

**TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
September 1, 2009**

- 1A. Chairman Kangas convened the regular meeting of the Cass County Board of Commissioners at 9:00 a.m. on Tuesday, September 1, 2009, with the flag pledge, in the Board Room of the Courthouse, Walker, MN. Commissioners present: Demgen, Downham, Dowson, 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
Ane Rogers	HHVS Director	Dave Enblom	Highway Engineer
Josh Stevenson	Land Commissioner	John Sumption	ESD Director
Randy Fisher	Sheriff	Frank Schaap	HHVS
Laura Hadrava	Highway Department	Sharon Anderson	Auditor-Treasurer
Steve Kuha	Assessor	Melanie Wolfe	HHVS
Scott Wilson	Cass County HRA	Gary Gould	Budget Committee
Rick Baird	Budget Committee	Dan Meier	Budget Committee
Ken Eggers	Budget Committee	Jim Lohr	Budget Committee
Karen Flier	Auditor-Treasurer's Ofc.	Kevin Lee	North Ambulance
Gail DeBoer	Pilot Independent	Allan Olson	Cass Lake Times

- 1B. M/S/P Demgen, Downham - Approve the agenda items for discussion and the addition of Item 7.C (Cass County HRA request for environmental compliance certification of HUD funded projects). Unanimous.

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

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

Approve - Board Minutes of August 18, 2009.

Approve - HHVS Auditor warrants dated August 14, 2009 in the amount of \$1,607.00.

Approve - Auditor warrants dated August 20, 2009 in the amount of \$629,902.25.

Approve - HHVS Commissioner Warrants dated August 21, 2009 in the amount of \$259,115.67.

Approve - HHVS Auditor warrants dated August 21, 2009 in the amount of \$138,775.39.

Approve - Auditor warrants dated August 27, 2009 in the amount of \$205,564.69.

Approve - Auditor warrants dated August 27, 2009 in the amount of \$361.00.

Approve - Off-Sale Intoxicating Liquor - Set Public Hearing date for October 6th, 2009 - The Narrows on Roosevelt, 448 State 6 NE Outing MN 56662, Jacqueline Kratz, Crooked Lake - Legal Description: That part of Gov. Lot 1, Sec. 27-139-26, lying north of the north boundary line of the road and public highway as same is now located across said Lot 1. Together with an easement over the South 33 feet of Lots 1 and 2, Block 1, Plat of Luscher's Bay for the operation, maintenance, repair and replacement of the individual sewage septic system line and drain field.

Gambling - Northern Cass County Ducks Unlimited, September 24, 2009 Raffles, Mike Bergmann, Moondance Event Center, Turtle Lake Twp.

Approve - Pay request #3932765 for AGC Re-Use Project, Kimley-Horn, in the amount of \$19,020.00 (capital fund).

Receive & file - City of Hackensack - Annual Disclosure of Tax Increment for year ending December 31, 2008.

Approve - Pay request #3 for AGC Re-Use Project to Maguire Iron Inc. in the amount of \$39,449.10 (capital fund).

Receive & file - Correspondence on PRASD - MN Public Facilities Authority Loan Repayment in the amount of \$41,668.38.

Approve - Resolution No. 51-09 on alternate sale on Oct. 5, 2009 to adjacent landowners in Twp. 133N (May Twp.), Section 14, Rge 31W.

Commissioner Dowson offered Resolution No. 51-09 and moved its adoption; Commissioner Peterson seconded:

WHEREAS, the following parcels of land described as:

Tract "A", containing 0.601 acres, more or less

That part of the Southwest Quarter of the Southeast Quarter of Section 14, Township 133 North, Range 31 West, Cass County described as follows:

Commencing at the southwest corner of said Southwest Quarter of the Southeast Quarter; thence North 0 degrees 0 minutes 12 seconds West, bearing assigned, on the west line thereof 400.00 feet to the point of beginning of the land to be described; thence continue North 0 degrees 0 minutes 12 seconds West on said west line 370 feet, more or less, to intersect a line 50.00 feet southwesterly of and at a right angle to the centerline of County State Aid Highway Number 31, as defined in Project Number S.A.P. 11-631-01 as approved September 01, 2004, being the southeasterly right-of-way line of said highway; thence southeasterly on said right-of-way line 384 feet, more or less, to intersect a line parallel to the south line of said Southwest Quarter of the Southeast Quarter which bears easterly from the point of beginning; thence North 88 degrees 56 minutes 21 seconds West on said parallel line 180 feet, more or less, to the point of beginning and there terminate.

Appraised Value - \$830.00

Tract "B", containing 0.221 acres, more or less

That part of the Southwest Quarter of the Southeast Quarter of Section 14, Township 133 North, Range 31 West, Cass County described as follows:

Commencing at the southwest corner of said Southwest Quarter of the Southeast Quarter; thence South 88 degrees 56 minutes 21 seconds East, bearing assigned, on the south line of thereof 400.00 feet; thence North 0 degrees 00 minutes 12 seconds West parallel to the west line of said Southwest Quarter of the Southeast Quarter 175.00 feet to the point of beginning of the land to be described; thence return South 0 degrees 00 minutes 12 seconds East 141.99 feet to intersect a line 33.00 feet northerly of and parallel to the south line of said Southwest Quarter of the Southeast Quarter; thence South 88 degrees 56 minutes 21 seconds East on said parallel line 2.68 feet to intersect a line 33.00 feet northwesterly of and parallel to the centerline of the Township Access Road as defined in Project Number S.A.P. 11-631-01 as approved September 01, 2004; thence northeasterly on said parallel line 135.61 feet, more or less, to intersect a line 50.00 feet southwesterly of and at a right angle to the centerline of County State Aid Highway Number 31 as defined in above said project, being the southeasterly right-of-way line of said highway; thence northwesterly on said right-of-way line 135.09 feet, more or less, to intersect a line bearing North 0 degrees 00 minutes 12 seconds West from the point of beginning; thence South 0 degrees 00 minutes 12 seconds East parallel to the west line of said Southwest Quarter of the Southeast Quarter 7.11 feet, more or less, to the point of beginning and there terminate.

Appraised Value - \$430.00

Tract "C", containing 0.198 acres, more or less

That part of the Southwest Quarter of the Southeast Quarter of Section 14, Township 133 North, Range 31 West, Cass County described as follows:

Commencing at the southwest corner of said Southwest Quarter of the Southeast Quarter; thence South 88 degrees 56 minutes 21 seconds East, bearing assigned, on the south line thereof 751.44 feet to intersect a line 50.00 feet southwesterly of and parallel to the centerline of County State Aid Highway Number 31 as defined in Project Number S.A.P. 11-631-01 as approved September 01, 2004, being the southwesterly right-of-way line of said highway; thence northwesterly on said right-of-way line 199.57 feet, more or less, to intersect a line 33.00 feet southeasterly of and parallel to the centerline of the Township Access Road as defined in above said project; thence southwesterly on said parallel line 103.77 feet, more or less, to intersect the south line of said Southwest Quarter of the Southeast Quarter; thence South 88 degrees 56 minutes 21 seconds East on said south line 253.58 feet to the point of beginning and there terminate.

Appraised Value - \$410.00

And the same are Cass County Fee Owned lands, and

WHEREAS, the Cass County Auditor-Treasurer has determined that the highest and best use of said parcels will be achieved by combining them with adjoining parcels, and

NOW, THEREFORE, BE IT RESOLVED: that said parcels be offered for sale by sealed bids to adjoining property owners at no less than their appraised value. The sale will be for cash and held by the Cass County Auditor-Treasurer at 9:00 a.m., Monday, October 5, 2009 at the Auditor's Office at the Courthouse, Walker, MN.

Resolution No. 51-09 was adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

Approve - US Forest Service to re-obligate \$6,013.95 of the FY 09 Cooperative Law Enforcement Agreement.

Accept - Donation from Marjorie M. Frank in the amount of \$10.00 - Sheriff's Boat & Water Program for safety equipment.

Approve - Assessor's Office Abatements - Sandra Rogers - Pike Bay - Homestead 2008/2009; Dean Engen - Remer Twp - Homestead 2008/2009; Lew Sharbonda - Remer City - Homestead 2008/2009; Sandra Rogers - Pike Bay - Homestead 2007/2008; Dean Engen- Remer Twp- Homestead 2007/2008; Lew Sharbonda - Remer City - Homestead 2007/2008; Charlotte Tongen -Turtle Lake - Cancel PP 2003/2004 Tribal Lease through 2008/2009.

Receive & file - Timber auction results of August 27, 2009 totaling 5,541.00cords plus 19.80 mbf saw timber totaling \$93,604.00.

Receive and file - Monthly HHVS Cash Accounts Report to date, July 31, 2009 in the amount of \$8,005.866.

Approve - Submission of a grant to MN Dept. Human Services-Child Safety and Permanency Division, to purchase recording equipment for use in child abuse cases and to receive training related to this equipment.

M/S/P Downham, Demgen - To approve the Cass County HHVS Home and Community-Based Services Contracts effective July 1, 2009 through December 31, 2010 with Faith in Action; Senior Class Home Care; Deer River Health Care; Adult Day Service, Inc/Walker Adult Day Care Services. Unanimous.

Approve - 2010-2011 Cass County Child Care Assistance Program.

Receive & file - Sales & Use Tax Audit and authorize payment in the amount of \$15,405.71 (general fund).

Approve - Pay request #10597S for AGC Re-Use Project to Industrial Hygiene Services Corp. in the amount of \$11,681.96 (capital fund).

Receive & file - Region Five Development Commission nomination for Counties of Cass, Crow Wing and Morrison for AMC County Conservation Award.

Appoint - James Ochs Integrity Benefits LLC as agent of record.

- 2B. Sheriff Randy Fisher discussed the Aitkin, Cass, and Crow Wing County joint participation plan development committee process for selecting GeoComm as the vendor to develop the three counties plan for migration to ARMER radio system. The plan is scheduled for completion prior to December 16, 2009. Sheriff Fisher also noted that the GeoComm proposal represented a \$6,000.00 cost savings as a result of the collaboration between the three counties of Aitkin, Cass and Crow Wing.

M/S/P Demgen, Downham - To receive and file Sheriff's report and authorize payment of a Cass County pro-rata share of the GeoComm group price of \$56,520.00. Unanimous.

<u>Vendor</u>	<u>Cass</u>	<u>Group</u>
GEOCOMM	\$22,219.00	\$56,520.00
SEH	\$27,180.00	N/A
Elert & Assoc.	\$27,600.00	10% discount if three counties involved
RCC Consultants	\$53,790.00	\$148,290.00

- 2C. Administrator Yochum presented the Kitchigami Regional Library (KRL) Joint Powers Agreement with amendments recommended by the KRL Board including: Cities and Counties would have the option, but are not required, to appoint a citizen representative instead of an elected official; Clarification of the levy authority of the Cities and Counties; Adds a mediation step in a dispute between the partners; A procedure for another City or County to join the regional system.

M/S/P Kangas, Peterson – To approve the Kitchigami Regional Library Joint Powers Agreement with amendments to be effective January 1, 2010. Unanimous.

- 2D. Administrator Yochum discussed the South Country Health Alliance fourth, and final, initial membership payment in the amount of \$322,295.07 plus interest due in January 2010. Chief Financial Officer Larry Wolfe recommended that the payment be made in the current calendar fiscal year. HHVS Director Ane Rogers reported that 2,700 residents in Cass County participate in the South Country Health Alliance. Mr. Yochum commented on recent SCHHA financial performance and a possible role of county based health care purchasing in pending Federal health care reform.

M/S/P Dowson, Downham – To approve the South Country Health Alliance fourth, and final initial membership payment in the amount of \$322,295.07 plus interest prior to January 1, 2010. Unanimous.

- 3A. Chief Financial Officer Larry Wolfe requested additional budget authorization for the Ah-Gwah-Ching Re-Use Project for demolition and abatement of unknown building #12 in the amount of \$60,000.00 and an additional \$4,348.00 for the placement of a rock barrier adjacent to 73rd Street.

M/S/P Demgen, Downham – To approve the additional budget authorization (utilizing state funds) for the Ah-Gwah-Ching Re-Use Project for demolition and abatement of unknown building #12 in the amount of \$60,000.00. Ayes: Demgen, Downham, Dowson, Kangas. Nays: Peterson.

M/S/P Peterson, Dowson – To approve the additional budget authorization (utilizing state funds) for the Ah-Gwah-Ching Re-Use Project for placement of a rock barrier adjacent to 73rd Street in the amount of \$4,348.00. Unanimous.

- 3B. Mr. Wolfe presented the FY2009 Payment to States election form for Federal funding provided under the Secure Rural Schools and Self-Determination Act.

M/S/P Demgen, Peterson – To approve the FY2009 Title I State payment at 85% and a 15% allocation for Title II projects (with a preference for forest access roads and trails). Unanimous.

- 4A. HHVS Director Ane Rogers and HHVS Supervisor Frank Schaap requested the Board to fill a vacant, budgeted, Adult Unit Social Worker position. Director Rogers reported that after orientation the position will not be dependent upon County dollars.

M/S/P Downham, Dowson – To approve filling the vacant, budgeted, HHVS position of Social Worker, Adult Unit. Unanimous.

- 4B. Ms. Rogers presented the Child Placement Costs for July, 2009, in the amount of \$189,770.

M/S/P Demgen, Peterson – To receive & file the Child Placement Costs for July, 2009, in the amount of \$189,770. Unanimous.

- 5A. County Highway Engineer Dave Enblom and Construction/Design Engineer Laura Hadrava presented the bids that were opened on Monday, August 31, 2009 for County Project 2009-1, C.R. #155 gravel base work (bituminous scheduled for 2010).

M/S/P Peterson, Demgen – To award the bid to the following apparent low bidder (received on August 31, 2009) for CP 2009-1(C.R.155) to Minnerath Construction Company, Inc. of Cold Spring, MN, in the bid amount of \$453,770.92 (funded by County Road Construction). Unanimous.

<u>Bidder</u>	<u>Total Bid Amount</u>	<u>Percent Over/Under Estimate</u>
CP 2009-1(C.R. 155)		
Minnerath Construction Company, Inc.	\$453,770.92	25.26% Under Estimate
Gladen Construction	\$489,411.27	19.39% Under Estimate
J.R. Ferche, Inc.	\$498,157.19	17.95% Under Estimate
Kern & Tabery Inc.	\$506,645.31	16.55% Under Estimate
Casper Construction, Inc.	\$511,000.00	15.83% Under Estimate
Chad Monson Excavating, LLC	\$522,570.10	13.93% Under Estimate
Central Specialties, Inc.	\$560,656.64	7.65% Under Estimate
Cowan Grading & Excavating, Inc.	\$564,215.25	7.07% Under Estimate
KGM Contractors, Inc.	\$645,813.52	6.37% Over Estimate
Landwehr Construction	\$669,956.50	10.35% Over Estimate
Sellin Bros., Inc.	\$679,738.11	11.96% Over Estimate

- 6A. Land Commissioner Josh Stevenson presented the FY2010 MN DNR Snowmobile Trail Maintenance Grant in the amount of \$190,512.00 (FY2009 was \$172,161.00). Mr. Stevenson commented that the planned County reduction of \$16,000 for FY09/10 funding to snowmobile clubs appears to be covered by the grant increase.

Commissioner Demgen offered Resolution No. 52-09 and moved its adoption, Commissioner Downham seconded:

BE IT RESOLVED, the Board of Commissioners of Cass County, Minnesota, hereby approves application for FY 2010 Minnesota Trail Assistance Program – Maintenance Grant Agreement for Cass County Snowmobile Trails from August 25, 2009 through June 30, 2010 in the amount of \$190,512.

BE IT FURTHER RESOLVED, the Chairman and County Auditor are hereby authorized to sign agreements whereby Cass County will act as sponsoring agent.

Resolution No. 52-09 was adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

- 7A. ESD Director John Sumption reported on the Planning Commission approval of amendments (primarily related to resource protection zoning for sensitive lakeshore) to Land Use Ordinance No. 2005-01. Mr. Sumption requested establishing a second (final adoption) public hearing on Tuesday, October 20, 2009. Mr. Sumption informed the Board that DNR has completed sensitive lakeshore research on lakes located within seventeen Cass County Townships.

M/S/P Dowson, Demgen – To accept the recommendations of the Planning Commission as presented and further, to schedule a 2nd public hearing of Ordinance #2009-05 Amending Ordinance No. 2005-01 Cass County Land Use Ordinance on Tuesday, October 20, 2009 at 10:00 a.m., during the regular Cass County Board of Commissioners Meeting, Board Room, Courthouse Annex, Walker, MN, and direct the staff to notify the seventeen Cass County Townships that have study areas. Unanimous.

- 7B. Mr. Sumption reported that the addition of electronics to the 2009 summer mobile household hazardous waste program at seven locations resulted in 276 participants and 12.53 tons at seven locations in Cass County.

M/S/P Dowson, Downham – To receive and file the 2009 Cass County summer mobile HHW/Electronics collections totaling 12.53 tons at seven locations in Cass County. Unanimous.

- 7C. Cass County HRA Director Scott Wilson reported to the Board that Housing Authority's in Cass County have received American Recovery stimulus funds from the US Department of Housing and Urban Development. Mr. Wilson requested authorization for ESD to provide environmental compliance certification of HUD funded projects.

M/S/P Demgen, Dowson – To deny the request from the Cass County HRA for the ESD Department to provide environmental review as required by the US Department of Housing and Urban Development American recovery stimulus funds. Unanimous.

8. M/S/P Peterson, Downham – To recess meeting at 11:30 A.M. Unanimous.

Chairman Kangas reconvened the meeting at 1:00 P.M. with Cass County Citizen Budget Committee.

- 9A. Administrator Yochum summarized the 2010 Citizen Budget Committee work to date. The Board reviewed reports on unallotment contingency plans, referrals to the Citizen Budget Committee to date, and tax capacity trends.

- 9B. Larry Wolfe, Chief Financial Officer summarized the 2010 departmental budget requests of \$50,875,985 and projected an operating budget contingency in the amount of \$28,238 assuming the 2010 property tax levy remained at the 2009 amount of \$19,585,613.

- 9C. Mr. Wolfe presented the 2010 levy limitation calculations indicating an estimated maximum levy \$20,976,776 (+4.96% over 2009 levy). The Board discussed the new Truth in Taxation law changes.

- 9D. Auditor Treasurer- Sharon Anderson presented the draft Capital Improvement Plan that balances Cass County government's long-range priority capital needs for facilities and infrastructure with the financial ability to fund them.

- 10A. The Board and the Budget Committee discussed two recent grant applications: the Statewide Health Improvement Program Grant (SHIP) requested by HHVS and the Domestic Violence Partnership Grant requested by the County Attorney.

- 10B. ESD Director John Sumption discussed the Environmental Services financial review for the 2010 budget including the 2010 proposed fee increases and fee additions.

Auditor-Treasurer Sharon Anderson presented the 2010 fee schedule for election charges to Cities, Townships, School Districts and Special Districts in Cass County that had been previously approved at the Tuesday, March 3, 2009 regular Commissioners Board Meeting.

- 10C. Administrator Yochum updated the Board and Budget Committee on the proposed hour reductions approved at the Tuesday, July 7, 2009 regular Commissioners Board Meeting.

11A. Mr. Yochum presented resolutions proposing the preliminary 2010 property tax levy and a December 15, 2009 public hearing on the same.

Commissioner Demgen offered Resolution No. 53-09 and moved its adoption, Commissioner Peterson seconded:

WHEREAS, M.S. 275.065 requires the County Board to adopt a proposed property tax levy prior to September 15, 2009, and

WHEREAS Cass County must include in its tax levy the amount necessary to operate the Longville Ambulance Subordinate Service District (LASSD) established under M.S. 375B,

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners do hereby approve the following preliminary property tax levies for 2010 in the stated amounts:

	<u>Preliminary 2010</u>	<u>Final 2009</u>	<u>Difference</u>
Gross County Levy	\$19,944,629	\$20,449,570	(504,941)
LASSD Levy	461,000	400,000	61,000
Less County Program Aid	<u>(359,016)</u>	<u>(863,957)</u>	<u>504,941</u>
Preliminary Net Certified Levy (w/specials)	\$20,046,613	\$19,985,613	61,000
Estimated Preliminary County Rate	27.585%	28.441%	
Estimated Preliminary Rate within LASSD	30.913%	31.412%	

BE IT FURTHER RESOLVED that a public hearing on the adoption of Cass County's tax levy for 2010 will be held December 15, 2009, beginning at 6:00 p.m. at the Commissioners Board Room, Cass County Courthouse, Walker, Minnesota.

Resolution No. 53-09 was adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

Commissioner Downham offered Resolution No. 54-09 and moved its adoption, Commissioner Dowson seconded:

WHEREAS, the Cass County Board of Commissioners acts as township authority for unorganized areas of Cass County, and

WHEREAS, the Cass County Board has considered revenue projections, levy data, and budget needs of the unorganized areas of Cass County for 2010,

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners do hereby approve the following preliminary property tax levies for 2010 for Cass County unorganized townships:

	<u>Preliminary 2010</u>	<u>Final 2009</u>
UNORGANIZED NET LEVY	\$245,000	\$245,000

BE IT FURTHER RESOLVED that a public hearing on the adoption of Cass County's tax levy for 2010 will be held December 15, 2009, beginning at 6:00 p.m. at the Commissioners Board Room, Cass County Courthouse, Walker, Minnesota.

Resolution No. 54-09 was adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

12. Administrator Yochum presented the upcoming meeting schedule a. County Board Meeting, Tuesday, September 15, 2009 Wilkinson Township Hall, 6789 140th St. NW, Cass Lake, MN. b. County Board Meeting, Tuesday, September 22, 2009 Unorganized Township Bena Activity Center, 38 County 8, Bena, MN.

13. Chairman Kangas adjourned the meeting at 2:20 p.m.

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

ATTEST: _____
Robert H. Yochum
Cass County Administrator