

**TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
August 20, 2013**

- 1A. Chairman Downham convened the regular meeting of the Cass County Board of Commissioners at 6:00 p.m. on Tuesday, August 20, 2013, with the flag pledge at the Barclay Township Hall, 1214 State 84 SW, Pine River, 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
Tom Burch	Sheriff	Dave Enblom	Highway Engineer
John Ringle	ESD Director	Paul Fairbanks	County Planner/SW Officer
Kevin Lee	North Ambulance	Josh Stevenson	Land Commissioner
Clarence Sears	Barclay Twp.	Bill Tollefson	Barclay Twp.
Le Sears	Barclay Twp.	Brenda Hamilton	Barclay Twp.
Paul Liemandt	Self	Curtis Krantz	Resident
David Halsey	Woodtick Wheelers ATV Club	Mike Ebinger	Woodtick Wheelers ATV Club
Scott Carpenter	Woodtick Wheelers ATV Club	Gail DeBoer	Pilot Independent

- 1B. M/S/P Kangas, Gaalswyk – To approve the agenda items for discussion as presented and the addition of Item 6F. (Request to be heard – Paul Liemandt regarding abandoned and dilapidated mobile homes adjacent to his property). Unanimous.

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

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

Approve - Regular Board Minutes of August 6, 2013.

Approve - Auditor Manual Warrants dated July, 2013 in the amount of \$2,914,141.20.

Approve - Auditor Warrants dated July 31, 2013 in the amount of \$272.00

Approve - Auditor Warrants dated August 1, 2013 in the amount of \$375,568.03.

Approve - Auditor Warrants dated August 8, 2013 in the amount of \$256,374.16.

Receive & file - Monthly Budget Reports.

Approve - HHVS Auditor Warrants dated August 8, 2013 in the amount of \$435.00.

Approve - HHVS Auditor Warrants dated August 9, 2013 in the amount of \$152,221.46.

Approve - HHVS Commissioners Warrants dated August 9, 2013 in the amount of \$77,884.24.

Approve Personnel Items - A. Budgeted positions scheduled for replacement: 1. Receive & file - Notice of probation completion for LeeAnn Sampson, Community Health Specialist, grade 21, step 03, on August 4, 2013. 2. Receive & file - Notice of resignation of Jeffrey Deihl, Eligibility Worker, effective August 23, 2013, and Receive & file - Notice of intent to fill budgeted Eligibility Worker position vacated by Jeffrey Deihl. 3. Receive & file - Notice of resignation of Amy Lebeck, County Agency Social Worker, effective August 7, 2013, and Receive and file - Notice of intent to fill budgeted County Agency Social Worker position vacated by Amy Lebeck, with a County Agency Social Worker – CPS due to current caseload demand. 4. Receive & file - Notice of appointment of Laureen Tillmans to Home Health Aide, grade 13, step 01, effective August 22, 2013. 5. Receive & file - Notice of retirement of Don Hoppe, MIS Technical Support Specialist, effective January 17, 2014, and Receive and file - Notice of intent to fill the budgeted vacated grade 26 position (due to the nature and complexity of the position will have a 90 day overlap). B. Positions scheduled for no replacement at this time: None. C. Other. 1. Approve - PEHRC's point factor evaluation system rating for HHVS-Office Support Specialist Sr. Jolene Frick, from grade 18, to grade 23, step 6, effective August 17, 2013.

Receive & file - Cities of Cass Lake, Hackensack, Pillager, Pine River, & Walker - Annual Disclosure of Tax Increments year ending Dec. 31, 2012.

Authorize - Sale of surplus items at Cass County Auction on Saturday, September 7, 2013, beginning at 10:00 a.m. Cass County Highway Department, Walker, MN, authorize staff to notify townships and cities in Cass County, and Sheriff Tom Burch as Auctioneer.

Receive & file - Sentence – To – Serve Quarterly Report totaling 3,512 hours from April 1, 2013 through June 30, 2013.

Receive & file - July 2013 Cass County EDC Activity Report.

Receive & file - Auditor -Treasurer's Interest Income Report for July 2013.

Approve - Resolution No. 33-13 accepting 2013-2015 Off-Highway Vehicle Enforcement Grant SWIFT No. 66065/3000043230 in the amount of \$18,278.00 per year.

Commissioner Gaalswyk offered Resolution No. 33-13 and moved its adoption; Commissioner Kangas seconded:

BE IT RESOLVED that the Cass County Board of Commissioners hereby approves the Off -Highway Enforcement Grant Agreement (#66065) for a total amount of contract for year 2014 - \$18,278.00 and 2015 - \$18,278.00 (SWIFT No. 66065/3000043230) with the State Department of Natural Resources, and authorizes signatures of the Chairman, Auditor and Sheriff to execute the Agreement.

Resolution No. 33 -13 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

Approve Assessor's Abatements - 2012 Tax Year Christine Wittner - 29-361-0151 Pike Bay, Damage Abatement - Wind/Storm Damage –Original -\$434.00, Abatement-\$334.13, Tax & Change- \$99.87 (Less \$50 Abatement Fee) = \$49.87 Net.

Receive & file - Medical Examiner Statistics for January 1, 2013 through June 30, 2013.

Approve - Resolution No. 34-13 Final payment on Contract #60814 – SP011-608-014-CSAH 8;SAP011-639-004-CSAH 39;SAP011-663-009-CSAH63; CP2012-3(136) CR 136;CP2012-2(166)CR166.

Commissioner Gaalswyk offered Resolution No. 34-13 and moved its adoption, Commissioner Kangas seconded:

WHEREAS: Contract No. 60814 (SP 011-608-014; SAP 011-639-004; SAP 011-663-009; CP 2012-2(166); CP 2012-3(136)) 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. 34-13 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

Approve - Transfer of funds from Unorganized Township to Highway Department in the amount of \$37,018.33 for road maintenance from January through July, 2013.

Accept donations - Sheriff's Office in the amount of \$500.00 from Island Lake Association for the safety equipment for Boat & Water Program; Accept food boxes donated by Hope Lutheran Church to be distributed to HHVS clients referred by Eligibility Workers, Public Health Nurses and County Agency Social Workers.

Approve - Department of Human Services 2014-2015 Cass County and Tribal Child Care Plan.

M/S/P Gaalswyk, Kangas – To award quote for 5 to 7 loads of Class 5 to Greg Anderson in the amount of \$11.00/yard for forest access trail off Blackberry Trail NW in Deep Portage. Unanimous.

<u>Bidder</u>	<u>Quote</u>
Greg Anderson	\$11.00/yard
Schrupp Excavating	\$14.00/yard

Approve - Letter of support for LCCMR proposal – DNR Division of Forestry's - "Increasing Habitat and Ecosystem Benefits through Forest Management".

- 3A. Kevin Lee of North Memorial Ambulance presented the second quarter 2013 report for the Longville Ambulance Subordinate Service District (LASSD). Mr. Lee reported that LASSD transported or billed 111 patients vs. the budgeted amount of 112. Revenues were \$8,514 over budget due to decreased revenue deductions, and revenue deductions were 58.6% vs. the budgeted amount of 61.6%, expenses were \$11,100 under budget, and \$7,218 under the 2012 expenses for the same time period, and the gross margin was 16.7%. Mr. Lee discussed community involvement, including attendance at the Cass County EMS Task Force Meeting in April, the monthly ARMER Radio Users Meetings, donated ambulance coverage for the Run Around Woman Lake in May, and will continue to work well with the local First Responder Groups.

Mr. Lee also informed the Board that North Ambulance has automatic vehicle location equipment in all of the ambulances, which are now dispatched exclusively from North Ambulance to the closest available ambulance to every emergency. The Brainerd region overall patient satisfaction score was 93.57, and the national average score is 92.99. The Board thanked Mr. Lee for the update. No action necessary.

4. Sheriff Tom Burch presented a draft jail facility agreement with Crow Wing County that proposes to extend the relationship with Crow Wing County to house Cass inmates. The proposed agreement would replace the current agreement (due to expire in June of 2017) on January 01, 2017 and end December 31, 2027. Sheriff Burch noted that Item J2. should be amended from three year notice to one hundred eighty day notice.

M/S/P Dowson, Peterson – To approve the draft Cass County/Crow Wing County Jail Facility Agreement as amended and authorize submittal to Crow Wing County. Unanimous.

- 5A. Land Commissioner Stevenson informed the Board that the Land Department staff recently toured the Sappi Fine Paper Mill in Cloquet, MN. Mr. Stevenson reported an invitation from Sappi Fine Paper to tour the mill on Tuesday, September 10, 2013 beginning at 11:00 a.m. Mr. Stevenson suggested that the Board accept the invitation due to the existing and growing market connection between Cass County and Sappi Fine Paper.

M/S/P Peterson, Kangas – To approve providing legal notice that the Cass County Board of Commissioners will be touring the Sappi Fine Paper Mill in Cloquet, MN on Tuesday, September 10, 2013 beginning at 11:00 a.m. Unanimous.

- 5B. Land Commissioner Josh Stevenson requested Board approval of a repurchase application to Richard Molash of parcel 85-337-2210 located in the City of Cass Lake. The request has been reviewed by the Auditor's Office, Resource Manager and City of Cass Lake. Payment for past and current taxes included all fees has been received.

Commissioner Dowson offered Resolution No. 36 -13 and moved its adoption, Commissioner Gaalswyk seconded:

Be it resolved that the Cass County Board of Commissioners hereby approves the repurchase of Parcel #85-337-2210, Lots 1 thru 10 Blk 22 & N ½ of Adj Vac Alley & E ½ of Adj Vac 1st Ave. W, Original Plat.

That the repurchase to Richard Wayne Molash, is authorized for payment of \$1,956.39 for past and current taxes and fees in accordance with the application and subject to deed approval.

Resolution No. 36 -13 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 5C. Mr. Stevenson explained that the ATV grant in aid application process to the MNDNR requires a local unit of government sponsor. The Woodtick Wheelers Club has requested Cass County to sponsor an application. Land Commissioner Stevenson reported that the club has been working with local units of government and other agencies to complete the application. The application will be consistent with township and city input.

Woodtick Wheelers ATV/OHM Club President Dave Halsey added that the club which was formed in July, 2009 and currently has 350 members. The Club partners with the Chippewa NF, Minnesota DNR, Cass County, township boards, cities, and businesses to promote recreation trails. Mr. Halsey thanked the Board for being proactive on trail issues, for maintaining a no net loss of public land policy, and for County staff project assistance such as a recent property purchase (Allan Weaver) in the Longville area.

Commissioner Dowson offered Resolution No. 37-13 and moved its adoption, Commissioner Kangas seconded:

Whereas, Cass County desires to maintain trails for the enjoyment of the public and will act as legal sponsor for an application for the DNR Trails Assistance Program, the MN DNR Grant-in-aid Trail Permit, and

Whereas, Cass County may enter into agreement with the State of Minnesota for the Woodtick Wheelers ATV Club Trail located in Cass County, and

Whereas, Cass County will comply with all applicable laws and regulations as stated in the grant contract agreement, permits and by all applicable federal and state laws and regulations, and

Whereas, Cass County recognizes and assigns Joshua Stevenson, Cass County Land Commissioner who will act as a fiscal agent on behalf of Cass County.

Now therefore be it resolved, that Cass County agrees to continue to act as legal sponsor for the above applications and agreements of the DNR Trails Assistance Program until such time Cass County rescinds this sponsorship.

Resolution No. 37-13 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 5C. Mr. Stevenson requested Board action to establish an Ad-Hoc Board Committee regarding the upcoming Enbridge, LLC – Sandpiper Pipeline Project.

M/S/P Gaalswyk, Dowson – To establish an Ad-Hoc Committee of the Board (Commissioners Kangas, and Peterson) regarding the upcoming Enbridge, LLC – Sandpiper Pipeline Project. Unanimous.

- 6A. County Planner/Solid Waste Officer Paul Fairbanks discussed the replacement of the drive-over scale at the Pine River Recycling/Transfer Station. The present scale has been in use since the County purchased the property in 1991 and maintenance repair costs are increasing. ESD Director John Ringle explained that staff will be looking at both below grade and above grade alternatives. Mr. Fairbanks recommended a 2014 decision to access sales tax exemption and confirm the best design options. No action necessary at this time.

- 6B. Mr. Fairbanks reported back on the status of construction of a storage building for bailed recyclables at the Pine River Recycling/Transfer Station. The Board had previously approved (November 6, 2012) a project not to exceed \$44,000.00 which was based upon a design that would add to an existing metal building. After obtaining an engineering estimate of an additional \$28,770 to add on to existing buildings the staff requested pre-engineered stand-alone building bids from the November bidders (one went out of business and the other wasn't interested) and a bid from Sebekas Homes, Inc. (recommended by Stockman Transfer) in the amount of \$28,838.88 (tax included) and an estimate from Schrupp Excavating in the amount of \$7,500.00 for the related earth work. Administrator Yochum explained the project financing plan in the Stockman Transfer recycling/transfer station operations agreement ("Exhibit B").

M/S/P Gaalswyk, Kangas – To accept the bid from Sebekas Homes, Inc. for the construction of a metal storage building (40 feet x 80 feet x 16 feet height) for bailed recyclables at Pine River Transfer Station the amount of \$28,838.88 (tax included), to authorize related earth work at an estimated cost of \$7,500.00 from Schrupp Excavating, after confirming implementation of the Stockman Transfer recycling/transfer station operations agreement "Exhibit B"(Stockman Transfer by quit claim deed to Cass County the unimproved land adjacent to the Pine River Transfer Station identified as tax parcel # 31-026-2204 with an estimated value of \$15,000.00, provide on-site inspection of the improvement during construction, and reduce the present revenue sharing 50% County, 50% Stockman, threshold for recycled cardboard from \$100.00 per ton to \$75.00 per ton until the county share of the revenue equals the building project cost of approximately \$21,500.00. Unanimous.

- 6C. ESD Director John Ringle reported that on August 12, 2013 the Cass County Planning Commission/Board of Adjustment approved a resolution changing the State of Minnesota lake classification of Meadow Lake in the Wilderness Park subdivision of Meadowbrook Township from Natural Environmental to Recreational Development. Wilderness Park was platted in 1972 prior to Cass County having shoreland zoning regulatory authority, consequently riparian lots around Meadow Lake were created and developed 40 years ago in a way that would not be conforming to Natural Environmental Lake standards today. The reclassification makes county zoning policy consistent with the way the lake has actually been treated over the past 40 years. Mr. Ringle requested Board approval of a resolution to allow MNDNR to reclassify Meadow Lake (Meadowbrook Twp.)from Natural Environmental to Recreation Development.

Commissioner Dowson offered Resolution No. 35-13 and moved its adoption, Commissioner Kangas seconded:

Change of lake classification for Meadow Lake in Meadowbrook Township In Cass County, Minnesota

Whereas the Wilderness Park was platted in Meadowbrook township of Cass County in May 1972, and

Whereas Section 1202.1 of the Land Use Ordinance for Cass County, Minnesota establishes criteria and a process for the amending of lake classification, and

Whereas Meadow Lake is fully encompassed by the Wilderness Park subdivision, and

Whereas Meadow Lake is classified as a Natural Environment (NE) lake, and

Whereas Lots in the Wilderness Park subdivision were platted prior to shoreland regulation by Cass County (September 1972), and

Whereas Riparian Lots in the Wilderness Park subdivision do not meet minimum size requirements for an NE lake classification, and

Whereas a majority of the riparian lots have been developed, and

Whereas many of the structures in the riparian lots were constructed so as to not meet the 150 foot lake setback as required by current Natural Environment Lake Standards, and

Whereas for all intents and purposes, Meadow Lake has been treated as a Recreational Development (RD) lake for purposes of structure permitting for the past 40 years by Cass County, and

Whereas the new designation will not substantially alter the existing situation with regard to general peace and harmony in the platted subdivision, and

Whereas applying NE standards at this late of date would impose undue hardship on current owners, and

Whereas Section 1202.2, E. of the Land Use Ordinance for Cass County, Minnesota and Minnesota Rules, Chapter 6120, require approval by the Commissioner of the Minnesota Department of Natural Resources (MNDNR) for all lake classification changes.

Therefore be it resolved that the Cass County Board of Commissioners does hereby recommend and support the reclassification of Meadow Lake from Natural Environmental (NE) to Recreational Development (RD) by approval of the Commissioner of the MNDNR.

Resolution No. 35-13 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 6D. Mr. Ringle informed the Board that Cass County has been invited to participate in the Statewide Geologic Atlas Program of the Minnesota Geologic Survey (MGS). Dale Setterholm, Geologist and Assistant Director of the MGS met with ESD staff to outline expectations of Cass County for participation. County commitments would not involve any transfer of funds between the County and the MGS but would require Cass to assign staff .75–1.0 cumulative staff time over two years to provide verification of locations of 12,000 wells in Cass County. MGS will provide comprehensive geologic mapping of bedrock geology, surficial geology, and material thickness based on data generated from this project. It is expected that the project will provide detail maps of the hydrologic characteristics of the geologic systems of Cass County which will among other uses will allow for better protection and management of groundwater resources. The MGS project will complement the proposed aggregate resource mapping project with MNDNR.

M/S/P Peterson, Dowson – To table Cass County's participation in the Statewide Geologic Atlas Program of the Minnesota Geologic Survey (MGS) until receipt of additional information. Unanimous.

- 6E. Mr. Ringle updated the Board that ESD and Cass SWCD has been working with the MNDNR and local stakeholders to develop a plan for the management of aquatic invasive species in waters of Cass County. Open house meetings were held in Walker and Backus, and a September meeting of the Cass County AIS Task Force will be held to adopt a final draft. Director Ringle reported that the Cass SWCD has agreed to take the lead on plan implementation for the County. By consensus, the Board requested a report back after the September meeting, and requested that the Cass County AIS Task Force include Gull Lake in the plan. No action necessary at this time.
- 6F. Paul Liemandt appeared before the Board regarding abandoned and dilapidated mobile homes near his property in Barclay Township. Mr. Liemandt explained that blight in his neighborhood is affecting the sale of his undeveloped lot with frontage on the Pine River in Barclay Township. He has contacted Cass County Departments with no result. By consensus, the Board thanked Mr. Liemandt for his comments and requested the County Administrator to report back to the Board.
- 7A. Highway Engineer David Enblom reported on a recent meeting with Mn/DOT regarding potential co-locating the maintenance shop in Remer. Items discussed at the meeting were: review of the building and site layout, co-location for benefits to both Mn/DOT and Cass County, and discussion of a long term lease agreement with Mn/DOT. No action necessary at this time.
- 7B. Mr. Enblom reported that the Leech Lake Band of Ojibwe has confirmed participation on the conditionally awarded joint projects at the Tuesday, August 6, 2013 Commissioners Board Meeting. The joint projects that will now proceed are the C.R.#143 reconstruction and the CSAH#75(Bingo Palace Road) trail totaling \$1,363,625.00 with the Band participation of \$681,812.50. No additional action necessary.

7C. Mr. Enblom presented bids opened on August 15, 2013 at 2:00 p.m. for S.P. 1119-36 and CP 011-2013(SCT V)TH#371, a joint project with the Forest Service, MnDOT, and the City of Walker. Mr. Enblom noted that the lowest bid presented came in 7.17% over the engineers estimate of \$955,796.00. Engineer Enblom reported that after consulting the project participants his recommendation was to rebid the project in 2014.

Project No.: CP 011-2013(SCT V), S.P. 1119-36
Engineers Estimate - \$955,796.00

<u>Bidder</u>	<u>Bid Amount</u>	<u>Percent Over/Under Estimate</u>
Gladen Construction	\$1,024,303.42	7.17% Over Estimate
Tri-City Paving, Inc.	\$1,161,700.70	21.54% Over Estimate

M/S/P Kangas, Peterson – To reject all bids as submitted and further, to re-bid Project No.: CP 011-2013(SCT V), S.P. 1119-36 TH#371 in 2014. Unanimous.

8A. Chief Financial Officer Larry Wolfe presented the 2012 fund balance classifications at December 31, 2012.

M/S/P Gaalswyk, Peterson - To approve the 2012 fund balance classifications as presented. Unanimous.

9. County Administrator Yochum confirmed no changes in the upcoming meeting schedule.

10. Chairman Downham adjourned the meeting at 7:00 p.m.

SIGNED: _____
Dick Downham Chairman
Cass County Board of Commissioners

ATTEST: _____
Robert H. Yochum
Cass County Administrator