

**TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
June 17, 2014**

- 1A. Chairman Kangas convened the regular meeting of the Cass County Board of Commissioners at 6:00 p.m. on Tuesday, June 17, 2014, with the flag pledge at the Homebrook Township Hall 3204 88th St. SW, Pequot Lakes, 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
Doug Schultz	MN DNR Fisheries – Walker	Susan Wake	MN Extension Committee
Tim Richardson	Central Services Director	Mardi Harder	MN Extension Service
Chris Schultz	Homebrook Twp.	Ardell Schultz	Homebrook Twp.
John L. Tabor	Homebrook Twp.	Terry Stumvoll	Homebrook Twp.
Jerry Campbell	Homebrook Twp.	Jace Hoemberg	Guest
Brandon Mertens	Guest	Dave Hoemberg	4-H Volunteer
Michele Ihrke	Guest	Dan Ihrke	Guest
Greg Endersbe	Homebrook Twp.	Sharon Endersbe	Homebrook Twp.
Chuck Norman	Walden Twp.	Barb Norman	Walden Twp.
Chas Norman	Walden Twp.	Carol Norman	Walden Twp.
Gail DeBoer	Pilot Independent	Sue Peet	4-H Federation

- 1B. M/S/P Downham, Peterson – To approve the agenda items for discussion as presented and the addition of Item 2A.9. (Receive & file - Notice of resignation of Joey Kellogg, County Team Leader, effective June 26, 2014, and receive & file the notice of intent to fill the budgeted County Team Leader position, Grade 31.), and Item 2A.21 (Authorize - 25% Fund use for partial reimbursement of search and rescue costs by the Salvation Army in the amount of \$300.00 during the Cass Lake fire on Federal forestry land. Unanimous.

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

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

Approve - Regular Board Minutes of June 3, 2014.

Approve - Auditor Manual Warrants dated May 2014 in the amount of \$6,507,102.10.

Approve - Auditor Warrants dated May 29, 2014 in the amount of \$133,833.62.

Approve - Auditor Warrants dated May 30, 2014 in the amount of \$74.18.

Approve - Auditor Warrants dated June 5, 2014 in the amount of \$141,526.08.

Receive & file - Monthly Budget Reports.

Approve - HHVS Auditor Warrants dated June 6, 2014 in the amount of \$47,273.24.

Approve - HHVS Commissioners Warrants dated June 6, 2014 in the amount of \$51,866.93.

Approve Personnel Items – A. Budgeted positions scheduled for replacement: 1. Receive & file - Notice of appointment of Robin Borwege, Office Support Specialist, Grade 15, Step 1 vacated by Amy Asell effective June 9, 2014. 2. Receive & file - Notice of resignation of Joey Kellogg, County Team Leader, effective June 26, 2014, and Receive & file - Notice of intent to fill budgeted County Team Leader position, Grade 31. B. Positions scheduled for no replacement at this time: None. C. Other. 1. Receive & file - Notice of statutory one-year probation completion for Jeffrey Woodford, Veteran Services Officer, Grade 31 on June 4, 2014. 2. Receive & file - Notice of probation completion for Tanya Dudley, Eligibility Worker, Grade 22 on June 2, 2014.

Approve licenses – On Sale Intoxicating including Sunday - Anderson's Horseshoe Bay Lodge - Anderson's Horseshoe Bay. LLC, Turtle Lake; Moondance Jam Saloon - Moondance Jam, Inc., Turtle Lake; Big Fish Supper Club & Resort - Henne Big Fish, LLC, Unorganized; Ridgewood Golf Course - JAT Enterprises of Longville, Inc, Wabedo; Beach Fire Bar & Grille - Mulligan's of Leech Lake, LLC, Pine Lake; Charlie's - Charles W Thompson, Shingobee; Charlie's Up North Boathouse Bar & Grill - Charles & Deborah Thompson, Shingobee; Pestello's Off 371 -Mike Pestello, Powers; The Boulders - JNH, Inc., Shingobee. Off Sale Intoxicating - Lake Country Grocery & Liquor - Sara & Chris Smith, Crooked Lake; Lone Wolf Outpost - Lone Wolf Outpost, Inc., Remer Twp. On & Off Sale including Sunday - Lazy Moon Backstage

Bar - Moondance Jam, Inc., Turtle Lake; The Village Inn - JC2 Investments, Crooked Lake; Harriet Club - Pamela Siltman, Barclay; Jakes City Grille - Gull Lake Jakes, Inc., Fairview. Wine & Beer - Cass Lake Lodge - 2 Balls, Inc., Pike Bay; Long Bow Golf Club - Long Bow Golf Club, LLC, Leech Lake. Gambling - Northern Lakes Youth Hockey Assoc. @ Pestello's off 371 - Wendy Przybylski, Powers.

Receive & file - May 2014 Cass County EDC Activity Report.

Receive & file - Auditor -Treasurer's Interest Income Report for May 2014.

Accept - Quotation for demolition of structures and abatement of regulated materials to Storlie Construction: Project 1 - PIN# 29-004-2311 in the amount of \$2,895.00, and Project 5 - PIN# 85-347-0130 in the amount of \$7,900.00 (source of funds from Solid Waste Assessment Fund), demolition of structures and abatement of regulated materials previously Board approved on February 4, 2014.

Approve - Annual Motorola Solutions Services Agreement - 800 MHz system from June 1, 2014 through May 31, 2015 in the amount of \$49,325.16.

Approve - Capital project payment: Widseth Smith Nolting & Assoc. in the amount of \$735.00 (Inv. #96647) remodel Highway Shops (source of funds from Capital Fund - Garages & Capital Outlay Bldgs.) professional services through May 17, 2014.

Receive and file - Memorandum of Understanding with Lutheran Social Service of Minnesota for the Senior Companion Program.

Approve - HHVS purchase of service contract from April 1, 2014 - June 30, 2015: Innovis Health LLC DBA Essentia in the amount of \$4,760.00.

Approve - Contract term amendment to the Public Assistance Fraud Prevention Investigation (FPI) Program Services Cooperative Agreement for payment to occur for services provided prior to July 1, 2014.

Approve - Purchase of Jail chairs, as per DOC requirement, not to exceed \$2,000.00.

Approve - Resolution No. 30-14 amending fund balance commitment at Dec. 31, 2013 for ARMER.

Commissioner Dowson offered Resolution No. 30- 14 and moved its adoption, Commissioner Gaalswyk seconded:

WHEREAS, The Cass County Board has adopted Governmental Accounting Standards Board Statement 54, Fund Balance Reporting Governmental Fund Type Definitions (GASB 54), and

WHEREAS, It is a basic responsibility of the County to provide for the health and welfare of its citizens; and

WHEREAS, The Federal Communications Commission (FCC) has issued regulations which require the replacement of wideband Land Mobile Radio (LMR) systems operating in the Very High Frequency (VHF) and Ultra High Frequency (UHF) spectrum by 2013; and

WHEREAS, The County has been presented with a public safety communication assessment (hereinafter "Assessment") conducted by GeoComm, Incorporated, which included an assessment of the alternatives that exist for the County to replace the public safety communication infrastructure within the County, and

WHEREAS, The County has undertaken the project of replacing the public safety communication infrastructure within the County, and

WHEREAS, The State of Minnesota has informed the County of specific enhancements that are needed in the near future and that additional funds are needed to successfully complete this task.

WHEREAS, The final tower has been erected in northern Cass County and the County's equipment will be placed on that tower in 2014, thereby completing the initial ARMER project.

NOW, THEREFORE, BE IT RESOLVED: That the Board of Commissioners do hereby reduce the prior commitment of \$750,000 to \$100,000 of existing fund balance at December 31, 2013, within the General Fund, for the completion of the ARMER project.

Resolution No. 30 -14 was declared adopted upon the following vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

Approve - Resolution No. 31-14 amending fund balance commitment at Dec. 31, 2013 for Compensated Absences.

Commissioner Dowson offered Resolution No. 31-11 and moved its adoption, Commissioner Gaalswyk seconded:

WHEREAS, The Cass County Board has adopted Governmental Accounting Standards Board Statement 54, Fund Balance Reporting Governmental Fund Type Definitions (GASB 54), and

WHEREAS, Cass County has a liability for compensated absences for its employees as determined by GASB 16, and

WHEREAS, Compensated absences are a significant liability for the County, and

WHEREAS, The Cass County Budget Committee has recommended the full funding of this liability.

WHEREAS, The Board of Commissioners committed \$2,700,000 of existing fund balance at December 31, 2011, in the General Fund for the funding of compensated absence payments.

NOW, THEREFORE, BE IT RESOLVED: That the Board of Commissioners do hereby increase that commitment to \$2,750,000 of existing fund balance at December 31, 2013, in the General Fund for the funding of compensated absence payments.

Resolution No. 31-14 was declared adopted upon the following vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

Authorize - 25% Fund use for partial reimbursement of search and rescue costs to the Salvation Army in the amount of \$300.00 during the Cass Lake fire on Federal forestry land.

- 2B. Administrator Yochum reported on his and Commissioner Downham's attendance at the Association of Mn Counties District II Meeting on Wednesday, June 4, 2014. The AMC Board has requested comment on the Federal rule proposing to amend the definition of "waters of the U.S." The proposed definition would expand the Federal jurisdiction to interconnected tributaries, wetlands, and other downstream waters. Mr. Yochum added that the proposed rule is open for public comment until October 20, 2014.

M/S/P Gaalswyk Dowson – To refer the subject of "waters of the US" to the Cass County SWCD Board for their comment and report back to the County Board. Unanimous.

- 2C. Mr. Yochum summarized the recommendations of the Ad Hoc Committee of the Board (Kangas, Gaalswyk) reviewing the Cass County Solid Waste Program. The June 3, 2014 meeting included discussion of: recycle cardboard vendor contracts; transfer station operations; and solid waste assessment review. Mr. Ihrke of City Sanitary Service briefly commented on his proposed rate change.

M/S/P Dowson, Gaalswyk – To accept the recommendations of the Ad Hoc Committee: to approve the recycle cardboard vendor contract rate changes to City Sanitary Service increasing the Walker route to \$255.00 per trip and the Longville route to \$334.00 per trip and extend the contract term thru December 31, 2017; to approve the recycle cardboard vendor contract with Nisswa Sanitation thru December 31, 2014 at present compensation rates; to approve transfer station site management agreements for County operations at May Township (Darlene Rollins) and Birch Lake Township (Larry Overcash) - extends present compensation rates thru December 31, 2017. Unanimous.

- 2D. Mr. Yochum presented correspondence from the City of Pine River inquiring as to the County's interest in participating in updating the Pine River Municipal Airport zoning ordinance. The County Board noted that the same invitation to participate has been made to any potentially affected local units of government.

Commissioner Peterson offered Resolution No. 32-14 and moved its adoption, Commissioner Gaalswyk seconded:

Authorizing to reconvene the Joint Airport Zoning Board for the Pine River Municipal Airport

WHEREAS, the City of Pine River, hereinafter called the Municipality, owns and controls the Pine River Municipal Airport; and

WHEREAS, The Joint Airport Zoning Board for the Pine River Municipal Airport, hereinafter referred to as joint Airport Zoning Board, was established by the City of Pine River and the Board of County Commissioners of Cass County, Crow Wing County, the Council of the City of Chickamaw Beach, Township of Barclay, the Township of Wilson, the Township of Pine River, the Township of Walden, the Township of Gail Lake and the Township of Jenkins for the purposed of creating the Pine River Municipal Airport Zoning Ordinance, which was adopted on August 28th, 1980; and

WHEREAS, The existing and proposed airport hazard area adjacent to the airport are located outside the territorial limits of said Municipality, but within the territorial limits of this county; and

WHEREAS, The above Municipality has requested in writing the Joint Airport Zoning Board be reconvened and that we consider joining with them in amending the Pine River Municipal Airport Zoning Ordinance; and

WHEREAS, This county deems it necessary to reconvene the Joint Airport Zoning Board in cooperation with the above Municipality pursuant to Minnesota Statutes Section 360.063, Subdivision 3, and other applicable laws for the purpose of establishing, administering, and enforcing zoning laws for the areas surrounding the airport and for the protection of the airport and the public; and

WHEREAS, The above statute, together with case law from 1976, provides that this county has the right to appoint two (2) non-elected persons to the Joint Airport Zoning Board; and

WHEREAS, Subdivision 8 of Section 32 of the Appropriations Bill passed by the Minnesota Legislature effective July 1, 1973, provides that no moneys shall be expended by the Commissioner of Transportation of the State of Minnesota to improve and maintain an airport unless the governmental unit owning the airport has or is establishing a zoning authority for the airport.

BE IT RESOLVED By the undersigned County as follows:

1. That the undersigned Cass County elects not to participate in the Joint Airport Zoning Board and will instead defer to other jurisdictions to represent the interests of the undersigned Cass County.
2. That the undersigned Cass County understands that notices will be sent to both the undersigned Cass County and individual property owners located in Safety Zones A and B no less than fifteen days prior to the public hearings providing the above mentions property owners and undersigned Cass County opportunities to express opinions in regards to the proposed Airport Zoning Amendments.

Resolution No. 32-14 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 3A. Doug Schultz (Area Fisheries Supervisor MN DNR) explained the potential sale of property on Uran Bay to the State for the sole purpose of protecting sensitive habitat on Leech Lake. The area has vast amounts of wild rice and other sensitive riparian and aquatic habitats critical to native fish and wildlife populations. The acquired parcel would adjoin existing State and Tribal owned properties. The DNR initiated the process to acquire and protect two parcels (45-127-3101, and -1102) totaling 50 acres with approximately 3,400 feet of shoreline, both in Turtle Lake Township. The property owners later decided to retain the developed parcel (45-127-3101), which was preferred route for all parties because the parcel to be acquired (45-127-1102) is the undeveloped subject with the most sensitive shoreline, and is adjacent to other publicly owned property. The DNR will retain a 30-foot easement corridor through the property owner's parcel to retain accessibility for public use. Mr. Schultz add that this property will be designated as a General Use Aquatic Management Area (AMA), and as an AMA, the riparian habitat will be protected and preserved and the property would otherwise be available for all forms of non-motorized public use. Funding for this parcel will include funds from Reinvest in Minnesota (RIM). The use of RIM funds to purchase property by the State requires County approval. Mr. Schultz had previously reported to the Board that Turtle Lake Township has approved the purchase as well.

Commissioner Downham offered Resolution No. 33-14 and moved its adoption, Commissioner Dowson seconded:

Review of Proposed State Land Acquisition

In accordance with Minnesota Statutes 84.944, Subd. 3 and 97A.145, Subd. 2, the Commissioner of the Department of Natural Resources on April 1, 2014 provided the county board with a description of lands to be acquired by the State of Minnesota for Aquatic Management Area purposes.

Lands to be acquired are described as follows: Lot One (1) of T142, R30, S34, according to the recorded plat thereof, Cass County, Minnesota, and "as described in Attachment A".

IT IS HEREBY RESOLVED, by the Board of County Commissioners of Cass County, Minnesota on Tuesday, June 17, 2014 that the State's proposed acquisition of the described property be approved

Resolution No. 33-14 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 4A. Cass County Extension Committee member Susan Wake explained that each year the local County Extension Committee selects a farm family and submits 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 Chuck and Barb Norman have been selected as the Cass County Farm Family for 2014. The Normans discussed the family history of the Norman Farm noting agricultural activities have included dairy cows, beef cattle, horses, sheep and raising corn and grain for silage. Among many community contributions the Norman's have been 4-H members and leaders since 4-H was first organized and donates hay to the Cass County fair and the high school rodeo. The Board congratulated Mr. & Mrs. Norman as the 2014 Cass County Farm Family.

- 5A. MN Extension Regional Director NE Mardi Harder reported that Jana Sampers has been hired as the 4-H Program Coordinator and Samantha Stewart as the SNAP Educator. No action necessary.
- 5B. Ms. Harder discussed the Cass and Crow Wing 4-H collaborative programs. Members are now not required to join 4-H in the county that they live in rather the club that is the best fit for the family. Regional Director Harder added that in 2014 there are 110 4-H members, 32 adult volunteers and 18 independent members in Cass County. No action necessary.
- 5C. 4-H Leader Coach for competitive shooting sports and state firearm instructor Dave Hoemberg introduced Jace Hoemberg and Brandon Mertens. These Cass County 4-H's club members will be participating in the National Shooting Sports Competition in Grand Island, NE on June 24-29, 2014. Jace and Brandon explained the archery and shooting competitions that they have qualified to participate in. These club members also reported the success of their younger team members at state competition which included 54 medals in archery and shooting. The Board thanked Dave, Jace, and Brandon for their presentation and wished them good luck at the National Shooting Sports Competition on June 24-29, 2014. No action necessary.
- 5D. Sue Peet, Cass County 4-H Federation President discussed the declining net proceeds of publication of the Cass County plat book. The digital age has reduced demand and created a shrinking contractor pool thus increasing costs. Although very proud of decades of service to County residents in this regard Ms. Peet reported that the Federation cannot afford to continue plat book publication services. Administrator Yochum explained that the existing plat book relationship between the County and the Federation is contained in a 2005 agreement. Ms. Peet requested termination of the present contract commitments, and offered potential transition assistance. Central Services Director Tim Richardson explained the county role to date and offered to look at publishing alternatives.

M/S/P Downham, Peterson – To respectfully accept proper notice of cancellation and therefore terminate the Cass County Plat Book Distribution Agreement with the Cass County 4-H Federation dated September 19, 2005, and further, to request staff to report back on plat book publication alternatives. Unanimous.

- 6A. Highway Engineer Dave Enblom presented bids on Project SAP 011-607-012 (reconstruction of section of CSAH 7 and City of Longville sanitary sewer). Mr. Enblom discussed the engineers estimate amount of \$974,913.50 which the lowest bid was 74.44% over estimate higher than expected. He also discussed the possibility of re-advertising the project until next winter to receive lower bids.

<u>Bidder</u>	<u>Bid Amount</u>	<u>Percent Over/Under Estimate</u>
Kuechle Underground, Inc.	\$1,700,593.73	74.44% Over Estimate
Aspen Construction Co.	\$1,990,032.32	104.12%

M/S/P Dowson, Downham – To table the award of bids on Project SAP 011-607-012(reconstruction of section of CSAH 7 and City of Longville sanitary sewer) until notification from the City of Longville. Unanimous.

7. County Administrator Yochum confirmed the upcoming meeting schedule.
8. Chairman Kangas adjourned the meeting at 7:07 p.m.

SIGNED: _____
 Bob Kangas, Chairman
 Cass County Board of Commissioners

ATTEST: _____
 Robert H. Yochum
 Cass County Administrator