

**TRANSCRIPT AND REPORT OF PROCEEDINGS  
CASS COUNTY BOARD OF COMMISSIONERS  
COUNTY OF CASS  
JUNE 1, 2010**

- 1A. Chairman Demgen convened the regular meeting of the Cass County Board of Commissioners at 9:00 a.m. on Tuesday, June 1, 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
Ane Rogers	HHVS Director	Kathy Ramos	VSO
John Ringle	ESD Director	Tim Richardson	Central Services Director
Randy Fisher	Sheriff	Tom Burch	Chief Deputy Sheriff
Bill Conner	Sheriff's Office – K9 Unit	Portos	Sheriff's Office-K9 Unit
Laura Hadrava	Highway Dept.	Kris Lyytinen	Highway Dept.
Jim Schneider	Probation Ofc.	Chris Trout	Cass County 4-H
John Sumption	Sumption Environmental	Sarah Anderson	Walker Wiggler 4-H Club
Hanna Anderson	Walker Wiggler 4-H Club	Teri McAllister	Cass Co. Ag. Assoc.
Terri Foster	Cass Co. Ag. Assoc.	Tom Girtz	Self
Monica Lundquist	Brainerd Dispatch	Gail DeBoer	Pilot Independent

- 1B. M/S/P Downham, Peterson - To approve the agenda items for discussion as presented. 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 May 18, 2010.

Approve - Auditor warrants dated May 20, 2010 in the amount of \$564,928.24.

Approve - HHVS Auditor warrants dated May 21, 2010 in the amount of \$95,625.67.

Approve - HHVS Commissioner warrants dated May 21, 2010 in the amount of \$246,624.44.

Approve - Auditor warrants dated May 27, 2010 in the amount of \$258,972.16.

Approve - Auditor warrants dated May 27, 2010 in the amount of \$757.00.

Approve Personnel Items - A. Budgeted positions scheduled for replacement: None. B. Positions scheduled for no replacement: None. Other:

Receive & file - Notice of probation completion for Melissa Absalon, Financial Worker, IMU, grade 20 step 2, effective May 16, 2010. Approve -

PEHP's point factor evaluation system rating for Assessor's Office positions – Appraisal Supervisor, from 529 points grade 28 to 560 points

grade 30 and Office Manager from 461 points grade 24 to Office Administrator 484 points grade 25. Receive & file - Notice of appointment of

Penny Vikre as Assessor's Office - Appraisal Supervisor, at grade 30, step 7 (+3%), effective May 31, 2010. Receive & file - Placement of Office

Administrator Sandy Pence at grade 25, step 10 (+3%), effective May 31, 2010.

Approve licenses – Off-Sale Intoxicating Liquor - D J's Liquor Outlet, Inc., D J's Liquor Outlet, Inc., Powers. On-Sale Intoxicating Liquor including

Sunday -Ridgewood Golf Course, JAT Enterprises of Longville, Wabedo: Maxson Van Eps Post, American Legion #368, Powers; Quarterdeck

on Gull, Quarterdeck on Gull Lake, Inc., Fairview. Gambling - Ski Gull @ Quarterdeck on Gull, Kari Dayton, Fairview.

Accept - Award of Emergency Management Performance Grant (2010EMPG-00657) in the amount of \$23,010.00 from MN Dept. of Public Safety

– Homeland Security and Emergency Mgmt.

Receive & file - 2009 Overview of the Cass County Probation Department.

Approve - Appointment of Elizabeth Blundell to the Cass County HRA Board (term expiring 12/31/2010) and to approve a Certificate of

Appreciation to Arlie Fundaun for serving on the HRA Board from April 1990 – June 2010.

Receive & file - Monthly HHVS Cash Accounts Report to date, April 30, 2010 in the amount of \$7,456,812.

Approve - HHVS daily fee increase to schools for Early Childhood Screening from \$350 to \$352 per day per nurse for the 2010-2011 school year, per recommendation of the HHVS Advisory Committee.

Approve - Recommendation of HHVS Advisory Committee 2009 HHVS Debt Write Offs totaling \$7,465.57.

Approve - HHVS fee increases for Skilled Nursing visits from \$145 to \$155 and Therapy visits (Physical, Occupational and Speech) from \$160 to \$170 as recommended by the Medicare Cost Study and the HHVS Advisory Committee, effective July 1, 2010.

Approve - HHVS Home and Community Services non-financial contract with Dignity and Grace Assisted Living, April 1, 2010-January 1, 2011.

Approve - Increasing the rate for youth doing HHVS compliance checks from \$8 per compliance check to \$9 per check. This rate has not changed since 2005. Costs totally covered by the tobacco license fee.

Approve - Pay request for AGC Re-Use Project to Bonestroo in the amount of \$16,733.00 (capital fund).

Approve - Pay request # 17 for AGC Re-Use Project to Landwehr Construction Inc. in the amount of \$81,238.33. (capital fund).

Approve - Pay request # 18 for AGC Re-Use Project to Landwehr Construction Inc. in the amount of \$22,295.50. (capital fund).

Approve - Assessor's Office Abatelements - Victoria Ternet, May, Homestead 2009/2010; Stephen Zierden, Ponto Lake, Homestead 2009/2010.

Award - Bid for inventory and old growth data on 3,065 acres of County Administered land.

M/S/P Dowson, Kangas – To award bid for inventory and old growth data on 3,065 acres of County Administered land to Thomas Bergstrom, Akeley MN in the amount not to exceed \$15,263.70. Unanimous.

<u>Bidder</u>	<u>Bid Amount</u>
Thomas Bergstrom, Akeley MN	\$15,263.70
Stan Grossman, Itasca Woodland Services, Inc. Park Rapids MN	\$16,336.45
Terence Tucker, Tucker Forest Services, Duluth MN	\$13,394.05 (Determined to be not qualified)

Approve – State of MN tax assessment in the amount of \$2,393.94 (related to IRS audit adjustments for CY 2008 & CY 2009).

- 2B. Administrator Yochum reported on the Personnel Policy Committee Meeting of May 14, 2010. Items recommended for County Board action included: Election – Leave of Absence, Veterans - Interview Process, and Safety Committee – Administration.

M/S/P Dowson, Downham – To approve the recommendations from the Personnel Policy Committee to amend the Personnel Policies and Rules to read as follows: SECTION 2E 5.1 Safety Director - The County Administrator shall serve as safety director and administer a written workplace accident and injury reduction program that promotes safe and healthful working conditions and is based on clearly stated goals and objectives for meeting those goals. The Personnel Policy Committee shall serve as the County wide Safety Committee pursuant to MN Stat. §182.676. SECTION 2E 10 Veterans Policy - The provisions of MN Stat. §43A11 and §§197.455-197.50 provide for specific Military Veteran's rights for qualified persons when hiring or in the event of dismissal or other disciplinary action. The privileges set forth in those statutes shall be granted, not withstanding other provisions of this policy. Candidates with approved non-disabled veteran's preference shall receive five (5) points, and candidates with approved disabled veteran's preference shall receive ten (10) points that are added to the one hundred (100) point scoring system utilized to determine which applicants are to be interviewed. Veteran's preference credit increases the chance of being called for an interview, but the appointing authority may hire any certified applicant. If a qualified Veteran is to be subject to dismissal, notice of intent to dismiss shall be given to the County Administrator and the County Attorney for review regarding Veterans Preference. SECTION 3B 1 Selection Process - The selection process may consist of one or any combination of the following methods: ability tests, achievement tests, performance tests, ratings of training and experience, interviews, evaluation of daily work performance, physical ability tests, work samples and/or other acceptable selection techniques. Any method chosen shall evaluate only those criteria necessary to perform adequately in the position. The selection process of certain positions in the Health, Human, and Veteran Services Department shall be covered by MN Rules Chapter 9575 known as the "Merit System". All other selection methods utilized for determining candidates for interviews shall utilize a one hundred (100) point scoring system and apply veterans' preference per Section 2E. 10 of these policies. SECTION 5F 5 Election Days - Every employee who is eligible to vote in an election has the right to be absent from work for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of that election, without penalty or deduction from salary or wages because of the absence. Employee shall notify their supervisor prior to leaving and upon return. For purposes of this section, "election" means a regularly scheduled state primary or general election, an election to fill a vacancy in the office of United States senator or United States representative, or an election to fill a vacancy in the office of state senator or state representative. Unanimous.

- 2C. Administrator Robert Yochum reported on the Association of MN Counties District II Meeting of Wednesday, May 26, 2010. Items discussed at the meeting included State budget deficits (\$2.962B for fiscal year 2010-2011 and \$4.619B for fiscal year 2012-2013) and a summary of 2010 legislative actions. Mr. Yochum commented that Chief Financial Officer Larry Wolfe and the Department Heads are evaluating the impact of the 2010 legislative session on Cass County Programs. No action necessary at this time.

- 3A. HHVS Director Ane Rogers presented the child placement costs for April, 2010, in the amount of \$158,547.

M/S/P Downham, Peterson – To receive & file the child placement cost report for April, 2010, in the amount of \$158,547. Unanimous.

- 3B. Veteran Services Officer, Kathy Ramos summarized 635 telephone and personal contacts with veterans during the first quarter in 2010.

M/S/P Kangas, Peterson – To receive & file the 1st quarter Veteran Services report. Unanimous.

- 3C. HHVS Director Ane Rogers updated the Board on the changes to the GAMC (General Assistance Medical Care) health care program for adults without dependent children, between the ages of 21 and 65, who are not disabled or pregnant. In April, 2010 there were 354 clients on the GAMC program in Cass County (includes clients transitioning to MinnesotaCare). All 354 clients will be being informed of their health care program choices, including Coordinated Care Delivery Systems (available only at certain hospitals and all located in the metro area), or MinnesotaCare. County agencies will continue to pay the MinnesotaCare transition premium through the end of each enrollee's current six month budget period at which time the client must complete a renewal form to become eligible for MinnesotaCare. Once on MinnesotaCare, the premium payment becomes the responsibility of the enrollee. No action necessary at this time.

- 3D. Ms. Rogers provided a status report on the Family Connections grant. The State grant provides coordinated case management and family support services to families with young children who are receiving MFIP support. The initial grant cycle was October 1, 2007 through September 30, 2010 and then extended through December 31, 2010. The related social worker position has been open and unfilled since February 1, 2010 with remaining staff assisting. The grant is not renewable and will no longer be available through DHS. The Director recommended that the Family Connections social worker position be eliminated December 31, 2010. Ms. Rogers added that a report will be made to the Board at the conclusion of this grant program.

M/S/P Kangas, Peterson – To approve elimination of the HHVS Family Connections Grant social worker position effective December 31, 2010. Unanimous.

- 4A. Program Coordinator for 4-H Youth Development Chris Trout updated the Board on the 4-H program which enhances learning and leadership opportunities for youth at the community, county, and state level. Currently there are 140 youth enrolled as club members in nine 4-H Clubs. Ms. Trout thanked the Board for their support of the Cass County 4-H Program. At this time, Ms. Trout introduced Sarah, and Hannah Anderson of the Walker Wigglers 4-H Club. Sarah Anderson updated the Board on the sprouting program that she participated in along with being the Walker Wigglers Treasurer and that she has wrote a grant for the club. Hannah Anderson briefed the Board on participating in a chickadee and blue jay area bird count and a photography program. The Board thanked the young ladies for the update. No action necessary at this time.

- 5A. Pine River Agricultural Association members Terri Foster, and Teri McAllister appeared before the Board to personally thank the Cass County Board of Commissioners for their continued support of the Cass County Fair held in Pine River each year. This year the fair will be held on July 29, through August 1, 2010 in Pine River. Ms. Terri Foster presented the scheduled events during the 2010 Cass County Fair at Pine River and explained the need for Cass County to continue a contribution and that the 4-H exhibitor numbers are up from the previous years.

M/S/P Peterson, Kangas – To authorize a FY2010 contribution to the Cass County Agricultural Association - Pine River Fair in the amount of \$2,250 per the November 2, 2009 recommendation of the Citizen Budget Committee. Unanimous.

- 6A. Chief Financial Officer Larry Wolfe presented Resolution No. 24-10, which annually determines the formula for the tax forfeited fund settlement. Mr. Wolfe discussed the projected distribution amounts (approximately \$1.3M) to the Cass County general fund and qualifying cities, schools and townships within Cass County.

Commissioner Dowson offered Resolution No. 24-10 and moved its adoption, Commissioner Downham seconded:

WHEREAS, Minnesota Statute 282.08 specifies that any county board may annually by resolution set aside no more than 30 percent of the tax-forfeited settlement for reforestation.

WHEREAS, Minnesota Statute 282.08 further specifies that any county board may annually by resolution set aside no more than 20 percent of the tax-forfeited settlement for acquisition and maintenance of county recreational areas.

WHEREAS, It is in the best interest of Cass County to promote reforestation and recreational development within the county.

THEREFORE, BE IT RESOLVED that 25 percent of the tax-forfeited settlement be set aside for reforestation, and 15 percent of the tax-forfeited settlement be set aside for maintenance of recreational areas.

Resolution No. 24-10 was adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

- 7A. Construction/Design Highway Engineer Laura Hadrava and Assistant County Engineer Kris Lyytinen presented the bid results that had been opened on Tuesday, May 25, 2010 on SP 11-601-17(CSAH#1), SAP 11-602-07(Replace RPC culverts) and CP 2008-2 (CR 163, Big Leech Road, CSAH #12, & Shingobee Trail Connection).

Project No.: SP 011-601-017 (CSAH #1 Reconstruction)  
Engineers Estimate \$3,059,329.40

<u>Bidder</u>	<u>Total Bid Amount</u>	<u>Percent Over/Under Estimate</u>
Tri-City Paving, Inc.	\$3,198,521.98	4.55% Over Estimate
Knife River Materials	\$3,253,998.96	6.36% Over Estimate
J.R. Ferche, Inc.	\$3,390,087.71	10.81% Over Estimate
Anderson Brothers Constr. Co.	\$3,504,926.14	14.57% Over Estimate
Mark Sand & Gravel Co.	\$3,621,679.25	18.38% Over Estimate
Central Specialties, Inc.	\$4,127,683.17	34.92% Over Estimate

M/S/P Kangas, Peterson - To award the bid to the following apparent low bidder (received on May 25, 2010) for SP 011-601-017 (CSAH 1 Reconstruction) - Tri-City Paving, Inc. in the bid amount of \$3,198,521.98 contingent upon MnDOT approval. Unanimous.

Project No.: SAP 011-602-007 - SAP 11-602-07 (Replace various RCP Culverts)  
Engineers Estimate \$126,041.10

<u>Bidder</u>	<u>Total Bid Amount</u>	<u>Percent Over/Under Estimate</u>
Tri-City Paving, Inc.	\$117,722.50	6.60% Under Estimate
Anderson Brothers Constr. Co.	\$133,648.82	6.04% Over Estimate
Gladen Construction	\$137,827.00	9.35% Over Estimate
J.R. Ferche, Inc.	\$158,936.00	26.10% Over Estimate
Aspen Construction Company	\$161,120.40	27.83% Over Estimate

M/S/P Kangas, Peterson - To award the bid to the following apparent low bidder (received on May 25, 2010) for SAP 11-602-07 (replace reinforced concrete pipe culverts) - Tri-City Paving, Inc. in the bid amount of \$117,722.50 contingent upon MnDOT approval. Unanimous.

Project No.: CP 2008-2 (CR #163), CM 2010-5 (CSAH #12), CM 2010-6 (Big Leech Road & Shingobee Trail Connection).

<u>Bidder</u>	<u>Total Bid Amount</u>
Anderson Brother Construction Co.	\$425,404.23
Tri-City Paving, Inc.	\$453,194.28
Knife River Materials	\$572,048.63

M/S/P Dowson, Downham - To award the bid to the following apparent low bidder (received on May 25, 2010) for Project No.: CP 2008-2 (CR #163), CM 2010-5 (CSAH #12), CM 2010-6 (Big Leech Road & Shingobee Trail Connection) - Anderson Brother Construction Co. in the bid amount of \$425,404.23 contingent upon MnDOT approval. Unanimous.

- 7B. County Administrator Yochum presented the draft Shingobee Trail Connection - Phase II Agreement. The agreement provides for County supervised construction of a 2.4 mile continuation of the Heartland Trail from downtown Walker to the southern intersection of Cass County Road #163 and State Hwy.'s #200/371 (via Walker Bay Boulevard and a 2,000 ft. portion of the abandoned railroad bed). Mr. Yochum added that Cass County will be reimbursed for all construction costs from Shingobee Township and the City of Walker utilizing a Federal Trail Grant Program, Cass County Conservation Trust Fund #73, and the City of Walker.

M/S/P Dowson, Downham – To approve the agreement between the County of Cass, Shingobee Township, and the City of Walker for the construction of the Shingobee Trail Connection Phase II. Unanimous.

- 8A. ESD Director John Ringle presented three (3) proposed perpetual conservation easement agreements designed to protect water resources of Cass County. The Joselyn Family has donated a conservation easement to Cass County to protect 80.7 acres and 2210 ft. of shoreline on Tamarack Lake in Ponto Lake Township, the Duncan Family has donated 48.6 acres and 2546 ft. of shoreline on Wabedo Lake, and the Johnson Family (Wabedo Woods) has donated 7.5 acres and 940 ft. of lakeshore on Wabedo Lake, both in Wabedo Township.

M/S/P Downham, Peterson - To authorize acceptance of three Conservation Easements: the Joselyn Family donation to protect 80.7 acres and 2210 ft. of shoreline on Tamarack Lake in Ponto Lake Township, and the Duncan Family donation to protect 48.6 acres and 2546 ft. of shoreline on Wabedo Lake, and the Johnson family (Wabedo Woods) donation to protect 7.5 acres and 940 ft. of lakeshore on Wabedo Lake, both in Wabedo Township. Unanimous.

- 8B. Mr. Ringle updated the Board on Cass County's award of \$300,000 under the 2010 Legislative and Citizens Committee for Minnesota Resources (LCCMR) legislation to act a fiscal agent and work with the Leech Lake Area Watershed Foundation for the project "Conserving Sensitive and Priority Shorelands in Cass County". Mr. Ringle presented Resolution No. 25-10 for Cass County to act as fiscal sponsor for the 2010 LCCMR project "Conserving Sensitive and Priority Shorelands in Cass County".

Commissioner Dowson offered Resolution No. 25-10 and moved its adoption, and Commissioner Downham seconded:

Legislative Commission on Minnesota Resources  
Environment and Natural Resources Trust Fund  
Recipient Resolution

BE IT RESOLVED that Cass County act as legal sponsor for the project contained in MN Laws 2010, Chapter 362, Section 2, Subdivision 4(h) "Sensitive and Priority Shoreland in Cass County"

BE IT FURTHER RESOLVED that Cass County has the financial capability to ensure adequate completion of the project and certifies that it will comply with all applicable laws and regulations as stated in the grant agreement.

NOW, THEREFORE BE IT RESOLVED that John P. Ringle, Environmental Services Director and Robert Yochum, County Administrator are hereby authorized to execute such agreements as are necessary to implement the project on behalf of the recipient.

Resolution No. 25-10 was adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

- 9A. Central Services Director Tim Richardson presented a synopsis of a voluntary OSHA inspection conducted by the MN Department of Labor & Industry. Sites inspected included the Courthouse campus, HHVS, Highway Department, one Highway maintenance facility and the Land Department. Mr. Richardson presented a list of deficiencies that need corrective action within 90 calendar days (from May 5<sup>th</sup>). Included in the list of deficiencies were appropriate electrical outlets, storage of fuel, power equipment storage, chemical labeling, emergency eyewash stations and administrative follow-up such as a wide countywide safety committee.

M/S/P Dowson, Peterson – To receive & file the summary report and request Director Richardson to report back with a corrective action plan. Unanimous.

- 9B. Mr. Richardson presented four electrical contractor quotes opened on Friday, May 28, 2010 for electrical work needed for OSHA compliance.

RFP for Electrical Repairs

<u>Company</u>	<u>Base Rate1 Journeyman</u>	<u>Base Rate 2 Apprentice</u>	<u>Discount</u>	<u>Hours</u>	<u>Insurance</u>
Lowe Electric	\$45	n/a	Cost	Any	<\$50,000 Total Contract OK
Olson Electric	\$46	n/a	Cost + 15%	Any	OK
Trosen Electric	\$48	\$38	25% off list	Any	OK
Northwoods Electric	\$38	n/a	20% off material quote	7-3:30	Not to County requirements

M/S/P Dowson, Peterson – To award the electrical contractor quote to correct the electrical deficiencies needed for OSHA compliance to Lowe Electric in the base rate for Journeyman at \$45.00/hour, plus purchase of materials at cost with work completed by no later than July 23, 2010. Unanimous.

- 9C. Mr. Richardson informed the Board that Cass County was selected by the Office of Energy Security (OES), part of the State of MN, Department of Commerce, for approval of an Energy Efficiency and Conservation Block Grant. Final approval is pending receipt of certain program identifiers (DUNS number, CCR number, and Financial Statement), as well as agreeing to stipulated reporting requirements. Our grant proposal asked for \$100,000 out of a project of \$400,000 (\$377,119 estimated for HVAC system improvements).

M/S/P Downham, Kangas – To approve accepting the energy efficiency and conservation block grant with the MN Department of Commerce in the amount of \$100,000.00. Unanimous.

- 10A. Sheriff Randy Fisher introduced Deputy Bill Conner and Portos of the Cass County K9 Unit. Deputy Conner reported that he and his canine partner Portos received National K-9 Certification (highest certification a K-9 Unit can receive) at U.S.P.C.A Nationals recently held at Biwabik, MN. The Board congratulated Deputy Conner and Portos.
- 10B. Sheriff Fisher presented response results for the public safety answering point (PSAP) consolidation study that were accepted until Saturday, May 1, 2010. Sheriff Fisher reported that eight of the nine vendors met the requirements of the RFP. Related funding has been approved by the State of Minnesota up to \$125,000 for the public safety answering point (PSAP) consolidation study of E911 dispatching and shared CAD/RMS systems. The Sheriff also reported a recommendation from the PSAP Consolidation Study Group consisting of the counties of Aitkin, Cass, Crow Wing, Itasca and the Leech Lake Band of Ojibwe (LLBO) to select GeoComm.

<u>Bidder</u>	<u>Amount</u>
Mission Critical Partners	\$ 65,000.
Short Elliot Hendrickson Inc.	\$124,645.
AECOM	\$122,520.
GeoComm	\$ 87,590.
L-1 Identity Solutions	716 hrs @\$130. /hr + 2,420 hrs @130. /hr + 12% exp.
Winbourne & Costas Inc.	\$117,500.
RCC Consultants	\$109,245.
Kimball	\$ 89,680.
Elert & Associates	\$ 89,000.

M/S/P Downham, Dowson – To approve the recommendation of the PSAP Consolidation Study Group consisting of the counties of Aitkin, Cass, Crow Wing, Itasca and the Leech Lake Band of Ojibwe (LLBO) to award a contract to GeoComm for the PSAP Consolidation Study in the amount of \$87,590.00. Unanimous.

11. Administrator Yochum confirmed the upcoming meeting schedule: County Board Meeting, Tuesday, June 15, 2010, 6:00 p.m. at Ponto Lake Town Hall, 1538 State 84 NW, Backus, MN. 2010 Planning Retreat, Friday, June 25, 2010, 9:00 a.m., Land Department Meeting Room, 218 Washburn Avenue East, Backus, MN. AMC Leadership Development Summit, August 11-13, 2010, Chase on the Lake, Walker, MN.
12. Chairman Demgen adjourned the meeting at 10:40 A.M.

SIGNED: \_\_\_\_\_  
Jim Demgen, Chairman  
Cass County Board of Commissioners

ATTEST: \_\_\_\_\_  
Robert H. Yochum  
Cass County Administrator