

**TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
MAY 17, 2011**

1. The Cass County Board of Commissioners toured the Cass County Highway Maintenance Shop located at 6974 72nd St NE, Remer, MN, and also viewed the MNDOT Facility located at 112 Eagle Ave NE, Remer, MN. Present for the tour were Cass County Commissioners Dick Downham, Jim Dowson, Neal Gaalswyk, Bob Kangas, Jeff Peterson, also present were Robert Yochum, David Enblom, Kris Lyytinen, Laura Hadrava, Francis Murray, Donald Welk, Monica Lundquist, and Gail DeBoer. No actions were taken.
2. Chairman Dowson convened the regular meeting of the Cass County Board of Commissioners at 6:00 p.m. on Tuesday, May 17, 2011 at the Torrey Township Hall, held at Remer Depot-104 Main St. West, Remer, 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
Dave Enblom	Highway Engineer	Kris Lyytinen	Highway Department
Laura Hadrava	Highway Department	Tom Burch	Sheriff
Kerry Swenson	Emergency Management Coord.	Bryan Welk	Cass County Sheriff's Office
Aaron Ammerman	Cass County Sheriff's Office	Ryan Fisher	Cass County Sheriff's Office
Kevin Lee	North Ambulance-LASSD	John Ringle	ESD Director
Tim Richardson	Central Services Director	Gail Levenson	Cass County EDC
Crystal Ammerman	Self	Dan Harms	Torrey Township
John Hanson	Torrey Township	Robert Jacobson	Torrey Township
Joyce Jacobson	Torrey Township	Dale F. Woodard	Torrey Township
LaDes Sauter	Torrey Township	Daniel Gielen	Torrey Township
Gail DeBoer	Pilot Independent	Monica Lundquist	Brainerd Dispatch

- 3A. Chairman Dowson invited Cass County Sheriff's Office Honor Guard members Aaron Ammerman, Bryan Welk, and Ryan Fisher to open the meeting by posting the colors followed by the Pledge of Allegiance.
- 3B. M/S/P Gaalswyk, Downham - To approve the agenda items for discussion as presented and the addition of Item 9A.9. (Receive and file notice of resignation – HHVS Social Worker Melissa Feller effective June 1, 2011, and Receive and file notice of intent to fill the HHVS Social Worker vacancy Grade 28, Step 1), and item 9C. (Correspondence regarding placement of bronze statues on Courthouse lawn). Unanimous.
- 4A. Sheriff Tom Burch reported that \$11,000 in donations by the public has made possible the purchase of special Sheriff's Office Honor Guard uniforms and related training. Deputies who participate volunteer their hours for Honor Guard presentations. Present members include: Sergeant Bryan Welk, and Deputies Aaron Ammerman, Bob Landreville, Ryan Fisher, Chris Thompson, Chas Ratz, Eric Lueth, and Ken Gardner. The Board expressed their appreciation for representing Cass County in this way. No action necessary.
- 4B. Sheriff Burch informed the Board of a \$12,000 balance from the 2010/2011 ATV Grant to be used for enforcement, or purchase of equipment. Mr. Burch explained the enforcement benefits of purchasing a Class 2 ATV and establishing a trail ambassador program. The Sheriff's Office intends to seek volunteers such as senior citizens or minors to ride along with deputies while patrolling high use trails as trail ambassadors. The equipment best suited for this use would be a side-by-side vehicle capable of accepting tracks for year round use.

M/S/P Gaalswyk, Kangas – To approve the Sheriff's Office to utilize funds from the 2010/2011 ATV Grant (#B32717) to purchase a Class 2 ATV for use in a trail ambassador program not to exceed \$12,000.00. Unanimous.
- 4C. Sheriff Burch requested Board approval to submit an application for the 2011 COPS Secure Our Schools Federal Grant. The grant, if funded, would require a 50% match over three calendar years. Sheriff Burch added that among the Cass County School Districts Northland School District has expressed an interest so far.

M/S/P Kangas, Downham – To approve submission of a grant application to the US Department of Justice by the Sheriff's Office for the 2011 COPS Secure Our Schools Grant to fund a School Resource Officer. Unanimous.
- 4D. Sheriff Burch and Emergency Management Coordinator Kerry Swenson updated the Board on the ARMER Capital Project system development schedule, budget, and public safety agency participation agreements. The project team is scheduled to meet May 23, 2011 to prepare the next equipment order for presentation to the Board June 17, 2011. The Sheriff's Office sent notices to all invited ARMER participants notifying them to return their agreements by no later than May 23, 2011 or Cass County will not be purchasing radios for them (4 of 31 have not responded). End user and system administration training is underway. Mr. Swenson also presented a proposed budgeted equipment purchase in the amount of \$90,034.64.

M/S/P Gaalswyk, Peterson – To approve the purchase from DSC Communications of 264 Motorola two-tone emergency voice pagers for the ARMER radio system and authorize payment not to exceed \$90,034.64. Unanimous.

- 5A. Highway Engineer Dave Enblom acknowledged the public hearing notice and presented a draft resolution regarding the revocation of County road status for a portion of Schoolcraft Lane NE. Mr. Enblom explained the history of the Cass County Road Revocation Program which began in 2007. Assistant County Engineer Kris Lyytinen discussed the improvements proposed to Schoolcraft Lane NE prior to turn back to Torrey Township scheduled for January 2014. Torrey Township Supervisors and members of the audience inquired about State road funding inasmuch as Schoolcraft Lane NE provides access to Schoolcraft State Park. Audience members suggested delaying action allowing additional participation by providing a second hearing notice.

M/S/P Peterson, Downham – To table the draft resolution regarding the revocation of County road status for a portion of Schoolcraft Lane NE. and provide public notice of the continued public hearing to the regular Cass County Board of Commissioners Meeting beginning at 9:00 a.m. in the Commissioners Boardroom, 1st Floor, Cass County Courthouse Annex, Walker, MN. Unanimous.

- 6A. Construction/Design Engineer Laura Hadrava presented bid results for award consideration for 2011 Cass County Maintenance Projects: SAP-11-603-08 CSAH #3 Bituminous Resurfacing (east of Bena - 8 miles of paving); SP 11-601-18 CSAH #1 Reconstruction (3.5 miles between CSAH 34 and CSAH 15). Bids were opened at 2:00 PM on May 11, 2011. Engineer Enblom discussed funding sources for the two projects and discussed the possible necessity to cash flow the State or Federal shares in the event of a "MN State Government Shutdown".

M/S/P Kangas, Gaalswyk – To award the bid to the following apparent low bidder (received on May 11, 2011) for CSAH 3 Bituminous Resurfacing (8 miles of paving) Project No.: SAP 011-603-008 to Anderson Brothers Construction Co. in the bid amount of \$864,144.10 (19.78% Under Engineers Estimate of \$930,590.32). Unanimous.

Project Name: CSAH #3 Bituminous Resurfacing
Project No.: SAP 11-603-08
Engineers Estimate \$930,590.32

<u>Bidder</u>	<u>Bid Amount</u>	<u>Percent Over/Under Estimate</u>
Anderson Brothers Construction Co.	\$864,144.10	7.14% Under Estimate
Hawkinson Construction Co., Inc.	\$878,683.95	5.58% Under Estimate
Knife River Materials	\$1,065,663.42	14.51% Over Estimate
Central Specialties, Inc.	\$1,246,406.65	33.94% Over Estimate

M/S/P Kangas, Downham - To award the bid to the following apparent low bidder (received on May 11, 2011) for CSAH 1 Reconstruction Project No.: SP 011-601-18 to Tri-City Paving, Inc. in the bid amount of \$1,214,862.27 (0.63% Over Estimate of \$1,207,289.20), contingent upon approval by MnDOT. Unanimous.

Project Name: CSAH #1 Reconstruction
Project No.: SP 11-601-018
Engineers Estimate- \$1,207,289.20

<u>Bidder</u>	<u>Bid Amount</u>	<u>Percent Over/Under Estimate</u>
Tri-City Paving, Inc.	\$1,214,862.27	0.63% Over Estimate
Central Specialties, Inc.	\$1,301,114.17	7.77% Over Estimate
Anderson Brothers Construction Co.	\$1,366,749.02	13.21% Over Estimate
Hardrives, Inc.	\$1,408,326.29	16.65% Over Estimate
Knife River Corporation	\$1,425,273.49	18.06% Over Estimate

- 6B. Engineer Enblom informed the Board of a Wild Parsnip Intensive Management Project in conjunction with Shingobee, and Turtle Lake Townships, Leech Lake Reservation and the Chippewa National Forest to control noxious weed proliferation. The demonstration project will provide intensive mowing of roadsides along CSAH#13 and CSAH#72, and the placement of informational signs. No action necessary.

- 7A. Kevin Lee of North Memorial Ambulance presented the first quarter 2011 report for the Longville Ambulance Subordinate Service District (LASSD): transported or billed 44 patients vs. the budgeted amount of 47; year to date the revenues were \$5,761 over budget due to decreased revenue deductions; salaries were \$85,350 vs. the budgeted amount of \$62,710 (unscheduled medical leave); gross margin was 15.3% vs. goal of 10%. Mr. Lee discussed community involvement including: Cass County EMS Task Force, Cass County Radio Users Meetings, ARMER "Train the Trainer" Program, first formal educational session with the Longville Fire Dept., and continue a great working relationship with the local First Responder groups. The Board thanked Mr. Lee for the update.

- 8A. ESD Director John Ringle informed the Board of pending State of MN legislation on the floor of both legislative bodies to extend the timeline for County Ordinance adoption of updated State rules (#7080) related to subsurface sewage treatment systems (SSTS). Cass County has previously supported the extension of the timeline to February of 2016. Mr. Ringle reported that the current Cass County ordinance language is adequately protecting health and safety of County residents, and that Cass is currently part of a northern Minnesota working group (consisting of Beltrami, Cass, and Hubbard Counties) looking at ways to ensure that the MPCA allows for county flexibility when SSTS Ordinances are developed and adopted. If the MN Legislature chooses not to delay the updated State rules, ESD has prepared a revised Ordinance for Board adoption by February 2012 as presently mandated.

By consensus, the Board requested the Board Chair to respond in support of legislation that would extend the SSTS Ordinance revision timeline to February of 2016.

- 8B. Mr. Ringle reported that the Planning Commission has set July 13th beginning at 5:00 p.m. at the Backus Land Department as the date, time and location to hold a public hearing for the 1st reading of Cass County Land Use Ordinance revisions referred by the Board of Commissioners

including: 1.) Clarification of fractional ownership as it relates to the definition of a resort and related occupancy issues, 2.) Variance criteria language as it reflects recent MN State Supreme Court rulings, 3.) Operating hours of gravel pits, and 4) Other "housekeeping" issues (i.e. spelling, grammatical, and numbering corrections). Notice will be published the weeks of June 12 through July 3, 2011 and the Ordinance revisions will be available for review and comment prior to the July 13, 2011 hearing. No action necessary,

9A. County Administrator Robert Yochum presented to the Board the following matters:

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

Approve - Regular Board Minutes of May 3, 2011.

Approve - HHVS Auditor Warrants dated April 28, 2011 in the amount of \$121.00.

Approve - Auditor Manual (Batch 1) Warrants dated April, 2011 in the amount of \$1,015,866.87.

Approve - Auditor Warrants dated May 5, 2011 in the amount of \$100,805.08.

Approve - HHVS Auditor Warrants dated May 6, 2011 in the amount of \$56,022.39.

Approve - HHVS Commissioners Warrants dated May 6, 2011 in the amount of \$31,374.49.

Approve - Auditor Warrants dated May 12, 2011 in the amount of \$304,830.92.

Receive & file - Monthly Budget Reports.

Approve Personnel Items - A. Budgeted positions scheduled for replacement - Receive and file notice of resignation of HHVS Collections Officer Darrel Olson, effective May 17, 2011; Receive and file notice of intent to fill the HHVS Collections Officer vacancy Grade 20, Step 1. ; Receive & file notice of appointment of Social Worker Team Leader Deanna Johnson effective April 30, 2011, Grade 31, Step 8; Receive and file notice of intent to fill the County Agency Social Worker (Deanna Johnson) vacancy, Grade 28, Step 1; Receive & file notice of intent to appoint Highway Department Seasonal/Temporary employees for 2011: Richard Gack - Grade 6, Step 6; Molly Arola - Grade 6, Step 2; Thomas Klinger - Grade 6, Step 2; Ryan Piprude - Grade 6, Step 4; Jay Estabrook - Grade 6, Step 1; Orin Henderson - Grade 6, Step 10; John Martin Grade 6, Step 2. Receive and file notice of appointment of Joel Norenberg Sheriff's Office Lieutenant (Jail Administrator) Grade 34, Step 7, effective May 2, 2011. Receive and file notice of appointment of HHVS Office Support Specialist Jennifer Johnson effective May 11, 2011, Grade 15, Step 1 (the County Board previously increased this .5 FTE position to full time through September 2011 in order to provide clerical support for the Wellness Court). Receive & file notice of appointment of Toni Hinsz Sheriff's Office Dispatcher, Grade 21, Step 1, effective May 4, 2011. Receive & file notice of appointment of Chad Emery Sheriff's Office Dispatcher (20%) Grade 21, Step 1, and Sheriff's Office Deputy Recreation Division (80%) Grade 27, Step 1 effective May 6, 2011. Receive and file notice of resignation of HHVS Social Worker Melissa Feller effective June 1, 2011, and Receive and file notice of intent to fill the HHVS Social Worker (Melissa Feller) vacancy Grade 28, Step 1. B. Positions scheduled for no replacement: None. C. Other - Authorize Independent contract with BSU student Brett Nelson as an intern to provide SSTS inspection analysis for the Ten Mile Lake SSTS inspection program.

Approve licenses - Gambling - Northland Lions @ Deer Haven Supper Club - Nancy Stefan, Thunder Lake. On & Off Sale 3.2 Beer - Birch Villa Resort, LLC - Birch Villa Resort, LLC Tony South, Pike Bay.

Receive & file - Auditor -Treasurer's Interest Income Report for April 2011.

Approve - State of MN Joint Powers Agreement for Sentence to Serve Grant for 2012 and 2013 in the amount of \$43,645.05.

Receive & file - Timber auction results of April 28, 2011 totaling 11,321 cords in the amount of \$295,064.69.

M/S/P Kangas, Peterson – To approve the apparent low bid for gate repair and blocking access around gates in 2-138-30 (Pine River Twp.) and 26-139-30 (Powers Twp.) to Sawyer Enterprises in the amount of \$180.00. Unanimous.

<u>Bidders</u>	<u>Bid Amount</u>
Sawyer Enterprises	\$180.00
Sawyer Timber	\$250.00
Schrupp Excavating	\$250.00

M/S/P Kangas, Peterson – To approve the apparent low bid for demolition on tax forfeit property - Project 1: 8342 24th St SW, Backus, MN 56435 PIN# 25-034-3301, PT OF SW SW, SEC 34-138-32 to Schrupp Excavating LLC in the amount of \$800.00. Unanimous.

<u>Bidders</u>	<u>Bid Amount</u>
Schrupp Excavating LLC	\$800.00
Minnesota Landscaping & Habitat LLC	\$830.00
Young Excavating, Inc	\$1,197.00
Mike's Sand and Gravel	\$1,200.00
Northfork Boulders & Excavating	\$1,600.00
Storlie Construction	\$1,910.00

Establish - Tuesday, July 5, 2011 public hearing to update Capital Plan.

Authorize - Board Chair to execute 2010 audit engagement letter with the Office of the State Auditor.

Receive & file - Condemnation notice Otter Tail Power.

Approve - HHVS Quality Improvement Leadership Collaborative Grant in the amount of \$5,000.00 – no county dollar match.

Approve - Grant funds for early Hearing Detection and Intervention Follow-up and Birth Defects between HHVS and the Minnesota Department of Health through December 31, 2013.

Receive and file - Cass County HHVS Debt Write Off for January 1, 2010 thru April 30, 2011 in the amount of \$4,556.15.

Refer - Correspondence from O.F. Ringle, DDS requesting dental contract with Prime West to Cass County HHVS.

Receive & file - Update on completed Tree Planting and Seeding Activity this spring including tree planting of Red pine totaling 30,300 seedlings on 48 acres; Jack pine totaling 75,200 seedlings on 102 acres and Aerial seeding of 78 acres of black spruce/tamarack; 6 acres of jack pine; 19 acres of white pine/white spruce and 33 acres of white pine.

Approve - Donation of 2007 Ford Crown Victoria (#4076) to the Hibbing Community College to go towards law enforcement training credit.

Authorize - Window film installation at Courthouse Annex and HHVS Building not to exceed \$11,500.00 (tax included).

- 9B. Administrator Yochum presented Resolution No. 27 -11 establishing the 2011 tax-forfeit settlement set asides for reforestation and maintenance of recreational areas. Chief Financial Larry Wolfe reviewed the history of the tax-forfeit distribution to the County general fund, Public Schools, Cities, and Townships with tax forfeited land in their jurisdiction, and tax-forfeit settlement set asides for reforestation and maintenance of recreational areas.

Commissioner Gaalswyk offered Resolution No. 27-11 moved its adoption, Commissioner Peterson seconded:

WHEREAS, Minnesota Statute 282.08 specifies that any county board may annually by resolution set aside no more than 30 percent of the tax-forfeited settlement for reforestation.

WHEREAS, Minnesota Statute 282.08 further specifies that any county board may annually by resolution set aside no more than 20 percent of the tax-forfeited settlement for acquisition and maintenance of county recreational areas.

WHEREAS, It is in the best interest of Cass County to promote reforestation and recreational development within the county.

THEREFORE, BE IT RESOLVED that 27.5 percent of the tax-forfeited settlement be set aside for reforestation, and 10 percent of the tax-forfeited settlement be set aside for maintenance of recreational areas.

Resolution No. 27-11 was adopted by majority vote: Downham, Dowson, Gaalswyk, Kangas, and Peterson. Nays: None.

- 9C. County Administrator Yochum presented correspondence dated May 13, 2011 from O.F. Ringle, DDS representing a committee that would like to preserve the history of the Leech Lake area by offering to purchase and place at no cost to the County six three-foot bronze statues on the Cass County Courthouse front lawn. Discussion by the Board included perhaps better sites (near Museum, or new USFS visitor center) and that a project of this nature at the County Courthouse should include County-wide participation.

M/S/P Downham, Peterson – To respectfully decline the offer. Unanimous.

10. Administrator Yochum discussed the upcoming meeting schedule. No action necessary.
11. Chairman Dowson adjourned the meeting at 7:35 p.m.

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

ATTEST: _____
Robert H. Yochum
Cass County Administrator