

**TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
October 4, 2011**

- 1A. Chairman Dowson convened the regular meeting of the Cass County Board of Commissioners at 9:00 a.m. on Tuesday, October 4, 2011, with the flag pledge, in the Board Room of the Courthouse, Walker, 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
Reno Wells	HHVS Director	Jamie Richter	Director Public Health
Kim Minton	HHVS	Tom Burch	Sheriff
Kerry Swenson	Sheriff's Office	Josh Stevenson	Land Commissioner
Katie Norby	Recorder	Linda Husby	Administrator's Office
Heidi Massie	HHVS	Sharon Anderson	Auditor-Treasurer
Christ Trout	Cass County 4-H	Mary Sarah Sauber	Cass County 4-H
Gail Levenson	Cass County EDC	Alan Olson	Cass Lake Times
Monica Lundquist	Brainerd Dispatch	Gail DeBoer	Pilot Independent

- 1B. M/S/P Downham, Peterson – To approve the agenda items for discussion as presented and the addition of Item 2D. (Notice of resignation of Mike Diekmann, Investigator for the Cass County Sheriff's Office) and Item 4C. (Amendment to the SHIP Grant). 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 September 20, 2011.

Approve - Auditor warrants dated September 22, 2011 in the amount of \$464,460.31.

Approve - HHVS Auditor warrants dated September 23, 2011 in the amount of \$103,739.94.

Approve - HHVS Commissioner warrants dated September 23, 2011 in the amount of \$209,150.67.

Approve - Auditor warrants dated September 29, 2011 in the amount of \$182,338.92.

Approve - Auditor warrants dated September 29, 2011 in the amount of \$1,844.00.

Approve Personnel Items - A. Budgeted positions scheduled for replacement - 1. Receive & file - Notice of resignation of Ashley Hill, County Agency Social Worker, effective October 04, 2011. 2. Receive & file - Notice of intent to fill budgeted County Agency Social Worker vacancy (grade 28). B. Positions scheduled for no replacement at this time: None. C. Other: 1. Approve - PEHRC's point factor evaluation system rating for Social Services Manager (Board authorized grade rating submission on December 21, 2010). 2. Approve - Elimination of the Social Services Supervisor position (grade 37) and appointment of Michele Piprude to Social Services Manager grade 39, Step 1, effective June 6, 2011 (completion of probationary period). 3. Approve - PEHP's point factor evaluation system rating for the new position of ESD Planning and Zoning Assistant at grade 20. 4. Receive & file - Notice of probation completion for Sue Wickland, Office Manager – Probation Office, grade 24, step 4, effective October 1, 2011.

Approve Licenses - On & Off Sale 3.2 Beer - Shores of Leech Lake RV, Yacht Club and Cottages - Mara Loomis, Shingobee; Northland Lodge Resort - Michael O'Reilly, Unorganized. On Sale 3.2 Beer - Orton's Y-Mart - Tim Orton, Shingobee. Off Sale 3.2 Beer - Huddles South Shore Resort, Huddles South Shore Resort, Inc. - Pine Lake

Receive & file - Fund transfer from MN DNR for Land Cross License – East Gull Lake in the amount of \$99.17.

Approve - Final pay request for Deep Portage Project to RREAL-Category #1- Solar System in the amount of \$44,082.60.

Approve - Final pay request for Deep Portage Project to Sun Energy-Category #2- Hot Water Storage in the amount of \$19,000.00.

Receive & file - Cass County HHVS Cash account balance comparison and Child Service Costs through August 2011.

Approve - Central MN Council on Aging memorandum of agreement for fiscal year 2012 in the amount of \$3,652.00 was approved by HHVS Advisory Committee on September 26, 2011.

Receive and file - September 2011 updates from Cass County Family Centers – received by HHVS Advisory Committee on September 26, 2011.

Receive and file - 1st and 2nd Quarters Veteran Report in the amount of 1,760 contacts– received and approved by HHVS Advisory Committee on September 26, 2011.

Approve - Child and Teen Check-up Unit Cost increase to \$258.00 for full screening costs 2011-2012 – received and approved by HHVS Advisory Committee on September 26, 2011. Last increase was on February 3, 2009 to \$205.00.

Approve - Appointment of Dr. Mary Donohue-Stetz, Superintendent of Walker-Hackensack-Akeley School as the School Administrator to the HHVS Advisory Committee through 12-31-12 replacing Superintendent Wallace Schoeb.

Approve - Final payment to Spitzack Builders, Inc. Invoice # 1275 for Law Library relocation in the amount of \$14,126.22.

Approve - Final payment to Arvig Communications Systems Invoice # 183860 for Law Library relocation in the amount of \$585.33.

Approve - Payment to Freeman Well Drilling for the sealing of a sand point well upon receipt of Department of Health filing requirements in the amount of \$265.00 plus sales tax on tax forfeit parcel located at 320 Woods St North in Backus MN.

M/S/P Kangas, Gaalswyk – To award inspection of both projects to Grinning Bear Roll-Off Service not to exceed \$1,275.00 Project 1: 309 Grant Utley Ave NW, Cass Lake, MN 56633, PIN# 85-337-0120, Lots 5 & 6 Exc S1/4 of Lot 6 Block 1, Original Plat and Project 2: 229 Second St NE, Cass Lake, MN 56633. Unanimous.

<u>Bidder</u>	<u>Project 1</u>	<u>Project 2</u>	<u>Combined Price</u>	<u>Additional Samples</u>
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Grinning Bear roll-Off Serv.	\$775.00	\$500.00	\$1,275.00	NA
ProSource Technologies, Inc.	\$1,000.00	\$1,000.00	\$1,300.00	Asbestos \$8.00 Lead \$10.00

Receive & file - Timber auction results of September 29, 2011 totaling 2,898.00 cords plus \$5.80mbf saw timber totaling \$82,758.00.

Approve - FY12 MN Snowmobile GIA Maintenance & Grooming Grant (No. #3-7224) MN DNR in the amount of \$151,632.00.

Approve - Final pay request #3 for Deep Portage Project to KMI Mechanical, Inc. Category #1 - Plumbing in the amount of \$6,723.80.

Approve - Final pay request Invoice # 3548244 for Cass County Energy Upgrade Project to Honeywell in the amount of \$16,059.35.

Approve - ARMER Project Change Order #1 to Motorola Contract #10-17308/LF by the addition of \$7,682.00 and authorize Sheriff to execute the same.

Approve - Cancellation of HHVS check #406244 in the amount of \$451.15 to East Gull Lake First Responders and authorize re-issuance of a HHVS check in the amount of \$451.15 to East Gull Lake First Responders (tabled from September 20, 2011 regular meeting).

- 2B. County Administrator Yochum presented correspondence dated September 26, 2011 from the Cass County EDC requesting participation in an EDC Ad-Hoc Committee to update Cass County's Business Subsidy Policy.

M/S/P Peterson, Downham – To approve participation in an EDC Ad-Hoc Committee to update Cass County's Business Subsidy Policy and appoint Commissioners Gaalswyk and Kangas to represent the County Board of Commissioners. Unanimous.

- 2C. Mr. Yochum updated the Board on the recent exit interview meeting via telephone conference with Office of State Auditor held on September 23, 2011. Items discussed at the exit meeting were the Audit Report, the required communication letter, and the management and compliance report. Mr. Yochum acknowledged County staff expertise and reported that the FY2010 Audit will be presented at the October 18, 2011 regular Board meeting.

M/S/P Peterson, Gaalswyk – To receive & file the meeting minutes of the Office of the State Auditor Exit Conference of September 23, 2011. Unanimous.

- 2D. Sheriff Tom Burch reported the resignation of Cass County Sheriff's Office Investigator Mike Diekmann, effective Nov. 1, 2011. Sheriff Burch also discussed his intent to fill Investigator duties by assignment of a Deputy, and his intent to fill the related budgeted Deputy vacancy.

M/S/P Downham, Peterson - To receive & file: notice of retirement of Cass County Sheriff's Office Investigator Mike Diekmann effective November 1, 2011, notice of intent to fill Investigator duties by assignment of a Cass County Deputy, notice of intent to fill the related budgeted Cass County Deputy vacancy, and further, to present Mr. Diekmann a Certificate of Appreciation for his years of dedicated service to Cass County. Unanimous.

- 3A. Chris Trout 4-H Program Coordinator and Mary Sarah Sauber from the Cass County 4H Program presented baked goods and thanked the Board for their continued support of the local 4-H Program. Mary Sarah Sauber explained her one hour a day 4-H activities. Ms. Trout informed the Board that more than 170 4-H members and 50 screened volunteers are now involved in Cass County 4-H. In closing Ms. Trout informed the Board that the 2012 Cass County Plat Book will be available for sale in June of 2012. The Board thanked them for the snacks and their 4-H work. No action necessary.

- 4A. HHVS Director Reno Wells and Director of Public Health Nursing Jamie Richter summarized discussions with Sanford Home Care and Hospice regarding their potential interest in providing home health care services in Cass County. In addition to responding to Sanford's inquiry, HHVS examined the existing home health care services provided by Cass County. Ms. Richter reviewed financial and service distribution background submitted to the Cass County Health, Human and Veterans Advisory Committee. Mr. Wells reported that the HHVS Advisory Committee recommends that the Cass County Public Health Division continue providing home care services to the residents of Cass County to promote health care access and provide a safety net of services for all residents.

M/S/P Peterson, Downham – To approve the recommendation of the Cass County Health, Human and Veterans Advisory Committee that the Cass County Public Health Division will continue providing home care services to the residents of Cass County to promote health care access and provide a safety net of services for all residents. Unanimous.

- 4B. Ms. Richter presented the Cass County Influenza Clinic schedule beginning on Thursday, October 6 through Wednesday, October 26, 2011 in the cities of Hackensack, Longville, Pine River, Backus, Pillager, Cass Lake, and Walker. The 2011 cost will be \$25.00 for the flu shot (seniors who have Medicare coverage must bring their Medicare (Part B) card to the clinic in order to have the charge billed to Medicare). No action necessary.

- 4C. Director of Public Health Nursing Jamie Richter explained Minnesota's Vision of the Statewide Health Improvement Program (SHIP) dated September 26, 2011. The grant aims to help Minnesotans live longer, healthier lives by reducing the burden of chronic disease and is a part of Minnesota's Health Reform Initiative through the MN Department of Health. Ms. Richter asked for Board approval to amend the SHIP Grant extending the grant October 1, 2011 to December 31, 2011 that focuses on efforts in school setting to increase physical activity and/or improve nutrition with an addition grant allotment of \$21,519.00 with no additional funds or additional staff required by Cass County.

M/S/P Downham, Gaalswyk – To approve the amendment to the SHIP Grant that extends the grant from October 1, 2011 to December 31, 2011 with an addition grant allotment of \$21,519.00 with no additional funds or staff required by Cass County. Unanimous.

- 4D. Director Wells and Ms. Richter explained the Thrifty White Cass County Prescription Discount Program. This program provides discounts to individuals purchasing prescription medications. Although available to all Cass County residents the program was designed to assist those who are un-insured, under-insured, or who take medications which are not covered under their insurance. The program is offered at no charge to those who use it or the County to belong to this program. The card cannot be used in conjunction with another insurance program in order to discount your co-pays or deductible. Ms. Richter added that the Thrifty White County Prescription Discount Program replaces the NACo Prescription Program. No action necessary.

- 4E. HHVS Support Services Supervisor Kim Minton reported that the Backus HHVS Satellite Office (located at the Land Department Building) opened on July 12, 2011, and has served 15 to 23 walk-in clients daily. Ms. Minton also reported a one time capital cost of \$11,400.00 to establish the office space. No action necessary.

- 5A. Land Commissioner Josh Stevenson updated the Board on the prescriptive easement process and that the Cass County Land Department spoke to several private property owners regarding reciprocal easements for ingress and egress to both the County and private property owners. Through the process the Land Department has received a request from Janice and Werner Schultz for a 66' easement on existing trails to access PID #44-113-4201 located in 13-140-27 (North Trelipe Township), who have agreed to give the County a reciprocal easement through their property. Trelipe Township has agreed to hold the easement so other private property owners will have legal ingress and egress along Wilderness Drive.

M/S/P Peterson, Downham – To grant preliminary approval for reciprocal easements for ingress and egress to both Cass County and private property owners Janice and Werner Schultz for a 66' easement on existing trails to access PID #44-113-4201 located in 13-140-27 (North Trelipe Township). Unanimous.

- 5B. Mr. Stevenson requested Board approval to sell a tax forfeit parcel to the City of Remer on Parcel ID# 95-362-0220 described as Lots 2 & 3, Block 2, Soo Addition to Remer with an appraised price determined at \$1,100.00 plus associated fees and any outstanding special assessments.

M/S/P Dowson, Gaalswyk – To authorize the sale of a tax forfeit parcel to the City of Remer on Parcel ID# 95-362-0220 described as Lots 2 & 3, Block 2, Soo Addition to Remer with an appraised price of \$1,100.00 plus associated fees and any outstanding special assessments. Unanimous.

- 6A. Robert Yochum read the public hearing notice for Tuesday, October 4, 2011, beginning at 9:00 a.m., Commissioners Boardroom, 1st Floor, Cass County Courthouse Annex, Walker, MN to consider adopting on 2nd reading of Tobacco Ordinance 2011-02 which amends Tobacco Ordinance 2006-05 by revising definitions, clarifying the appeals process and adds new administrative penalties for specific ordinance and statute violations. Mr. Yochum informed the Board that no related written comments from the public were received. No one in the room requested to be heard.

M/S/P Gaalswyk, Peterson – To approve on 2nd Reading as presented and final adoption of Ordinance No. 2011-02 regulating sales and licensing of tobacco, tobacco products and tobacco-related devices for Cass County, Minnesota and further that Ordinance No. 2011-02 shall be effective November 15, 2011 after its publication and filing as provided by law. Unanimous.

- 6B. Ms. Anderson presented Resolution No. 49-11 Establishing Administrative Penalties for Ordinance 2011-02 violations.

Commissioner Peterson offered Resolution No. 49-11 and moved its adoption, Commissioner Downham seconded:

BE IT HEREBY RESOLVED by the Cass County Board of Commissioners, pursuant to Cass County Tobacco Ordinance 2011-02, Section 1100 Administrative Penalties, the following administrative penalties are established for ordinance violations:

Licensee. Any licensee found to have violated this ordinance, or who employees shall have violated this ordinance, shall be charged an administrative fine of \$75 for the first violation of this ordinance; \$200 for a second offense at the same licensed premises within a twenty-four month period; and \$250 for a third or subsequent offense at the same location within a twenty-four month period. In addition, after the third offense, the license shall be suspended for not less than seven (7) days.

Clerks/Employees. Clerks or employees of a licensee found to be in violation of this ordinance shall be charged an administrative fine of \$50.

Minors. Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase tobacco, tobacco products or tobacco-related devices, shall be required to complete tobacco related education classes, diversion programs, community services or other penalty.

Retailers without License. Any retailer found by a court of law to have violated this ordinance by the sale of tobacco, tobacco products, or tobacco-related devices without obtaining a valid license under this ordinance, shall be charged an administrative fine of \$200 for a first violation of this ordinance; \$250 for a second offense at the same licensed premises within a twenty-four month period; and \$300 for a third or subsequent offense at the same location within a twenty-four month period.

Resolution No. 49-11 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 7A. County Recorder Katie Norby reported a request from the Cass County Historical Society to take custody of 122 Cass County record books that may be transferred by a government records depository agreement under the supervision of the Minnesota Historical Society. The referenced record books include samples of records of forfeited land sale records, forfeit tax and real estate tax judgments, sale & redemption record books, personal property books, property transfer records, register of mothers pension payments, treasurers register for graded schools, and treasurers register of outstanding warrants dated between 1887 through 1957.

M/S/P Peterson, Kangas – To approve the MN Historical Society Government Records Depository Agreement with Cass County, Cass County Historical Society and the Minnesota Historical Society to take custody of 122 official record books from 1887 through 1957 consisting of forfeited land sale records, forfeit tax and real estate tax judgment, sale & redemption record books, personal property books, property transfer records, register of mothers pension payments, treasurers register for graded schools, and treasurers register of outstanding warrants, and further to follow the guidelines issued by the state Records Disposition Panel and the Minnesota Historical Society. Unanimous.

8. Administrator Yochum discussed the upcoming meeting schedule: a. AMC District 2 Meeting – Wednesday, October 19, 2011, beginning at 8:00 am, PrimeWest, 3124 Hannah Avenue, Bemidji, MN. b. AMC Annual Conference on December 5-7, 2011, Hyatt Regency – Minneapolis, MN.

9. M/S/P Kangas, Peterson – To adjourn the meeting at 10:23 a.m. Unanimous.

SIGNED: _____
Jim Dowson, Chairman

ATTEST: _____
Robert H. Yochum

Cass County Board of Commissioners

Cass County Administrator