

**TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
July 1, 2014**

- 1A. Chairman Kangas convened the regular meeting of the Cass County Board of Commissioners at 9:00 a.m. on Tuesday, July 1, 2014, with the flag pledge, in the Board Room of the Courthouse Annex, 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
Reno Wells	HHVS Director	Melanie Wolfe	HHVS
Wanda Reed	HHVS	Sarah Smythe	HHVS
Dave Enblom	Highway Engineer	Kris Lyytinen	Highway Department
Laura Hadrava	Highway Department	Tom Burch	Sheriff
Christopher Strandlie	County Attorney	Jim Schneider	Probation Director
Kerry Swenson	Emergency Mgmt. Coord.	Kayla Schneider	Teen CERT
Cheyenne Clark	Teen CERT	Tim Richardson	Central Services Director
Doug Carpenter	Self	Linda Husby	Administrator's Office
Gail DeBoer	Pilot Independent	Monica Lundquist	Brainerd Dispatch
Allan Olson	Cass Lake Times	Scott Bruns	Self

- 1B. M/S/P Downham, Peterson – To approve the agenda items for discussion as presented and the addition of Item 2A.13 (Accept donation of a \$50.00 Target gift card awarded to Ms. Richter to be used at the County's discretion), and Item 2A.19 (Receive & file notice of resignation of Rachel Raveling HHVS Office Support Specialist, effective August 1, 2014 and receive & file notice of intent to fill budgeted position grade 15). Unanimous.

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

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

Approve - Board Minutes of Board of Equalization on June 16, 2014, and Board Minutes of June 17, 2014.

Approve - Auditor warrants dated June 12, 2014 in the amount of \$721,650.88.

Approve - Auditor warrants dated June 19, 2014 in the amount of \$327,461.20.

Approve - HHVS Commissioner warrants dated June 20, 2014 in the amount of \$210,797.92.

Approve - HHVS Auditor warrants dated June 20, 2014 in the amount of \$130,047.02.

Approve - 2014 Federal Payment-In-Lieu distribution.

Approve - On Sale Intoxicating including Sunday - Sandtrap Supper Club - Rip's , Inc., Pike Bay; The Narrow's on Roosevelt - Pestello's on the Narrows, LLC, Crooked Lake; Deer Haven Supper Club - Kovall's Deer Haven, Thunder Lake; Bites Grill & Bar - Roger Hoplin, Wilson; Hiawatha Beach Resort - Hiawatha Beach Resort, Inc, Leech Lake; Maxson Van Eps Post - American Legion #368 - Powers. Off Sale Intoxicating Liquor - Hoss All-American - Trevor Berg, Shingobee; The Shadberry - The Shadberry, Inc, Crooked Lake; Corner Store Liquors LLC - WRD Holdings, LLC, Sylvan. On & Off Sale Intoxicating including Sunday - Anchorage Inn - JL Anchorage, LLC, Inguadona; Mule Lake Corral - Mule Lake Corral Food & Liquors, Inc – Woodrow; High Banks Resort - K & R Development, Inc, Unorganized. Wine/Beer - Ski Gull - Ski Gull, Inc, Fairview. Shores of Leech Lake RV, Yacht Club & Cottages - Mitchell & Mara Loomis, Shingobee. Gambling - Deep Portage Ruffed Grouse Society - Jerry Lamon, Woodrow. **The following liquor applicants are contingent upon receiving proper documentation, fees & taxes owing.** On Sale Intoxicating including Sunday - Quarterdeck Grill - Quarterdeck Grill, LLC, Fairview; Sportsman's Pub - Martin Alger, Remer Twp. On & Off Sale Intoxicating including Sunday - Bears Den - Gary Dauer, Meadow Brook. Wine/Beer - Pineridge Grouse Camp - Pineridge Grouse Camp, LLC, Inguadona.

Receive & file - Office of State Auditor entrance meeting minutes for audit year ending December 31, 2013.

Authorize - Payment to Mark J. Beard (Invoice#0010) in the amount of \$900.00 remodel Highway Shop, and & Pine River Govt. Bldg. (source of funds from Capital Fund – Garages & Capital Outlay Bldgs.)

M/S/P Gaalswyk, Downham – To award mowing quotes to Northfork Boulders and Excavating for Cut Lake/Hiram - \$1,400.00, Snowflea/Mayo Creek - \$700.00, Vermilion/Thunder Hollow/Washburn/Old Grade - \$2,900.00 and Homebrook Walking Trail - \$700.00. Unanimous.

<u>Bidder</u>	<u>Cut Lake/ Hiram</u>	<u>Snowflea/ Mayo Creek</u>	<u>Vermilion/Thunder Hollow/Washburn/Old Grade</u>	<u>Homebrook Walking Trail</u>
Northfork Boulders and Excavating	\$1,400	\$700	\$2,900	\$700
Mutch's Forestry Serv.	\$1,800	\$750	\$3,000	\$750
Schrupp Excav.,LLC	\$1,500	\$800	\$3,500	\$1,000

Receive & file - HHVS cash account balance comparison and child service costs through May 2014.

Approve - Grant submission for Dept. of Health and Human Service for Partnership to Improve Community Health.

Receive & file - MN Counties Computer Cooperative Award acknowledgement of "Outstanding Dedication and Service" – Jamie Richter – Director of Public Health Nursing, and accept donation of a \$50.00 Target gift card awarded to Ms. Richter to be used at the County's discretion.

Refer - Budget request (\$125,000.00) from the Working Together Coalition to the Cass County Citizen Budget Committee.

Receive & file - Notice of waste disposal surcharge increase from Sherburne County.

Approve - Additional insurance language to MN Home and Community Based Services Waiver Service Purchase Agreements.

Authorize - Up to \$7,500.00 for sanitary sewer maintenance repairs at the Pine River Post Office Building, Pine River.

Receive & file - Timber auction results of June 26, 2014 (1,629 cords plus 29.50 mbf saw timber) totaling \$51,426.00.

Receive & file - Notice of resignation of Rachel Raveling HHVS Office Support Specialist, effective August 1, 2014 and receive & file - notice of intent to fill the budgeted position grade 15.

- 3A. Chief Financial Officer Larry Wolfe presented amendments to the Cass County General Contract Requirements effective July 1, 2014. Mr. Wolfe explained that the 2014 MN legislature passed and the governor signed into law bills defining a responsible contractor, and extending data practice statutes to those contracting with government entities.

M/S/P Dowson, Gaalswyk - To approve the Cass County General Contract Requirements effective July 1, 2014 - The Contractor: Shall maintain general liability insurance to include coverage of \$500,000 per claimant and \$1,500,000.00 per occurrence. Shall maintain automobile liability coverage with a minimum coverage of \$500,000 per claimant and \$1,500,000.00 per occurrence. Shall maintain Minnesota statutory limits of workers compensation and employers liability insurance. Shall name Cass County as an additional insured and shall provide Cass County with a certificate of insurance before work commences. Shall hold harmless and indemnify Cass County for any and all claims caused either in whole or in part by the contractor. Shall have the duty to comply (without County supervision) with all applicable labor laws and provide appropriate safety measures based on relevant OSHA standards. Shall have the duty to comply (without County supervision) with all applicable State and Federal labor laws regarding discrimination, wages, benefits, and other conditions of employment. Shall provide performance and payment bonds as required by Minnesota statutes. Shall be subject to the Data Practice Act as defined by Minnesota Statutes. Must be a "responsible contractor" as defined by Minnesota Statutes for construction contracts over \$50,000 after 01/01/15. Must have a current W9 on file with Cass County. Must not be delinquent in the payment of Federal, State or Local taxes. Must submit an IC-134 from the Minnesota Department of Revenue in accordance with Minnesota statute before final contract payment can be made (construction contracts). Is hereby notified that in the event of default, any and all means shall be used by the County to recover damages and fees from the Contractor. All disputes that require judicial action shall be filed in Cass County District Court. The above requirements may be waived, in the case of contractual arrangements involving client based services as determined by the Director of Health, Human and Veteran Services. The above General Liability and Auto Liability Insurance coverage may be reduced on contracts of less than \$50,000 with the approval of the Administrator, Central Services Director and Chief Financial Officer. If contract circumstances warrant, the General Liability Limit per occurrence would be reduced to \$1,000,000 per occurrence and \$2,000,000 aggregate, and the Auto Liability Limit would be reduced to \$500,000 combined single limit. Unanimous.

- 4A. HHVS Director Reno Wells, Director of Business Management Melanie Wolfe and Financial Assistant Supervisor's Wanda Reed and Sarah Smythe presented caseload trends and service site activity for the income maintenance unit programs including State Nutrition Assistance Program, Health Care, Foster Care, MnSure, and MnCare conversion. The staff noted that in addition to the increased volume of participants the various computer systems are not integrated and often require multiple entries per client. Director Wells requested authorization to fill the budgeted HHVS eligibility worker position, grade 22.

M/S/P Dowson, Gaalswyk – To authorize filling the budgeted HHVS Eligibility Worker position, grade 22. Unanimous.

- 5A. County Attorney Christopher Strandlie presented a legal opinion requested by the Board June 3, 2014 regarding the location of County Road #140 right of way near Denny's resort in the City of Bena. Mr. Strandlie discussed his conclusions that the County Board may direct the County Engineer to survey County Road 140, however, the law clearly does not indicate that the County Board "shall" do so. County Attorney Strandlie also noted that the MN court of appeals case (#A11-1612) dated June 18, 2014 submitted by Mr. Doug Carpenter does not provide any legal authority obligating the County to establish a road right of way. Directing the County Engineer to have the road surveyed is not consistent with past practice. Additionally, it would set a precedent that could expose the County to survey the approximately 426 miles of county roads that are not surveyed. Mr. Strandlie advised the County Board to not direct the Engineer to complete a survey of the right of way of Cass County Road 140.

Doug Carpenter addressed the Board with other questions regarding Unorganized Township road administration.

M/S/P Downham, Dowson – To respectfully decline Mr. Doug Carpenter's request to locate by survey County Road #140 right of way adjacent to his daughters property (#72-027-1405) near Denny's Resort in the City of Bena. Unanimous.

- 6A. Emergency Management Coordinator Kerry Swenson introduced Teen CERT (Community Emergency Response Team) students Kayla Schneider and Cheyenne Clark. Mr. Swenson explained that eighteen high school students from the Bug-O-Nay-Ge-Shig, Pillager, Remer and Walker Schools have completed the final steps of their Teen CERT training program. The training was concluded with a full scale search and rescue exercise that the students had to use the skills they have learned in over forty hours of training. The students have worked with the Cass County Mounted Posse and recently assisted an elderly Pillager area flood victim by filling, hauling and placing sandbags. Mr. Swenson thanked the Board for the opportunity work with the students noting that the program is the first of its kind in Cass County and is a program of the Cass County Sheriff's Office. The Board thanked Mr. Swenson and the students for their involvement in the Teen CERT program.
- 7A. Highway Engineer David Enblom presented a Bolton & Menk proposal for engineering services for pavement design of south courthouse parking lot in the amount of \$11,070.00. Mr. Enblom explained that the design services are a necessary part of preparing bid documents for Board consideration of a pavement construction project estimated not to exceed \$100,000. Board will have final approval of the project prior to work authorized.

M/S/P Gaalswyk, Peterson – To table the proposal submitted by Bolton & Menk for engineering services and to request a staff report indicating present and proposed south courthouse parking lot capacity. Unanimous.

- 7B. Engineer Enblom reported back on the tabled bids on project SAP 011-607-012 (reconstruction of a section of CSAH 7 and reconstruction of City of Longville sanitary sewer). Bids received were 74% over the estimated cost of \$974,913.50, and there is not available funding to proceed with an award of the low bid cost. Notification has been received from the City of Longville stating that the council has put the project on hold and will re-bid at a later date.

M/S/P Dowson, Downham – To reject all bids on Project SAP 011-607-012 (reconstruction of section of CSAH 7 and reconstruction of City of Longville sanitary sewer). Unanimous.

Construction Design Engineer Laura Hadrava explained the probable financial benefit of combining the reconstruction of the section of CSAH 7 affected by the City of Longville's sanitary sewer project with other large county projects versus bidding again in combination with the City Longville in 2015. Mr. Enblom noted that the combined project effort is the subject of a joint powers agreement with the City of Longville.

M/S/P Gaalswyk, Peterson – To terminate the joint project Joint Powers Agreement with the City of Longville due to the rejection of bids on Project SAP 011-607-012 and request the City of Longville to do the same. Unanimous.

- 7C. Construction/Design Engineer Laura Hadrava presented bids opened on June 16, 2014 at 2:00 PM for the CP 2014-2 (Walden Twp. 3 miles of overlay), SAP 011-601-022 (Maple Twp. 5.8 miles), and SAP 011-649-003 (Blind Lake Twp. 5.5 miles).

Project No.: CP 2014-2 (Walden Twp.), SAP 011-601-022 (Maple Twp.), and SAP 011-649-003 (Blind Lake Twp.)
Engineers Estimate - \$4,231,963.62

<u>Bidder</u>	<u>Total Bid Amount</u>	<u>Percent Over/Under Estimate</u>
Anderson Brothers Const. Co.	\$3,868,671.52	8.58 % Under Estimate
Tri-City Paving, Inc.	\$3,872,978.70	8.48% Under Estimate
Mark Sand & Gravel Co.	\$3,954,575.75	6.55% Under Estimate
Central Specialties, Inc.	\$4,638,307.58	9.60% Over Estimate

M/S/P Peterson, Downham - To award the bid to the apparent low bidder for CP 2014-2 (Walden Twp.), SAP 011-601-022 (Maple Twp.), and SAP 011-649-003 (Blind Lake Twp.) to Anderson Brothers Construction Company in the bid amount of \$3,868,671.52. Unanimous.

- 7D. Mr. Enblom discussed the 2014 Highway Department building capital improvement plan project status dated June 26, 2014. Reported that five maintenance facilities (excluding Walker and Remer) are metal framed, metal buildings with little or lack of insulation resulting in significant air leakage, heat loss, as well as signs of roof leakage. Assistant County Engineer Kris Lyytinen explained that the proposed maintenance program would include upgrades to the five facilities by the removal of exterior metal siding and roofs, remove existing insulation, re-insulate with 3" spray foam and re-install the exterior metal siding and roofs. The project would also construct additions at each location to provide for climate controlled offices (including rest rooms). The estimated project cost requires public contract bidding requirements.

M/S/P Dowson, Gaalswyk – To authorize competitive bidding on repairs and additions to the Cass County Highway Shop metal buildings located at Cass Lake, Hackensack, Longville, Pillager, and Pine River. Unanimous.

- 7E. Mr. Enblom discussed the local revenue transportation funding options. One option is a wheelage tax that adds a \$10.00 cost to the vehicle license tab renewal for vehicles kept in the respective County. County Boards may levy for highway purposes and choose to collect the tax directly or have the state collect the tax on their behalf. A second option is a local option sales tax for transportation. County Boards may, after a public hearing, levy a sales tax on anything that is currently subject to sales tax in the County for project specific transportation or transit improvements. Mr. Enblom added that if Cass County does not choose to implement the taxes for 2015, there is the option to do so in future years by informing the state by August 1 of any year for enactment the following year after the Board's annual review of the Cass County five year plan.

M/S/P Dowson, Gaalswyk – To decline enacting a wheelage tax and local option sales tax for transportation improvements for FY2015. Unanimous.

8. County Administrator Yochum confirmed the upcoming meeting schedule: a. County Board Meeting in Commissioner District #3, Tuesday, July, 15, 2014 beginning at 6:00 pm at the Crooked Lake Township Hall, 6300 Woods Bay Dr. NE, Outing, MN. b. Cass County Planning Retreat – Friday, July 25, 2014, beginning at 8:30 am, Land Department Meeting Room, Backus, MN.

- 8C. M/S/P Downham, Dowson – To authorize the Board's attendance at the Leech Lake Tribal Council – State of the Band Address on Thursday, August 21, 2014, 10:00 am, Northern Lights Event Center, Walker, MN. Unanimous.

9. Chairman Kangas adjourned the meeting at 10:40 a.m.

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

ATTEST: _____
 Robert H. Yochum
 Cass County Administrator