

**TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
October 7, 2014**

- 1A. Chairman Kangas convened the regular meeting of the Cass County Board of Commissioners at 9:00 a.m. on Tuesday, October 7, 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
Samantha Stewart	MN Ext. SNAP Educator	Jana Sampers	MN Extension Service
Christopher Strandlie	County Attorney	Josh Stevenson	Land Commissioner
Scotts Bruns	Citizen	Dave Enblom	Highway Engineer
Tim Richardson	Central Services Director	Mary Ackerman	Citizen
Jim Reents	Self	Betty Hackett	Self
J. Swanson	Self	J.W. Swanson	Self
Gail DeBoer	Pilot Independent	Monica Lundquist	Brainerd Dispatch
Allan Olson	Cass Lake Times		

- 1B. M/S/P Peterson, Gaalswyk – To approve the agenda items for discussion as presented after the addition of Item 2A.27 (Approve letter of support for the Resilient Region/Virtual Highway project proposal for Consolidated Telephone) and moving Item 2A23 (Approve capital project payment in the amount of \$1,352.00 to Anderson Gravel for 208 yds. of class 5 at the Hackensack Maintenance Shop) to Item 6A. Unanimous.

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

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

Approve - Board Minutes of September 16, 2014.

Approve - Auditor warrants dated September 11, 2014 in the amount of \$551,844.02.

Approve - Auditor warrants dated September 18, 2014 in the amount of \$560,202.91.

Approve - Auditor warrants dated September 25, 2014 in the amount of \$238,688.84.

Approve - HHVS Commissioner warrants dated September 19, 2014 in the amount of \$222,251.74.

Approve - HHVS Auditor warrants dated September 19, 2014 in the amount of \$143,948.62.

Approve - HHVS Auditor warrants dated September 25, 2014 in the amount of \$125.00.

Approve Personnel Items – A. Budgeted positions scheduled for replacement: 1. Receive & file - Notice of resignation of Susan Ostlund, Fiscal Supervisor II, grade 31, effective September 26, 2014, and Receive & file - Notice of intent to fill budgeted Fiscal Supervisor II position vacated by Susan Ostlund, grade 31. 2. Receive & file - Notice of resignation of Desiree Larson, Eligibility Worker, grade 22, effective October 09, 2014, and Receive & file - Notice of intent to fill budgeted Eligibility Worker position vacated by Desiree Larson, grade 22. 3. Receive & file - Notice of resignation of Kristine Hedren, Accounting Technician, grade 19, effective December 04, 2014, and Receive & file - Notice of intent to fill budgeted Accounting Technician position vacated by Kristine Hedren, grade 19. 4. Receive & file notice Probation completion of Wanda Jensen, Records Clerk – Sheriff's Office, effective Septmber 2, 2014. 5. Receive & file notice - Appointment of Casey Reynolds, Maintenance Area Foremen for Pillager/Pine River area, grade 28, step 1, effective January 1, 2015 and receive & file notice of intent to fill budgeted Motor Equipment Operator vacated by Mr. Reynolds. B. Positions scheduled for no replacement at this time: None. C. Other. None.

Approve licenses – On & Off Sale 3.2 Beer - Shores of Leech Lake RV, Yacht Club & Cottages - Mara Loomis, Shingobee; Northland Lodge Resort - Michael O'Reilly, Unorganized; Iowana Beach Resort - Wilderness Retreat, LLC, Unorganized; Birch Ridge Resort - Birch Ridge Resort, Inc, Otter Tail Peninsula; Nodak Lodge - Roger Croaker, Unorganized. Off Sale 3.2 Beer - The Corner Store Depot, LLC - WRD Holdings, LLC, Sylvan. On Sale 3.2 Beer - Ski Gull - Ski Gull, Inc, Fairview.

Accept - Bid in the amount of \$346,211.00 for the purchase of a fire truck for the Joint Powers Cass Lake Rural Volunteer Fire Department.

Receive & file – August 2014 Cass County EDC Activity Report.

Approve - Resolution No. 46-14 for the 2014 Federal Boating Safety Supplement Grant Agreement (SWIFT#83690/PO#3000065428 CFDA#97.012) in the amount of \$27,029.00 with the State of MMNDNR, and authorize the Chairman, Administrator and Sheriff to execute the Agreement.

Commissioner Downham offered Resolution No. 46-14 and moved its adoption, and Commissioner Peterson seconded:

BE IT RESOLVED that the Cass County Board of Commissioners hereby approves the 2014 Federal Boating Safety Supplement Grant Agreement (SWIFT#83690/PO#3000065428 CFDA#97.012) in the amount of \$27,029.00 with the State of Minnesota Department of Natural Resources, and authorizes signature of the Chairman, Auditor or Administrator and Sheriff to execute the Agreement.

Resolution No.46-14 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

Receive & file - Timber auction results of September 25, 2014 totaling 3,532 cords plus 17.90 mbf saw timber totaling \$91,649.00.
Receive & file - Subcontractor Provider Agreement between Cass County dba Cass County Public Health and Walgreen, Co. to provide health services to patients.

Receive & file - Collaborative Agreements between Cass County HHVS, Northland Community Schools, Walker/Hackensack/Akeley Public Schools, Pillager Public Schools, Pine River/Backus Public Schools, and Bi-County Community Action Programs, Inc.,

Receive & file - Agreement with Northland Area Family Service Center and Leech Lake Early Childhood Development for the period September 1, 2014 through August 31, 2015 reimbursement to Public Health: \$397/per full day, \$17.00 per child for Blood Lead Testing, \$300 per child for C&TC Screening to child not eligible for MA.

Approve - Purchase of Service Agreement with MN Dept. of Health, Perinatal Hepatitis B and IPI and Cass County Public Health contract term amendment from Oct. 24, 2013 to Oct. 1, 2014 to Sept. 30, 2018 and rate revisions.

Approve - Purchase of Service Agreement with MN Dept. of Health Master Grant Contract For Community Health Boards contract term Jan. 1, 2015 to Dec. 31, 2019.

M/S/P Downham, Peterson – To award a gravel delivery contract to Northfork Boulders (no other bids submitted) for \$560.00 on a timber access road in Section 17-136-31 (Moose Lake Township). Unanimous.

M/S/P Downham, Peterson - To award taconite tailing contract to Holmwig Excavating (no other bids submitted) at \$17.00/yard on grant in aid snowmobile trail in Sect. 21,29-140-26 (Thunder Lake Township). Unanimous.

M/S/P Downham, Peterson - To award a bid to Northfork Boulders @ \$12.00/yd. to fix wash outs on the Fish lake/Green lake forest road in Bungo Twp. (29-137-31). Unanimous.

<u>Bidder</u>	<u>Bid Amount</u>
Northfork Boulders	\$12.00/yard
Schrupp Excavating	\$20.00/yard
Greg Anderson	\$14.90/yard

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

Accept - Donations in the amount of \$75.00 and \$400 for the Veterans Transportation Program.

Approve- Legal fee agreement for stipulation for remand and suspension of variance appeal to meet recommended deadlines not to exceed \$2,500 except prior approval.

M/S/P Downham, Peterson – To award a quote for inspection of Project 1 - 2267 36th Ave SW, Pine River, PIN# 31-033-4100, (Tan Pole Shed is not part of demolition); Project 2 - 12675 Pineview Pl SW Motley, PIN# 24-007-3502 & 24-007-3504, (Motel with 6 units, 3 Trailer Houses); Project 3 - 127 First St NW, Cass Lake, PIN#85-337-1060; Project 4 - 308 Basswood Ave NW Cass Lake, PIN#85-344-0240; Project 5 - 304 Basswood Ave NW Cass Lake, PIN# 85-344-0250; Project 6 - 116 Second St NW Cass Lake, PIN# 85-337-1035; Project 7 - 229 Central Ave, Bena, PIN# 83-337-1040, to MacNeil Environmental Inc. not to exceed \$2,750.00 unless additional samples are authorized at \$15.00 each. Unanimous.

<u>Name</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>Combined Bid</u>
MacNeil Environmental Inc	Submitted combined bid only							\$2,750.00
Midwest Environmental	\$419	\$558	\$483	\$374	\$483	\$483	\$483	\$3,283.00
Grimming Bear Roll Off	\$400	\$1500	\$400	\$400	\$400	\$400	\$400	\$3,500.00
Twin Ports Testing Inc.	\$752	\$752	\$752	\$752	\$752	\$752	\$752	\$5,264.00

Receive & file - Cass County HRA audit fiscal year ending December 31, 2013.

Approve – Letter of support for the Resilient Region/Virtual Highway project proposal by Consolidated Telephone to build a strategic fiber to Fort Ripley Township through Fairview Township.

2B County Administrator Yochum summarized the Insurance Committee meeting of September 23, 2014. Items discussed included: 2013/14 financial trends, revenue/expenditure activity by plan, and 2015 plan review. Mr. Yochum reported unanimous recommendations from the Insurance Committee as follows: 1). To recommend increasing each CMM plan deductible \$500 (to \$1,000, \$2,000 & \$3,000) and increase fund balance exposure to \$1,080,000. 2). To recommend the following elective plan responses: declining a vacation savings plan, declining a change in the current Rx coverage, accepting basic health start pregnancy program, and accepting the current wig benefit. 3). To recommend the following contracts: Cafeteria Plan Administration Flex Accounts (TASC); Health Care Savings Accounts (BS/BC Select); Life Insurance (MN Mutual through Integrity); Short Term Disability & Dental (Assurant through Integrity); Long Term Disability (Hartford through Integrity), and, 4.) To recommend open enrollment November 10, 2014 through December 2, 2014.

M/S/P Dowson, Gaalswyk – To accept the recommendations of the Insurance Committee as presented, and further to establish the following total premium costs, and County contribution for calendar year 2015. Unanimous.

	<u>HSA DED</u>		<u>\$3,000 DED</u>		<u>\$2,000 DED</u>		<u>\$1,000 DED</u>	
	<u>\$3,250</u>	<u>\$6,500</u>	<u>Single</u>	<u>Family</u>	<u>Single</u>	<u>Family</u>	<u>Single</u>	<u>Family</u>
Monthly								
Total Premium	\$638.00	\$1,659.00	\$610.00	\$1,625.00	\$671.00	\$1,707.00	\$777.00	\$1,813.00
County contribution	\$1,060.00							

2C. Administrator Yochum presented the current City of Pine River lease agreement dated July 01, 2007 for Sheriff's Office space in the Pine River City Offices. Sheriff Burch explained that the City of Pine River Chief of Police reported that the City proposes a new lease agreement including \$400 per month rent. Mr. Yochum added that Board policy since January 02, 2007 has been "No rental payments shall be made for the use of space utilized for meetings of Cass County without specific approval of the Board", and that this same policy has been applied to Sheriff substations and more recently to HHVS offices at the Leech Lake Band Government Center in Cass Lake.

M/S/P Dowson, Gaalswyk – To respectfully decline the Sheriff's substation proposed lease agreement that includes \$400.00 per month rent with the City of Pine River. Unanimous.

3A. Chairman Kangas introduced Cass County 4-H Program Coordinator Jana Sampers, and Extension SNAP Education Educator Samantha Stewart. Ms. Sampers discussed recent activities of the Cass County 4-H Program including sending 50 members to state competitions and receipt of 39 medals. Ms. Stewart explained activities of the SNAP Education Program that includes promotion of good nutrition habits. Ms. Stewart added that the program partners with area schools and County public health staff. The Board thanked Ms. Sampers and Ms. Stewart for the update on the programs, and welcomed them to Cass County.

4A. Chief Financial Officer Larry Wolfe presented the Minnesota Office of State Auditor's audit for the year ended December 31, 2013. Mr. Wolfe reviewed the management and compliance report, the County response to audit findings, the County's balance sheet, the statement of revenues/expenditures, and the changes in fund balance for the year ending December 31, 2013. Mr. Wolfe also presented the OSA exit conference minutes of Thursday, September 17, 2014. The Board acknowledged the expertise and efforts of County financial staff.

M/S/P Dowson, Downham – To receive & file the Minnesota Office of State Auditor's Audit for the year ended December 31, 2013, and the OSA exit conference minutes of Thursday, September 17 2014, and further, to acknowledge the expertise and efforts of County financial staff. Unanimous.

4B. Mr. Wolfe presented the 2014-2015 propane bids for County buildings, Longville subordinate service district ambulance facility, and the Deep Portage Environmental Learning Center.

M/S/P Dowson, Peterson – To accept the quote for propane for the 2014-2015 heating season from the apparent low bidder of Lakes Gas Co. at a rate of \$1.415 per gallon delivered by transport semi-trailer and a rate of \$1.490 per gallon delivered by bulk truck. Unanimous.

Quotes are based on estimated gallons of transport of 61,000, and bulk of 46,900

<u>Bidder</u>	<u>Bid per gallon</u>	<u>Estimated gallons</u>	<u>Total estimated gallons</u>
Lakes Gas Co.	Transport \$1.415	\$86,315.00	
	Bulk \$1.490	\$69,881.00	\$156,196.00
Ferrellgas	Transport \$1.410	\$86,010.00	
	Bulk \$1.545	\$72,460.50	\$158,470.50

- 5A. Land Commissioner Josh Stevenson reported on the Ad Hoc Committee meeting of September 16, 2014. The Committee discussed current state law regarding ATV operation within the public right of way, and current status of complaints including County Road 40, and County Road 77. Possible solutions for problematic road segments that the committee discussed: 1.) designation as a grant in aid ATV trail would provide access to State maintenance and capital improvement funds (although State accounts are empty), 2.) prohibit ditch use by County ordinance, or 3.) share the road designation by the County Board. In each case the committee emphasized input from the local unit of government would be a prerequisite to any change. The Committee also noted that current State policy creates public ATV access in road ditches, but yet, the maintenance costs fall solely on the adjoining property owners.

M/S/P Dowson, Downham – To refer ATV damage on County State Aid Highway rights of way to Cass County's legislative delegation for a response. Unanimous.

- 6A. Highway Engineer Dave Enblom discussed the planned construction of a cold storage building at the Hackensack maintenance shop site. The proposed building will be 85 feet by 55 feet, pre-engineered steel with wooden frame structure with a bituminous floor. Proposed use of the building would be for the Highway Department and the Sheriff's Office. The cost of the building is \$56,500.00 and the cost of the floor is \$15,000.00. The funding for the project will be from the Highway Department approved capital building fund. Administrator Yochum noted that the staff recommendation is to table the Remer project and use a portion of that part of the Capital Plan to fund this project.

M/S/P Downham, Dowson – To table construction of the cold storage building at the Hackensack maintenance shop site and further report back to the Board with evidence of a competitive bidding process and alternatives for the floor surface. Unanimous.

Engineer Enblom explained that a gravel base for the proposed building was constructed by County staff considering the time of year. Mr. Yochum stated that the present practice is to record specific Board action on capital expenditures using fund balance.

M/S/P Peterson, Dowson – To approve the capital project payment in the amount of \$1,352.00 to Anderson Gravel for 208 yds. of class 5 at the Hackensack maintenance shop. Unanimous.

- 6B. Mr. Enblom reported the need to conduct additional archaeological Phase II work on discovered historical sites along the County State Aid Highway 77 (SP 011-677-013) project corridor (approximately 4.1 miles of road reconstruction and trail construction along Interlachen Road). This would add an additional cost of \$10,000.00 for a total County committed cost of \$30,000.00 for this phase of the project.

Commissioner Gaalswyk offered Resolution No. 47-14 and moved its adoption, and Commissioner Downham seconded:

IT IS RESOLVED, that Cass County enter into a supplemental Mn/DOT Agreement No. 06864 with the State of Minnesota Department of Transportation and Florin Cultural Resource Services, LLC for the following purposes:

To conduct additional Phase II evaluations of the identified sites that are potentially eligible for listing on the National Register of Historic Places within the County State Aid Highway 77 (SP 011-677-013) project corridor. Additional Cass County cost participation not to exceed \$10,000.

IT IS FURTHER RESOLVED, David Enblom County Highway Engineer is authorized to execute the agreement and any amendments to the Agreement

Resolution No.47-14 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 7A. Mary Ackerman appeared before the Board to discuss her concerns regarding the appropriate use of the Cass County Courthouse lawn. Ms. Ackerman expressed her disappointment to see parties engaged in promoting their religious and moral position for nearly 6 weeks at a time - referring to the tent on the courthouse lawn sponsored by the 40 Days for Life movement. Ms. Ackerman suggested the Board rescind ongoing permission for this demonstration citing a number of issues including conveying the appearance that the County endorses the message. She added that she supports the freedom of speech, but felt that the county could still legally limit demonstrations on the lawn to laws or issues for which county and state government are responsible.

Betty Hackett appeared before the Board adding that the Board can regulate the time, place and manner of the use of public space such as the courthouse lawn. Ms. Hackett offered that perhaps the number of days allowed per year or the

adoption of rules that wouldn't require the Board's approval would move the subject from regulating messages to reasonable use of public space.

County Attorney Christopher Strandlie commented that based on related freedom of speech state and federal case law any rules must serve as significant government interest.

County Administrator Yochum noted that the Board and Ms. Ackerman have been provided file information on the 2014 request of the 40 Days for Life organizers and the August 05, 2008 Board action approving the nonexclusive use of the lawn for the 40 Days for Life event conditioned upon compliance with limitations established by the County Attorney, Auditor-Treasurer, Central Services Director or County Administrator.

The Board thanked those in attendance for the discussion regarding the use of the courthouse lawn. No action was taken.

- 8A. Administrator Yochum confirmed the upcoming meeting schedule including University of MN Extension Service AIS training, Wednesday, November 19, 2014, St. Paul, MN.
9. M/S/P Downham, Peterson - To close the meeting to the public for department head annual evaluations and report the results at the next regular meeting pursuant to MN Statutes Chapter 13D.05 Sub. 3. (a), and further that no additional agenda items will be considered upon reopening this meeting. Unanimous.
10. The Board conducted performance evaluations of the Auditor-Treasurer, Assessor, Central Services Director, Environmental Services Director, and the HHVS Director.

M/S/P Peterson, Gaalswyk – To reopen the meeting, and adjourn at 12:50 p.m. Unanimous.

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

ATTEST: _____
Robert H. Yochum
Cass County Administrator