

**TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
August 2, 2011**

- 1A. Chairman Dowson convened the regular meeting of the Cass County Board of Commissioners at 9:00 a.m. on Tuesday, August 2, 2011, with the flag pledge, in the Board Room of the Courthouse, 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 |
| Reno Wells | HHVS Director | Jamie Richter | Director Public Health |
| Renee Lukkason | HHVS | Scott Noland | Assistant Land Commissioner |
| Sharon Anderson | Auditor-Treasurer | John Ringle | ESD Director |
| Tom Hill | Highway Department | Tim Richardson | Central Services Director |
| Dave Enblom | Highway Engineer | Laura Hadrava | Highway Department |
| Kip Bruender | Blue Earth County Commissioner | Alan Olson | Cass Lake Times |
| Monica Lundquist | Brainerd Dispatch | Gail DeBoer | Pilot Independent |

- 1B. M/S/P Kangas, Gaalswyk – To approve the agenda items for discussion as presented by moving Item 2A9. (Authorize sale of surplus items at Cass County Auction on Saturday, September 10, 2011, beginning at 10:00 a.m. Cass County Highway Department Walker, MN), and adding Item 2E. (South Country Health Alliance (SCHA) payout). 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 July 19, 2011, and amend Board Minutes of July 5, 2011(see correction attached).

Approve - Auditor warrants dated July 21, 2011 in the amount of \$561,288.63.

Approve - HHVS Auditor warrants dated July 22, 2011 in the amount of \$102,200.68.

Approve - HHVS Commissioner warrants dated July 22, 2011 in the amount of \$206,502.51.

Approve - Auditor warrants dated July 28, 2011 in the amount of \$297,441.99.

Approve - Auditor warrants dated July 28, 2011 in the amount of \$276.00.

Approve Personnel Items - A. Budgeted positions scheduled for replacement: - 1. Receive & file notice of appointment of Wade Reynolds, Motor Equipment Operator, Grade 20, Step 1, effective August 8, 2011 (Pine River Shop to replace Walt Peterson). 2. Receive & file notice of appointment of Jeff Deihl, HHVS Collections Officer, Grade 20, Step 1 effective August 1, 2011. 3. Receive and file the notice of intent to fill the budgeted Public Health Nurse position vacated by Clarissa Dumdei, grade 32. This position had earlier been tabled at the request of HHVS (Public Health currently has one other Public Health Nurse position open and one on disability leave). 4. Receive & file the notice of resignation - Aaron Jordan, Assistant County Attorney, effective August 19, 2011. 5. Receive and file notice of intent to fill the budgeted Assistant County Attorney position vacated by Aaron Jordan, grade 40. 6. Receive & file notice of appointment of Jennifer Johnson, Financial Worker, Grade 20, Step 1 effective August 6, 2011. 7. Receive & file notice of intent to fill the budgeted Office Support Specialist position Grade 15, Step 1 vacated by Jennifer Johnson. B. Positions scheduled for no replacement at this time - 1.Receive & file notice of disability leave granted to Jana Wolter, Public Health Nurse, effective July 11, 2011 through January 17, 2012. C. Other - 1. Approve HHVS position name changes by the Minnesota Merit System: Financial Assistant Specialist to Lead Eligibility Specialist and Financial Worker to Eligibility Specialist. 2. Authorize - Grade rating evaluation submission to Public Employment HR Consulting (PEHRC) for Cass County Public Health Nurse position. These positions were last evaluated in 1999 and changes have occurred.

Approve - Cass County Probation to adopt sections of roads in Cass County for adults and juveniles sentenced to perform community service clean up.

Receive & file – July 2011 Cass County EDC Activity Report.

Approve - Lease extension agreement (election equipment) with K & S Rental, Hackensack (same rate, indefinite period, 90 day notice to change or cancel lease).

Approve - Conservation Easements on Pine Mountain Lake (Robert H. and Elise B. Smude) Powers Twp; and Helland -Gackle conservation easement on Little Boy Lake – Wabedo Twp.

M/S/P Downham, Peterson - Approve Conservation Easements - Robert H. and Elise B. Smude has donated a conservation easement to Cass County to protect 14.9 acres of forest, 5.7 acres of wetlands and 960 ft. of shoreline on Pine Mountain Lake in Powers Township; and Helland -Gackle has donated a conservation easement to Cass County to protect 3.7 acres of forest, 0.6 acres of wetlands, and 651 feet of shoreline on Little Boy Lake in Wabedo Township. Unanimous.

Approve - Assessor's Office Abatements - Troy Borg – Sylvan - Homestead 2010/2011, Homestead 2009/ 2010, Homestead 2008/2009. Thomas Lynch – Sylvan - Value Reduction 2010/2011, Value Reduction 2009/2010, Value Reduction 2008/2009.

Approve - Transfer of funds from Unorganized Township to Highway Department in the amount of \$25,639.85 for road maintenance – June 2011.

Award - 2011 snow plowing at Cass County Land Dept. Bldgs. to Aspen Woods Lawn Services, Inc. not to exceed \$85.00/hr.

M/S/P Downham, Peterson - Award 2011 snow plowing at Cass County Land Dept. Bldgs. to Aspen Woods Lawn Services, Inc. not to exceed \$85.00/hr. Unanimous.

Snow Removal locations – 218 East Washburn Ave, 204 Washburn Ave. East, 121 Front Street South, Backus, MN.

| <u>Bidder</u> | <u>Hourly Rate</u> |
|---------------------------------|--------------------|
| Aspen Woods Lawn Services, Inc. | \$85.00/hour |

Approve - 33 foot easement on existing trail to Ricky & Lou Ann Gregory PID #12-035-2415 located in 35-139-26 (Crooked Lake Township).

Approve - Resolution No. 32-11 to sponsor "Over the Hills Gang" GIA ATV Trail grant application submission to the State of Minnesota.

Commissioner Downham offered Resolution No. 32-11 and moved its adoption, Commissioner Peterson seconded:

Whereas, Cass County desires to maintain trails for the enjoyment of the public and will act as legal sponsor for an application for the DNR Trails Assistance Program, the MN DNR Grant-in-aid Trail Permit and

Whereas, Cass County may enter into agreement with the State of Minnesota for the Over the Hills Gang ATV Club Trail located in both Cass and Crow Wing Counties

Whereas, Cass County will comply with all applicable laws and regulations as stated in the grant contract agreement, permits and by all applicable federal and state laws and regulations.

Whereas, Cass County recognizes and assigns Joshua Stevenson, Cass County Land Commissioner who will act as a fiscal agent on behalf of Cass County

Now therefore be it, resolved that Cass County agrees to continue to act as legal sponsor for the above applications and agreements of the DNR Trails Assistance Program until such time Cass County rescinds this sponsorship.

Resolution No. 32-11 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

Receive & file - City of Backus wastewater treatment facility project notice.

Authorize - County Surveyor to grant contract completion time extensions until December 31, 2011 for Public Corner Monumentation Project Contracts.

Accept - \$50.00 donation to ESD HHW Program from Mark & Nancy Hall and Charles and Anne Hager.

Refer - ESD staffing to Personnel Committee of the Board.

- 2B. Administrator Yochum presented correspondence from the City of Walker Acting Mayor John Fjelstul regarding vehicle (2007 Crown Victoria) donation request to be located at the Walker Airport. Mr. Yochum also presented the tentative list of vehicles and miscellaneous items for the 2011 Cass County Auction scheduled for Saturday, September 10, 2011, beginning at 10:00 at the Cass County Highway Department at 8045 County Road #12, Walker, MN.

M/S/P Peterson, Gaalswyk – To decline the request from the City of Walker for a Cass County 2007 Ford Crown Victoria) on a vehicle donation for the Walker Airport, and further, to authorize sale of surplus items at Cass County Auction on Saturday, September 10, 2011, beginning at 10:00 a.m., Cass County Highway Department at 8045 County Road #12, Walker, MN. Unanimous.

- 2C. Administrator Yochum presented a draft Memorandum of Understanding with Teamster's Local #320 Deputy/Jail Unit – At-Will leaves of absence that any bargaining unit member who is appointed to serve in the at-will positions of Lieutenant or Chief Deputy Sheriff may be entitled to a leave of absence and rights of reinstatement pursuant to MN Statute 3.088 if requested by the appointing authority and approved by the Cass County Board of Commissioners.

M/S/P Downham, Kangas - To approve them Memorandum of Understanding with Teamster's Local #320 Deputy/Jail Unit – At-Will leaves of absence. Unanimous.

- 2D. Central Services Director Tim Richardson updated the Board on the Honeywell, Inc. HVAC partial maintenance contract that covers certain components and pieces of equipment. Currently, we have a quarter-by quarter contract in place totaling \$15,000/quarter, with no price guarantee, and would like to add and budget 3 server room cooling units, two units in Court Administration and Probation Department to the contract this year at a cost of \$18,000 for full coverage. Because of the Energy Project the 5 units haven't been added to the contract, Honeywell has proposed a full coverage maintenance contract to cover all of our mechanical systems for \$83,200/year, which would be an increase of \$5000/year for maintenance coverage. With this Cass County has an opportunity to extend the life of some of our oldest equipment, cover items we don't have covered (pumps, motors, seals, valves, VFDs, etc.), and have personnel on-site regularly to be proactive, meaning less chance of the "catastrophic" failures. The new contract would be for 5 years at a fixed rate, with no escalator clause, currently we have spent \$48,000 over the last 2.5 years on uncovered items, and have about \$4,000.00 waiting now.

M/S/P Downham, Kangas – To refer the Honeywell, Inc. HVAC partial maintenance contract with the addition of 3 server room cooling units, and two units in Court Administration and Probation Department to the Cass County Citizen Budget Committee, and further, to use the budget for balance of 2011. Unanimous.

- 2E. Administrator Yochum presented correspondence from South Country Health Alliance (SCHA) approving the method of payout for the capital interest of Cass County in SCHA, (this notice supersedes their prior proposal sent of April 20, 2011) in the amount totaling \$1,072,043. This payment amount is paid over a period of time, not to exceed five years, with interest at the prime rate (3.25%), with payments to be made on September 15 of each year.

M/S/P Peterson, Kangas – To accept South Country Health Alliance(SCHA) payout payment in the amount totaling \$1,072,043 with payment amount to be paid over a period of time, not to exceed five years, with interest at the prime rate(3.25%), with payments to be made on September 15 of each year. Unanimous.

- 3A. HHVS Director Reno Wells and Director Public Health Nursing Jamie Richter presented an update on Cass County's SHIP Program, the future of SHIP and an evaluation update. Ms. Richter reported that the contract with SHIP Coordinator Leslie Stocker was terminated in June and SHIP activity has been assigned to budgeted personnel. No action necessary.

- 4A. Auditor-Treasurer Sharon Anderson and Renee Lukkason HHVS Family Health Supervisor reviewed and presented proposed revisions to Cass County Tobacco Ordinance. Ms. Anderson added that the overall goal is to align the ordinance more closely to Minnesota Statutes, particularly legislative changes enacted in 2010, also streamline and eliminate definitions where possible and replace definition language with references to statutory definitions when available, as this may help avoid future ordinance amendments if a statutory definition is amended by the legislature. Ms. Anderson summarized proposed revisions to: Sections 600 & 700 — Proposing more restrictive language than state law regarding vending machines and self-service methods...none. State law allows these sales for retail outlets where minors are "never" allowed to enter. We know of no retailers currently using these sales methods. Section 600 — Added commonly found language regarding controlled substances, and added provision consistent with state law regarding nicotine/lobelia either FDA approved or not for tobacco cessation, etc. Sections 700 & 1100 — Removed detail and dollar amounts of administrative penalties from Section 1100

to be set by resolution of the County Board as needed from time to time with 30 day notice to license holders. Added new administrative penalty type of \$50 for employees of retailers found to have sold to a minor consistent with state statute (in draft resolution). Section 1000 — Set timeframes for and clarifies the appeal process as well as gives the county administrator the ability to appoint a designee to hear appeals if needed, based on input from the county administrator and county attorney's office. Section 1100 — At the recommendation of the county attorney's office, proposed is the addition of an administrative penalty type (in draft resolution) for selling these products without a license, recognizing the criminal offense carries a very low fine. The penalty proposed exceeds the overall cost of a license when combined with the typical fine. Also made some general cosmetic and grammatical improvements, as well as adding a table of contents. Notice of public hearing(s) to amend the ordinance is to be sent to each license holder in addition to the normal newspaper publications.

M/S/P Gaalswyk, Peterson – To approve the summary of proposed amendments as amended to the Cass County Tobacco Ordinance and establish public hearing dates for Cass County Ordinance No. 2006-05 Tobacco Ordinance amendments with 1st reading on Tuesday, September 20, 2011, beginning at 6:30 p.m., Lake Shore City Hall, Lake Shore, to consider adopting on 1st reading Ordinance 2011-02, and on Tuesday, October 4, 2011, beginning at 10:00 a.m., Commissioners Boardroom, 1st Floor, Cass County Courthouse Annex, Walker, MN Minnesota, to consider 2nd reading and final adoption of Tobacco Ordinance 2011-02 which proposes to amend Tobacco Ordinance 2006-05 to adopt revised definitions, clarify the appeals process and add new administrative penalties for specific ordinance and statute violations, and further to notify each license holder of the proposed amendments. Unanimous.

- 4B. Ms. Anderson presented an updated abatement policy for consideration which hasn't been revised since previous board action of February 2, 1993 by Resolution No. 08-03. Ms. Anderson presented Resolution No. 33-11 that updates the previous Cass County resolution. By consensus, the Board requested the Cass County Tax Abatement Policy to be posted on the Cass County website.

Commissioner Kangas offered Resolution No. 33-11 and moved its adoption. Commissioner Peterson seconded:

CASS COUNTY TAX ABATEMENT POLICY

WHEREAS, Minnesota Statutes 375.192 authorizes county boards to consider and grant reductions or abatements of estimated market value or taxes and any costs, penalties or interest as the board deems to have been erroneously or unjustly paid or to correct errors or inequities within the tax system; and,

WHEREAS, it is the intent of the County of Cass to ensure fairness and equity within the real estate tax billing and tax collection system; and

WHEREAS, abatements should be used only as a last resort method to correct assessments and/or collection errors due to costly administrative expense and reduced tax levy revenues for all local units of government, with no statutory levy authority to recover these levy dollars from any other source.

NOW, THEREFORE, BE IT RESOLVED, that the abatement policy of the Cass County Board of Commissioners is as follows:

I. NO ABATEMENT WILL BE CONSIDERED IF:

1. A petition has been filed with tax court and the outcome is still pending.
2. A confession of judgment has been signed by taxpayer/applicant.
3. The actual tax reduction for any one year is less than \$50.00. If the actual tax reduction exceeds \$50.00, the abatement will involve only the amount that exceeds the first \$50.00 per year abated. There shall be no minimum for cancellations.
4. It involves a year other than current tax or the two (2) previous year's tax.
5. The abatement involves a homestead classification and the applicant owned and occupied the property as of the assessment date in question and was sent a:
 - a) Homestead Verification Form
 - b) 2nd notice to return Homestead Verification Form
 - c) Notice of Valuation and Classification showing Non-Homestead, and
 - d) Proposed Property Tax notice showing Non-Homesteadto the address of record, as listed in the Cass County Courthouse and no response was received as of December 15 of the assessment year.
6. The abatement involves a relative homestead as defined in MN Stat. §273.124, Subdivision 1 and application for homestead treatment was not made as of December 15 of the assessment year in question.
7. The abatement involves property which requires applications or annual reapplications and are not returned by the statutory deadline and was sent a:
 - a) 2nd notice for reapplication or annual declarations
 - b) Notice of Valuation and Classification showing the different classification, and
 - c) Proposed Property Tax notice showing the different classification and tax consequence.

Applications/reapplications include but are not limited to:

- 1c/4c Resort Questionnaire,
- 4c (10) Restaurant on Lake Certification,
- 4c (3)(I) Charitable Donations,
- Green Acres and Rural Preserve,
- 1b Disability or Blindness,
- 4c (11) Marina Allowing Public Use.

8. The abatement involves a reduction of a special assessment unless it is accompanied by a written recommendation for approval by the governmental unit responsible for the original special assessment.

II. ABATEMENTS SHALL BE CONSIDERED IN ORDER TO CORRECT A VALUATION OR CLASSIFICATION ERROR AS FOLLOWS:

Objective assessment errors shall be abated for current year and the two (2) previous years only. Objective errors are defined to include:

1. Exemption by public ownership.
2. Double assessments or other overlapping listings.
3. Homestead classification for new applicants.
4. Measurable units, i.e., acres, square feet, etc., providing that an adjustment does not reduce the estimated market value below its actual market value.
5. Mobile home ownership or location changes.
6. Personal property ownership changes.
7. Lease cancellations.

Subjective assessment opinions shall be abated for no further back than the time that the taxpayer made the difference of opinion known. The taxpayer shall indicate this by appearance at a board of review or filing a written request for review with the assessor. This shall be done within the same time limits imposed as noted above. Subjective opinions are defined to include:

1. Exemption based on private ownership and use.
2. Subjective property attributes, i.e., condition or construction quality.
3. Value before razing.
4. Classification based on use only.
5. Market trends.

III. ABATEMENTS OF PENALTY ON CURRENT TAXES:

Abatements of penalty on current taxes shall be approved in the following situations:

1. An abatement of the penalty on a current tax will be approved if an error on the part of the County resulted in nonpayment of the tax.
2. Pursuant to Minnesota Stat. §279.01, Subdivision. 2, the Cass County Board delegates to the Treasurer of Cass County the power to abate the penalty for late payment of taxes in the current year, upon finding that the imposition of the penalty would be unjust and unreasonable.
3. If an abatement application submitted under part II above is in process at the tax due date, consideration will be given to waive penalty for a reasonable period of time after a corrected tax statement is issued, to be determined by the Treasurer.

It is also the policy of the County of Cass that penalty abatements shall NOT be granted:

1. To taxpayers who have inadvertently omitted one parcel when making payment.
2. If the only reason is that the taxpayer failed to receive a tax statement (MN Stat. §276.04).
3. If the only reason is that a contract for deed vendor, upon cancellation of contract, failed to be aware of unpaid taxes.
4. If, pursuant to Minnesota Statute 276.017, the postmark of the United States Postal Service shows the payment was not made timely.

IV. ABATEMENTS OF PENALTIES, INTERESTS AND COSTS ON DELINQUENT TAXES:

An abatement of the penalty, interest and cost on a delinquent tax will be approved if an error on the part of the County resulted in nonpayment of the tax.

An abatement of the portion of the penalty and interest on a delinquent tax will be approved if an abatement is granted under Sections I or II of the Cass County Tax Abatement Policy, subject to the limitations therein, related to the portion of the tax being abated, that has not heretofore been paid.

An abatement of the penalty, interest and cost on a delinquent tax will NOT be approved if the only reason given is that a contract for deed vendor, upon cancellation of a contract, failed to be aware of unpaid taxes.

Cass County Board of Commissioners

History

Adopted: Resolution No. 38-90 October 9, 1990
Revised: Resolution No. 08-93 February 2, 1993
Revised: Resolution No. 33-11 August 2, 2011

Resolution No. 33-11 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 4C. Ms. Anderson presented information on the RtVision eTime program a web-based reporting system that will potentially improve efficiency, accuracy and accountability pertaining to the payroll time reporting process. Informed the Board that the Cass County Highway Department has had this reporting system since 2005. Ms. Anderson added it will be fully implemented in January 2012 with the first payroll of the new year.

M/S/P Dowson, Downham – To approve the Auditor-Treasurer's request to purchase the RtVision eTime program in the amount not to exceed \$18,800.00 and an annual maintenance cost of \$3,105.00 per year (purchase from revenue from 2011 county auction and balance from the Auditor-Treasurer's Office). Unanimous.

5. Assistant Land Commissioner Scott Noland presented the completed Cass County Land Department Annual Report for 2010 activities. Mr. Noland added that the document will be used during the budget review process, natural resource advisory committee discussions, upcoming timber auctions, discussions with legislators, and hearings in St. Paul. No action necessary.
- 5B. Mr. Noland informed the Board that the Land Department has partnered with the MNDNR to record prescriptive easements in Cass County, which are forest access roads crossing private property in which the private property owner has not contested the use of the road for access to public land. We have received requests from private land holders such as Potlatch to record prescriptive easements required for access to public lands. In most cases the roads have been built and maintained using public funds and are used by the public to access public lands. Comments have been received by private property owners, townships have been notified, and the public hearing has been completed. We started with 113 road segments in 15 townships with final maps for recording include 60 road segments in 10 townships.

M/S/P Kangas, Peterson – Approve the Cass County Land Department to record the MNDNR prescriptive easements totaling sixty road segments in ten Cass County Townships. Unanimous.

- 6A. ESD Director John Ringle informed the Board that Cass County ESD had applied for and received grant funding in 2010 from the Clean Water Fund, administered through the Minnesota State Board of Water and Soil Resources (BWSR) specifically for assisting the LLBO in the preliminary engineering and environmental review of the Stony Point neighborhood near Cass Lake and the Sugar Point local community on Leech Lake to address concerns that a number of subsurface septic treatment systems are not properly functioning and present a danger of contaminating groundwater as well as having the potential to cause nutrient input to Cass Lake in an amount not to exceed \$30,000 of Clean Water Funds.

M/S/P Downham, Gaalswyk – Approve the Memorandum of Understanding between the Leech Lake Band of Ojibwe and Cass County regarding the Local Wastewater Treatment and Imminent Health Threat (IHT) Subsurface Septic Treatment System (SSTS) Upgrade planning project for the Stony Point neighborhood near Cass Lake and preliminary engineering and environmental planning for the Sugar Point local community on Leech Lake in an amount not to exceed \$30,000.00 of Clean Water Funds. Unanimous.

- 7A. Highway Engineer David Enblom presented Resolution No. 34-11 for final payment of project SAP 011-605-012, a municipal grading and bituminous surfacing project in and around the City of Longville. The final cost of the project was \$648,785.22 and was funded by state aid regular and municipal construction dollars and was completed November 15, 2002.

Commissioner Peterson offered Resolution No. 34-11 and moved its adoption, Commissioner Downham seconded:

WHEREAS: Contract No. 60512 (SAP 011-605-012) has in all things been completed, and the County Board being fully advised in the premises,

NOW THEN BE IT RESOLVED, that we do hereby accept said completed project for and in behalf of the County of Cass and authorize final payment as specified herein.

Resolution No. 34-11 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

Highway Engineer David Enblom presented Resolution No. 35-11 for final payment of project SAP 011-599-013, a Town Bridge project located in Sylvan Township with final construction cost was \$95,300.75 and was funded by state aid town bridge funds as well as was funded by Sylvan Township. The bridge funds were also used to offset engineering costs, with total town bridge funds used for construction and engineering cost were \$99,513.50.

Commissioner Gaalswyk offered Resolution No. 35-11 and moved its adoption, Commissioner Kangas seconded:

WHEREAS: Contract No. 59913 (SAP 011-599-013) has in all things been completed, and the County Board being fully advised in the premises,

NOW THEN BE IT RESOLVED, that we do hereby accept said completed project for and in behalf of the County of Cass and authorize final payment as specified herein.

Resolution No. 35-11 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

Highway Engineer David Enblom presented Resolution No. 36-11 for final payment of projects SAP 011-606-009 & SAP 011-644-003 for bituminous re-surfacing located on CSAH 6 and CSAH 44 with final cost of the projects were \$503,292.60 and \$239,525.00 and was funded by state aid regular construction and county road construction dollars, the projects were planned and completed in 2011.

Commissioner Peterson offered Resolution No. 36-11 and moved its adoption, Commissioner Downham seconded:

WHEREAS: Contract No. 60609 (SAP 011-606-009 and SAP 011-644-003) has in all things been completed, and the County Board being fully advised in the premises,

NOW THEN BE IT RESOLVED, that we do hereby accept said completed project for and in behalf of the County of Cass and authorize final payment as specified herein.

Resolution No. 36-11 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 7B. County Engineer David Enblom presented August 1, 2011 bid results for improvements to a portion of the Shingobee Trail Connection (beginning west of Christmas Point Road to C.R. #163 for approximately 1.7 miles). Project No. S.P. 011-090-003 will be funded with a combination of funding sources including Federal funds through MnDOT, MnDNR, and Cass County Conservation Fund #73 in cooperation with Shingobee Township.

Project Name: Shingobee Trail Connection
Project No.: S.P 011-090-003
Engineers Estimate: \$949,131.05

| <u>Bidder</u> | <u>Bid Amount</u> | <u>Percent Over/Under Estimate</u> |
|------------------------------------|-------------------|------------------------------------|
| Peterson Company | \$ 922,705.40 | 2.78% Under Estimate |
| Tri-City Paving, Inc. | \$ 998,126.35 | 5.16% Over Estimate |
| Aspen Construction Company | \$1,016,531.17 | 7.10% Over Estimate |
| Anderson Brothers Construction Co. | \$1,042,109.45 | 9.90% Over Estimate |

M/S/P Dowson, Gaalswyk – To award the bid to the apparent low bidder Peterson Company, in the amount of \$922,705.40 for improvements to a portion of the Shingobee Trail Connection (beginning west of Christmas Point Road to C.R. #163 for approximately 1.7 miles - Project No. S.P. 011-090-003) contingent upon funding source approvals. Unanimous.

- 7C. Mr. Enblom updated the Board on a request from Wilkinson Township for an easement over State of Minnesota lands to resolve access issues to private property, this easement is necessary with the revocation of County Road 141 to preserve ingress and egress to private property, which has been surveyed. The easement is located in SW1/4 of the NE1/4 of the NE1/4, Section 20, Township 144N, Range 31W.

Commissioner Downham offered Resolution No. 37-11 and moved its adoption, and Commissioner Kangas seconded:

Whereas, the Cass County Highway Department is planning the revocation of the County Road 141 across School Trust Fund Land located in the SW¼ of the NE¼, Section 20, Township 144N, Range 31W.

Whereas, Cass County Road 141 is located across School Trust Fund Land located in the SW¼ of the NE¼, Section 20, Township 144N, Range 31W.

Whereas, a portion of this road serves private property and an easement open to the public is needed to provide legal ingress and egress to private property with the revocation of County Road 141.

Whereas, easements across School Trust Fund Land can only issued to a local unit of government (Cass County) and not to private individuals.

Whereas, the easement is open to the public.

Whereas, all cost associated with revocation of County Road 141 are the responsibility of the Cass County Highway Department.

Be it Resolved, the Board of Commissioners of Cass County, Minnesota hereby approves the Application for Easement across State School Trust Fund Land in the SW¼ of the NE¼, Section 20, Township 144N, Range 31W.

Resolution No. 37-11 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 7D. Mr. Enblom requested board approval to vacate a 9 foot strip of road right-of-way that is presently used for drainage of CSHA 6 in Hiram Township. Mr. Enblom also informed the Board on receipt of a new easement to mitigate the afore noted vacated right-of-way.

Commissioner Peterson offered Resolution No. 38-11 and moved its adoption; Commissioner Gaalswyk seconded:

Pursuant to MN Statute 163.11, Subd. 4, it appears to the Cass County Board of Commissioners, State of Minnesota, that the road right of way hereinafter described should be vacated.

NOW THEREFORE, Be It Resolved by the Cass County Board of Commissioners, State of Minnesota, that the right of way described as follows to-wit: That part of Government Lot 1, Section 12, Township 140, Range 31, Cass County, Minnesota, being the part of the dedicated 33 foot wide road along the northerly boundary of the plat of ELMHURST, according to the recorded plat thereof on file in the office of the County Recorder, Cass County, Minnesota. Said parcel lies southerly of the north line of said Government Lot 1 and which lies northerly of a line being 24.00 feet northerly measured at right angles to and parallel with the north line of Lot 1 of said plat of ELMHURST and which lies westerly of the northerly extension of the east line of said Lot 1 of the plat of ELMHURST and which lies easterly of the shoreline of Ten Mile Lake.

Said parcel is subject to existing easements of record.

The Cass County Board of Commissioners further resolve that in exchange for this vacation of public use, that an easement shall be granted by the landowner for a new drainage easement and maintenance thereof over, under and across the following described property:

Lot 6, Section 1, Township 140 North, Range 31 West of the Fifth Principal Meridian, Cass County, Minnesota, EXCEPT the North 1262 feet of the South 1295 feet thereof lying and being West of the road crossing said tract, said property being the South 33 feet of the South 1295 feet of said Lot 6, lying and being West of the road crossing said tract.

AND

The North 24 feet of the South 57 feet of Government Lot 6 lying West of the North-South road crossing said tract, in Section 1, Township 140, Range 31.

Said easement lies northerly, northeasterly and northerly of the following described line:

Commencing at the south quarter corner of said Section 1; thence on an assumed bearing of South 89 degrees 33 minutes 35 seconds West, along the south line of the Southwest Quarter of said Section 1, a distance of 1931.02 feet to the point beginning of the line to be described; thence continue South 89 degrees 33 minutes 35 seconds West, along said south line, a distance of 20.83 feet; thence North 31 degrees 45 minutes 45 seconds West a distance of 55.02 feet to a point being 10.00 feet southerly measured at right angles to the north line of the South 57.00 feet of Government Lot 6, Section 1, Township 140, Range 31; thence South 89 degrees 33 minutes 35 seconds West, parallel with said north line of the South 57.00 feet, a distance of 132.21 feet; thence South 84 degrees 48 minutes 38 seconds West a distance of 83 feet, more or less, to the shoreline of Ten Mile Lake and said line there terminating.

Resolution No. 38-11 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 7E. Mr. Enblom discussed the rural residential speed zone areas on portions of Cass County roadway located on CSAH 5 in Birch Lake and Woodrow Townships, CSAH 11 in Woodrow Township, CSAH 13 in Turtle Lake Township and CSAH 38 in Shingobee Township as "Rural Residential" in order to designate a 35 mph speed zone. Area resident Gary Knox of Minne Teepee Resort explained road speed problems in his area on CSAH #11 in Woodrow Township. By consensus, the Board requested the Highway Department to send notification to the Cass County Townships and the Cass County Sheriff's Office before the signs are erected.

Commissioner Peterson offered Resolution No. 39-11 and moved its adoption, Commissioner Downham seconded:

Whereas Cass County is the local Road Authority for numerous County and County State Aid Roads within its borders, and

Whereas, in accordance with Minnesota Statute 169.14Subd.2(8), Cass County may establish a speed limit of 35 mph for roads, or portions of roads, which are located in areas deemed as "Rural Residential", and

Whereas, the term "Rural Residential" is defined as a road, or segment of road, being at least one-quarter mile in length having accesses spaced at no more than 300 feet apart, and

Whereas, there are presently six (6) such road segments which can be designated as "Rural Residential", these are:

CSAH 5: between MP 5.536 and MP 6.100

CSAH 5: between MP 9.403 and MP 10.532

CSAH 13: between MP 2.590 and MP 3.542

CSAH 13: between MP 3.921 and MP 6.504

CSAH 11: between MP 0.836 and MP 1.447

CSAH 38: between MP 1.245 and MP 1.560

NOW THEREFORE, BE IT RESOLVED by the Cass County Board of Commissioners, State of Minnesota, that the roadway segments listed above are hereby determined to meet the criteria for "Rural Residential" and shall have a speed limit of 35mph designated as the legal speed limit.

NOW THEREFORE, BE IT FURTHER RESOLVED by the Cass County Board of Commissioners, State of Minnesota, to send notification to the affected Cass County Townships and the Cass County Sheriff's Office.

Resolution No. 39-11 was adopted by majority vote: Ayes: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

8. Administrator Yochum discussed the upcoming meeting schedule: a. County Board Meeting in Commissioner District #2, Tuesday, August 16, 2011, 6:00 p.m. at Maple Township – 2503 64th Street SW, Pequot Lakes, MN. b. County Board regular meeting Tuesday, August 30, 2011, Land Department Meeting Room, Backus, MN.

The Cass County Board of Commissioners welcomed fellow Blue Earth County Commissioner Kip Bruender to the Board Meeting.

9. Chairman Dowson adjourned the meeting at 10:47 a.m.

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

ATTEST: _____
Robert H. Yochum
Cass County Administrator