

**TRANSCRIPT AND REPORT OF PROCEEDINGS  
CASS COUNTY BOARD OF COMMISSIONERS  
COUNTY OF CASS  
February 5, 2013**

1A. Chairman Downham convened the regular meeting of the Cass County Board of Commissioners at 9:00 a.m. on Tuesday, February 5, 2013, 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
Sharon Anderson	Auditor-Treasurer	Tom Burch	Sheriff
John Ringle	ESD Director	Paul Fairbanks	Solid Waste Ofcr. /County Planner
Reno Wells	HHVS Director	Jamie Richter	HHVS
LeeAnn Sampson	HHVS	Mark Peterson	Assessor
Dave Enblom	Highway Engineer	Christopher Strandlie	Attorney
Dan Eikenberry	Cass County Historical Society	Monica Lundquist	Brainerd Dispatch
Allan Olson	Cass Lake Times	Gail DeBoer	Pilot Independent

1B. M/S/P Kangas, Gaalswyk – To approve the agenda items for discussion as presented and the addition of Item 2C.(Public hearing on changes to miscellaneous user fees), and moving consent agenda Item 2A15.(Town Road apportionment of gas tax) to Item 8B for discussion. 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 January 22, 2013.

Approve - Auditor warrants dated January 24, 2013 in the amount of \$252,589.57.

Approve - HHVS Commissioner warrants dated January 18, 2013 in the amount of \$194,593.21.

Approve - HHVS Auditor warrants dated January 18, 2013 in the amount of \$123,707.13.

Approve personnel items - A. Budgeted positions scheduled for replacement: 1. Receive & file - Notice of non-completion of probation for County Team Leader, Helen Williams, effective January 17, 2013, and receive & file the notice of intent to fill budgeted County Team Leader position vacated by Helen Williams, Grade 35, Step 01. 2. Approve - Notice of appointment of Jeffrey Woodford to Assistant Veterans Service officer, Grade 21, Step 02, effective February 4, 2013. 3. Approve - Notice of appointment of LeeAnn Sampson to Community Health Specialist, Grade 21, Step 02, effective February 4, 2013. B. Positions scheduled for no replacement at this time: None. C. Other: 1. Receive & file - Notice of probation completion for Lori Muller, County Team Leader, Grade 35, Step 01, on January 21, 2013. 2. Receive & file - Notice of probation completion for Tammey Stacey, County Team Leader, Grade 35, Step 07, on January 21, 2013. 3. Receive & file - Notice of probation completion for Jeri Seegmiller, County Team Leader, Grade 35, Step 10, on January 21, 2013.

Approve licenses – On & Off Sale 3.2 Beer - Woman Lake Lodge - Burk's on Woman Lake, LLC, Woodrow; Cass Lake Lodge - 2 Balls, Inc, Pike Bay; All Pine Inn - Richard Anderson, Beulah.

Approve - City of Longville fire contract for Unorganized Township in the amount of \$660.00; and City of Deer River in the amount of \$14,915.00 - January 1, 2013 through December 31, 2013.

Authorize - Financial contribution for FY2013 – County Ag Society (Pillager) in the amount of \$2,500.00, remaining 50% paid after July 1, 2013.

Receive & file - MN DNR payment of revenue generated on Pillsbury State lands in the amount of \$2,511.65.

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

Approve - Final payment and Resolution No. 07-13 regarding SAP 011-070-003 chevron removal and installation (final project cost of \$143,440.00).

Commissioner Kangas offered Resolution No. 07-13 and moved its adoption, Commissioner Gaalswyk seconded:

WHEREAS: Contract No. 07003 (SP 011-070-003) has in all things been completed, and the County Board being fully advised in the premises,

NOW THEN BE IT RESOLVED, that we do hereby accept said completed project for and in behalf of the County of Cass and authorize final payment as specified herein.

Resolution No. 07-13 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

Approve - Final payment and Resolution No. 08-13 regarding SAP 011-070-004 Intersection lighting project (final project cost of \$188,919.51).

Commissioner Kangas offered Resolution No. 08-13 and moved its adoption, Commissioner Gaalswyk seconded:  
WHEREAS: Contract No. 07004 (SP 011-070-004) has in all things been completed, and the County Board being fully advised in the premises,  
NOW THEN BE IT RESOLVED, that we do hereby accept said completed project for and in behalf of the County of Cass and authorize final payment as specified herein.

Resolution No. 08-13 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

Authorize - Grant award (Grant No.3-16642) and execution for converting to NG 911 (high speed voice & data network for routing and delivering emergency calls) through the MN Dept. of Public Safety in the amount of \$10,000.00.

Approve - Highway Department request for reimbursement of Conservation Fund 73 on the CR161 erosion control project on Pug Hole Lake in the amount of \$30,000.00.

Approve - Contract No. 56798J between the Minnesota Department of Human Services and Cass County HHVS regarding local collaborative time studies.

Approve - Distribution of Chippewa National Forest 25% Fund payment for 2012 in the amount of \$297,751.61.

Approve Payment to Minnesota Counties Information Systems (MCIS) in the amount of \$50,835.00 tax system modernization.

Approve Assessor's Office Abatements: 2013 tax year Andrea Anderson of Cass Lake 85-347-0360 Class Change Res Non-Homestead to Residential Homestead (Amount of tax reduction will be calculated after final tax rates are set); 2012 tax year Tim & Carla Volcke of Chickamaw Beach 86-020-3100 Damage/Fire Abatement \$1,196 Refund \$212

Receive & file - Timber auction results of January 31, 2013 totaling 9,655 cords in the amount of \$175,378.39 (all tracts offered were sold).

- 2B. Administrator Yochum reported back on the Ad-Hoc Committee of the Board meeting held Tuesday, January 29, 2013 regarding reuse of the former Ah-Gwah-Ching site. Items discussed included: 1.) preparation of a response to letters of intent from Russ Wood and Boser Construction to purchase portions of the site for residential use, 2.) land use planning to date, 3.) potential County issues to any reuse, and 4.) potential City of Walker issues for residential reuse. Mr. Yochum discussed the Board committee consensus that County land reuse issues at Ah-Gwah-Ching and updating Cass County's Capital Plan (including discussions with the City of Walker and the Crow Wing County jail contract) should be pursued irrespective of the County response to the letters of intent.

M/S/P Gaalswyk, Kangas – To decline the sale of any County owned land at the former Ah-Gwah-Ching site at this time, and further, to update the related Cass County Capital Improvement Plans. Unanimous.

- 2C. Administrator Yochum requested Board action to hold a public hearing in accordance with Minnesota Statutes 373.41 to consider changes to miscellaneous user fees charged by County departments for specific services.

M/S/P Peterson, Dowson – To approve a public hearing on Tuesday, March 5, 2013, during the meeting which begins at 9:00 a.m., in the Commissioner's Board Room, 1<sup>st</sup> floor Courthouse Annex, Walker, MN to consider changes to miscellaneous user fees charged by County departments for specific services in accordance with Minnesota Statutes 373.41. Unanimous.

- 3A. Director of Public Health Nursing Jamie Richter and Sheriff Tom Burch discussed the 2012 "Take It To The Box Medication Program" which included activities throughout Cass County. The program collected 279.01 lbs. of unused or expired medication. The Board suggested the placement of information in the upcoming tax insert. No action necessary.

Ms. Richter introduced Lee Ann Sampson the new HHVS Community Health Specialist. The Board welcomed Ms. Sampson. No action necessary.

- 4A. ESD Director John Ringle requested Board approval of the 2013 BWSR Clean Water Fund Competitive Grant program in the amount of \$100,480.00 for two projects: an accelerated implementation grant for Sylvan Township to perform SSTS compliance inspections in east and west Sylvan Township, and a Community Partners Grant to work with community groups such as lake associations and non-profits to implement stormwater management projects including vegetative buffers, rain gardens, erosion control, impervious surface reduction and other pollution prevention practices. Mr. Ringle added that the Cass County accelerated implementation project was ranked 2<sup>nd</sup> statewide out of 14 projects awarded and the Cass County Community Partners grant was ranked 3<sup>rd</sup> out of 16 projects awarded. In 2013 \$18 million dollars was awarded to \$68 million dollars of Clean Water Fund applications.

M/S/P Dowson, Gaalswyk – To approve accepting the 2013 BWSR Clean Water Fund Competitive Grant Agreement (CWF13-148) in the amount of \$100,480.00 funding for two projects: SSTS compliance inspection grant for Sylvan Township and a Community Partners Grant. Unanimous.

- 4B. County Planner Paul Fairbanks presented land reclassifications that were approved by the Planning Commission in 2012 (nine parcels totaling 65 acres). Mr. Fairbanks explained that Cass County Land Use Ordinance requires that requests for land reclassifications must receive final approval from the Cass County Board of Commissioners after they have been approved by the Cass County Planning Commission.

M/S/P Dowson, Peterson – To approve as presented the land reclassifications previously approved by the Cass County Planning Commission in 2012. Unanimous.

<u>Name</u>	<u>Township</u>	<u>Conditional Use</u>
Leonard Graton	Becker	Reclass from AG/FOR to RR-10
Bruce Molle	Boy Lake	Reclass from WOC to SR
Scott Eastman	Homebrook	Reclass from AG/FOR to RR-5
Michael McGuire	McKinley	Reclass from AG/FOR to RR-5
Lyle Childs	McKinley	Reclass from AG/FOR to RR-10
Sah Kah Tay Resort – Marchant	Pike Bay	Reclass from SR to WOC
LeRoy Invie	Ponto Lake	Reclass from WOC to SR
Mark Hulst	Wilkinson	Reclass from AG/FOR to RR-5
Gregory Witt	Wilson	Reclass from AG/FOR to RR-10

- 4C. Mr. Fairbanks presented the 2012 municipal solid waste (MSW) and recycling volume summary. MSW – 12,132 tons, Recycling – 5,065 tons, Electronics – 79 tons, and Household Hazardous Waste – 19 tons. In addition volume data throughout the County by location and type was presented. No action necessary.

- 4D. Director Ringle and Paul Fairbanks requested Board approval of a draft request for proposals (RFP) for recycling collection of corrugated cardboard. Mr. Fairbanks explained that the Ad-Hoc Solid Waste Committee of the Board had previously recommended that bids be obtained for the collection of commercial corrugated cardboard throughout Cass County. Respondents will be invited to price three collection zones that could be bid collectively or individually.

M/S/P Peterson – To approve the request for proposals (RFP) as presented for recycling collection of corrugated cardboard and accept responses until Friday, March 15, 2013 4:30 p.m. at the Environmental Services Office, Walker, MN. Unanimous.

- 4E. County Planner Paul Fairbanks and Mr. Ringle informed the Board that the Cass County Planning Commission had passed a resolution supporting a policy of “no net loss” of water oriented commercial property. The Planning Commission requested that the Board consider adopting the same policy of no net loss of water oriented commercial property in Cass County by amending the 2009 Cass County Comprehensive Plan Section D. 10.

M/S/P Dowson, Gaalswyk – To approve as presented a “no net loss” of water oriented commercial property by amending the 2009 Cass County Comprehensive Plan, Private Land Use Plan - Section D. Desired Future Conditions. Unanimous.

- 5A. Dan Eikenberry from the Cass County Historical Society appeared before the Board to discuss their continuing efforts to reach out to all parts of the County. Mr. Eikenberry thanked the Board for budgeting a County donation of \$5,000.00 for 2013, and requested the Board to consider a contribution of \$1,500.00 for 2013 on behalf of the 14 Unorganized Townships.

M/S/P Dowson, Peterson – To approve the County financial contribution for FY2013 to the Cass County Historical Society in the amount of \$2,500.00, remaining 50% paid after July 1, 2013. Unanimous.

M/S/P Downham, Gaalswyk – To approve the financial contribution for FY2013 to the Cass County Historical Society in the amount of \$1,500.00 on behalf of the 14 Unorganized Cass County Townships (from Unorganized Township fund balance). Unanimous.

- 6A. County Assessor Mark Peterson summarized the January 22, 2013 meeting with the Ad-Hoc Committee of the Board (Kangas, Peterson) and the Leech Lake Area Watershed Foundation (LLAWF) to discuss the change in property tax exempt status of eight parcels owned by the LLAWF. Mr. Peterson explained the basis for his decision and the options available to the LLAWF. Assessor Peterson will place the subject parcels on the property tax rolls for the 2013 assessment taxes payable for 2014. No action necessary.

- 7A. County Attorney Christopher Strandlie and Sheriff Tom Burch discussed the Cass County approach to “Potentially Dangerous” (“PD”) or “Dangerous” (“DD”) dog appeals. Attorney Strandlie explained that Cass County does not have any ordinances that deal specifically with this issue, so the County is guided by State statutes (MS 347.50) and case law. In the past, the owner has been given the opportunity to appeal the animals’ designation as “PD” or “DD” before a panel made up of the Chief Deputy Sheriff, the County Commissioner from the dog owner’s district, and the County Administrator. Mr. Strandlie

discussed a recent MN Supreme Court case (Sawh vs. City of Lino Lakes) that ruled that there is no right to a hearing on the "PD" designation because no substantial rights are being affected but reaffirmed the need for an appeal process for the "DD" designation. The present due process procedure of County representatives may be viewed as not sufficiently impartial. Mr. Strandlie suggested that a neutral third party be hired to hear these matters when requested - although it would ultimately result in some added cost to Cass County, it would be certainly much more cost efficient than creating an animal control authority.

M/S/P Kangas, Gaalswyk – To authorize the County Administrator to solicit a neutral third party to be a hearing officer for "Dangerous" ("DD") dog appeals and report a recommendation back to the Board of Commissioners. Unanimous.

- 8A. Highway Engineer Dave Enblom requested Board action to enter into an agreement with MnDOT (State Project #111-11007) and Shingobee Township for the Trunk Highway #371 bridge #11007 widening to provide for the Shingobee Trail Connection Phase - IV extension.

Commissioner Dowson offered Resolution No. 09-13 and moved its adoption, Commissioner Kangas seconded:

IT IS RESOLVED that Cass County enter into Mn/DOT Agreement No. 03035 with the State of Minnesota, Department of Transportation and Shingobee Township for the following purposes:

To provide for the construction of the Shingobee Trail on Mn/DOT Bridge No. 11007 to be performed upon, along and adjacent to Trunk Highway No. 371 under County Project No. 011-2013(371).

IT IS FURTHER RESOLVED that the Board Chairman or County Administrator and Highway Engineer are authorized to execute the Agreement and any amendments to the Agreement.

Resolution No. 09-13 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 8B. Mr. Enblom explained changes to MN Statute Section 162.081 - Town Road Account, subdivision 4. The formula for apportionment to Cass County Townships was amended in the 2012 legislative session providing additional options to County boards for distribution of gas tax funds to Townships. Chief Financial Officer Larry Wolfe explained that the 2013 Town road apportionment in the amount of \$445,259.00 is presented to the Board based upon the historical formula and notices to the Townships. Mr. Enblom inquired if the Board would prefer to look at changes to the formula based upon the recent law change. Reno Wells offered to bring this matter to the Cass County Association of Townships for their comment.

M/S/P Peterson, Kangas – To approve the 2013 Town road apportionment in the amount of \$445,259.00 to Cass County Townships as presented, and further to refer the 2014 Town road apportionment formula to the Cass County Association of Townships for comment. Unanimous.

9. County Administrator Yochum confirmed the upcoming meeting schedule:

M/S/P Kangas, Dowson – To approve the 2013 summer schedule for Cass County Board of Commissioner Board Meetings: District # 5 – Tuesday, May 21, 2013 - Federal Dam City Hall 222 Main St. Federal Dam, MN.; District # 1 – Tuesday, June 18, 2013 - Sylvan Town Hall 12956 24<sup>th</sup> Ave. SW, Pillager, MN.; District #2 – Tuesday, July 16, 2013 - May Town Hall 5834 112<sup>th</sup> St. SW, Motley, MN.; District # 3 – Tuesday, August 20, 2013 - Barclay Town Hall 1214 State 84 SW, Pine River, MN.; District # 4 – Tuesday, September 17, 2013 - Smoky Hollow Town Hall 8968 42<sup>nd</sup> St. NE, Swatara, MN. All 2013 summer schedule Board Meetings will begin at 6:00 p.m. Unanimous.

10. Chairman Downham adjourned the meeting at 11:00 a.m.

SIGNED: \_\_\_\_\_  
Dick Downham, Chairman  
Cass County Board of Commissioners

ATTEST: \_\_\_\_\_  
Robert H. Yochum  
Cass County Administrator