

**TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
August 6, 2013**

- 1A. Chairman Downham convened the regular meeting of the Cass County Board of Commissioners at 9:00 a.m. on Tuesday, August 6, 2013, with the flag pledge, in the Board Room of the Courthouse Annex, Walker, MN. Commissioners present: Downham, Dowson, Gaalswyk, Kangas, and Peterson. Commissioners absent: None.

Others present during portions of the meeting included:

<u>NAME</u>	<u>REPRESENTING</u>	<u>NAME</u>	<u>REPRESENTING</u>
Robert Yochum	Administrator	Sandra Shade	Cass County HRA - District 1
Jean Kline	Cass County HRA - District 2	Michael Nethercutt	Cass County HRA - District 3
Elizabeth Blundell	Cass County HRA - District 4	Paul Ritter	Cass County HRA - District 5
Reno Wells	HHVS Director	Sharon Anderson	Auditor-Treasurer
Mark Peterson	County Assessor	Jeff Woodford	VSO
Stephen Sether	Asst. VSO	Renee Lukkason	HHVS
Tim Richardson	Central Services Director	Dave Enblom	Highway Department
Kris Lyytinen	Highway Department	Laura Hadrava	Highway Department
Christopher Strandlie	County Attorney	Scott Noland	Asst. Land Commissioner
Scott Wilson	Cass County HRA	Gail Leverson	Cass County EDC
Stan Rehm	LLAWF	Carolyn Rude	Self
Andrew Arnold	Reeds	Jeff Arnold	Reeds
Adam Arnold	Reeds	Dan Reed	Whipholt
Jayne Reed	Whipholt	Ken Bresley	Shingobee Twp.
Traci Ryan	David Drown & Assoc.	Jeri Striebel	Cass Co. Rep. BPOU
Polly Rude	Pine Lake Twp.	Susan Boege	Pine Lake Twp.
Kathleen Miller	Pine Lake Twp.	Neil Kinder	Pine Lake Twp.
Melanie Loop	Pine Lake Twp.	Dave Laursen	Shingobee Twp.
Connie Netter	Self	Eric Netter	Self
Glenn Gauger	Self	Buck Danielson	Self
Bob Rowe	Self	Robert Gisvold	Self

- 1B. M/S/P Dowson, Peterson – To approve the agenda items for discussion as presented and the addition of Item 7D.(Highway Department tractor/mower purchase), and Item 9C.(Enbridge Pipelines LLC – Sandpiper pipeline project open houses at various locations). Unanimous.

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

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

Approve - Board minutes of July 16, 2013, and Planning work session minutes of July 23, 2013.

Approve - Auditor warrants dated July 11, 2013 in the amount of \$437,602.49.

Approve - Auditor warrants dated July 18, 2013 in the amount of \$517,670.97.

Approve - Auditor warrants dated July 25, 2013 in the amount of \$371,818.60.

Approve - HHVS Commissioner warrants dated July 19, 2013 in the amount of \$219,602.43.

Approve - HHVS Auditor warrants dated July 19, 2013 in the amount of \$230,175.62.

Approve Personnel items - A. Budgeted positions scheduled for replacement: (1). Receive & file - Notice of retirement of Audrey Hopkins, effective August 28, 2013, and Receive & file - Notice of intent to fill budgeted Home Health Aide position vacated by Audrey Hopkins, grade 13, step 01. (2). Receive & file - Notice of resignation of Laurie Ness, effective July 19, 2013, and Receive & file - Notice of intent to fill budgeted Home Health Aide position vacated by Laurie Ness, grade 13, step 01. (3). Receive & file - Notice of probation completion for Mary Graham, Office Support Specialist, grade 15, step 1 on July 16, 2013. (4). Receive & file - Notice of probation completion for Jeanette Winger, Outreach Worker, grade 14, step 01, on March 31, 2013. (5). Receive & file - Notice of probation completion for Audrey Hopkins, Home Health Aide, grade 13, step 01, on June 30, 2013. (6). Receive & file - Notice of probation completion for Mary Krecklau, Home Health Aide, grade 13, step 01, on June 30, 2013. (7). Receive & file - Receive & file notice of appointment of Lori Stein to Eligibility Worker, grade 20, step 01, effective August 1, 2013. (8). Receive & file - Notice of appointment of Tammy Miller, Case Aide, to

Support Enforcement Aide, Grade 19, Step 4 effective August 3, 2013 and table filling of Case Aide, grade 16, step 1. (9).
Receive & file - Notice of probation completion for Deb Shake, Home Health Aide, grade 13, step 01, on May 17, 2013. (10).
Receive & file - Notice of completion of temporary appointment of Aimee Tabaka, effective July 16, 2013 as Office Support Specialist, grade 6, step 7 to assist in preparation of paperless process in Income Maintenance Unit and to appoint Katrina Miller, grade 6, step 1 as new temporary appointment for completion of paperless preparation. B. Positions scheduled for no replacement at this time: None. C. Other – 1. Authorize - Grade rating evaluation submission to Public Employment HR Consulting (PEHRC) for the position of HHVS Office Support Specialist Senior.

Approve licenses – Gambling - Northern Cass Ducks Unlimited - @ Moondance on September 19, 2013 - Tony Freeman, Turtle Lake.

Approve - Honeywell quote, replace two oil-fired water heaters with one propane water heater not to exceed \$15,000.00.

Approve - Assessor's Office Abatements: 2013 tax year - Linda Moga Aka Linda Sapp of Pike Bay Twp., 29-857-0051 Class Change – Seasonal to Exempt.

Approve - Assessor's Office use of Wex fuel card for fleet cars with a credit limit amount of \$3,000.00.

Accept - Donations to Sheriff's Office - \$340.00 donation on behalf of Ronald Conner for the Sheriff's Office K-9 Program; \$850.00 from Sylvan Twp. for Lakes Area Dive Team.

Refer - Mississippi Headwaters Board 2014 budget request in the amount of \$1,500.00 to the Citizen Budget Committee for comment.

Receive and file - 2nd Quarter 2013 Foreclosure Report and 2nd Quarter 2013 Sales Activity Report.

Receive & file - Timber auction results, July 25, 2013 totaling 4,685.00 cords plus 76.40mbf saw timber totaling \$10,571.00.

Receive & file - HHVS Cash Account Balance Comparison and Child Service Costs through June 2013.

Approve - Submission of a Statewide Health Improvement Plan (SHIP) Grant application to the MN Department of Health in cooperation with the Morrison, Todd, and Wadena Community Health Board in the amount of \$592,493.00.

Approve - Family Planning Special Project Grant in the amount of \$296,653.00 from MN Dept. of Health, and approve Cass County HHVS to act as fiscal agent.

Receive & file - 2nd quarter Planning and Zoning activity report

Approve - Amendment (Swift# PO#3000004129) (change expiration date to June 30, 2014) to MNDNR LCCMR 10-4h Conserving Sensitive and Priority Shorelands.

M/S/P Kangas, Gaalswyk – To award a contract for black dirt and seeding-new parking lot to Ryan Mills Landscaping not to exceed \$1,545.00. Unanimous.

<u>Bidder</u>	<u>Bid Amount</u>
Ryan Mills Landscaping	\$1545
Schrupp Excavating	\$1600
Northfork Boulders	\$1650
Minnesota Landscaping	\$2634

M/S/P Kangas, Gaalswyk – To award a contract for custom cabinets at Land Department Building to The Woodshed of Hackensack not to exceed \$3,900.00. Unanimous.

<u>Bidder</u>	<u>Bid Amount</u>
The Woodshed	\$3,900.00
Lampert's Cabinets, Inc.	\$6,536.99
Nagel-Built Cabinets	No bid Available

Receive & file - Notice of 2013 MCIT dividend in the amount of \$305,030.00.

Approve - HHVS Purchase of Service contract from 9/1/2013 to 8/31/2014 - Northland Early Childhood Agreement – no contract term changes; Community Health Board and Stelher Human Services for Maternal Infant Early Childhood Home Visiting.

Accept - Award of MN Department of Human Services Foster Care & Adoption Recruitment Grant in the amount of \$2,784.00.

3A. Chairman Downham acknowledged the public hearing notice for the adoption of Business Subsidy Criteria and asked for comments.

Auditor-Treasurer Sharon Anderson summarized the draft business subsidy criteria and reported the recommendation from an Ad-Hoc Committee of the Board (Commissioners Gaalswyk and Kangas) to adopt the same. No other persons requested to be heard.

Commissioner Kangas offered Resolution No. 30-13 and moved its adoption, and Commissioner Gaalswyk seconded:

Business Subsidy Criteria Policy

WHEREAS, the Cass County Board acknowledges the need to respond to township requests to provide financial assistance to businesses in their township to further common economic and development objectives in Cass County; and

WHEREAS, Cass County through the Board of Commissioners established the Cass County Housing and Redevelopment Authority (HRA) in 1979, (Cass County and Cass County HRA hereinafter referred to collectively as the "County") in part to exercise statutory authority for certain economic development activities as granted under state law; and

WHEREAS, Minnesota Statutes 116J.993 through 116J.995 requires the establishment of business subsidy criteria before any new business subsidy can be provided; and

WHEREAS, Cass County has performed all actions required by law prior to the adoption of business subsidy criteria, including the holding of a public hearing upon published notice; therefore

BE IT RESOLVED by the Cass County Board as follows:

The County hereby adopts the business subsidy criteria described herein in fulfillment of the requirements of Minnesota Statutes 116J.993 through 116J.995.

General Statement of Policy

It shall be the policy of the County to support the economic development initiatives of local units of government which preserve and improve the strength and stability of the local economy, or which reduce demands for government services. The policy is guided by four (4) fundamental principles:

- Assistance should be delivered through local units of government. Local units of government, cities and townships, should be the primary providers of economic development activities. The County will provide its business subsidy assistance working through local units of government, and only at the request and with the approval of local units of government. All requests for County participation should be accompanied by a resolution of support from the requesting township.
- Requests for assistance will be considered at no net cost to the County. Developers requesting assistance will be required to place funds in an escrow account with the County to cover the costs of creating the TIF District and completing the development work. Ongoing costs to cover administration will be addressed in the development agreement.
- Projects must further County objectives. All requests for assistance must demonstrate that the projects or activities will further one or more of the County's objectives identified as business subsidy criteria below.
- Assistance must be shown to be needed. All requests for assistance must demonstrate that assistance is necessary, and that there is a substantial likelihood that the project would not go forward without the business subsidy requested. The need for assistance shall be substantiated by the findings of the township entered into the public record in the resolution of support by the sponsoring township. Resolutions of project support by townships shall be presented in person by a representative(s) of the township at public hearings during which projects are considered by the County.

This policy identifies business subsidy criteria meeting the requirements of Minnesota Statutes 116J.993 through 116J.995 (the "Act") that the County will use to evaluate requests for tax increment financing districts outside of city boundaries.

Business Subsidy Criteria

Projects proposed for consideration must meet one or more of the criteria listed below (increase in tax base cannot be the only criteria satisfied by the proposed project):

- Quality Job Creation. The project will create or retain jobs which pay at least 110% of poverty level for a family of four wage rate, as published by the Minnesota Department of Trade and Economic Development, within two (2)

years of the hire date. The County may take into account special circumstances of small or growth-phase businesses which have the clear potential to create high paying jobs in the future.

- Attraction or Retention of New Business. The project will attract or retain financially strong businesses with the potential for significant growth.
- Essential Services. The project will improve healthcare or other essential services or satisfy a health and safety need of the community.
- Tax Base. The project will increase Cass County's tax base and generate new property tax revenue.
- Prevention of Slum and Blight. The project will remove, prevent or reduce blight or other adverse conditions of the property, thereby protecting Cass County property values and the health, safety and welfare of the general public.

The County will not support the use of business subsidies when:

- The primary objective is the development of housing;
- The project will significantly and adversely increase demand for government services;
- The local unit of government does not support the project, or has not accepted the responsibility to assist or assign assistance to others for the project on behalf of the County in accordance with County requirements.

While authorized by Minnesota Statutes 469.1812 to 469.1815, Cass County will not consider requests for tax abatement as a business subsidy.

Resolution No. 30 -13 was adopted by majority vote: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 3B. Chairman Downham acknowledged the public hearing notice for proposed Redevelopment Project No. 6 (Reeds Distribution Center), the adoption of a Redevelopment Plan relating thereto, the proposed establishment of Tax Increment Financing District No. 6-1 and asked for comments. The hearing was conducted jointly with the Cass County Housing and Redevelopment Authority Board of Directors.

Auditor-Treasurer Sharon Anderson explained the hearing process and introduced project participants.

EDC Executive Director Gail Leverson and Adam Arnold of Reed's described the project for the construction of a warehouse distribution center for Reed's Family Outfitters at Walker, MN that will include 36,000 square feet of building to house larger items, customer pick up for the existing retail store at Walker, and general inventory for their online sales.

Traci Ryan from David Drown & Associates described statutory requirements and the Tax Increment Financing Plan as it related to the Reed's project.

Shingobee Township Supervisor Ken Bresley reported that Shingobee Township supports the Reed's Family Outfitters project by the resolution on file and asked Cass County to proceed in approving the project.

M/S/P Dowson, Kangas – To close the public hearing and request the Cass County Housing & Redevelopment Authority (HRA) consider action on the Reeds Distribution Center. Unanimous.

Cass County HRA Chairperson Jean Kline convened the HRA Board, unanimously approving on motion by Mike Nethercutt, second by Sandy Shade, Tax Increment Financing District No. 6-1, resolution on file in the official minutes of the HRA Board. The HRA Board recessed to another location to complete their scheduled meeting.

Commissioner Dowson offered Resolution No. 31 -13 and moved its adoption, and Commissioner Kangas seconded:

APPROVING THE CREATION OF REDEVELOPMENT PROJECT NO. 6,
THE REDEVELOPMENT PLAN RELATING THERETO,
APPROVING THE CREATION OF TAX INCREMENT FINANCING DISTRICT NO. 6-1,
AND THE TAX INCREMENT FINANCING PLAN RELATING THERETO

WHEREAS:

A. The Cass County HRA has requested that Cass County, Minnesota (the "County"), approve the establishment of Redevelopment Project No. 6 and the adoption a redevelopment plan relating thereto, and the creation of Tax Increment Financing District No. 6-1 and the adoption of a tax increment financing plan with respect thereto, under the provisions of Minnesota Statutes, Sections 469.001 to 469.047 and Sections 469.174 to 469.1799, inclusive, as amended (collectively, the "Act"); and

B. The Cass County Board has held a public hearing upon published notice as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Cass County Board as follows:

1. Redevelopment Project No. 6 and Tax Increment Financing District No. 6-1. The county hereby approves the creation of Redevelopment Project No. 6, the Redevelopment Plan relating thereto, the creation of Tax Increment Financing District No. 6-1, the boundaries of which are fixed and determined as described in the Tax Increment Financing Plan relating thereto.
2. Tax Increment Financing Plan. The Tax Increment Financing Plan is adopted as the tax increment financing plan for Tax Increment Financing District No. 6, and the county makes the following findings:
 - (a) Tax Increment Financing District No. 6 is an economic development district as defined in Minnesota Statutes, Section 469.174, Subd. 12.

The reasons and facts supporting this finding are that the creation of the TIF District will result in increased employment and will preserve and enhance the tax base of Cass County.
 - (b) The proposed development, in the opinion of the county, would not occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of Tax Increment Financing District No. 6 permitted by the Tax Increment Financing Plan.

The reasons and facts supporting this finding are that the owners of Reed's Family Outfitters have indicated that they will not move forward with the project in its current design or location if TIF assistance is not available to control costs and provide an acceptable level of return on the investment in the expansion project in this unstable market.

A comparative analysis of estimated market values both with and without establishment of the TIF District and the use of tax increments has been performed. Such analysis is included as Exhibit 5, indicates that:

 - a. the increase in estimated market value of the proposed development is \$1,756,915;
 - b. the present value of expected tax increments collected over the maximum duration of the TIF District is \$110,627; and
 - c. the expected increased estimated market value of the site without the use of tax increment is \$300,000.
 - (c) The Tax Increment Financing Plan for Tax Increment Financing District No. 6-1 conforms to the general plan for development in Cass County as a whole.
 - (d) The Tax Increment Financing Plan will afford maximum opportunity, consistent with the sound needs of the county as a whole, for the development of the project area by private enterprise.
 - (e) The reasons and facts supporting this finding are that the Authority's actions to assist private development in the TIF District will be limited to only actions deemed essential to permit development by private enterprise to occur within the project area.
3. Public Purpose. The adoption of the Tax Increment Financing Plan conforms in all respects to the requirements of the Act and will help fulfill a need to develop an area of the county, to provide employment opportunities, to improve the tax base, and to improve the general economy of the county and state and thereby serves a public purpose.

4. Certification. The Auditor-Treasurer of Cass County is requested to certify the original net tax capacity of Tax Increment Financing District No. 6-1 as described in the Tax Increment Financing Plan, and to certify in each year thereafter the amount by which the original net tax capacity has increased or decreased in accordance with the Act; and the Executive Director of the Authority is authorized and directed to transmit this request to the Auditor-Treasurer in such form and content as the Auditor-Treasurer may specify, together with a list of all properties within Tax Increment Financing District No. 6-1 for which building permits have been issued during the 18 months immediately preceding the adoption of this Resolution.
5. Filing. The Cass County HRA Executive Director is further authorized and directed to file a copy of the Development Program and the Tax Increment Financing Plan with the State Auditor and the Commissioner of Revenue.

Resolution No. 31 -13 was adopted by majority vote: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

M/S/P Dowson, Gaalswyk – To refer the Cass County Business Subsidy Policy and the Tax Increment Financing Policy to an Ad Hoc Committee of the Board (Commissioners Gaalswyk, and Kangas). Unanimous.

- 4A. Veterans Service Officer Jeff Woodford introduced the new Assistant Veterans Service Officer Stephen Sether. Mr. Sether described his background and training to date. The Board welcomed Mr. Sether to Cass County.

Mr. Woodford updated the Board on recent activity by location, the transportation program, the Land Department flag dedication scheduled for August 08, 2013, and informed the Board that Ms. Emery temporary employment was completed on August 1, 2013. In the month of June 2013 Cass County distributed \$25,087.12 to qualifying veterans through the Minnesota State Soldiers Assistance Program which was the third highest in the State of Minnesota behind only the Counties of Hennepin and Ramsey. HHVS Director Wells added that Office Support Specialist Senior Jolene Frick is in training to provide additional office support to the Veterans Unit. No action necessary.

- 4B. County Team Leader Renee Lukkason discussed Minnesota Breastfeeding Awareness Month (August) which is celebrated in conjunction with World Breastfeeding Week worldwide August 1-7, 2013. The 2013 theme highlights the importance of providing support to breastfeeding families. Ms. Lukkason explained the activities performed by Cass County Health, Human, and Veterans Service specially trained public health nurses who have extensive knowledge, and experience assisting breastfeeding families. No action necessary.

- 4C. HHVS Director Reno Wells requested Board approval to enter into an agreement with Sicora Consulting in the amount of \$9,350.00 for organizational development for HHVS Supervisors. The program will be designed to identify skills, note strengths, and how the agency can provide quality customer service.

M/S/P Kangas, Gaalswyk – To approve an agreement with Sicora Consulting for organizational development program at Health, Human, & Veterans Services, not to exceed \$9,350.00. Unanimous.

- 5A. Assistant Land Commissioner Scott Noland presented an agreement with FSC/SmartWood. The agreement serves as a contract between Cass County and FSC/Smartwood to conduct the 2013 annual audit in the amount of \$7,720.00.

M/S/P Dowson, Peterson – To approve the 2013 FSC/SmartWood audit agreement as presented in the amount of \$7,720.00. Unanimous.

- 5B. Mr. Noland informed the Board of the recent confirmation that the Omnibus Legacy Bill Chapter 137 was signed into law during the regular 2013 legislative session, with appropriations available July 1, 2013. Mr. Noland explained that the funding is generated from a 3/8 of a percent state sales tax with no match of any Cass County levy funds. Cass County has been awarded \$500,000 to acquire key forest habitat that is open to the public for hunting, fishing, and the taking of game. The Land Department will now begin communication with numerous private property owners that have offered their land for sale to the public and the affected Townships.

Commissioner Kangas offered Resolution No. 32 -13 and moved its adoption, and Commissioner Gaalswyk seconded:

Lessard-Sams Outdoor Heritage Fund
Grantee Resolution

BE IT RESOLVED that Cass County act as legal sponsor for the project contained in MN Laws 2013, Chapter 137, Article 1, Section 2, Subdivision 3(d) Protect Key Forest Habitat Lands in Cass County-Phase IV

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 Joshua Stevenson, Cass County Land Commissioner, is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the recipient.

Resolution No. 32 -13 was adopted by majority vote: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

- 5C. Assistant Land Commissioner Noland requested a fund transfer from the Land Department Reforestation Fund to the Environmental Trust Fund for reimbursement of certain LCCMR costs per a State grant agreement. In addition, Mr. Noland reported that an earlier Environmental Trust Fund #73 request of \$52,500.00 for a 35% match to a GIA ATV Trail in the Longville area will not be needed due to a recent land purchase using LSOHC Funds that will significantly reduce the trail construction costs.

M/S/P Peterson, Kangas – To approve payment from Land Department Reforestation Fund 71-032 to Environmental Trust Fund 73 to satisfy Interfund Payable related to LCCMR in the amount \$82,000.00 and amend the Environmental Trust Fund #73 project budget control as requested. Unanimous.

- 5D. M/S/P Peterson, Dowson – To approve distribution of State “In Lieu” payment of \$1,047,186.77 and distribution of State “Wildlife Management Lands” payment of \$146,611.50 as presented. Unanimous.

- 5E. Mr. Noland requested the Board to amend the FSC certificate by excision of approximately 25 acres in Thunder Lake Township due to a request to expand an existing adjacent County fee owned gravel pit to facilitate County, Township, and private projects that require aggregates. Assistant Land Commissioner Noland reported that Thunder Lake Township has approved the request and that the current forest resource management plan identifies gravel pits as a necessary use of county managed forest land.

M/S/P Dowson, Gaalswyk – To approve removal of approximately 25 acres from the FSC Certificate in Section 3 of Thunder Lake Township 140, Range 26 contingent upon written authorization from the Planning Commission and reporting this action at the next FSC Audit scheduled in fall of 2013. Unanimous.

- 6A. Administrator Yochum acknowledged the public hearing notices regarding the request for revocation of road right-of-way located on Parcel ID#30-009-2201, north of State Trunk Highway #200 right-of-way lying within Government Lot 4, Section 9, Pine Lake Township 141, Range 29. The revocation request is dated May 28, 2013 from fee owners Stanley Rehm and the Leech Lake Area Watershed Foundation (LLAWF). In addition, Mr. Yochum reported receipt of a request dated July 16, 2013 from Pine Lake Township to transfer County road authority to Pine Lake Township. Pine Lake Township Supervisor Sue Boege presented a petition with 67 signatures in opposition of the revocation. Pine Lake Township Supervisor Kathleen Miller reported that the Pine Lake Township Board is unanimous in opposition to revocation and per the agreement drafted by the Township legal counsel (Troy Gilchrist) the Township intent is to maintain public access over an existing easement. Additional members of the audience speaking in opposition to the revocation and support for the Township request included: Neill Kinder, Eric Netter, Don Reed, and Susan Boege. Chairman of the LLAWD Tom Rogge and Stanley Rehm discussed their revocation request and possible alternatives. County Attorney Christopher Strandlie identified next step options to the Board under Minnesota statutes 163.11.

M/S/P Dowson, Peterson – To deny the revocation request dated May 28, 2013 from Stanley Rehm and the Leech Lake Area Watershed Foundation (LLAWF) to vacate County road right-of-way and further to authorize execution of an agreement to transfer the County interest in that part of former temporary Trunk Highway #34 – S.P 1106-01 and 1106-07 lying northerly of the existing northerly right-of-way of Trunk Highway #200 and lying easterly of the existing easterly right-of-way line of 16th Avenue NW located within Government Lot 4, Section 9, Township 141 North, Range 29 West, Cass County, Minnesota, said property being identified with Tax Parcel #30-009-2201 (the “Highway”). Unanimous.

- 7A. Highway Engineer Dave Enblom presented three responses to requests for proposals (RFP) for County Ditch #9 engineering services. Estimates were priced between \$24,000.00 to \$31,000.00 to design possible alternatives for ditch repair requested by petition. Mr. Enblom recommended tabling the RFP’s responses for the purpose of discussing the same with petitioners and other affected parties.

M/S/P Kangas, Peterson – To approve the recommendation of Highway Engineer Enblom to table the three responses to requests for proposals for County Ditch #9 engineering services for the purpose of discussing the same with affected parties and report back to the Board at a later date. Unanimous.

- 7B. Mr. Enblom reported that the Leech Lake Band of Ojibwe has confirmed their participation of \$375,000.00 for replacing the Boy River Bridge on CSAH #8 per the memorandum of agreement with the County dated March 5, 2013.

M/S/P Downham, Dowson – To amend the memorandum of agreement dated March 5, 2013 with the Leech Lake Band of Ojibwe to include \$375,000.00 as the Tribal share and adding Cass County participation of \$8,792.00 (source of funds - County State Aid construction account) in addition to the County project administration estimate of \$100,000.00. Unanimous.

- 7C. Highway Construction/Design Engineer Laura Hadrava presented bids that were opened on Tuesday, July 30, 2013 for the Leech Lake Band cooperative projects (see memorandum of agreement dated March 5, 2013) of CR #143 reconstruction/paving and the CSAH 75 (Bingo Palace Road) trail. Ms. Hadrava reported that the bids submitted were considerably higher than anticipated by the engineer's estimate of \$1,067,863.35. Highway Engineer Dave Enblom explained that the County funding of the CSAH 75 (Bingo Palace Road) trail project is Environmental Trust Fund #73 money, and that an additional amount of \$47,219.45 from Fund #73 (due to the overbid) is necessary. Mr. Enblom recommended that the County share of the excess overbid of \$115,000.00 for the CR 143 project come from Highway Department 2013 operating budget or if necessary Highway Department fund balance.

Project No.: CP 2013-1(143), CP 2013-2(75), CP 2013-4(143)
Engineers Estimate - \$1,067,863.35

<u>Bidder</u>	<u>Total Bid Amount</u>	<u>Percent Over/Under Estimate</u>
Casper Construction, Inc.	\$1,363,625.00	27.70% Over Estimate
Knife River Materials	\$1,397,988.54	30.91% Over Estimate
Anderson Brothers Const. Co.	\$1,465,363.27	37.22% Over Estimate
Tri-City Paving, Inc.	\$1,544,999.23	44.68% Over Estimate

M/S/P Kangas, Peterson – To award bids for the Leech Lake Band cooperative projects of C.R. 143 (reconstruction and paving), and CSAH 75 (Bingo Palace Road) trail to Casper Construction, Inc. in the amount of \$1,363,625.00 contingent upon confirmation from the Leech Lake Band of Ojibwe of their financial contribution, further, to authorize up to an additional \$47,219.45 from Fund #73 for the County commitment to the CSAH 75 trail project (increased to \$173,000.00), and further, to authorize up to an additional \$115,000.00 for the County commitment to the CR 143 project from the Highway Department 2013 operating budget, or if necessary, Highway Department fund balance. Unanimous.

- 7D. Mr. Enblom reported that the Highway Department demonstration of a New Holland Model TS6.125 tractor with a Diamond bat-wing mower has been successfully completed per Board action of July 16, 2013. Engineer Enblom indicated that a rental from the dealer for the 2013 season is not available and no alternative to avoid sales tax at this time is available. Mr. Enblom explained the benefits of keeping this unit in service in 2013 and also informed the Board that the Highway Department has competitive bids on file.

M/S/P Kangas, Gaalswyk – To approve amending the July 16, 2013 Board minutes by authorizing the Highway Department to purchase the New Holland Model TS6.125 tractor with a Diamond bat-wing mower in 2013 not to exceed \$75,774.38. Unanimous.

- 8A. Auditor-Treasurer Sharon Anderson presented July 23, 2013 meeting notes of the Leech Lake Liaison Committee of the Board (Commissioners Downham, Dowson) regarding the Leech Lake Band applications for trust land status of Antler's Ridge located in Shingobee and Turtle Lake Townships and the World of Christmas property located in Shingobee Township. Ms. Anderson presented a draft response to the Leech Lake Band of Ojibwe regarding the World of Christmas trust land application dated July 11, 2013.

M/S/P Dowson, Kangas – To approve the draft response addressed to the Leech Lake Band of Ojibwe regarding the World of Christmas trust land application dated July 11, 2013. Unanimous.

Ms. Anderson presented a draft response to the Bureau of Indian Affairs notice dated July 11, 2013 regarding Antler's Ridge (consisting of 89.31 acres) in Shingobee and Turtle Lake Township. Area resident Bob Rowe requested consideration of alternate access routes. President of Breezy Point Homeowners Association Robert Gisvold expressed concerns of the neighborhood with the trust land application. The Board discussed jurisdiction of the present land use regulations.

M/S/P Dowson, Kangas – To approve the draft response addressed to the Bureau of Indian Affairs regarding the Antler's Ridge trust land application dated July 11, 2013. Unanimous.

- 9A. County Administrator Yochum confirmed the upcoming meeting schedule: County Board Meeting in Commissioner District #3 Tuesday, August 20, 2013 6:00 p.m. at Barclay Township Hall, 1214 State 84 SW, Pine River, MN. b. AMC Policy Committee Meeting – Friday, September 6, 2013 Arrowwood Resort & Conference Center, Alexandria, MN.
- 9C. By consensus, the Board acknowledged an invitation to attend Enbridge Pipeline Company open houses regarding the Sandpiper Pipeline Project (August 20 – August 22, 2013 at various locations) and authorized participation by Board members.
10. Chairman Downham adjourned the meeting at 11:30 a.m.

SIGNED: _____
Dick Downham, Chairman
Cass County Board of Commissioners

ATTEST: _____
Robert H. Yochum
Cass County Administrator