheriff's Office in Walker.
- 7A. Auditor-Treasurer Sharon K. Anderson presented a preliminary review of 2010 Census redistricting data which indicates a high probability that all five County Commissioner districts will be significantly affected. Work on the process can begin this year and conclude with the required public hearing and plan adoption procedures in 2012 (to be filed by April 20, 2012). Redistricting options including ideas for soliciting feedback from other affected government entities could be completed by mid-summer 2011. The 2002 redistricting as a result of the 2000 census utilized a staff committee to define options.

M/S/P Peterson, Gaalswyk – To appoint a staff committee of Administrator Yochum, Technical Support Specialist Don Hoppe and Auditor-Treasurer Anderson to prepare preliminary redistricting options for County Board review. Unanimous.

- 7B. Ms. Anderson presented the 2011 March Interest Income report. Auditor-Treasurer Anderson also discussed the 2011 budget and investment maturity strategies. No action necessary.
- 7C. Auditor-Treasurer Anderson reported the need to purchase a software system (Jaguar) in the amount of \$12,877 that replaces the DCP product due to the bankruptcy of the current software vendor. In view of the present circumstances and that \$15,000 was budgeted for 2011 software Ms. Anderson indicated that the planned purchase of web based timesheet software would be deferred at this time. No action necessary.
- 7D. Ms. Anderson reviewed updated information on Cass County tax payment options posted on the website: in person, by mail, automatic payment (direct debit program), escrow account, e-check, and credit/debit card. Other website related information is "understanding your property taxes" and "frequently asked questions". No action necessary.
- 8A. Assessor Mark Peterson presented the preliminary 2011 Cass County Tax Base Trends (review by the State, some State set rates, and local Boards of Review are pending). The 2011 property valuation assessment for property tax collections in 2012 indicates an estimated market value of 6,498,500,000 (-3.1% change from the 2010 property valuation assessment), new construction in the 2011 property valuation assessment added \$39,600,000 (-10.6% change from the 2010 property valuation assessment), new home starts in 2011 property valuation assessment were 128 (+6.0% change from the 2010 property valuation assessment), taxable market value in the 2011 property valuation assessment equals \$6,472,500,000 (-2.9% change from the 2010 property valuation assessment), and non-taxed market value in the 2011 property valuation assessment is \$26,000,000 (.40% of estimated market value compared to \$38,500,000 or .57% of estimated market value for the year 2010). No action necessary.
9. Administrator Yochum discussed the upcoming meeting schedule: Emergency Operations Center Orientation, Friday, May 20, 2011, beginning at 9:00 a.m., LEC Meeting Room, Walker, MN.

10. M/S/P Downham, Kangas – To adjourn the meeting at 10:30 a.m. Unanimous.

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

ATTEST: _____
Robert H. Yochum
Cass County Administrator