

**TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
June 19, 2012**

- 1A. Chairman Peterson convened the regular meeting of the Cass County Board of Commissioners at 6:00 p.m. on Tuesday, June 19, 2012, with the flag pledge, at the Cass Lake City Hall, 330 Second Street NW, Cass Lake, 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	Dave Enblom	Highway Engineer
John Ringle	ESD Director	Reno Wells	HHVS Director
Paul Fairbanks	Solid Waste Ofcr. /County Planner	Tom Burch	Sheriff
Michele Piprude	Social Services Manager	Jim Schneider	Probation Director
John Persell	State Representative 5A	Laura Hadrava	Highway Dept.
John Carlson	State Senator 4	Art Chase	Tribal Roads Director
Wayne LaDuke	Cass Lake City Mayor	Wayne Bohn	City of Cass Lake
Dan Wenner	Rural MN CEP, Inc.	Virginia Deeds	Rural MN CEP, Inc.
Doug Schultz	MN DNR	Curt Meyer	Wideth Smith Notling
Heidi Massie	HHVS	Tammey Stacey	HHVS
Leslie Bouchonville	Pine River-Backus Family Ctr.	Earl Tiggemann	Otter Tail Peninsula
Gary Dietrich	Pine River-Backus Family Ctr.	Twleah Palmer	NW Indian OIC
Jim Proebstle	Duck Point Woods	Allan Olson	Cass Lake Times
Gail DeBoer	Pilot Independent	Monica Lundquist	Brainerd Dispatch

- 1B. M/S/P Kangas, Dowson – To approve the agenda items for discussion as presented and the addition of Item 2D (Request to be heard - Otter Tail Peninsula Township regarding weed issues). Unanimous.

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

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

Approve - Regular Board Minutes of June 5, 2012, and Board of Equalization Minutes of June 11, 2012.

Approve - Auditor Manual Warrants dated May, 2012 in the amount of \$5,535,453.98.

Approve - Auditor Warrants dated May 31, 2012 in the amount of \$195,985.42.

Approve - Auditor Warrants dated May 31, 2012 in the amount of \$2,229.00.

Approve - Auditor Warrants dated June 7, 2012 in the amount of \$370,896.97.

Receive & file - Monthly Budget Reports.

Approve - HHVS Commissioners Warrants dated June 8, 2012 in the amount of \$77,073.72.

Approve - HHVS Auditor Warrants dated June 8, 2012 in the amount of \$105,559.53.

Approve Personnel Items - A. Budgeted positions scheduled for replacement: 1. Receive and file notice of unpaid leave of absence for County Attorney's Office Administrative/Legal Secretary Kathy Kresien (July 9, 2012 through October 8, 2012). 2. Receive and file notice of temporary transfer of Legal Secretary Christine Bednarski to fill Administrative/ Legal Secretary vacancy effective July 9, 2012 through October 8, 2012 at grade 24, step 6 (+3%). 3. Receive & file notice of intent to fill Legal Secretary position vacated by Christine Bednarski with a class 3 temporary position - grade 12, step 7 (\$15.30/hr.). 4. Receive & file notice of appointment of Chad Emery – Sentence to Service Crew Leader, grade 20, step 2, effective June 4, 2012. 5. Receive & file notice of the appointment of Luke Rasmus to fill the vacant 20% Dispatcher/80% Recreational Division, grade 27, step 1, effective June 7, 2012. 6. Receive & file notice of appointment of Jolene Frick to Office Support Specialist Senior, grade 18, step 8, effective March 17, 2012. 7. Receive & file notice of appointment of Marie McNamara to Home Health Aide, grade 13, step 01, effective June 01, 2012. 8. Receive & file notice of appointment of Highway Department Seasonal/Temporary employees for 2012: Molly Arola - Grade 6, Step 3; Thomas Klinger - Grade 6, Step 3; Ryan Piprude - Grade 6, Step 5; Jerry Bolin- Grade 6, Step 1; James Dean – Grade 6, Step 1; Orin Henderson - Grade 6,

Step 10; John Martin Grade 6, Step 3, Merle A. Weaver Grade 6 Step 1. B. Positions scheduled for no replacement at this time: 1. Receive & file notice of no replacement of the position of Public Health Nurse vacated by Deb Andrews, grade 32, effective April 19, 2011. 2. Receive & file notice of no replacement of the position of Public Health Nurse vacated by Hannah Propeck, grade 32, effective December 08, 2011. 3. Receive & file notice of no replacement of the position of Office Support Specialist vacated by Jolene Frick, grade 15, effective March 16, 2012. C. Other: None.

Approve licenses – On Sale Intoxicating including Sunday - Bites Grill & Bar - Bites Grill & Bar, Inc., Wilson; Ranch House Supper Club- Christiane Magnuson, Shingobee; Ridgewood Golf Course - J.A.T. Enterprises of Longville, Inc., Wabedo; Charlie's Up North Boat House Bar & Grill - Charles & Deborah Thompson, Shingobee; Charlie's - Charles Thompson, Shingobee; Quarterdeck Grill - Quarterdeck Grill, LLC., Fairview; Sportsman's Pub - Martin Alger, Remer; Moondance Jam Saloon - Moondance Jam, Turtle Lake. On & Off Sale Intoxicating including Sunday - Jakes City Grille - Gull Lake Jakes, Inc., Fairview; Lazy Moon Backstage Bar - Moondance Jam, Turtle Lake. Off Sale Intoxicating - The Shadberry - The Shadberry Inc., Crooked Lake; Corner Store Express - Corner Store Express, Inc., Sylvan; Lake Country Grocery & Liquor - Sara & Chris Smith, Crooked Lake. Gambling - Confidence Learning Center @ Quarterdeck Resort - Brian Kirkpatrick, Fairview; Nat'l Wild Turkey Federation @ Bear's Den - Jon Wiegand, Meadowbrook; The Crossing Art Alliance @ Jakes City Grille - Ron Morris, Fairview.

Receive & file - Auditor -Treasurer's Interest Income Report for May 2012.

Receive & file - Pine River Area Sanitary District Audit FY's ending December 31, 2011 and 2010.

M/S/P Dowson, Kangas - Approve amendment of a 3% increase per meal rate for the Jail Food Service & Commissary Management Agreement with A'viands, LLC, July 1, 2012 through June 30, 2013.

<u>Number of Inmates</u>	<u>Base Rate per day</u>
0-24	\$195.47
25-49	\$223.89
40 +	\$252.00

Per meal rate – in addition to base rate, A'viands will charge \$1.17 per meal to cover the variable portion of its services.

Approve - Pay requests for Cass County ARMER Project to: Frontline Plus, Inc. \$405.00; DSC Communications \$3,952.95.

Accept - Proposal from Al Nystrom for \$125/system for SSTS Inspections on Boy/Swift Lakes.

Approve - Remaining 50% payment of financial contribution for FY2012 - Cass County Ag. Assn. – Pine River Fair, in the amount \$2,500.00.

Authorize - 25% Fund use of \$1,320.00 for environmental education at Deep Portage for Northland/Remer School (33 participants) on May 24 – 25, 2012.

Receive & file - Office of State Auditor entrance meeting minutes for audit year ending 12/31/11.

Approve - Resolution No. 37-12 Master Subscriber Agreement for MN Court Data Services and authorize Chairman to sign.

Commissioner Dowson offered Resolution No. 37 -12 and moved its adoption, Commissioner Kangas seconded:

Be it resolved that Cass County approves execution of the Minnesota Judicial Branch Master Subscriber Agreement, and

Be it resolved that this agreement is for government use only and is required to subscribe to one or more Court data services, and

Be it further resolved that Jeff Peterson, Chairman of the Cass County Board of Commissioners is hereby authorized to sign the Master Subscriber Agreement for Minnesota Court Data Services with the Minnesota Judicial Branch on behalf of Cass County.

Resolution No. 37 -12 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

Receive & file - Cass County EDC May 2012 Activity Report.

- 2B. County Administrator Yochum reported on the Personnel Committee of the Board (Downham, Dowson) meeting of Monday, June 11, 2012. Items discussed included: a). HHVS AFSCME unit posting grievance, creating new positions grievance, and unit clarification request by the Union – committee recommends no action necessary at this time, b). Community support services provider meeting – committee recommends no action necessary at this time, c). Out of state travel – committee recommends Personnel Policy Committee draft an amendment providing department head approval of out-of-state travel, d). HHVS and Probation staff requests the establishment of a new grade 35 County Team Leader position and elimination of the HHVS positions of Team Leader Exempt, Social Worker Team Leader, Public Health Supervisor, and the Probation Office position of Senior Probation Officer – committee recommends approval.

HHVS Director Reno Wells and Probation Director Jim Schneider explained that the requested action does not increase budgeted full time equivalents and that implementation would be consistent with applicable labor agreements (noting that the supervisory/confidential status would exclude County Team Leaders from any existing bargaining unit).

M/S/P Dowson, Downham – To approve the Personnel Committee of the Board recommendations as presented. Unanimous.

- 2C. Administrator Yochum summarized the Ad-Hoc Committee of the Board (Gaalswyk, Kangas) progress in reviewing solid waste & recycling contracts due to expire in 2012. County Planner/Solid Waste Administrator Paul Fairbanks commented on the disposal alternatives discussed in Committee including existing or potential sites in the counties of Aitkin, Crow Wing, Koochiching, Morrison, and Ottertail. Administrator Yochum explained that the most cost effective options to date for solid waste disposal appear to be the existing contractor Waste Management at Elk River, MN or Crow Wing County at Brainerd, MN - both with an estimated cost of \$60.50 per ton for 2013. Mr. Yochum also reported the Committee recommendation to use the negotiation method authorized by State law.

M/S/P Gaalswyk, Kangas – To authorize the Ad-Hoc Committee of the Board (Gaalswyk, Kangas) to utilize the statutory negotiation method (MS 473.813) for all solid waste contracts and further, to confirm best price and terms with Crow Wing County and Waste Management and report back to the Board. Unanimous.

- 2D. Earl Tiggemann, Ottertail Peninsula Township Supervisor and Jim Proebstle from the Duck Point Woods Association requested to be heard regarding the elimination of invasive wild parsnip (a plant that causes symptoms similar to poison ivy or poison oak which can cause severe blistering/burning of the skin) and Canadian thistle plants from a mile of road in the Township. Turtle Lake Township Supervisor Reno Wells, ESD Director John Ringle, and County Engineer David Enblom discussed management methods. Mr. Enblom offered to be an information contact for the Township. No action necessary.

- 3A. ESD Director John Ringle provided a report on a Subsurface Septic Treatment System (SSTS) project. Mr. Ringle explained that Cass County ESD applied for and received grant funding in 2010 from the Clean Water Fund, administered through the Minnesota State Board of Water and Soil Resources (BWSR) in the amount of \$35,000.00. Funding was approved specifically for assisting the Leech Lake Band of Ojibwe (LLBO) in the preliminary engineering and environmental review of SSTS systems at Stony Point on Cass Lake and Sugar Point on Leech Lake. LLBO consultant Curt Meyer of Widseth Smith & Nolting discussed preliminary estimates for alternatives at Stony Point in the amount of \$1,000,000.00 and the Sugar Point in the amount of \$4,000,000.00. Cass Lake City Mayor LaDuke commented that the best option for Stony Point would be to hook up to the City of Cass Lake sewer system. No action necessary.

- 3B. Doug Schultz Supervisor of the Walker Area Fisheries informed the Board of the proposed MNDNR Aquatic Management Area (AMA) through a DNR property purchase of parcel (28-214-3109) located in Government Lot 5 in Section 14 of Unorganized Township #4 on Ottertail Point of Leech Lake. The parcel consists of wetland and forested upland totaling 4.2 acres and has 1,700 feet of shoreline. The DNR's sole purpose of lakeshore acquisition is to protect riparian and near-shore aquatic habitats that would be significantly impacted by development. The acquisition will protect some high quality panfish and largemouth bass spawning areas and wild rice, habitats which are critical to the needs of the fish and wildlife species Leech Lake supports. Mr. Schultz added that the Township of Ottertail Peninsula is in favor of the purchase, and the funding source is from bonding and Lessard-Sams Outdoor Heritage Council. The Board thanked Mr. Schultz for the update. No action necessary.

- 3C. Director Ringle requested Board approval to submit a Subsurface Treatment Systems Program Grant application in the amount of \$40,000 from the MN Pollution Control Agency. The grant dollars would be used for upgrading eligible subsurface treatment systems and potentially provide a match to an existing Region 5 loan program to help people replace failing septic systems.

M/S/P Downham, Gaalswyk – To approve submission of a Subsurface Treatment Systems Program Grant in the amount of \$40,000 from the MN Pollution Control Agency as presented. Unanimous.

- 4A. Land Commissioner Josh Stevenson informed the Board that the application to the Lessard Sams Outdoor Heritage Council (LSOHC) for phase 3 public land acquisitions in Cass County has been approved by the MN Legislature in the Omnibus Legacy bill (SF2493 - Chapter 264) signed into law on May 1, 2012. The \$480,000 appropriation will be available beginning July 1, 2012, and next steps include consultation with the Townships and independent appraisals of approximately 202 acres located in 5 Townships.

Mr. Stevenson reported that the Land Department continues to be contacted by numerous private property owners regarding selling their private property to the public as forest habitat that is open to the public for hunting, fishing, and the taking of game. Land Commissioner Stevenson requested approval to apply for phase 4 LSOHC funding (40 acres in 1 Township). The 2014 funding cycle will continue to be funded by the 3/8 of a percent State sale and use tax that began on July 1, 2009 (no Cass County levy funds). Mr. Stevenson also commented that the public land sales to private use are an ongoing part of the Cass County no net loss of public land policy.

M/S/P Dowson, Downham – To approve accepting LSOHC phase 3 funding and authorize application for LSOHC phase 4 funding as presented. Unanimous.

- 4B. Mr. Stevenson requested Board approval of a letter of support for a LCCMR proposal that would benefit Cass County by working with the Northeast Region (Counties of Aitkin, Beltrami, Carlton, Clearwater, Crow Wing, Koochiching, and Pine) to apply next generation forest inventory methods that address emerging issue and opportunities related to wildlife habitat, invasive species and improved forest productivity.

M/S/P Dowson, Kangas – To approve a letter of support and authorize Cass County to participate in a LCCMR proposal to improve forest inventory methods in cooperation with the Northeast Region Counties of Aitkin, Beltrami, Carlton, Clearwater, Crow Wing, Koochiching, and Pine). Unanimous.

- 5A. HHVS Director Reno Wells introduced Dan Wenner Executive Director of the Rural MN CEP. Mr. Wenner discussed the services that the Work Force Centers in our region provide to area customers including federal and state programs available to individuals, and the Cass County diversionary work activities. Director Wenner also discussed the return on investment and success stories in Cass County. Mr. Wells commented that Cass County is under contract with Rural MN CEP, Inc. through December 2012 with an option to extend to December 2013. No action necessary.

- 5B. Social Services Manager Michele Piprude discussed out of home placement service trends. Children are placed away from home for a variety of reasons but the vast majority of children are placed due to their parents' actions rather than their own conduct. Ms. Piprude also presented a synopsis of the type of placements managed by the County through the Court system. Although some trends are very positive in terms of the number of children and the length of stay the unpredictable nature of placements continue. Services provided in 2011 included a monthly average of 65 children at an annual cost of \$2,025,905 (County cost net of recoveries in 2011 was \$1,673,580). The twenty year cost trend indicated expenditures in the year of 2001 at \$2,911,053 and County net cost of \$2,343,081. Social Services Manager Piprude reported that the interdisciplinary and intergovernmental cooperation remains very high and focused on child protection in a variety of methods. The Board thanked Ms. Piprude for the update. No action necessary.

- 6A. Ninth Judicial District Judge John Smith announced that the Cass County/Itasca County/Leech Lake Band of Ojibwe Wellness Court is the Tribal recipient of the 2012 National Criminal Justice Association Outstanding Criminal Justice Program Award, which will be presented at the NCJA National Forum on Criminal Justice and Public Safety in Santa Ana Pueblo, New Mexico in July. Judge Smith acknowledged the leadership of Leech Lake Tribal Court Judge Korey Wahwassuck and the assistance of County and Leech Lake Band departments. Judge Smith also thanked the Board for the for continuing financial support of program. Probation Director Jim Schneider presented the Wellness Court Program Memorandum of Understanding dated June 05, 2012. The agreement defines the mission, principles, and responsibilities of the Courts, County Probation, and MN Department of Corrections.

M/S/P Downham, Kangas – To receive & file the Memorandum of Understanding of the Cass County/Leech Lake Band of Ojibwe Wellness Court Supervision dated June 05, 2012. Unanimous.

- 7A. County Engineer David Enblom presented a draft Memorandum of Understanding with the Leech Lake Band of Ojibwe regarding improvements to County Road #126 (located between Trunk Highway #200 and Haskell Road NE), County Road #136 (located between CSAH #73 and a point approximately 1 mile south of CSAH #73), and gravel pit lease access for specific projects near the Leech Lake Band pit at CSAH #8 and State Highway #200. The proposed draft implements several issues identified at the Tribal Council & County Board joint committee meeting held March 02, 2012. Leech Lake Band Tribal Roads Director Art Chase reported that the Band supports the proposed improvement projects adjacent to Band Communities. Engineer Enblom thanked Director Chase for his ongoing assistance and coordination with the Band.

M/S/P Dowson, Downham – To approve the Memorandum of Understanding between the Leech Lake Band of Ojibwe and Cass County as presented. Unanimous.

- 7B. Mr. Enblom proposed a joint Cass County, Leech Lake Band bituminous trail project located within the road right-of-way of CSAH 75 (Bingo Palace Drive). County Engineer Enblom discussed the traffic volume, and accident history in the area. The project could be scheduled for 2013. The proposed funding for the project is 50% (\$125,000.) Tribal road funds and 50% (\$125,000.) County funds. Administrator Yochum reported the availability of County funds from Fund #73. Tribal Roads Director Art Chase reported that upon Band approval the project could be included in the 2013 BIA Capital Plan. State Representative John Persell thanked the Board and the Tribal Council for the follow up on a much needed improvement to CSAH#75 (Bingo Palace Drive).

M/S/P Downham, Gaalswyk – To approve the joint Cass County/Leech Lake Band bituminous trail project within the road right-of-way of CSAH#75 (Bingo Palace Drive) and authorize County participation up to \$125,000.00 from Conservation Fund #73. Unanimous.

- 7C. Highway Engineer Enblom presented a cooperative grant agreement with MNDOT for local bridge bonding to replace large culverts on CSAH #17 (May Creek). Total cost estimate of the project is \$492,123.42 with State bridge bonding money covering \$145,278.60 of the cost.

M/S/P Gaalswyk, Kangas – To approve a cooperative agreement with the Minnesota Department of Transportation to access \$145,278.60 of State bridge bonding money to assist in replacing culverts on CSAH #17 (at Mayo Creek). Unanimous.

- 7D. Mr. Enblom also requested Board approval of a \$304,500 local match to receive \$745,500 of Federal grant dollars to rebuild the portion of CSAH 1 between County Road 107 and CSAH 29 in the 2016 federal funding cycle.

Commissioner Dowson offered Resolution No. 38 -12 and moved its adoption, Commissioner Downham seconded:

WHEREAS, Region Five Development Commission recommended the Central Minnesota Area Transportation Partnership program federal funds in the amount of \$745,500.00 in year 2016 of its 2013-2016 ATIP for SP 011-601-023 submitted by Cass County for the reconstruction of County State Aid Highway 1 from County Road 107 to County State Aid Highway 29, which will include shoulder widening, replacement of culverts and bituminous surfacing, and

WHEREAS, Cass County acknowledges the \$745,500.00 in federal SAFETEA-LU federal funds that is being recommended by the ATP for SP 011-601-023 and understands that a minimum local financial match of \$304,500.00 will be necessary based on the present cost estimate to fully implement the project; and

THEREFORE BE IT RESOLVED, Cass County agrees to commit the necessary local revenues to match the SAFETEA-LU funds approved by the ATP and included in the STIP and to cover any other costs that may be necessary to complete the project as submitted.

Resolution No. 38 -12 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 7E. David Enblom requested Board action to approve a MNDOT agency agreement allowing Cass County to construct a CSAH #8 project this year. The Federal funds designated for this project are scheduled for reimbursement to the County in 2013. Mr. Enblom reported that the CSAH #8 estimate is \$1,028,432, with \$800,000 scheduled from Federal funds.

Commissioner Downham offered Resolution No. 39 -12 and moved its adoption, Commissioner Kangas seconded:

BE IT RESOLVED, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the County of Cass to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the Cass County Board Chairman, Jeff Peterson, and Cass County Administrator, Robert H. Yochum, are hereby authorized and directed for and on behalf of Cass County to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 01058" for projects SP 011-608-014, SAP 011-639-004 and SAP 011-663-009, a copy of which said agreement was before the County Board and which is made a part hereof by reference.

Resolution No. 39 -12 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

8. County Administrator Yochum confirmed the upcoming meeting schedule: a). Board directed a meeting notice be provided for Board attendance at a meeting on Wednesday, June 27, 2012, beginning at 6:00 p.m., in the Board Room, Cass County Crtse., 1st Floor, Walker, MN. regarding proposed revisions to the Extractive Use Section of the Land Use Ordinance b). Noted a social event for a retirement reception of former Commissioner Jim Demgen on Friday, July 27, 2012 Grandview 23521 Nokomis Ave, Nisswa, MN.
9. Chairman Peterson adjourned the meeting at 7:50 P.M.

SIGNED: _____
Jeff Peterson, Chairman
Cass County Board of Commissioners

ATTEST: _____
Robert H. Yochum
Cass County Administrator