

**TRANSCRIPT AND REPORT OF PROCEEDINGS  
CASS COUNTY BOARD OF COMMISSIONERS  
COUNTY OF CASS  
September 17, 2013**

1A. Chairman Downham convened the regular meeting of the Cass County Board of Commissioners at 6:00 p.m. on Tuesday, September 17, 2013, with the flag pledge at the Smoky Hollow Township Hall, 8968 42<sup>nd</sup> Street NE, Swatara, 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	Josh Stevenson	Land Commissioner
Laura Hadrava	Highway Department	Kris Lyytinen	Highway Department
Jeff Woodford	Veterans Service Officer	Tom Hill	Cass County Hwy. Dept.
John Risteau	Smoky Hollow Twp.	Roger Sundberg	Smoky Hollow Twp.
Susan Sundberg	Smoky Hollow Twp.	Terry Mejdrich	Smoky Hollow Twp.
Steve Schulstrom	Carlton Co. Land Stewards	Sandy Sterle	Carlton Co. Land Stewards
Gail DeBoer	Pilot Independent		

1B. M/S/P Kangas, Peterson – To approve the agenda items for discussion as presented. Unanimous.

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

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

Approve - Regular Board Minutes of September 3, 2013.

Approve - Auditor Manual Warrants dated August, 2013 in the amount of \$1,207,347.81.

Approve - Auditor Warrants dated August 29, 2013 in the amount of \$163,915.83

Approve - Auditor Warrants dated August 30, 2013 in the amount of \$793.00.

Approve - Auditor Warrants dated September 5, 2013 in the amount of \$410,352.98.

Receive & file - Monthly Budget Reports.

Approve - HHVS Auditor Warrants dated September 6, 2013 in the amount of \$50,414.51.

Approve - HHVS Commissioners Warrants dated September 6, 2013 in the amount of \$53,996.83.

Approve Personnel Items - A. Budgeted positions scheduled for replacement – 1. Receive & file – Notice of appointment of Monica Redman to Eligibility Worker, Grade 20, Step 03, effective September 23, 2013. 2. Receive & file - Notice of appointment of Laureen Tillmans, Home Health Aide, Grade 13, Step 1 effective August 22, 2013. B. Positions scheduled for no replacement at this time: None. C. Other: None.

Approve - Maintenance Agreement on the Phase 3 Development and Integration of timber sale module and website update project with ProWest & Associates.

Approve - Cancelling outstanding checks on September 17, 2013 as presented in the amount of \$611.10.

Auditor's Warrants

Check #136776	05-24-12 Kopachek, James	\$221.34
Check #136855	05-31-12 Arent, Jeffrey + Tracy	\$100.00
Check #139171	10-25-12 Huffman, Tehran + Eunyce	\$9.00
Check #139199	10-25-12 Moos, Malcolm	\$45.29
Subtotal		\$375.63

HHVS

Check #415387	07-20-12 Jessica Kisrow	\$10.00
Subtotal		\$10.00

Total for checking account # 80374 \$385.63

<u>Over- Remittance Account</u>		
Check #18961	08-24-12 Title Recording Services	\$2.00
Total amount for Account # 80408		\$2.00
<u>Sheriff's Trust Account</u>		
25 checks from 2012		\$223.47
Total for Account #314658		\$223.47
Grand total of 2012 outstanding checks:		\$611.10

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

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

Refer - City of Longville correspondence regarding future C.R. #7 reconstruction to the Cass County Highway Department.

Receive & file - 2013 Cass County auction distribution of \$18,314.00 (before expenses).

Approve - Resolution No 42-13 that requests an update to the 2009 Cass County Local Comprehensive Water Plan. Commissioner Kangas offered Resolution No. 42-13 and moved its adoption, Commissioner Gaalswyk seconded:

#### PROCESS TO UPDATE THE 2009 CASS COUNTY LOCAL COMPREHENSIVE WATER PLAN

WHEREAS, Minnesota Statutes, Chapter 103B.301-355, Comprehensive Local Water Management Act, authorizes Minnesota Counties to develop and implement a local water management plan, and

WHEREAS, the Act requires that a county update and revise their local water management plan on a periodic basis, and

WHEREAS, the Act encourages that a county coordinate its planning with contiguous counties, and solicit input from local governmental units and state review agencies, and

WHEREAS, the Act requires that plans and official controls of other local governmental units be consistent with the local water management plan, and

WHEREAS, CASS County has determined that the revision and continued implementation of a local water management plan will help promote the health and welfare of the citizens of CASS County.

NOW, THEREFORE, BE IT RESOLVED that the CASS County Board of Commissioners resolves to revise and update its current local water management plan.

BE IT FURTHER RESOLVED that CASS County will coordinate its efforts in the revision and update of its plan with all local units of government within the county and the state review agencies and will incorporate, where appropriate, any existing plans and rules which have been developed and adopted by watershed districts having jurisdiction wholly or partly within CASS County into its local water management plan.

BE IT FURTHER RESOLVED that the CASS County Board of Commissioners delegates to the CASS County Environmental Services Department the responsibility of coordinating, assembling, writing and implementing the revised local water management plan, pursuant to M.S. 103B.301-355, with final approval remaining with the County Board.

Resolution No. 42-13 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

Approve - 2013 outsourcing printing and mailing of proposed Truth-In-Taxation Notices to Impact Proven Solutions in the amount of \$16,379.00.

Approve - Contract amendment #1 with MN Land Trust to extend termination and reimbursements to June 30, 2014, amount not to exceed \$30,000.00.

Approve - Issuance of check to Jason Osberg in the stated amount of \$266.00 previously cancelled by board action of Sept. 7, 2010.

Authorize Chairman Downham (Commissioner Dowson as alternate) to be the Board representative at FY2012 State Auditor Exit Interview tentatively scheduled for Friday, September 20, 2013.

- 2B. County Administrator Yochum summarized a meeting of the County Board's Leech Lake Band Liaison Committee (Commissioners Downham, and Dowson) held on Tuesday, September 3, 2013 at the Leech Lake Band Division of Resource Management. County staff in attendance included County Administrator Yochum and ESD Director John Ringle. Leech Lake Band of Ojibwe staff included Levi Brown, Rich Robinson, Steven Howard, Curtis Buckanaga, and Gordon Headbird. The purpose of the meeting was to discuss recent fee to trust applications for the Holter/World of Christmas property and Antler's Ridge property. The County Board members also reaffirmed their interest in joint meetings with the Tribal Council including sharing legislative agendas such as recent changes to Federal Forest Highway funding.

M/S/P Downham, Dowson – To authorize County staff to draft a memorandum with the Leech Lake Band staff to provide a method to address planning issues on Shingobee Island, to authorize County staff to draft a memorandum with the Leech Lake Band staff to provide a method to consider future fee to trust applications, and further to withdraw County objections to the two pending fee to trust applications: Holter/World of Christmas property (Government Lot 5, Section 2, Township 141 North, Range 31 West, Shingobee Township, 5<sup>th</sup> Principal Meridian), and Antlers Ridge property (Parcel ID #38-125-4201-Unplatted Part of Govt Lot 4 & NE SE in Shingobee Township and Parcel ID #45-130-2300-Govt Lot 3 less N250 ft.in Turtle Lake Township). Unanimous.

- 2C. Administrator Yochum reported back on a request by property owner Paul Liemandt at the August 20, 2013 Board meeting regarding nuisance abatement of abandoned and dilapidated mobile homes near his property on North River Road SW in Barclay Township. Mr. Yochum reviewed related land use regulations and public nuisance laws. The Sheriff's Office, Land Department, and Environmental Services Department each confirmed related contact. Staff reported that contact has been made with one of the two owners and that the focus has been voluntary compliance.

M/S/P Kangas, Gaalswyk – To receive and file the report regarding nuisance abatement of mobile homes on North River Road SW in Barclay Township. Unanimous.

- 3A. Chief Financial Officer Larry Wolfe presented the 2012 Management's Discussion and Analysis which is a narrative overview of Cass County's financial activities for the fiscal year ended on December 31, 2012. Mr. Wolfe presented financial highlights including assets of Cass County exceeded its liabilities on December 31, 2012, by \$173,409,499 (net position), of that amount, \$41,734,254 (unrestricted net position) may be used to meet the government's ongoing obligations to citizens and creditors. Mr. Wolfe informed the Board as of the close of 2012; Cass County's governmental funds reported combined ending fund balances of \$61,876,208, an increase of \$1,831,786 in comparison with 2011. Of this balance amount, \$9,791,804 was unassigned by Cass County, and thus available for spending at the government's discretion. In conclusion Mr. Wolfe added that Cass County had no debt during 2012.

M/S/P Dowson, Peterson – To receive & file the 2012 Management's Discussion and Analysis as presented. Unanimous.

- 3B. Mr. Wolfe explained the status of easements granted to Cass County at Ah Gwah Ching. Three types of easements were approved by the State and County in the sale documents to Cass County: utility easements that are perpetual, trail and recreation easements that will expire on December 31, 2016, and view easements that will expire on December 31, 2025. Mr. Wolfe reported that County staff had inquired with DNR the process to amend the existing easements due to no development scheduled in the County Capital Plan for the next five years. DNR staff has indicated that the County would need to utilize the DNR new easement process rather than amending the sale documents. The Board also discussed possible legislation to amend the easements. No action taken at this time.

- 3C. Mr. Wolfe explained that Shingobee Township has a use permit for the Shingobee Bike Trail to cross County fee owned land at Ah Gwah Ching. The permit does not constitute a perpetual easement and therefore potential conflicts could arise with underlying fee owners in the event of a sale.

M/S/P Peterson, Kangas – To appoint Commissioner Dowson and Chief Financial Officer Larry Wolfe to meet with Shingobee Township and the Shingobee Bike Trail Committee to discuss alternatives and report back to the Board. Unanimous.

- 4A. Land Commissioner Josh Stevenson summarized the September 9, 2013 Ad-Hoc Committee (Commissioners Kangas and Peterson) meeting with Enbridge Pipeline representatives. Also in attendance were Hubbard County Commissioner Matt Dotta, Hubbard County Commissioner Kathy Grell, and Cass County staff Josh Stevenson, John Ringle, Sharon Anderson and Robert Yochum. The purpose of the meeting was a briefing by Enbridge on the proposed Sandpiper pipe line project. Items discussed included alignment options, public utility filings, land owner notifications, related County policies, and a request by Carlton County to submit a letter of support for the Soo Line route. The Board emphasized the need for Enbridge to communicate with the Townships as the process evolves.

M/S/P Dowson, Kangas – To respectfully decline endorsing any pipe line route and report the same to Carlton County and Enbridge Energy, LLC. Unanimous.

- 4B. Mr. Stevenson reported on a Sappi Paper Facility tour in Cloquet attended by Land Department staff, Commissioners Gaalswyk and Peterson, and a representative from Congressman Richard Nolan's Office. The tour took place on Tuesday September 10, 2013. Staff from the mill provided information on the recent investment of \$170 million to produce cellulose. A summary of the products that can be produced from this new process was provided (clothing, pharmaceuticals, yogurt, etc.). Present plant volume is approximately 2,000 cords of wood delivered by 250 trucks a day.

M/S/P Peterson, Kangas – To accept the report, and thank the Sappi Paper staff for the facility tour and support of Cass County forest products. Unanimous.

- 5A. Construction/Design Engineer Laura Hadrava discussed the outcome of consultant interviews for planning/preliminary design for reconstruction of a portion of CSAH #77 (three miles in the City of Lake Shore). Ms. Hadrava explained that an interview team consisting of Engineer Enblom, Laura Hadrava, Commissioner Gaalswyk, Administrator Yochum, Mayor John Terwillinger, and City Administrator Terri Hastings recommend WSB & Associates after conducting six qualification interviews.

M/S/P Gaalswyk, Kangas – To authorize Highway Department staff to negotiate contract terms with WSB & Associates for planning/preliminary design for reconstruction of a portion of CSAH #77 (three miles in the City of Lake Shore) and report the same to the full Board. Unanimous.

- 5B. Ms. Hadrava discussed changes made to the forest highway program funding and possible affects to Cass County. Engineer Hadrava presented Resolution No. 43-13 that supports legislation to reestablish the original funding program for the National Forest Highway System.

Commissioner Kangas offered Resolution No. 43-13 and moved its adoption, Commissioner Peterson seconded:

Whereas, in 1982 a system of highways within the borders of the Chippewa and Superior National Forests was designated to enhance local, regional, and national benefits by providing for the construction and maintenance of forest highways which serve the National Forest System and its renewable resources.

Whereas, this system of highways lie within Cass, Itasca and Beltrami Counties on the Chippewa National Forest and within St. Louis, Lake and Cook Counties on the Superior National Forest, encompassing over 1200 miles of roads serving the National Forests and the residing Counties.

Whereas, from inception of this system to 2012, this system was supported through program specific Federal Highway Transportation funds which were allocated through the State Department of Transportation where the forest resides. The last annual allocation to Minnesota was \$2.4 million.

Whereas, in 2012 criteria was adopted under the recent Federal Transportation Bill, MAP21, where the funding for this program was redesignated to be included in a broader Public Lands category highway system.

Whereas, this new system of Public Lands highways encompasses forty five (45) Minnesota Counties. The current annual funding allocation through MAP 21 for this program is \$1.2 million.

Whereas, the original Forest Highway System and its funding, along with local support from the Counties, served the original intended Public purpose well, and

Whereas, the new system of Public Lands Highways, with its expansion of eligible roads and reduced funding will create deficiencies in the original highway system serving the National Forests in Minnesota.

Now, Therefore, Let It Be Resolved that the Cass County Board of Commissioners would support legislation reestablishing the original funding program for the National Forest Highway System.

Resolution No. 43-13 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 5C. Ms. Hadrava reviewed the County highway bridge replacement priority list (Resolution 36-10) and requested an updated list by presenting Resolution No. 44-13.

Commissioner Kangas offered Resolution No. 44-13 and moved its adoption, Commissioner Gaalswyk seconded:

PURSUANT to the procedures outlined in Minnesota Department of Transportation Technical Memorandum No. 85-7-SA-1 (April 5, 1985), regarding application for grants for Bridge Replacement projects on County Highways, Township Roads, and City Streets, the following priority lists are hereby established, revising all previously established priority lists.

<u>County State Aid Highways</u>	<u>Bridge No.</u>	<u>Sufficiency Rating</u>
CSAH 1	7223	69.9
CSAH 1	7171	79.4
CSAH 1	88229	88.1
CSAH 25	5711	27.5
CSAH 53	7432	75.2

<u>County Highways</u>	<u>Bridge No.</u>	<u>Sufficiency Rating</u>
C.R. 103	88243	46.3
C.R. 107	88245	65.8
C.R. 161	1660	75.7

<u>Township Roads</u>	<u>Bridge No.</u>	<u>Sufficiency Rating</u>
Wabedo Twp.	L5880	63.3

<u>City Streets</u>	<u>Bridge No.</u>	<u>Sufficiency Rating</u>
Lake Shore	L5920	22.0
East Gull Lake	7435	61.8

Resolution No. 44-13 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 5D. Assistant County Engineer Kris Lyytinen requested approval to advertise for competitive quotes for highway maintenance shop improvements including floor repairs, floor coatings, furnace replacements, and lighting upgrades at the Cass Lake, Hackensack, Longville, Pillager, and Pine River locations with an estimated cost of improvements to be \$172,500.00. Mr. Lyytinen explained that Field Services Manager Tom Hill would be the project manager for the Highway Department. By consensus, the Board requested that project manager Mark Beard assist Mr. Hill in defining the scope and obtaining competitive pricing for possible repairs to the maintenance shops.

M/S/P Peterson, Dowson – To authorize obtaining competitive quotes for subsequent review by the Board for highway maintenance shop improvements including floor repairs, floor coatings, furnace replacements, and lighting upgrades at the Cass Lake, Hackensack, Longville, Pillager, and Pine River locations. Unanimous.

- 6A. Veterans Service Officer Jeff Woodford reported on the Veterans Transportation Program as well as the telephone, personal contacts, and new clients with veterans during the month August 2013. No action necessary.

6B. Mr. Woodford requested Board approval for grant submission to the Minnesota Department of Veteran Affairs (MDVA) for the Operational Enhancement Grant in the amount of \$12,500. Eligible activities include: to provide outreach to the County's veterans, to assist in the reintegration of combat veterans into society, to collaborate with other agencies, to reduce homelessness among veterans, and to enhance the operations of the County veterans service office. Veterans Service Officer Woodford added that the grant was on a 3 year grant cycle and now is being replaced with an annual grant to all 87 counties in the base amount of \$7,500.00 and in addition to the base amount each county will be eligible for an additional amount based on the County's veteran population (Cass County has 3,406 from the VA's estimate of September 2012) as determined by the US Veterans Affairs.

Commissioner Dowson offered Resolution No. 45-13 and moved its adoption, Commissioner Kangas seconded:

BE IT RESOLVED by Cass County that the County enter into the attached Grant Contract with the Minnesota Department of Veteran Affairs (MDVA) to conduct the following Program: County Veterans Service Office Enhancement Grant Program. This grant must be used to provide outreach to the county's veterans; to assist in the reintegration of combat veterans into society; to collaborate with other social service agencies, educational institutions, and other community organizations for the purposes of enhancing services offered to veterans; to reduce homelessness among veterans; and to enhance the operations of the county veterans service office, as specified in Minnesota Laws 2013 Chapter 142 Article 4. The Grant should not be used to supplant or replace other funding.

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

Resolution No.45-13 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

7A. Sheriff Tom Burch updated the Board on the TEEN CERT Program noting that the Sheriff's office is now accepting applicants in the Walker and Pillager area schools. The remaining public schools will also be invited as the program matures. TEEN CERT is intended to educate young people about disaster preparedness for all hazards and allow limited participation in emergency response. Sheriff Burch also added that the Homeland Security and Emergency Management Agency has grant funding in the amount of \$2,800.00 to assist with training by the Sheriff's Office staff and equipment.

Sheriff Burch also reported that the Sheriff's Office outreach services in the Northland and Pillager schools have had a very positive response. The Board thanked the Sheriff's Office for providing the outreach services to the area schools. No action necessary.

8. County Administrator Yochum confirmed the upcoming meeting schedule: a. Approve attendance to Cass County Association of Townships Fall Conference – Oct. 3, 2013, beginning at 8:00 a.m., Bear Pause Theatre, Hackensack, MN.

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

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

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