

**TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
September 20, 2011**

- 1A. Chairman Dowson convened the regular meeting of the Cass County Board of Commissioners with the flag pledge at 6:00 p.m. on Tuesday, September 20, 2011 at the Lake Shore City Hall, 8583 Interlachen Road, Lake Shore, 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
Josh Stevenson	Land Commissioner	John Ringle	ESD Director
Erick Hoglund	Chief Deputy Sheriff	Kerry Swenson	EMS Coordinator
John Terwilliger	Lake Shore City Mayor	Carol Beaton	Lake Shore
Perry Beaton	Lake Shore	Susan Amacher	City of Lake Shore
Franklin Deissen	Lake Shore	Kris Dreissen	Lake Shore
Lyle Kline	Lake Shore Councilman	Teri Hastings	Lake Shore City Admin.
Gail Leverson	Cass County EDC	Gail DeBoer	Pilot Independent
Monica Lundquist	Brainerd Dispatch		

- 1B. M/S/P Kangas, Peterson - To approve the agenda items for discussion as presented and the addition of Item 2A27. (Authorize Highway Dept. road work on Chippewa Beach Road in Unorganized Township), Item 2A28, (Approve out of state travel for Deputies Aaron Ammerman, and Tom Mutchler), and Item 9. (Request to be heard regarding a pedestrian trail along County Road #77 in Lake Shore). Unanimous.

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

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

Approve - Regular Board Minutes of August 30, 2011.

Approve - Auditor Manual Warrants dated August 31, 2011 in the amount of \$978,647.08.

Approve - HHVS Auditor Warrants dated August 30, 2011 in the amount of \$2,423.60.

Approve - HHVS Auditor Warrants dated August 31, 2011 in the amount of \$8.00.

Approve - Auditor Warrants dated September 1, 2011 in the amount of \$70,747.51.

Approve - Auditor Warrants dated September 2, 2011 in the amount of \$206,275.35.

Approve - HHVS Commissioners Warrants dated September 9, 2011 in the amount of \$51,020.04.

Approve - HHVS Auditor Warrants dated September 9, 2011 in the amount of \$34,139.55.

Approve - Auditor Warrants dated September 15, 2011 in the amount of \$982,868.60.

Receive & file - Monthly Budget Reports.

Approve Personnel Items - A. Budgeted positions scheduled for replacement: 1. Receive & file notice of appointment of Rachel Raveling Office Support specialist, grade 15, step 1, effective September 19, 2011. 2. Receive & file notice of probation completion for Desiree Larson, Eligibility Worker, grade 20, step 1, effective September 7, 2011. 3. Approve notice of appointment of Lindsey Lindstrom, County Attorney, grade 40, step 1, effective September 22, 2011. B. Positions scheduled for no replacement at this time: None. C. Other: 1. Approve PEHRC's point factor evaluation system rating for HHVS Public Health Nurse, no change in this position, grade remains at a grade 32.

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

Receive & file - Timber auction results of August 25, 2011 (3,640.20 cords totaling \$114,398.00).

Receive & file - Cass County EDC report of August 2011.

Approve Assessor's Office Abatements - Craig Hanson – Kego - Cancel PPTT 2011; Jayne Hanson – Poplar - Cancel PPMH 2011; Marvin Dahle - Turtle Lake - Cancel PPTT 2011; Jayne Hanson – Poplar - Cancel PPMH 2010; Marvin Dahle - Turtle Lake - Cancel PPTT 2010; Jayne Hanson – Poplar - Cancel PPMH 2009; Marvin Dahle - Turtle Lake - Cancel PPTT 2009; Craig Hanson – Kego - Cancel PPTT 2004 – 2010.

Approve - Submission to the Department of Public Safety, Office of Justice Programs for Victim Services grant application for FY 2012 in the amount of \$42,309.00.

M/S/P Gaalswyk, Kangas – To approve cancelling outstanding checks on September 20, 2011 as presented with the exception of Check #406244, dated December 24, 2010 to the East Gull Lake First Responders in the amount of \$ 451.15 to be tabled for subsequent Board action. Unanimous.

Auditor's Warrants

Check #123594	01-07-10	Nancy Wallace	\$ 11.47
Check #123611	01-14-10	Eric Bunes	\$ 85.00
Check #123808	01-28-10	Tina Bellis	\$ 16.54
Check #125761	06-10-10	Robert Hanson	\$ 444.00
Check #127656	10/21/10	Beatrice Dickman	\$ 24.70
Check #128260	11-18-10	John Melson	\$ 16.98
Check #128600	12-09-10	Michael Stommes	\$ 18.32
Check #128801	12-23-10	Michael Lazaretti	\$ 90.00
		Subtotal	\$ 707.01

HHVS

Check #402032	05-07-10	Housing & Residential Life Office	\$ 25.00	
Check #404146	08-20-10	Johnson, Nancy	\$ 389.00	
Check #404401	09-10-10	Kelley, Alicia	\$ 40.00	
Check #405331	10-22-10	Thoele, Katherine	\$ 56.00	
Check #405874	11-19-10	Wolter, Janna	\$ 8.75	
Check #406244	12-24-10	East Gull Lake First Responders	\$ 451.15	(tabled by Board action)
Check #406362	12-24-10	Voeltz, April	\$ 77.50	
Check #406367	12-24-10	Wolter, Janna	\$ 9.50	
		Subtotal	\$ 1,056.90	
		Total for checking account #80374	\$ 1,763.91	

Over-Remittance Account

Check #18812	04-20-10	Tillitt McCarten Johnson & Hansman Ltd	\$ 7.00	
Check #18820	06-08-10	Usset Weingarden & Liebo PLLP	\$ 7.00	
Check #18844	11-05-10	Jean Mayberry	\$ 2.00	
		Total for Account #80408	\$ 16.00	

Sheriff's Trust Account

19 checks from 2010			\$ 70.47	
		Total for Account #314658	\$ 70.47	
Grand total of 2010 outstanding checks:			\$ 1,850.38	

Approve - Cass County's Central Services Cost Allocation Plan for years 2011-2013 with Government Management Group.

Receive & file - FY2010 Payments to States Election for Secure Rural Schools from the US Forest Service.

Accept - Donation to the HHVS Veterans Services in the amount of \$300.00 from the Hackensack American Legion Auxiliary for the VSO Transportation Program.

Receive & file - Cass County HRA Audit FY ending December 31, 2010.

Refer - Correspondence from the Cass County Agricultural Association to the Cass County Budget Committee.

M/S/P Gaalswyk, Kangas - To award quote for clean up and demolition at 200 Main Street W, Remer (Lots 2 & 3, Bl. 3, Soo Addition to Remer- Sec. 01-141-26, PIN# 95-362-0220) to Holmvig Excavating, LLC in the amount of \$1,800.00. Unanimous.

<u>Bidder</u>	<u>Project # 1</u>
Holmvig Excavating, LLC	\$1,800.00
Kurt Sawyer/ Tyler Crow	\$2,200.00
Outdoor Creations & Renovations	\$3,560.00
Slagle Demo	\$4,400.00
American Disposal	\$4,750.00

Receive & file - Correspondence from the Dept. of Employment and Economic Development Monitoring Report Addendum - Ah-Gwah-Ching project.

Authorize - Nomination of Cass County/Leech Lake Wellness Court for AMC 2011 County Achievement Award.

Approve - Moving Tuesday, December 6, 2011 Board Meeting to Thursday, December 8, 2011, beginning at 2:00 p.m. followed by a public hearing on the 2012 Cass County budget and property tax levy beginning at 6:00 p.m. Commissioners Board Room, Crtse, Walker, MN.

Authorize - Highway Dept. road work on Chippewa Beach Road in Unorganized Township - estimated cost in the amount of \$25,000 from Unorganized R&B fund balance.

Approve - Out of state travel for Deputies Aaron Ammerman, and Tom Mutchler - Low Light Precision Rifle Training Sioux City IA, Oct. 11-14, 2011.

- 2B. Administrator Yochum summarized the Personnel Committee of the Board meeting of Tuesday, August 30, 2011. Items discussed at the meeting were the AFSCME Courthouse Unit grievance regarding reimbursement of a general appraiser license fee and the AFSCME HHVS Unit grievance regarding the creation of the Case Aide position.

M/S/P Downham, Peterson - To approve the recommendations of the Personnel Committee of the Board: 1.) To approve reimbursement of the general appraiser license fee of \$189.00 on this occasion and notify all parties that absent specific contract language the license fee will not be reimbursed in the future, and 2.) To refer the AFSCME HHVS Unit grievance to Labor Counsel Tom Fitzpatrick with a recommendation to go to the step 5 grievance procedure (arbitration). Unanimous.

- 2C. Mr. Yochum reported on the Citizen Budget Committee meeting of Friday, September 9, 2011. 2012 initial departmental budget review of Assessor, Auditor-Treasurer, Environmental Services, Land, and Highway Department has been completed. Additional appointments are scheduled on September 23, 2011 with Central Services, Recorder, Health Human & Veterans Services and September 30, 2011 with Sheriff, County Attorney, and Probation. Administrator Yochum and Chief Financial Officer Larry Wolfe discussed the budget request adjustments to date of \$640,405 per Board action of August 30, 2011. Mr. Yochum presented the Committee's recommendation to request the Kitchigami Regional Library Board to identify the service implications of Cass County funding at the 90% maintenance of effort level authorized by the 2011 MN Legislature and report the same to the Citizen Budget Committee.

M/S/P Kangas, Gaalswyk – To approve the Citizen Budget Committee’s recommendation to request the Kitchigami Regional Library Board to identify the service implications of Cass County funding at the 90% maintenance of effort level authorized by the 2011 MN Legislature, and further, report the same to the Citizen Budget Committee. Unanimous.

- 3A. Chief Financial Officer Larry Wolfe reported on the Cass County Auction results of Saturday, September 10, 2011 with seventy one bidders in attendance with a total of \$26,784.00 surplus goods sold and to recognize those who helped on the day of the auction. The Board of Commissioners thanked Chief Deputy Erick Hoglund for his help at the auction. No action necessary.

- 3B. Mr. Wolfe presented the three quotes for the supplying propane for the winter 2011-2012 heating season.

M/S/P Downham, Peterson – To accept the September 14, 2011 quote from Ferrellgas for propane services to eight sites for the 2011 -2012 heating season. Unanimous.

<u>Bidder</u>	<u>Bid Amount</u>
Ferrellgas-Brainerd	\$1.742 per gallon
Lakes Gas Company- Pequot Lakes	\$1.799 per gallon
Gas Service Company, Inc.-Walker	\$1.81213 per gallon (Rack price \$1.55 + price adjustment of .26213)

4. Robert Yochum read the public hearing notice for Tuesday, September 20, 2011, beginning at 6:30 p.m., at the Lake Shore City Hall, 8583 Interlachen Road, Lake Shore, MN to consider adopting on 1st reading Ordinance 2011-02, which proposes to amend Tobacco Ordinance 2006-05 to adopt revised definitions, clarify the appeals process and add new administrative penalties for specific ordinance and statute violations. Mr. Yochum informed the Board that notice had been sent to all license holders – County staff had one phone inquiry and no related written comments from the public were received. No one in the room requested to be heard.

M/S/P Peterson, Downham - To approve on 1st reading Ordinance 2011-02, which proposes to amend Tobacco Ordinance 2006-05 to adopt revised definitions, clarify the appeals process and add new administrative penalties for specific ordinance and statute violations and to consider 2nd reading and final adoption of Tobacco Ordinance 2011-02 at the scheduled public hearing of Tuesday, October 4, 2011, during the meeting which begins at 9:00 a.m. Commissioners Boardroom, 1st Floor, Cass County Courthouse Annex, Walker, MN. Unanimous.

- 5A. Land Commissioner Josh Stevenson reported that the Lessard-Sam Outdoor Heritage Council has accepted the final accomplishment plan for the project contained in MN Laws 2011, First Special Session, Chapter 6, Article 1, Section 2, Subdivision 3 Section (f) Protect Key Forest Habitat Lands in Cass County – Phase II. Mr. Stevenson added that the first phase of the project is complete and all funds have been reimbursed to Cass County from the Constitutional Amendment – Article XI (State sales and use tax rate of three-eighths of one percent). Mr. Stevenson presented Resolution No. 48-11 that accepts Lessard-Sam Outdoor Heritage Council funding contained in MN Laws 2011, First Special Session, Chapter 6, Article 1, Section 2, Subdivision 3 Section (f) Protect Key Forest Habitat Lands (Phase II).

Commissioner Downham offered Resolution No. 48-11 and moved its adoption, Commissioner Gaalswyk seconded:

Lessard-Sams Outdoor Heritage Fund Grantee Resolution

BE IT RESOLVED that Cass County act as legal sponsor for the project contained in MN Laws 2011, First Special Session, Chapter 6, Article 1, Section 2, Subdivision 3 Section (f) Protect Key Forest Habitat Lands in Cass County – Phase II.

BE IT FURTHER RESOLVED that Cass County has the financial capability to ensure adequate completion of the project and certifies that it will comply with all applicable laws and regulations as stated in the grant agreement.

NOW, THEREFORE BE IT RESOLVED that Joshua Stevenson, Cass County Land Commissioner, is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the recipient.

Resolution No. 48-11 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 5B. Mr. Stevenson informed the Board that the Cass County Land Department has received information from MNDOT regarding the data needed for Cass County to participate in the LIDAR control densification project flight scheduled to take place in 2012. Participation in this project would provide better vertical control in Cass County allowing the data collected from the LIDAR project to create an accurate 2 foot contour interval map of Cass County. The cost associated with the data collection from MNDOT is approximately \$18,585.60. Mr. Stevenson reported that Cass County will receive access to the photos regardless of participation associated with the vertical control data collection. Although this is a project for which 2011 budgeted funds are available the product is not necessary to perform mandated functions. Mr. Stevenson also discussed exploration of aerial photo services from the Civil Air Patrol in cooperation with Crow Wing County.

M/S/P Peterson, Downham – To respectfully decline the offer from MNDOT to participate in the data collection required to produce contour maps from the LIDAR project scheduled in 2012. Unanimous.

- 6A. Emergency Management Coordinator Kerry Swenson updated the Board on the Northeast Minnesota Regional Board who represents the County Boards of Aitkin, Carlton, Cass, Cook, Crow Wing, Itasca, Kanabec, Koochiching, Lake, Pine, St. Louis, and the City Councils of Duluth, Hibbing, International Falls and Virginia. The Northeast Regional Board (NERRB) was created on December 17, 2009 under a Joint Powers Agreement. The Regional Radio Board has applied for and received 14 grants on behalf of one or more of its members in the last three years and with an available balance of \$4.6 million. Mr. Swenson requested Board action to approve the 800 Mhz County/Regional Integrated Public Safety Radio Communication subsystem contract with the State of Minnesota for the ARMER project.

M/S/P Gaalswyk, Peterson – To approve the 800 Mhz County/Regional Integrated Public Safety Radio Communication subsystem contract with the State of Minnesota for the design, procurement, construction and operation with the State of Minnesota for the ARMER project. Unanimous.

- 6B. Mr. Swenson presented the Memorandum of Understanding with St. Louis County to perform the duties as Fiscal Agent for ARMER Integration Grant (Contract #9600000346). The grant would allow up to \$547,800.00 (50% match) for ARMER infrastructure reimbursement to Cass County.

M/S/P Downham, Gaalswyk – To approve a Memorandum of Understanding between Cass County and St. Louis County to perform the duties as Fiscal Agent for ARMER Integration Grant (Contract #9600000346) for up to \$547,800.00 (50% match) for ARMER infrastructure reimbursement to Cass County. Unanimous.

- 7A. ESD Director John Ringle reported on the Lake Margaret Watershed SSTS inspection project and the Leader Lions grazing tour that took place on July 11, 2011. The tour included speakers and demonstrations for streamside and shoreline practices within the Lake Margaret Watershed. Mr. Ringle added that of the 189 restoration projects 50 have been completed with one year left on the project. Mr. Ringle also thanked Collette Wright summer intern on her work on the project and news release. No action necessary.
- 7B. Mr. Ringle explained that the Planning Commission is in the process of reviewing potential Land Use Ordinance revisions and that the Planning Commission has appointed a Resort Study Committee and waiting for their comments before scheduling a 1st reading on the Land Use Ordinance revisions in the next few months. By consensus, The Board requested the participation of the AdHoc Committee of the Board (Commissioners Gaalswyk and Peterson) in the Resort Study Committee Meeting. No action necessary.
- 7C. Mr. Ringle presented the Hazardous Waste and Electronics/Fluorescent Bulbs Mobile Collections sites and poundage. Added that there were seven ½ day collection sessions at seven county locations resulted in removal of 44,268 pounds of electronic waste from 472 participants. As in past years Sailer Environmental was contracted to staff and manage the collections. No action necessary.
- 7D. Mr. Ringle requested authorization to submit an application for the FY 2012 BWSR Clean Water Fund (Legacy Amendment) Competitive Grant Program. The application includes 3 projects: 1) Boy/Swift Lakes - SSTS Lakeshore Septic Inspection Project, 2) Two (2) Immanent Health Threat Fix-up grants, and 3) a challenge – match grant program for county Lake Associations and Homeowner Associations designed to reduce surface runoff to lakes and manage stormwater. Total grant application in the \$65,000-\$75,000 range. If successful, funds would be available beginning the winter of 2012.

M/S/P Downham, Peterson – To approve submission for the FY 2012 BWSR Clean Water Fund (Legacy Amendment) Competitive Grant Program in the grant amount in the \$65,000 to \$75,000 that will include the Boy/Swift Lakes - SSTS Lakeshore Septic Inspection Project, Two (2) Immanent Health Threat Fix-up grants, and a Challenge Match Grant Program for county Lake Associations and Homeowner Associations designed to reduce surface runoff to lakes and manage stormwater. Unanimous.

8. Administrator Yochum discussed the upcoming meeting schedule: a. Cass County Association of Townships Fall Conference Thursday, October 6, 2011, beginning at 8:00 a.m., Bear Pause Theatre, Hackensack, MN.

M/S/P Peterson, Gaalswyk - To establish a special meeting for Tuesday, November 29, 2011, 9:00 a.m. for Department Head Performance Evaluations, Commissioners Board Room, Walker, MN. Unanimous.

9. Kris Dreissen of Lake Shore addressed the Board on the need for a pedestrian trail along County State Aid Highway 77 (Interlachen Road) in Lake Shore. Lyle Kline Lake Shore Councilman reported citizens of Lake Shore have inquired to the Parks and Recreation Committee of the City of Lake Shore. The Board explained Cass County's Conservation Fund #73 and how it could be utilized for the establishment of a pedestrian trail and that interested residents should contact their perspective cities and townships as well as Cass County to pursue the idea of a pedestrian trail. No action necessary.

M/S/P Gaalswyk, Kangas – To adjourn the meeting at 7:30 p.m. Unanimous.

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

ATTEST: _____
Robert H. Yochum
Cass County Administrator