

TRANSCRIPT AND REPORT OF PROCEEDINGS
 CASS COUNTY BOARD OF COMMISSIONERS
 COUNTY OF CASS
 February 2, 2010

- 1A. Chairman Demgen convened the regular meeting of the Cass County Board of Commissioners at 9:00 a.m. on Tuesday, February 2, 2010, 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
Sharon Anderson	Auditor-Treasurer	Shari Splichal	Auditor-Treasurer's Ofc.
John Ringle	ESD Director	Ane Rogers	HHVS Director
Candy Enblom	HHVS	Linda Nye	HHVS
Melanie Wolfe	HHVS	Dave Enblom	Highway Engineer
Reno Wells	Cass Co. Assoc. of Twp.	Josh Stevenson	Land Commissioner
Steven Kuha	Assessor	Randy Fisher	Sheriff
Bert Woodford	Jail Administrator	Christopher Strandlie	County Attorney
Erick Hoglund	Sheriff's Office	Mark Peterson	Assessor's Office
Darril Wegscheid	Roosevelt and Lawrence Lake Assn.	Mary Kowalski	Roosevelt and Lawrence Lake Assn.
Gail DeBoer	Pilot-Independent	Allan Olson	Cass Lake Times

- 1B. M/S/P Kangas, Downham - To approve the agenda items for discussion as presented and the addition of Item 2C. (Approve attendance at the Association of MN Counties (AMC) Conference on March 24-25, 2010, St. Paul, MN). Unanimous.

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

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

Approve - Board Minutes of January 20, 2010.

Approve - Auditor warrants dated January 14, 2010 in the amount of \$150,329.63.

Approve - Auditor warrants dated January 21, 2010 in the amount of \$513,678.21.

Approve - HHVS Auditor warrants dated January 21, 2010 in the amount of \$130.62.

Approve - HHVS Auditor warrants dated January 22, 2010 in the amount of \$227,578.69.

Approve - HHVS Commissioner warrants dated January 22, 2010 in the amount of \$210,959.44.

Approve - Auditor warrants dated January 28, 2010 in the amount of \$354,433.73.

Approve - Auditor warrants dated January 28, 2010 in the amount of \$931.00.

Approve licenses – On & Off Sale 3.2 Beer - Ivanhoe Resort, Mary Devries, Shingobee; Cass Lake Lodge, 2 Balls, Inc., Pike Bay; Cherney's Resort, Ignace Cherney; Unorganized. Tobacco - Corner Store Express, Inc., Corner Store Express, Inc., Sylvan.

Authorize - Financial contribution for FY2010 to the Mississippi Headwaters Board in the amount of \$1,500.00 per recommendation from Citizen Budget Committee of November 2, 2009 and report back on MHB's one private office and storage space located at the Cass County Land Department Building located at 218 Washburn Avenue East, Backus, MN.

Authorize - Financial contribution for FY2010 to the Cass County Ag Society - Pillager in the amount of \$2,250.00 per recommendation from Citizen Budget Committee of November 2, 2009.

Approve - City of Federal Dam fire contract for Unorganized Townships in the amount of \$4,100./yr. from Jan. 1,- Dec. 31, 2010.

Receive & file - Cass County Recorder's Office Summary of Annual Fees Collected from 2001 through 2009.

Receive & file - ESD 2009 4th quarter Planning and Zoning Activity Report.

Receive & file - Monthly HHVS Cash Accounts Report to date, December 31, 2009 in the amount of \$8,909,709.

Approve - Amendment to the HHVS contract with the MN Department of Human Services to extend the timeframe for the MFIP Family Connections grant from September 30, 2010 to December 31, 2010, allowing additional time to utilize the available grant funding.

Approve - Continued 2010 HHVS Agreement with the Community Health Information Collaborative for administration and coordination of the Minnesota Information Connection Immunization Registry (MIIC), for January 1, 2010-December 31, 2010.

Approve - HHVS agreement with Tanya Hoting-Mrazek - interpreter services - deaf/hard of hearing, at \$42/hour for Jan. 1, 2010-Dec. 31, 2010.

Approve - 2010 Home and Community Services non-financial contract for with Centre Pointe Curve, for Jan. 1, 2010 - Dec. 31, 2010.

Approve - Draft of 2010 tax statement enclosure, and price quote of \$912.21 from Hummingbird Press, Walker.

Receive & file - Timber auction results of January 28, 2010 totaling 10,067 cords in the amount of \$205,053.72.

- 2B. County Administrator Yochum reported on an AdHoc Committee (Demgen, Dowson) Meeting held Monday, January 25, 2010 with Eelpout Festival promoter Jim Gerchy (by phone) and interested parties. A consensus was reached that the major concern is sanitation on the lake near the "Walker Bay encampment". The festival promoter agreed to provide refuse barrels and portable restrooms on the lake adjacent to this area. Law enforcement agencies (Cass County Sheriff, MN DNR, City of Walker, and Leech Lake Band) also discussed event coverage. Sherriff Fisher noted that an insurance certificate and permit application amendment are pending. The AdHoc Committee offered to study the applicability of the Mass Gathering Ordinance to lake events.

M/S/P Kangas, Dowson - To accept the recommendations of the AdHoc Committee regarding the Eelpout Festival and further, to refer the applicability of the Mass Gathering Ordinance to lake events to the AdHoc Committee for a report back. Unanimous.

- 3A. HHVS Director Ane Rogers presented the Child Placement Costs for December 2009, in the amount of \$205,876.00 and reported related 2009 County property tax actual expenditures of \$1,669,154.00

M/S/P Downham, Peterson – To receive & file the Child Placement Costs for December 2009, in the amount of \$205,876. Unanimous.

- 3B. Linda Nye, HHVS Child Support Supervisor reported on the Minnesota Department of Human Services study Child Support Service Delivery Model Project. Ms. Nye added that the study was conducted due to rising caseloads, increased customer service demands, increased competition among states for federal funding, the decline in cost effectiveness of Minnesota's child support program, and the need to replace the statewide child support computer system. The study reviewed 3 potential structural options for Minnesota – State operated regional offices, County operated regional offices with enhanced governance by the State and County operated with enhanced governance by the State. The study is recommending the first option which removes the child support program from county administration and makes it a State run program. HHVS Financial Supervisor Melanie Wolfe reported a current County property tax effort of \$106,000.00 and allocated costs of \$164,000.00 – future County financial responsibility under a State system is unknown at this time.

M/S/P Kangas, Peterson – To receive and file the Child Support Service Delivery Model report. Unanimous.

- 3C. Ms. Rogers presented a report on the General Assistance Medical Care Program (GAMC). The program was unallotted by Governor Pawlenty beginning March 1, 2010. The affected client's in Cass County would be 150 clients on GAMC and 183 on Transitional MNCare. Financial exposure to Cass County is anywhere between \$10,000.00 and \$200,000.00. Ms. Rogers added that potential changes in Federal funding may keep the GAMC program intact. "Early expansion States" like Minnesota may receive a federal match on coverage of childless adults to 133% of poverty beginning April 1, 2010. In the meantime, State legislation is pending.

M/S/P Kangas, Peterson – To receive and file the General Assistance Medical Care Program (GAMC) update. Unanimous.

- 4A. Chief Financial Officer Larry Wolfe presented the Conservation Fund 73 Budget Report. Mr. Wolfe explained that in the year of 2000 the MN legislature directed Cass County and other counties to sell former State lakeshore lease lots and to legally reserve the principal amount of the proceeds in perpetuity (approximately \$4.0million). The interest earnings are available to Cass County for "improvement of natural resources". Mr. Wolfe summarized activity to date: interest revenue of \$1,381,885.64, expenses of \$740,788.09, committed costs of \$444,643.90, and an uncommitted balance of \$196,453.65.

M/S/P Dowson, Downham – To receive and file the Conservation Fund 73 project budget summary as presented. Unanimous.

- 5A. ESD Director John Ringle introduced Darril Wegscheid and Mary Kowalski from the Roosevelt, and Lawrence Area Lakes Association. The Area Lake Association requested Conservation Fund 73 matching funds for voluntary ISTS compliance inspections on the Lakes of Leavitt, Lawrence, Smokey Hollow and Roosevelt (North and South) in the amount of \$30,000.00 (\$15,000.00 per year for 5 basins over the next two years). Mr. Ringle also informed the Board that the Roosevelt Lake and Lawrence Lakes Association have been awarded an additional \$44,000.00 from the BWSR Clean Water Legacy Grant Program.

M/S/P Peterson, Dowson – To approve allocating \$30,000.00 from Conservation Trust Fund #73 to the Roosevelt, and Lawrence Area Lakes Association for voluntary ISTS compliance inspections, and to authorize year one funding of \$15,000.00, and further that year two funding (\$15,000.00) will be considered for release after an interim report to the Board of year one activity. Unanimous.

- 5B. Mr. Ringle presented the 2009 annual Planning and Zoning Activity Report. Mr. Ringle informed the Board that activity was down 10.06% in 2009 compared to 2008 with 1135 permit actions in 2009 versus 1262 permit actions in 2008. Revenue was down on these permit actions by 10.58% from \$327,280.62 in 2008 to \$292,656.15 in 2009. Total revenue was also down 17.32% from \$358,695 in 2008 to \$296,576 in 2009. Mr. Ringle added that this was primarily due to the fact ESD had 13 minor subdivisions and plats totaling \$31,415 in 2008 versus 5 actions totaling \$3,920 in 2009.

M/S/P Downham, Kangas – To accept the 2009 Environmental Services Planning and Zoning Activity Report as presented. Unanimous.

- 5C. Mr. Ringle discussed the building permit fee structure change by proposing to change the fee schedule for commercial buildings (new structures or additions). It was proposed to charge on a square foot basis at \$0.20 per square foot for licensed resort structures and \$0.30 for all other commercial structures, with a \$150 minimum and \$1,500 maximum. Mr. Ringle added that this action is based on a Commercial Building Permit Fee Study done in 2009, and would lower the permit fees for most resort buildings and re-models. It would not significantly change the permit cost on other commercial buildings until they got over 1500 square ft. Larger structures would pay more until they reached the 5000 square foot maximum charge.

M/S/P Downham, Peterson – To approve the proposed ESD commercial fee decrease to licensed resorts – from \$300-\$545 per structure to \$0.20 per sq. ft per structure (minimum \$150, maximum \$1,500) effective February 2, 2010. Unanimous.

M/S/P Dowson, Peterson – To table the proposed ESD commercial fee increase for other commercial structures, and refer the same to the Environmental Services Department and Commissioner Peterson for a report back to the full Board. Unanimous.

- 6A. Highway Engineer Dave Enblom presented correspondence requesting a petition to MNDOT to perform a speed zone study on CR#142 (Steamboat Loop NW) in Section 16 of Leech Lake Township. Mr. Enblom added that the road has not had a formal speed limit established since its construction in 1995, and that MNDNR's development of a new bike trail with two road crossings should be considered as well.

Commissioner Downham offered Resolution No. 08-10 and moved its adoption, Commissioner Dowson seconded:

BE IT RESOLVED, the Cass County Board of Commissioners does hereby request that the Minnesota Department of Transportation conduct a traffic investigation to determine the safe and reasonable speed limits for the following highways in Cass County:

- C.R. #142

Resolution No. 08-10 was adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, Peterson. Nays:

- 6B. Mr. Enblom discussed the changes in Federal road sign reflectivity standards. Work plan deadlines include: complete an inventory and replacement plan by 2012, complete replacement of all warning and regulatory signs by 2015, and complete all other signs by 2017. Mr. Enblom informed the Board of the upcoming project planning meeting with the Cass County Townships and Cities on Wednesday, February 17, 2010, beginning at 1:00 p.m. at the Backus Land Department, Backus, MN. No action necessary.
- 6C. Mr. Enblom discussed recent correspondence from the Hackensack Chamber of Commerce supporting the Longville Chamber request to establish of a bike route along County Road #5. Mr. Enblom estimated related signage costs not to exceed \$4,000.00.

M/S/P Peterson, Kangas – To refer the request to the City of Hackensack and the City of Longville for consideration of Conservation Fund #73 as a source of funds for the establishment of a bike route along County Road #5. Unanimous.

- 7A. Land Commissioner Josh Stevenson reported on several requests from local snowmobile clubs to apply for Capital Improvement Projects in 2010-2011. The Land Department spends about \$30,000.00 a year on forest road and trail maintenance. Mr. Stevenson presented Resolution No. 09-10 to authorize participation in the MN DNR capital improvement grant-in-aid snowmobile trail program. Total project cost is estimated at \$70,000.00 with the Cass County contribution equal to 35% or \$24,500.00 of the actual cost. Commissioner Downham requested a separate report on the Boy River Bridge crossing on CSAH #8.

Commissioner Dowson offered Resolution No. 09-10 and moved its adoption, Commissioner Peterson seconded:

WHEREAS, the MN DNR has established the Minnesota Snowmobile Trails Assistance Program Funding of Capital Improvement Projects and;

WHEREAS, multiple Cass County Grant-In-Aid Snowmobile trails have been identified by local clubs as having needs for improvements that exceed normal maintenance costs.

NOW, THEREFORE, BE IT RESOLVED, that the Cass County Board of Commissioners hereby authorizes the Cass County Land Department to participate in a grant agreement with the Department of Natural Resources for repairs to Cass County Grant-In-Aid using the Minnesota Snowmobile Trails Assistance Program Funding of Capital Improvement Projects. The total project cost is estimated at \$70,000.00 with the Cass County contribution equal to 35% of the actual cost.

Resolution No. 09-10 was adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

- 7B. Mr. Stevenson discussed an easement request from the Hodder Family in Section 3 of Crooked Lake Township. Per policy the request was referred to Crooked Lake Township. Mr. Stevenson reported that Crooked Lake Township reviewed the matter and recommends that Cass County not issue an easement to this property on the grounds that it already has access. If the Board follows the recommendation of the Township and our current policy, there is no need for an opinion from the Natural Resource Advisory Committee.

M/S/P Peterson, Downham - To deny the Hodder Family easement request in Section 3 of Crooked Lake Township as recommended by Crooked Lake Township. Unanimous.

- 7C. Mr. Stevenson reported back on the Ad-Hoc Committee (Kangas, Peterson) Meeting of Wednesday, January 20, 2010 regarding Timber Trespass Policy. The Committee discussed current timber trespass practices and the Land Department request for a written Board policy. Land Commissioner Stevenson reported that recent intentional timber trespasses were considered settled by the Land Department upon payment of triple stumpage. Mr. Stevenson indicated that unintentional timber trespass has been negotiated by the Land Department with advice from the County Attorney.

M/S/P Kangas, Peterson – To accept the recommendations from the AdHoc Committee regarding Timber Trespass Policy and further to make it a part of the Cass County Land Department Policy and Procedures Manual to include: 1. The Land Department Resource Managers will submit written reports of any suspected timber trespass. 2. The Land Commissioner will promptly consult the County Attorney to determine: a). if a timber trespass has occurred, b). if the trespass is intentional or unintentional, c). an estimate of damages, e). an assessment of damages to the parties, f). any subsequent actions to mitigate all parties' losses. 3. The County Board authorizes the Land Commissioner, under direction of the County Attorney, to resolve all matters that involve unintentional timber trespass. 4. The County Board role is to establish policy and does not wish to undermine future natural resource management or the credibility of individual operators, therefore, will not hear individual permit holder appeals, which are best determined by the District Court. 5. The Land Department will be consistent in resolution practices that respect industry methods of operation and the forest management plan. 6. The Land Department will advise the County Board and related Departments of all trespass matters on a case by case basis. Unanimous.

- 8A. Sheriff Randy Fisher presented the Allied Radio Matrix for Emergency Response (ARMER) Participation Plan for Cass County dated January 25, 2010 prepared by GeoComm. Sheriff Fisher explained that the plan documents Cass County's decision to be "full participants" in the ARMER system once fully implemented. Sheriff Fisher added that the Cass County Radio Users Group representing approximately 36 public

safety agencies (i.e. fire, police, ambulance, first response) have been active participants in the plan and that upon County Board approval the plan will be forwarded to Regional and State Radio Boards for approval.

M/S/P Dowson, Downham – To approve the Allied Radio Matrix for Emergency Response (ARMER) Participation Plan for Cass County dated January 25, 2010 as presented and to request Regional and State Radio Board approval of the same. Unanimous.

8B. Jail Administrator Bert Woodford discussed the repair/replacement of the freezer in Jail kitchen. Mr. Woodford informed the Board that the food service company Aviands has offered use of a freezer at no charge. No action necessary.

9A. County Assessor Steve Kuha presented a list of abatements.

M/S/P Dowson, Peterson – To approve 2009/2010, 2009/2009, 2008/2009 abatement applications as recommended by the County Assessor, for taxes payable in Vicki Hackbarth, Birch Lake, Homestead 2009/2010; Todd Malecha, Ponto Lake, Homestead 2009/2010; Brian Roos, Lake Shore, Homestead 2009/2010; John Allen, Fairview, Value Reduction 2009/2010; James & November Black, May, Class Change 2009/2010; Lowell Perkins, Wilson, Class Change 2009/2010; Jason Dale Swenson, Becker, Cancel PPMH 2009/2009, Blair Miller, Shingobee, Cancel PPTT 2009/2009; Jon & Dawn Berg, Leech Lake, Damage Abatement 2008/2009; Judith Hagen, Leech Lake, Damage Abatement 2008/2009. Unanimous.

9B. Mr. Kuha presented the 2010 Local Board of Review schedule beginning April 1 through May 5, 2010, and the Cass County Board of Equalization scheduled for Monday, June 14, 2010, beginning at 2:00 p.m. in the Commissioners Board Room, Crtse, Walker, MN.

M/S/P Kangas, Peterson – To establish the 2010 Cass County Board of Equalization Meeting date for Monday, June 14, 2010, beginning at 2:00 P.M. in the Commissioners Board Room, Courthouse, Walker, MN. Unanimous.

9C. Mr. Kuha presented the 2009 4th Quarter Foreclosure Report (36 in 2009 versus 30 in 2008 versus 24 in 2007) including cancellation of contract for deeds but not time share foreclosures. Mr. Kuha also presented the analysis of the total foreclosures for 2009 totaling 127 (including 20 CD); 2008 totaling 140 (including 20 CD) and 2007 totaling 113 (including 16CD).

M/S/P Kangas, Peterson – To receive and file the 2009 Foreclosure Study Report 4th Quarter and 2009 annual comparison. Unanimous.

9D. Mr. Kuha presented the Sales Activity Report for the year 2009 reporting indicating 564 arms length transactions compared to the last six years with a high of 1581.

M/S/P Downham, Kangas – To receive and file the Sales Activity Report for the year of 2009 as presented. Unanimous.

9E. County Assessor Steven Kuha presented the Board correspondence stating his intent to retire from the position of Cass County Assessor effective Friday, April 30, 2010.

M/S/P Dowson, Peterson - To receive and file the notice of retirement from County Assessor Steven Kuha effective Friday, April 20, 2010, and further to refer the vacancy of County Assessor to the Personnel Committee of the Board (Commissioners Demgen, Dowson). Unanimous.

10. M/S/P Downham, Kangas - To close the meeting to the public pursuant to M.S. 13D.05, Subd.3. (b). - To discuss the LeMire Family vs. Cass County litigation. Unanimous.

Meeting closed at 10:55 A.M. Present for the closed session were all Board members, Administrator Robert Yochum, County Attorney Christopher Strandlie, Chief Financial Officer Larry Wolfe.

M/S/P Downham, Kangas – To re-open and adjourn the meeting at 11:11 A.M. Unanimous.

SIGNED: _____
Jim Demgen, Chairman
Cass County Board of Commissioners

ATTEST: _____
Robert H. Yochum
Cass County Administrator