

**TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
August 5, 2014**

- 1A. Chairman Kangas convened the regular meeting of the Cass County Board of Commissioners at 9:00 a.m. on Tuesday, August 5, 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
John Ringle	ESD Director	Dave Enblom	Highway Engineer
Reno Wells	HHVS Director	Jeff Woodford	VSO Officer
Stephanie Shearen	SWCD	Kelly Condiff	ESD
Sharon Anderson	Auditor-Treasurer	Doug Carpenter	Self & family property
Dan Larson	MN Rural Counties Caucus	Kris Lyytinen	Asst. Highway Engineer
Laura Hadrava	Construction/Design Engineer	Tom Burch	Sheriff
Dennis Lilyquist	Self	Jeffrey Julian	Self
Terry Nagorski	28 th Ave. NE Longville	Scott Bruns	Self
Gail DeBoer	Pilot Independent	Monica Lundquist	Brainerd Dispatch
Allan Olson	Cass Lake Times		

- 1B. M/S/P Downham, Peterson – To approve the agenda items for discussion as presented after moving Item 2A. 21 to Item 4D. (Approve overhead door maintenance at Transfer Station, Pine River - Brainerd Overhead Door Company not to exceed \$7,000.00), and by adding Item 5B. (Veteran Support Group meeting cost at the Walker Area Community Center). Unanimous.

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

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

Approve - Board Minutes of July 15, 2014.

Approve - Auditor warrants dated July 10, 2014 in the amount of \$857,696.95.

Approve - Auditor warrants dated July 17, 2014 in the amount of \$498,577.05.

Approve - HHVS Commissioner warrants dated July 18, 2014 in the amount of \$195,438.10.

Approve - HHVS Auditor warrants dated July 18, 2014 in the amount of \$130,217.19.

Approve Personnel Items - Budgeted positions scheduled for replacement – 1. Receive & file - Notice of appointment of Ron Dycus full-time Corrections Officer, effective July 1, 2014, grade 21. 2. Receive & file - Notice of resignation of Trent Wasen, Accounting Technician, effective August 1, 2014, and receive & file the notice of intent to fill budgeted Accounting Technician position, Grade 19. 3. Receive & file - Notice of appointment of Vicki Eckman, Office Support Specialist, Grade 16, Step 1 vacated by Rachel Raveling effective August 11, 2014. 4. Receive & file - Notice of resignation of Colleen Bentler, Home Health Aide, effective July 23, 2014, and receive & file the notice of intent to fill budgeted Home Health Aide position, Grade 13. 5. Approval - To back-fill full-time PHN position for a current employee who may be on an extended unpaid approved leave of absence to hire a temporary employee in the PHN or RN classification up to a 1 FTE. B. Positions scheduled for no replacement at this time: None. C. Other – 1. Approve - GMG's point factor evaluation system rating for HHVS case aide as a Grade 20. 2. Approve – Filling one Case Aide grade 20 position after eliminating one Office Support Specialist grade 16 position within the HHVS organizational structure.

Approve Gambling - Northern Cass DU – Raffles on September 18, 2014 held at Moondance Event Center, Turtle Lake Twp.

M/S/P Gaalswyk, Dowson – To award Project #36 to Karvakko Engineering NTE \$11,200.00 and Project #37 to Northern Engineering & Consulting, Inc. NTE \$15,230.00. Unanimous.

<u>Bidder</u>	<u>Project #36- Homebrook</u>	<u>Project #37 - Trelips S</u>
Karvako Engineering	\$11,200.00	\$16,200.00
Northern Engineering & Consulting, Inc.	\$13,390.00	\$15,230.00
Survey Mapping Solutions	\$17,460.00	\$24,460.00
Stonemark Land Surveying, Inc.	\$18,780.00	\$21,220.00
Kohout Surveying	\$24,900.00	\$27,800.00

Authorize - Payment to Haataja Contracting, Inc. in the amount of \$159,557.67 remodel Walker Highway Shop; RW Electric, Inc. in the amount of \$83.00 remodel Highway Dept. (source of funds from Capital Fund – Garages & Capital Outlay Bldgs.)

Receive & file - STS quarterly report total hours of 2,408 and value of hours worked at \$8.00 an hr. totaling \$19,264.00.

Establish - Cass County auction on Saturday, September 6, 2014, beginning at 10:00 a.m. Cass County Highway Department, Walker, MN, authorize staff to notify townships and cities in Cass County, and approve Sheriff Tom Burch as auctioneer.

Accept - Donation of \$200.00 from Salem Lutheran Church, Longville for Cass County Veterans Transportation Program.

Approve - Submission of grant application for Victim Services in the amount of \$43,000 to the Dept. of Public Safety Office of Justice Programs.

Approve - Reimbursement of HRA per diem and mileage expense in the amount of \$3,850.00 from January 31, 2014 – through July 31, 2014.

M/S/P Gaalswyk, Dowson – To award a quote for sidewalk replacement and east retaining wall repair to Action Contracting in the amount of \$16,945.00. Unanimous.

<u>Bidder</u>	<u>Amount</u>
Action Contracting	\$16,945.00
Danny's Masonry	\$18,740.00

Receive & file - Quarterly litigation report.

Approve - Resolution 35-14 grant submission for Operation Enhancement Grant with MNDVA.

Commissioner Gaalswyk offered Resolution No. 35 -14 and moved its adoption, Commissioner Dowson seconded:

BE IT RESOLVED by Cass County that the County enter into the attached Grant Contract with the Minnesota Department of Veterans Affairs (MDVA) to conduct the following Program: County Veterans Service Office Operational Enhancement Grant Program. The 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. This 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. 35-14 was declared adopted upon the following vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

Receive & file - HHVS Certified Home Health Agency Licensed Class A Minnesota Department of Health audit status.

Approve - Transfer from Unorganized Twp. in the amount of \$53,195.89 for road maintenance & administrative costs from January through July 2014.

Receive & file - HHVS Cash Account Balance Comparison and Child Service Costs through June 2014.

Approve - Request for reciprocal easement from Tim and Lorie Strack in Section 18 of Byron Township.

Receive & file - Leech Lake Band & Cass County Liaison Committee meeting notes.

Receive & file - Meeting notes from the Cass County Planning Retreat on Friday, July 25, 2014.

Receive & file - Nomination of Stagecoach Road (vicinity of Hackensack) to the National Register of Historic Places – MN Historical Society.

Authorize - Repair of Courthouse County logo sign, supporting timbers, and supporting structure (planter box) NTE \$5,000.00.

Approve - Distribution of 2014 State "In Lieu" Payment of \$1,296,408.08 and "Wild Management Lands" distribution of \$146,611.50.

- 2B. County Administrator Robert Yochum reported on septage land disposal complaints at 128th Avenue NE in Trelipe Township (owned by Rusty Lilyquist). Mr. Yochum summarized related information including general background, a meeting of the Trelipe Township Board July 9, 2014, attorney-client comments to the Board from the County Attorney's Office, petitions requesting an interim land use ordinance to establish a moratorium on certain septage disposal practices, and the present ordinance amendment Board policy.

Adjacent land owners Jeffrey Julian, and Dennis Lilyquist expressed their objections to septage land disposal at 128th Avenue NE in Trelipe Township. Administrator Yochum and Commissioner Peterson offered to host a meeting of related parties to attempt to document conflicting facts. With respect to the ordinance petition, County Attorney Strandlie suggested that the Board follow the rules of business adopted January 7, 2014 (Rule No. 14 – Ordinances). ESD Director John Ringle commented that there are an estimated forty five septage land disposal sites in Cass County.

M/S/P Dowson, Peterson – In accordance with adopted rules of business, to refer the petition requesting an interim land use ordinance to establish a moratorium on certain septage land disposal practices to the Cass County Planning Commission for comment and report back to the Cass County Board. Unanimous.

- 2C. MN Rural Counties Caucus Administrator Dan Larson reported that the MRCC is a growing organization totaling twenty nine counties. The members are rural counties that have organized to promote a balance of urban and rural legislative priorities. No action taken.

- 3A. Auditor-Treasurer Sharon Anderson discussed recent correspondence from the Leech Lake Band of Ojibwe to establish a satellite location in Cass Lake for voter registration and in person absentee balloting at the Tribal Headquarters for the November 2014 state and federal elections.

M/S/P Dowson, Downham - To accept the July 29, 2014 report of the Auditor-Treasurers designation of absentee ballot locations for the 2014 state general election including the addition of the Leech Lake Reservation Tribal Headquarters as a new absentee ballot location for northern Cass County. Unanimous.

- 3B. Ms. Anderson requested the Board to adopt a solid waste fee policy for the upcoming tax collection year of 2015. The policies are intended to reflect current practice or minor clarifications without substantial impact to fees collected.

Commissioner Gaalswyk offered Resolution No. 36 -14 and moved its adoption, Commissioner Downham seconded:

Refuse Management Fee Policy

Whereas, the collection of a solid waste fee began in 1990 to fund waste disposal and recycling programs in Cass County, and

Whereas, updates and clarifications to fee collection practices have resulted in improved written policies to better insure uniform application of the fee to improved properties in Cass County.

Be it resolved that the fee collection policies and schedule details explained herein are formally adopted for tax collection year 2015, as follows:

1. The name of the fee will be changed to "Refuse Management Fee" to better portray a broader, more accurate general description of what the fee is used for.
2. Application of the fee will be based on property classification and building value as determined by the county assessor for the respective tax year. Habitability or interim, intermittent use will not be considered.
3. Taxpayer appeals may be submitted to and will be considered by the Cass County Solid Waste Officer only in cases of clerical error in the administration of these policies after review by the Auditor-Treasurer. If an appeal is granted and the fee has been paid, abatement will be granted, limited to the current tax year and one tax year prior.
4. While the basic fee schedule remains unchanged, the application of the fee will be administered according to the following fee schedule:

Refuse Management Fee Schedule:

Residential & Seasonal Recreation

The fee is \$66.00 per year based on taxable building value of \$1,000 or greater.

- Dwelling
- Cabin
- Housing / resortminium / hotel units with separate parcel number

- Garage/pole building with living quarters
- Bunkhouse (if not located on parcel adjacent to home/cabin)
- Personal property mobile homes/travel trailers
 - Fee will apply, regardless of current license status, if located outside of a resort setting (may verify by address assignment or land use permit)
 - In a resort setting, fee will apply if no current license is displayed

Commercial Tier

The fee is based on taxable building value. Small variations in value will not immediately cause a tier change. Multiple parcels owned by one business entity will be considered together to avoid duplicate fees and will be charged for the tier according to the total combined taxable value of the parcels. Strip mall parcels with separate parcel numbers will be assessed separate fees for each business based on the commercial tier rate schedule.

<u>Taxable building value</u>	<u>Fee per year</u>
Under 9,999	\$ 66.00
10,000 to 99,999	\$150.00
100,000 to 499,999	\$300.00
500,000 & up	\$500.00

Apartment

The fee is \$12 per apartment unit per year. Apartments include public housing apartments eligible to make annual payment in lieu of taxes.

Non-Commercial Tax Exempt Buildings

The fee is \$66.00 per year.

- Churches
- City/township halls
- Community/family & senior citizen centers
- Libraries
- Public housing residential single family homes eligible to make annual payment in lieu of taxes
- Group homes
- Other non-commercial tax exempt structures if not collected through contractual agreement

Commercial Tax Exempt Buildings

Commercial tier rates apply based on exempt value if not collected through contractual agreement.

School Districts, Nursing Homes

The fee is \$500.00 per year.

Youth Camp

The fee is based on tax exempt value.

<u>Taxable building value</u>	<u>Fee per year</u>
Under 500,000	\$150.00
500,000 & up	\$300.00

Resolution No. 36-14 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 3C. Ms. Anderson presented amendments to the Cass County Personnel Rules & Policies that included: numerous grammatical updates, a new introduction, sexual harassment policy clarifications, changes reflecting the 2014 MN Women's Economic Security Act, update to the veterans preference policy, Family Medical Leave Act legal compliance, data practice considerations in sick leave donation practices, and Cafeteria Plan administrative changes.

M/S/P Dowson, Peterson – To approve amendments to the Cass County Personnel Rules & Policies as presented. Unanimous.

4A. ESD Director John Ringle presented the 2nd quarter ESD planning and zoning activity report for 2014. Mr. Ringle reported the first half revenue on zoning actions was slightly down (\$6,759.44) from last year at \$111,737.82 in this year's first half, versus \$118,497.26 in the first half of 2013. This year's 2nd quarter revenue is very comparable to second quarter revenues since 2009, with 509 zoning actions took place in this year's first half versus 528 actions in last year's first half. Mr. Ringle noted that septic permit activity is decidedly down compared to past year trends (100 vs. 300). No action necessary.

4B. Mr. Ringle introduced Stephanie Shearan Coordinator of the Cass County AIS Prevention and Management Plan. Ms. Shearan presented a profile of the 230 watercrafts (through June 30, 2014): 186 were entering, 44 were exiting; 49 attempting to enter had AIS risk factors. 1006.5 inspection hours have been logged for a total cost of \$14,493.60. Ms. Shearan added that the heaviest times for water craft traffic were Fridays, Saturdays, and Sundays from 10 am. to 6pm.

Mr. Ringle presented the SWCD Board and AIS Implementation Committee proposed budget of \$222,000 for July 01, 2014 through December 31, 2014: contract inspections \$27,000, enforcement \$22,500, decontamination \$32,000, education \$20,000, lake association projects \$50,000, contingency including treatment of infestations \$70,500. The source of funds is Aquatic Invasive Species Prevention Aid dedicated by the State of MN for these purposes.

M/S/P Peterson, Downham – To approve the Cass County AIS budget as presented from July 01, through December 31, 2014 totaling \$222,000.00 utilizing State of MN Aquatic Invasive Species Prevention Aid. Unanimous.

Mr. Ringle reported Cass SWCD AIS Management and Prevention Program costs prior to July 01, 2014 have exceeded the March 4, 2014 County Board Conservation Fund #73 challenge match (1:1 up to \$5,000) to Townships, Cities, and the SWCD. Director Ringle requested reimbursement to the SWCD.

M/S/P Gaalswyk, Peterson – To approve utilizing Conservation Fund #73 in the amount of \$5,000.00 to partially reimburse the Cass SWCD for AIS Management and Prevention Program expenses prior to July 01, 2014. Unanimous.

4C. ESD Director John Ringle reported that the Planning Commission has concluded the 1st hearing (July 21, 2014) on amendments to Land Use Ordinance and an amendment to the Subdivision Ordinance and forwarded their recommendations on the same per the County Board referral of May 15, 2014. Mr. Ringle requested Board action to establish a public hearing for 2nd reading and possible adoption.

M/S/P Peterson, Gaalswyk - To establish a public hearing on Tuesday, August 19, 2014 during the meeting beginning at 6:00 p.m. at the Kego Town Hall (Longville Fire Dept. Bldg.)1350 County 5, Longville, MN for the 2nd reading and possible final adoption of Ordinance #2014-02 amending Cass County Land Use Ordinance #2005-01 and 2nd reading and possible final adoption of Ordinance #2014-03 amending Subdivision Ordinance #2009-02. Unanimous.

4D. Mr. Ringle reported that the large industrial overhead doors at the transfer station in Pine River are in need of routine maintenance. Brainerd Overhead Door Company had submitted the only quote in the amount of \$7,000.00. Assistant County Engineer Kris Lyytinen commented that the Highway Department and others have successfully used this company in the past.

M/S/P Gaalswyk, Peterson – To accept the quote for overhead door maintenance at the Pine River transfer station from Brainerd Overhead Door Company not to exceed \$7,000.00. Unanimous.

5A. Veterans Service Officer Jeff Woodford presented veteran service updates including: 2nd quarter 2014 activity report, 2012/13 VA funding levels in Cass County, Cass County enrolled veterans by era, 2013 VA funding levels by area Counties, and contacts by outreach location/method. Mr. Woodford thanked the Board for approval to submit the MN Department of Veterans Affairs grant on this meetings consent agenda by Resolution No. 35-14. No action necessary.

5B. Mr. Woodford informed the Board of the formation of a Veteran Support Group program that plans to meet at the Walker Area Community Center the second and fourth Wednesdays of each month beginning August 13, 2014. This new service is provided in cooperation of the Duluth VA Office to provide service to veterans in a group environment. HHVS Director Reno Wells noted that Board policy requires approval of any room rental fees.

M/S/P Peterson, Dowson – To approve payment of room rental expenses not to exceed \$1,000.00 for the use of the Ringle Library Room located at the Walker Area Community Center, Walker, MN for the Veteran Support Group. Unanimous.

- 6A. Construction/Design Engineer Laura Hadrava and County Engineer David Enblom discussed the agreement with MnDOT to accept bridge bonding funds for SAP 011-601-022 in the grant amount of \$91,700.50. Mr. Hadrava informed the Board that Bridge No. 11J14 is located south of CSAH#1 (8 to 10 miles south of Pine River) in Maple Township in Sect.10 & 11.

Commissioner Downham offered Resolution No. 37 -14 and moved its adoption, Commissioner Kangas seconded:

Agreement to State Transportation Fund (Bridge Bonds) Grant Terms and Conditions SAP 011-601-022

WHEREAS, Cass County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No. 11J14 on CSAH 1, and
WHEREAS, the Commissioner of Transportation has given notice that funding for this bridge is available, and
WHEREAS, the amount of the grant has been determined to be \$91,700.50 by reason of the lowest responsible bid.
NOW THEREFORE, be it resolved that Cass County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, subdivision 5, clause (3), and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required. The proper county officers are authorized to execute a grant agreement with the Commissioner of Transportation concerning the above-referenced grant.

Resolution No. 37-14 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 7A. Doug Carpenter appeared before the Board and presented a note of three items that he needs done on Unorganized Town Road #140: 1.) Board permission for an ingress and egress to his property on the county road right-of-way, 2.) maintenance of the road so it is passable and a useable turn around that is adequate, and 3.) done by August 15, 2014. County Engineer Enblom noted that the ingress matter is a common request that is processed through a driveway permit issued by the Highway Department.

M/S/P Dowson, Downham – To refer Mr. Carpenter’s August 5, 2014 requests to the Cass County Engineer for a report back to the full Board. Unanimous.

8. County Administrator Yochum confirmed the upcoming meeting schedule: a. County Board Meeting in Commissioner District #4, Tuesday, August 19, 2014 beginning at 6:00 pm at the Kego Township Hall, 1350 Co. #5 (Longville Fire Dept. Hall), Longville, MN.
9. M/S/P Dowson, Downham – To close the meeting at 11:05 a.m. pursuant to MN Statutes 13D.05 Subd.3. (b). to discuss pending litigation. Unanimous.

Present for the meeting were all County Board members, County Administrator Robert Yochum, Chief Financial Officer Larry Wolfe, County Attorney Chris Strandlie, Sheriff Tom Burch, and MCIT assigned Attorney William J. Everett from Everett & VanderWiel, PLLP.

10. M/S/P Peterson, Gaalswyk – To open the meeting and adjourn at 11:20 a.m. Unanimous.

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

ATTEST: _____
Robert H. Yochum
Cass County Administrator