

**TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
July 17, 2012**

- 1A. Chairman Peterson convened the regular meeting of the Cass County Board of Commissioners at 6:00 p.m. on Tuesday, July 17, 2012, with the flag pledge, at the Fairview Township Hall, 10219 County 77 SW, Nisswa, 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
Dave Enblom	Highway Engineer	John Ringle	ESD Director
Laura Hadrava	Highway Dept.	Kris Lyytinen	Highway Dept.
Tom Burch	Sheriff	Kerry Swenson	Emergency Management Coord.
Kelly Condiff	ESD	Tim Richardson	Central Services Director
Megan Fitzgerald	Cass Co. SWCD	Gail Levenson	Cass County EDC
Susan Wake	Extension Committee	Greg Booth	2012 Farm Family
Vickie Kettlewell	2012 Farm Family	Barbara Kettlewell	2012 Farm Family
Walt Richmond	Fairview Twp.	Gail DeBoer	Pilot Independent
Monica Lundquist	Brainerd Dispatch		

- 1B. M/S/P Kangas, Gaalswyk – To approve the agenda items for discussion as presented and the addition of Item 2D.(Correspondence from MHB requesting fiscal agent transfer to Crow Wing County). Unanimous.

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

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

Approve Regular Board Minutes of July 3, 2012.

Approve Auditor Manual Warrants dated June, 2012 in the amount of \$9,511,333.49.

Approve Auditor Warrants dated June 28, 2012 in the amount of \$670,406.77.

Approve Auditor Warrants dated June 29, 2012 in the amount of \$1,227.00.

Approve Auditor Warrants dated July 5, 2012 in the amount of \$83,006.77.

Receive & file monthly Budget Reports.

Approve HHVS Commissioners Warrants dated July 6, 2012 in the amount of \$75,535.91.

Approve HHVS Auditor Warrants dated July 6, 2012 in the amount of \$26,118.27.

Approve Personnel Items - A. Budgeted positions scheduled for replacement: 1. Receive and file - Notice of temporary appointment of Janet Lee Northbird to fill Legal Secretary vacancy effective July 9, 2012 through October 8, 2012 at grade 12, step 7 \$15.30/hr. 2. Receive & file - Notice of appointment of Chad Bouc – full-time Deputy Sheriff, grade 27, step 1, effective July 17, 2012. 3. Receive & file - Notice of the appointment - Kevin Dahlman to the position of Land Dept. Resource Manager, Grade 28 Step 2 with a start date of February 8, 2012 up to February 8, 2013. 4. Receive & file - Intent to fill the vacant Cass County Team Leader position – Probation Office, grade 35. 5. Receive & file - Notice of appointment - Robyn Bennett, Highway Dept. - Account Clerk II, grade 17, step 8 effective July 23, 2012. 6. Receive & file - Notice of retirement - Joanne Dicks, Highway Dept. - Account Clerk II, effective August 17, 2012. B. Positions scheduled for no replacement at this time: None. C. Other: 1. Approve - Grade rating evaluation submission to Public Employment HR Consulting (PEHRC) for the position of Highway Department - Account Clerk II. 2. Approve - Grade rating evaluation submission to Public Employment HR Consulting (PEHRC) for the position of Highway Department – Fiscal Supervisor I. Receive & file - Correspondence from MN Dept. of Revenue – State Board of Equalization for 2012 results.

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

Accept - Donation from H. F. Bassett Furniture Sales in the amount of \$100.00 for Sheriff's Office Boat & Water Division.

Authorize – 2nd quarter Longville Ambulance Subordinate Service District payment in the amount of \$102,750.00.

Receive & file - Pillsbury State Forest 2012 distribution for 2011 in the amount of \$4,291.77.

Approve - Cass County Family Center Support Services quarterly narrative reports and payment of quarterly expense claims totaling \$19,958.00.

Accept - Donation of adult, child and infant CPR trainer manikin & airway management trainer manikin from Hackensack First Responders, Hackensack MN for the Cass County Public Health and Cass County Sheriff's Office.

Approve - Cass County Probation Office to submit the 2013 MN Dept. of Public Safety grant application in the amount of \$113,700.00 to support the Cass County/Leech Lake Wellness Court.

Receive & file - Letter of termination with Marsden Building Maintenance, LLC for HHVS janitorial services expiring August 31, 2012.

Receive & file - Update to ash stand inventoried in Section 26 Gould, and Section 35 Lima Townships.

Approve - Agreement to rent employee Scott McAllister's logging boom truck in the amount of \$75.00 per hour to assist in storm clean up from July 2, storm wind storm.

Receive & file - MN State Demographer estimates for 2011.

Approve licenses - Gambling - Northland Booster Club @ Deer Haven Resort (on August 25, 2012) - Jenny Koval, Thunder Lake.

Approve - Law Enforcement agreement with Moondance Jam, Inc. for Moondance Jam on July 18-22, 2012.

- 2B. County Administrator Robert Yochum presented a proposed contract with Gas Service Company for the relocation and reuse of two County owned propane tanks from Ah-Gwah-Ching to the County Courthouse and the Cass County Highway Department at a contract cost of \$151,850.00 per related Board action of July 03, 2102. Central Services Director Tim Richardson reported that the insurance and performance bonds are forthcoming from Gas Service Company.

M/S/P Dowson, Gaalswyk - To approve a contract with Gas Service Company for relocation and reuse of the two county owned 18,000 gallon propane tanks from Ah-Gwah-Ching to the Cass County Courthouse and the Cass County Highway Department not to exceed \$151,850.00. Unanimous.

- 2C. Mr. Yochum reported that Walker-Hackensack-Akeley ISD #113 executed a bill of sale to purchase the remaining county owned 18,000 gallon propane tank (serial tank #118385) at the former Ah-Gwah-Ching site on an "as is, where is" basis. Mr. Yochum also presented correspondence from the MN Management & Budget Office authorizing Cass County to proceed with the sale for the fair market value of \$24,500.00 and directing remittance of the same to the State of Minnesota per the deed restrictions of the sale of Ah-Gwah-Ching to Cass County.

M/S/P Dowson, Kangas - To approve the sale of one 18,000 gallon propane tank (Serial tank #118385) "as is, where is" to WHA ISD# 113 for the fair market value of \$24,500.00 and directing remittance of the same to the State of Minnesota per the deed restrictions of the sale of Ah-Gwah-Ching to Cass County. Unanimous.

- 2D. Mr. Yochum presented draft correspondence from the Mississippi Headwaters Board regarding the office transition from Cass County to Crow Wing County. The MHB Board is requesting release all MHB funds to the new fiscal agent - Crow Wing County upon approval of the MHB Board July 27, 2012.

M/S/P Gaalswyk, Downham - To approve release of all Mississippi Headwaters Board funds held by Cass County to the new fiscal agent Crow Wing County upon approval of the MHB Board. Unanimous.

- 3A. Cass County Extension Committee member Susan Wake explained that each year the University of Minnesota takes the lead to recognize farm families throughout the State. The local County Extension Committees select the farm family and submit their recommendation to the University of MN. The criteria for nomination is that the farmer is a Minnesota food producer that is actively involved in agricultural production with one or more agricultural enterprises and have some involvement in their communities. Ms. Wake informed the Board that Greg Booth & Vickie Kettlewell have been selected as the Cass County Farm Family for 2012 noting a real enthusiasm for local agriculture. Mr. Booth & Ms. Kettlewell discussed the history, and current operations of their farm. The Board congratulated Mr. Booth & Ms. Kettlewell as the 2012 Cass County Farm Family.

- 4A. MN State Senator Paul Gazelka was unable to attend the meeting as scheduled.

- 5A. Sheriff Tom Burch presented for Board approval the final acceptance checklist and the final certificate of milestone completion for the Cass County ARMER project (ARMER MN-10136A). Emergency Management Coordinator Kerry Swenson commented that all related work has been accomplished per the Motorola contracts and certified complete by the project manager (Rey Freeman). Mr. Swenson also reported the system is working well, warranties were activated June 01, 2012 and that the remaining tower will be installed adjacent to the Leech Lake Band of Ojibwe Tribal Police Headquarters at Cass Lake in September or October 2012.

M/S/P Dowson, Gaalswyk – To approve execution of the final acceptance checklist and the final certificate of milestone completion for the Cass County ARMER project (ARMER MN-101136A). Unanimous.

- 5B. Emergency Management Coordinator Kerry Swenson informed the Board of correspondence from the MN Department of Labor & Industry requesting immediate steps to retrofit or replace 16 solar powered public warning systems that had been installed in July and August 2010 by the Leech Lake Band of Ojibwe's contractor (Starry Electric Inc.) allegedly in violation of Minnesota Rules 3800.3620 related to U.L. listings. Mr. Swenson also noted receiving correspondence from the MN Department of Commerce launching a new solar helpline to streamline the deployment of solar energy projects. Mr. Swenson asked the Board to support the contractor Starry Electric Inc.'s position that the 16 solar powered public warning systems are exempt from the MN Department of Labor & Industry code standards.

M/S/P Gaalswyk, Downham – To approve a letter to the MN Department of Commerce requesting assistance in clarifying the status of the 16 solar powered public warning systems. Unanimous.

- 5C. Mr. Swenson discussed three storm events - the May 27th flood, the June 20th flood, and the July 02nd straight line winds. A disaster declaration has been granted to 13 other MN affected by the June 20 event. Cass County and Itasca County are now in the process of requesting being added to that declaration. Initial infrastructure damage estimates have been submitted to the State as follows: May 27th storm - \$191,000, June 20th storm – \$2,315,000, and the July 2nd storm – \$870,000 totaling \$3,376,000.00. The Board emphasized the need to promptly communicate with the cities and townships in the event that Cass County is included in a disaster declaration. The Board thanked Mr. Swenson for the update.

- 6A. Assistant County Engineer Kris Lyytinen discussed the Highway Departments emergency response to each of the three summer storm events and the status of damaged roadways to date. Mr. Lyytinen described the Memorial Day high water road damage to 14 county roads at 32 locations and damage to 8 culverts (5 on paved roads) and 1 bridge. The June 19 storm affected 31 roadways (162 miles) at 64 locations, damage to 11 culverts and substantial gravel loss (estimate of 259 tons). The July 3 storm had damage to 10 roads with a total length of approximately 60 miles, and many more roads requiring tree removal. Mr. Lyytinen estimated all three storm events at \$2,600,000 in road damage. Highway Engineer David Enblom discussed the Highway Department and the Sheriff's Office emergency efforts during the 3 storms.

M/S/P Dowson, Kangas – To send a letter of appreciation to the Highway Department and Sheriff's Office staff for extraordinary response to the recent storm events. Unanimous.

- 6B. Construction/Design Engineer Laura Hadrava presented bids opened on July 10, 2012 at 2:00 PM for the 2012 Project No. SP 011-070-004 - Intersection lighting safety project and 2012 Project No. SP 011-070-003 - Chevron curve sign removal & installation safety project. Engineer Enblom explained that both projects are improvements identified in the Cass County Safety Plan based upon Federal Highway Administration best management practices. Federal funds (90% of the project cost) are available at the present time (10% local match). The Board inquired about any related operating costs and debated the necessity of the improvements by accepting the Federal funds.

Project No.: SP 011-070-004 - Intersection Lighting Safety project (14 sites).

Engineers Estimate - \$159,165.00

<u>Bidder</u>	<u>Total Bid Amount</u>	<u>Percent Over/Under Estimate</u>
Parsons Electric LLC	\$188,524.92	18.45% OVER ESTIMATE
Lee Davis Electric, Inc.	\$212,190.00	33.31% OVER ESTIMATE

Project No.: SP 011-070-003 Chevron curve sign removal & installation safety project on 25 CSAH roads in Cass County.

Engineers Estimate - \$224,250.00

<u>Bidder</u>	<u>Total Bid Amount</u>	<u>Percent Over/Under Estimate</u>
A and H Contracting LLC	\$143,140.00	36.17% UNDER ESTIMATE
JAAK LLC	\$168,139.50	25.02% UNDER ESTIMATE

M/S/P Downham, Kangas - To award the bid to the apparent low bidder for SP 011-070-003 (Chevron curve sign removal & installation safety project on 25 CSAH roadways) to A and H Contracting LLC in the bid amount of \$143,140.00, contingent upon approval by MnDOT, and to award the bid to the apparent low bidder for SP 011-070-004 (Intersection lighting safety project at 14 sites) to Parsons Electric LLC, Inc. in the bid amount of \$188,524.92, contingent upon approval by MnDOT. Ayes: Downham, Dowson, Kangas, Peterson. Nays: Gaalswyk.

Construction/Design Engineer Laura Hadrava presented bids opened on July 10, 2012 at 2:00 PM for the 2012 Paving Projects No.: CP 2012-2(CR166), CP 2012-3(CR136), SAP 011-639-004(CASH 39), SAP 011-663-009(CSAH 63), and SP 011-608-014(CSAH 08). Engineer Enblom explained the combination of funding sources including State Aid, County, and the Leech Lake Band.

Engineers Estimate - \$2,092,001.49

<u>Bidder</u>	<u>Total Bid Amount</u>	<u>Percent Over/Under Estimate</u>
Tri-City Paving, Inc.	\$2,001,836.56	4.31% UNDER ESTIMATE
Hawkinson Construction Co., Inc.	\$2,045,539.50	2.22% UNDER ESTIMATE
Knife River Materials	\$2,147,126.21	2.64% OVER ESTIMATE
Anderson Brothers Construction Co.	\$2,279,835.97	8.98% OVER ESTIMATE
Central Specialties, Inc.	\$2,385,631.57	14.04% OVER ESTIMATE

M/S/P Kangas, Downham - To award the bid to the apparent low bidder for the 2012 Paving Projects No.: CP 2012-2(CR166), CP 2012-3(CR136), SAP 011-639-004(CASH 39), SAP 011-663-009(CSAH 63), and SP 011-608-014(CSAH 08) to Tri-City Paving, Inc. in the bid amount of \$2,001,836.56, contingent upon approval by MnDOT. Unanimous.

- 6C. County Engineer Enblom reported that MPCA officials Beth Lockwood and Dan Card recently visited Highway Department staff to follow-up on the Monday, June 25, 2012 meeting held in March at the AMC Legislative Conference with Senators Carlson and Gazelka, County Board members, and Cass County staff regarding storm water permit management on the CSAH 1 project constructed in 2011-2012. Mr. Enblom explained that next steps include correspondence that will better define permit practices by MPCA and the County. No action necessary.
- 7A. ESD Technical Support Professional Kelly Condiff introduced MN Conservation Corp summer intern Megan Fitzgerald. Ms. Fitzgerald explained the Cass SWCD participation in the Central Sands Nitrate Study administered by the Mn Department of Agriculture. The program seeks to determine current nitrate concentrations in private wells as well as trends over time through 558 long-term volunteer participants spread throughout 14 counties. Ms. Fitzgerald discussed the test results of the 28 sites in Cass County. No Board action necessary.
- 7B. ESD Director John Ringle presented the second quarter (first half 2012 totals) planning and zoning activity report. Zoning permit activity was 626 permits compared to 486 permits in the first half of 2011 (related revenue up \$32,929 (28.5%) to \$ 148,447). Field staffing levels remain unchanged with 2 resource specialists and 1 shoreline specialist. Mr. Ringle reported that the Planning Commission has had a 33% increase in variance and conditional use permit applications activity this year. Last year (2011) also was busier than the previous (2010), and along with increased activity, we are concerned that we are asking too much of this volunteer Planning Commission. ESD staff are reviewing variance application trends and exploring options that might be available to expedite the process of minor changes in non-conforming properties. No action necessary at this time.
- 7C. Mr. Ringle presented eleven quotes for disposal of electronic waste generated by the recycling services in the Counties of Cass, Crow Wing, and Hubbard, the Leech Lake Band of Ojibwe, and the Hubbard County Developmental Achievement Center. The selected company will provide recycling and disposal services for electronics, and residual components of residential electronic components. The proposed term of the contract is from July 17, 2012 through July 1, 2015 with no fees to program users or cost to the Counties or the Leech Lake Band of Ojibwe.

Bidder – MPC

<u>PCs/Laptops</u>	<u>Printers</u>	<u>Peripherals</u>	<u>Monitors, TVs</u>	<u>Misc.</u>	<u>Transp.</u>	<u>Other</u>
NC/Npay	NC/Npay	NC/Npay	NC/Npay		53'trailer – Live loaded	Provided by MPC

M/S/P Gaalswyk, Dowson – To authorize a contract with the apparent low bidder for Cass County E-Waste Recycling to Materials Processing Corporation on a no cost/no pay basis with a term of July 17, 2012 through July 1, 2015. Unanimous.

- 8A. Chief Financial Officer Larry Wolfe reported that the 2011 audit will be submitted to the Office of the State Auditor in early August. No Board action required at this time.
- 8B. Chief Financial Officer Larry Wolfe presented the budget amendments for FY2011.

M/S/P Gaalswyk, Downham – To approve the FY2011 Budget Amendments as presented. Unanimous.

**CASS COUNTY
2011 BUDGET AMENDMENTS**

		<u>ORIGINAL BUDGET</u>	<u>AMENDED BUDGET</u>	<u>CHANGE</u>
<u>Recorder</u>				
01-100.6379	Miscellaneous Charges	0	102,000	102,000
To amend budget for tax book scanning project				
Source: Unassigned Fund Balance				
<u>Building & Grounds</u>				
01-112.6605	Capital Outlay - Buildings	0	430,000	430,000
To establish budget for Energy Efficiency Project				
Source: Unassigned Fund Balance				
<u>Sheriff</u>				
01-200.6102	Salaries/Wages Permanent	2,082,760	2,212,760	130,000
01-200.6162	Employer PERA	303,619	336,619	33,000
01-200.6172	Employer FICA	72,069	82,069	10,000
01-200.6565	Gasoline	175,000	200,000	25,000
	Total Change			198,000
To amend budget for severance pay, position changes and fuel for squads.				
Source: Unassigned Fund Balance				
<u>Medical Examiner</u>				
01-222.6299	Other Professional Services	90,000	100,000	10,000
To amend budget for increased activity in the Medical Examiners Department				
Source: Unassigned Fund Balance				
<u>County Jail</u>				
01-250.6603	Capital Outlay	36,313	252,593	216,280
To amend budget for amortization of prepaid asset (Crow Wing Pod)				
Source: Prepaid Asset Account				
<u>Sentence to Serve</u>				
01-251.6102	Salaries/Wages Permanent	36,336	41,336	5,000
01-251.6105	Salaries/Wages Overtime	500	800	300
01-251.6155	Cafeteria Contribution	10,752	11,252	500
01-251.6162	Employer PERA	3,179	3,579	400
01-251.6172	Employer FICA	2,780	3,480	700
01-251.6561	County Car Repair	1,000	1,300	300
01-251.6565	Gasoline	4,800	5,200	400
01-251.6603	Capital Outlay	810	4,010	3,200
	Total Change			10,800
To amend budget for position change, repairs, gasoline and equipment purchases.				
Source: Unassigned Fund Balance				
<u>Emergency Services</u>				
01-280.6299	Prof Services - ARMER 800 mhz Project	0	3,850,000	3,850,000
To establish budget for expenditures related to the ARMER 800 mhz Project				
Source: Grants and Committed Fund Balance				
<u>ESD - Planning & Zoning</u>				
01-801.6105	Salaries/Wages Overtime	0	1,200	1,200
01-801.6299	Other Professional Services	15,000	32,000	17,000
01-801.6333	Mileage	16,000	22,500	6,500
01-801.6603	Capital Outlay	0	11,000	11,000
	Total Change			35,700
To amend budget for temp and overtime wages, inspections and professional charges, planning commission mileage, capital expenses				
Source: Unassigned Fund Balance				

ESD – Special Projects

01-801-594.6103	Salaries/Wages Temporary	0	4,300	4,300
01-801-594.6379	Miscellaneous Charges	0	50,000	50,000
	Total Change			54,300

To amend budget for Lake Association projects
Source: Grants, Fees and Assigned Fund Balance

Total General Fund Changes 4,907,080

Road & Bridge

Department 313 - Maintenance

03-313.6299	Other Professional and Technical Services	50,000	220,000	170,000
03-313.6520	Sand & Salt	110,000	225,000	115,000
	Total Change			285,000

To amend budget for additional professional services and materials needed
Source: Assigned Fund Balance

Department 313 - Construction

03-313.6604	Capital Outlay Construction	3,640,000	6,400,000	2,760,000
	Total Change			2,760,000

To amend budget for additional construction projects
Source: Assigned Fund Balance, Cost Sharing, Grants and Awards.

Total Road & Bridge Fund Changes 3,045,000

Capital Fund

33-651.6604	Capital Outlay	0	210,000	210,000
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To establish budget for Deep Portage LCCMR Energy Project
Source: LCCMR Energy Grant

Total Capital Fund Changes 210,000

Land Exchange Trust

73-001.6807	Environmental Trust - Trails	0	180,000	180,000
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To amend budget for East Gull Lake trail improvement projects
Source: Restricted Fund Balance

180,000

Total Environmental Trust Fund Changes

8,342,080

Grand Total All Funds

8C. Mr. Wolfe presented the 2012 forfeited tax settlement (2011 receipts) and distribution of the same to Cass County taxing jurisdictions.

M/S/P Downham, Dowson – To approve the 2012 forfeited tax settlement (2011 receipts) in the amount of \$1,021,682.00 and distribution of the same to Cass County taxing jurisdictions as presented. Unanimous.

9. County Administrator Yochum confirmed the upcoming meeting schedule: a. Initiative Foundation – Resilient Region Consortium - Tuesday, August 14, 2012, 4:00p.m., The Lodge, Baxter, MN.

10. Chairman Peterson adjourned the meeting at 8:04 P.M.

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

ATTEST: _____
Robert H. Yochum
Cass County Administrator