

**TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
November 6, 2012**

1A. Chairman Peterson convened the regular meeting of the Cass County Board of Commissioners at 9:00 a.m. on Tuesday, November 6, 2012, with the flag pledge, in the Land Department Meeting Room, Backus, 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
John Ringle	ESD Director	Paul Fairbanks	Solid Waste Ofcr./County Planner
Josh Stevenson	Land Commissioner	Jim Schneider	Probation Director
Michelle Nistler	County Probation	Jim Ballenthin	Planning Commission
Retta Freeman	ESD	John Sumption	Self
Sandy Krueger	Self	Christopher Pence	Crow Wing Land Serv. Supvr.
Gail DeBoer	Pilot Independent	Monica Lundquist	Brainerd Dispatch

1B. M/S/P Kangas, Downham – To approve the agenda items for discussion as presented and the addition of Item 2A.7 (Receive & file notice of appointment of Christine Bednarski – Administrative/Legal Secretary, grade 24, step 6, effective November 10, 2012, and Receive & file notice of appointment of Kelly Virden – Legal Secretary, grade 19, step 1, effective November 19, 2012), Item 3C. (Notification of Cass County/Iasca County/Leech Lake Band of Ojibwe Wellness Court Association of Minnesota Counties Achievement Award), and Item 4D. (Recognition award for Paul Fairbanks from the Minnesota Association of County Planning & Zoning Administrators (MACPZA). Unanimous.

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

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

Approve - Board Minutes of October 16, 2012, and October 23, 2012.

Approve - Auditor warrants dated October 11, 2012 in the amount of \$440,181.01.

Approve - Auditor warrants dated October 18, 2012 in the amount of \$1,499,120.87.

Approve - Auditor warrants dated October 25, 2012 in the amount of \$270,371.88.

Approve - HHVS Commissioner warrants dated October 19, 2012 in the amount of \$179,901.39.

Approve - HHVS Auditor warrants dated October 19, 2012 in the amount of \$131,930.33.

Approve Personnel Items - A. Budgeted positions scheduled for replacement: 1. Receive and file - Notice of lateral transfer of Collections Officer Jeffrey Deihl, grade 20, to fill Eligibility Worker vacancy, grade 20, step 2, effective December 8, 2012, Receive and file - Notice of intent to fill budgeted Collections Officer position vacated by Jeffrey Deihl. 2. Receive and file - Notice of lateral transfer of Office Support Specialist Deb Benesh, grade 15, to fill Office Support Specialist newly created position (assigned to Backus office), grade 15, step 2, Receive & file - Notice of intent to fill budgeted Office Support Specialist position vacated by Deb Benesh, grade 15. 3. Receive & file - Notice of appointment of Christine Bednarski – Administrative/Legal Secretary, grade 24, step 6, effective November 10, 2012. Receive & file - Notice of appointment of Kelly Virden – Legal Secretary, grade 19, step 1, effective November 19, 2012. B. Positions scheduled for no replacement at this time: none. C. Other: 1. Receive & file - Notice of probation completion for Kendra Vogt, County Agency Social Worker, grade 28, step 1, on October 30, 2012. 2. Receive & file - Notice of extended leave for John Kelly Phipps, Corrections Officer through March 30, 2013. 3. Approve - PEHRC's point factor evaluation system rating for HHVS – Position Community Health Specialist at grade 21. 4. Receive & file - Notice of intent to fill newly created position in Cass County Health, Human and Veterans Services – Community Health Specialist, grade 21.

Approve Licenses – On & Off Sale 3.2 Beer - McArdle's - McArdle's Resort, Inc, Unorganized; Shores of Leech Lake RV, Yacht Club & Cottages - Mara Loomis, Shingobee; Iowana Beach Resort - Wilderness Retreat, LLC, Unorganized; Sah-Kay-Tay Beach Resort - Sah-Kay-Tay Beach, Pike Bay. Tobacco - Ultimate Liquors - Ultimate Liquors, Inc, Pine River (City); Super One Foods - Miner's Inc, Walker; Anchorage Inn - JLANCHORAGE, LLC, Inguadona; Ernie's on Gull - CMZ Hospitality, LLC, East Gull Lake; Remer Cenex - Northern Star Co-op Serv, Remer (City); Riverside Quickstop - Brenda Greene, Federal Dam; Long Pine Store - Cynthia K Bussian, Ponto Lake; Petro Plus Convenience Stores - Adium Oil

Company, Inc, Pillager; Godfrey's, Inc - Godfrey's, Inc, Powers; Mule Lake Store - Big Thunder Enterprises, LLC, Wabedo; Corner Store Express - Corner Store Express, Inc, Sylvan; Winnie Store - Winnibigoshish Historical Ctr, Inc, Unorganized; Holters Grocery - Holter's SuperValu, Inc, Remer (City); Corner Store and Restaurant - David Alan Sheley Jr, Powers.

Report - That the Department Head performance evaluations of Tuesday, October 23, 2012 concluded that County Administrator Robert Yochum, Auditor-Treasurer Sharon Anderson, Central Services Director Tim Richardson, Land Commissioner Josh Stevenson, ESD Director John Ringle, County Assessor Mark Peterson, Chief Financial Officer Larry Wolfe, County Engineer Dave Enblom, and HHVS Director Reno Wells achieve the requirements of their positions.

Accept - Donations to Sheriff's Office: Our Savior's Lutheran Church - \$200.00, Judy Gustafson - \$50.00, Roderick & Jane McKinley - \$50.00 - Chaplaincy Initiative; Sentence to Service Equipment - Sylvan Township - \$200.00.

Receive & file - Sentence To Serve quarterly report dated from July 1, 2012 to September 30, 2012.

M/S/P Downham, Kangas - To accept a quote from North Fork Excavating for garbage/cabin clean up on county land in NE1/4 NW1/4 17-136-31 Moose Lake Twp.in the amount of \$2,000.00, (no other quotes submitted), completion date of November 1st, 2012. Unanimous.

Approve - Resolution No. 54 - 12

Re-appointment of Mark Peterson as County Assessor beginning January 1, 2013 through December 31, 2016.

Commissioner Downham offered Resolution No.54 -12 and moved its adoption, Commissioner Kangas seconded: BE IT RESOLVED that Mark Peterson is hereby appointed to the position of Cass County Assessor, effective January 1, 2013, appointment made pursuant to Minnesota Statutes 273.061, four year term ending December 31, 2016.

Resolution No. 54-12 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

Accept - Donation to HHVS in the amount of \$50.00 unknown individual to be used at the county's discretion.

Approve - Assessor's Office Abatements:

<u>Name/Location</u>	<u>Parcel ID</u>	<u>Action</u>	<u>Current</u>	<u>Proposed</u>	<u>Reduction</u>
<u>Tax Year</u>					
2012-Merilee Manders Payne	46-368-0160	Value Reduction	\$137,800	\$69,300	(\$442.00)
2012-Reed/Sheree Wickstrom	90-417-0120	Deny Homestead	SeasonalRes Rec	SeasonalRes Rec	.00
2011-Reed/Sheree Wickstrom	90-417-0120	Deny Homestead	SeasonalRes Rec	SeasonalRes Rec	.00
2010-Reed/Sheree Wickstrom	90-417-0120	Deny Homestead	SeasonalRes Rec	SeasonalRes Rec	.00
2009-Reed/Sheree Wickstrom	90-417-0120	Deny Homestead	SeasonalRes Rec	SeasonalRes Rec	.00
2008-Reed/Sheree Wickstrom	90-417-0120	Deny Homestead	SeasonalRes Rec	SeasonalRes Rec	.00

Approve - Resolution No. 55-12

County Veterans Service Office Community Outreach Grant Program Contract in the amount of \$2,298.00 from MN Department of Veterans Affairs and authorize Kathy Ramos to execute.

Commissioner Downham offered Resolution No.55 -12 and moved its adoption, Commissioner Kangas seconded: BE IT RESOLVED by the Cass County Board of Commissioners that the County enter into the attached Grant Contract with the Minnesota Department of Veterans Affairs (MDVA) to conduct the following Program: County Veterans Service Office Community Outreach Grant Program. The grant must be used for community outreach as defined in Minnesota Statutes, section 197.608, to all eligible veterans regarding the availability of benefits they have earned and especially those relating to posttraumatic stress disorder for all veterans, including World War II, Korean War, and Vietnam War era veterans, and should not be used to supplant or replace other funding.

BE IT FURTHER RESOLVED by the Cass County Board of Commissioners that Kathy Ramos, the Cass County Veterans Service Officer, be authorized to execute the attached Grant Contract for the above-mentioned Program on behalf of the County.

Resolution No. 55-12 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

Receive & file - HHVS Cash Account Balance Comparison and Child Service Costs through September 2012.

Receive & file - Grant award from the Office of the Justice Programs - MN Department of Corrections Smart Probation in the amount of \$499,305.00.

Authorize - Sheriff's Office purchase of budgeted 2013 vehicles.

M/S/P Downham, Kangas – To accept a bid to haul material (taconite tailings) needed and repair a section of the Thunder Lake Snowmobile Trail in Sections 16 and 21 of Thunder Lake Township to facilitate access to public land during the firearms deer season to Outdoor Creations and Renovations not to exceed \$22.00/yard and further, to authorize payment from our trail maintenance account. Unanimous.

<u>Bidder</u>	<u>Bid Amount</u>
Outdoor Creations and Renovation	\$22.00/yard
Schrupp Excavating LLC	\$40.00/yard
Outing Sand and Gravel	\$24.00/yard

Authorize - 25% Fund use of \$1,250.00 for environmental education at Deep Portage - Northland/Remer School (25 students) on October 22-24, 2012 and authorize 25% Fund use of \$440.00 for environmental education at Deep Portage – Pine & Lake Home School Association (22 students) on October 26, 2012.

Approve - Letter of support for the proposal submitted by the Region Five Development Commission for EPA Brownfield Assessment Grant Program.

Approve – Resolution No. 56-12

Grant Agreement in MN Laws 2012, Regular Session, Chapter 264, Article 1, Section 2, Subdivision 3 Section (d) Protect Key Forest Habitat Lands in Cass County – Phase III.

Commissioner Downham offered Resolution No.56 -12 and moved its adoption, Commissioner Kangas 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 2012, Regular Session, Chapter 264, Article 1, Section 2, Subdivision 3 Section (d) Protect Key Forest Habitat Lands in Cass County – Phase III.

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. 56-12 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 2B. Administrator Yochum presented the 2012 Cass County Committee Appointment list with the 2013 appointment openings noted. Mr. Yochum requested board action to approve the 2013 committee appointment process to include: Post openings and application form on the Cass County website beginning November 7, 2012; Publish openings 2 consecutive weeks in area newspapers beginning the week of November 12, 2012; Request applicants including incumbents to express their interest by no later than November 20, 2012; Board consider appointments at the December 6, 2012 regular meeting. The Board discussed the necessity of alternates to the Planning Commission/Board of Adjustment with ESD staff and present member Jim Ballenthin. Mr. Yochum added that department heads are invited to express any recommended changes in staff appointments and any potential candidates for citizen appointments.

M/S/P Gaalswyk, Dowson – To approve the 2013 Cass County Committee appointment process to include: post openings and the citizen application form on the Cass County website, publish vacancies in area newspapers, request applicants including incumbents to express their interest by no later than November 20, 2012, schedule Board discussion of appointments at the December 6, 2012 Board Meeting, and amend the 2013 appointment list by reducing the Planning Commission/Board of Adjustment alternates from five (one in each Commissioner District) to two at-large alternates. Unanimous.

- 3A. Chief Financial Officer Larry Wolfe presented the FY 2011 Annual Financial Statement publication.

M/S/P Dowson, Gaalswyk – To receive & file the Annual Financial Statement publication for year ending December 31, 2011. Unanimous.

- 3B. Mr. Wolfe requested Board Action to close and eliminate the Debt Service Fund after transfer of fund balance in the amount of \$157,953.26 to the Capital Improvement Projects Fund.

		<u>DEBIT</u>	<u>CREDIT</u>
TRANSFER FROM DEBT SERVICE FUND to CAPITAL PROJECTS FUND			
TO CLOSE AND ELIMINATE THE DEBT SERVICE FUND			
34110.6985	INTERFUND TRANSFER – OUT	157,953.26	
34.1001	CASH		157,953.26
33.1001	CASH	157,953.26	
33110.5910	INTERFUND TRANSFER – IN		157,953.26

M/S/P Kangas, Downham – To close and eliminate the Debt Service Fund after transfer of fund balance in the amount of \$157,953.26 to the Capital Improvement Projects Fund. Unanimous.

- 3C. Probation Director James Schneider, and Probation Officer Michelle Nistler informed the Board that the Cass County/Itasca County/Leech Lake Band of Ojibwe Wellness Court has been chosen to receive an Achievement Award at the 2012 Association of Minnesota Counties Annual Conference. Mr. Schneider explained that the Wellness Court is a unique collaboration between the Cass County District Court, Itasca District Court and the Leech Lake Tribal Court. The Wellness Court program is responsible for transforming the lives of its participants and their families from chronic alcohol offenders to productive taxpaying citizens. The Wellness Court is led by the team which includes District Court Judges John P. Smith and Jon Maturi, Tribal Court Judge Korey Wahwassuck, Cass County Probation Director James Schneider; Cass County Probation Officer Michelle Nistler, County Attorney's Office, Cass County Sheriff's Office, Public Defenders Office, and local treatment providers. The Board congratulated the Wellness Court on their achievement and requested that those involved be invited to receive the award at the December 2012 AMC conference.
- 4A. ESD Director John Ringle, and Solid Waste Officer/County Planner Paul Fairbanks presented a draft Solid Waste Management Services Agreement with Stockman Transfer and requested an amendment to the draft agreement in Section 21 (length of the agreement).

M/S/P Dowson, Gaalswyk – To approve the Solid Waste Management Services Agreement with Stockman Transfer as presented and amend section 21 of the draft to read "The agreement shall be effective upon its execution by Stockman and the County and end October 31, 2017 with a mutually agreeable option for an additional five years". Unanimous.

- 4B. Mr. Ringle requested Board action for construction of a pole building (60 feet x 80 feet x 15 feet height) at the Pine River Solid Waste Transfer Station. The pole building enclosure will allow for covered storage of bailed fiber products owned by Stockman transfer. In consideration of the benefits to Stockman Transfer Cass County receives a contribution of an adjacent parcel of property at a value of \$15,000.00. In addition the 50%/50% revenue sharing threshold will be reduced to \$75.00 per ton until the balance of the building cost is met at which time the threshold will revert to the current \$100.00 per ton (both the land transfer and revenue sharing are reflected in the agreement approved as item 4A above). The staff recommended that the building be erected in 2012 and the contractor meet the standard Cass County contract requirements. Mr. Ringle presented quotes from Menahga Pole Barn Sales in the amount of \$44,037.00 and P. Trapp Structures in the amount of \$39,556.00.

Pole Building Enclosure (60 feet x 80 feet x 15 feet height)

<u>Bidder</u>	<u>Size</u>	<u>Bid Amount</u>
P Trapp Structures	60 feet x 80 feet x 14 feet height	\$39,556.00 (sales tax included)
Menahga Pole Barn Sales	60 feet x 80 feet x 15 feet height	\$44,037.00(sales tax not specified)

M/S/P Kangas, Gaalswyk – To approve a project budget not to exceed \$44,000.00 for the construction of a pole building enclosure at the Pine River Solid Waste Transfer Station, and further to accept the quote from P. Trapp Structures in the amount of \$39,556.00 (sales tax included) upon confirmation of compliance with the Cass County General Contract Addendum Requirements. Unanimous.

- 4C. Mr. Ringle presented the 2012 update to the large lake water quality assessment project by RMB Environmental Laboratories funded by the Clean Water Fund(BWSR), Cass County ESD, contributions from Association of Cass County Lakes, Initiative Fund, and the Cass County Soil & Water Conservation District.

Mr. Ringle explained that previous Board action of April 19, 2011 approved the 2011 BWSR Lake Protection Challenge Grant that funded the preparation of 47 lake protection reports (original project began in 2008 which completed 26 reports) all over 500 acres in size or having a high recreational use prepared by RMB Labs. The reports details water quality information collected over a number of years, surveys the land use and conservation value of all riparian parcels, and gives some recommendations to property owners on practices to maintain good water quality and protect their aquatic environment. Mr. Ringle presented a summary of all 47 lakes in addition to a sample lake report, and added that all information is posted on the ESD web page. The Board noted the usefulness and thoroughness of the results.

M/S/P Dowson, Gaalswyk – To receive & file the Cass County Large Lakes Assessment of forty seven lakes by RMB Environmental Laboratories funded by the Clean Water Fund(BWSR), Cass County ESD and contributions from ACCL, Initiative Fund, and Cass SWCD. Unanimous.

4D. Crow Wing County Land Services Supervisor Christopher Pence announced that Paul Fairbanks has been selected as the sole recipient of the 2012 MN Association of County Planning & Zoning Administrators Exemplary Service Award. Mr. Pence discussed his service and innovations to the planning and zoning profession. Mr. Fairbanks also was recognized with the Lincoln Award from the MACPZA due to his seventeen years of service. The Commissioners, ESD Staff, and Jim Ballenthin of the Planning Commission congratulated Mr. Fairbanks and thanked him for years of outstanding service. No Board action was necessary.

5A. Land Commissioner Josh Stevenson presented the October 25, 2012 timber auction results totaling 5,116 cords in the amount of \$68,043.18. Mr. Stevenson reported that five of the seventeen tracts offered were sold. He added that year to date the average appraised price of aspen by staff is \$15.91/cord and that the average auction bids for aspen has been \$27.00 to \$28.00/cord. The Board discussed the high inventory levels in the timber market.

M/S/P Peterson, Gaalswyk – To receive & file the October 25, 2012 timber auction results that totaled 5,116 cords in the amount of \$68,043.18. Unanimous.

5B. Mr. Stevenson informed the Board that the Cass County Land Department staff is touring mill facilities that take the majority of Cass County timber. This will give Cass County permit administrators a first-hand look at what we can expect to be left on permit areas given the new specifications for merchantable wood products. Mr. Stevenson added that with changing pulpwood specifications and markets that perhaps County Commissioners, Administration, the media, and other interested County staff may wish to tour area facilities. By consensus, the Board requested Mr. Stevenson and Administrator Yochum to report back with suggested dates in 2012 to the tour of the Norbord Inc. in Solway and tour the Sappi Fine Paper Mill in Cloquet in the spring of 2013. No action at this time.

5C. Mr. Stevenson informed the Board that the Cass County Land Department has completed over 5 years of forest inventory updates through an inventory contract and Resource Manager field work. The 10 year work plan in the Forest Resource Management Plan was created from 2008 Forest Inventory Data. Consensus of Land Department staff is to rerun the analysis for the 10 year work plan to make sure the current work plan is sustainable into the future. Mr. Stevenson presented a quote from ProWest and Associates who had created the original work plan.

M/S/P Dowson, Downham – To approve a contract with Pro-West & Associates to update the 10 year work plan in the Forest Resource Management Plan not to exceed \$6,800.00. Unanimous.

5D. Mr. Stevenson summarized the 2012 tax forfeit land sales. January 1, 2012 through October 27, 2012 activity consisted of “over the counter” sales and the June 25, 2012 auction totaling \$306,575.00. The October 27, 2012, auction sold parcels 5, 6, 7, 8, 11, 13, 14 and 16 totaling \$434,100.00 (\$78,000 came from the two fee owned sales which will reimburse the Forest Development Account for previous LCCMR purchases and \$356,000 will be collected for 2013 Tax Forfeit settlement). Total sales for the year are \$740,675.00 noting that all parcels offered at auction are approved by the local unit of government, all parcels sold were non-conservation parcels, and that all unsold tracts are now available over the counter.

M/S/P Kangas, Downham – To receive & file the 2012 year to date tax forfeit land sale report. Unanimous.

6. County Administrator Yochum confirmed the upcoming meeting schedule.

M/S/P Gaalswyk, Dowson – To approve moving the November 20, 2012 regular Board meeting to Tuesday, November 27, 2012 at the Land Department Meeting Room, Backus, MN beginning at 9:00 a.m. Unanimous.

M/S/P Gaalswyk, Dowson – To approve moving the December 4, 2012 regular Board meeting to Thursday, December 6, 2012 beginning at 3:00 p.m. and establishing a public hearing on the 2013 Cass County budget and property tax levy beginning at 6:00 P.M., Commissioners Board Room, 1st Floor Crtse., Walker, MN. Unanimous.

M/S/P Gaalswyk, Dowson – To approve moving the December 18, 2012 regular Board meeting beginning at 9:00 a.m. from the Land Department Meeting Room, Backus, MN, to the Commissioners Board Room, 1st Floor Crtse. Walker, MN. Unanimous.

7. Chairman Peterson adjourned the meeting at 10:24 a.m.

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

ATTEST: _____
Robert H. Yochum
Cass County Administrator