

TRANSCRIPT AND REPORT OF PROCEEDINGS  
CASS COUNTY BOARD OF COMMISSIONERS  
COUNTY OF CASS  
JUNE 15, 2010

- 1A. Chairman Demgen convened the regular meeting of the Cass County Board of Commissioners at 6:00 p.m. on Tuesday, June 15, 2010, with the flag pledge, at the Ponto Lake Town Hall, 1538 State 84 NW, Backus, 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
Dave Enblom	Highway Engineer	Laura Hadrava	Highway Department
Christopher Strandlie	County Attorney	Randy Fisher	Sheriff
Reno Wells	Probation Director	Sharon Anderson	Auditor-Treasurer
Paul Fairbanks	ESD	John Stevenson	Land Commissioner
Tim Richardson	Central Services Director	Brad McDonald	Ponto Lake Twp.
Greg Booth	Sylvan Twp.	Jim Ballenthin	Ponto Lake Twp.
Duane Larson	Ponto Lake Twp.	Blair Whitnah	Ponto Lake Twp.
Lee Theisen	Ponto Lake Twp.	Jerry Anderson	Ponto Lake Twp.
Judy Anderson	Ponto Lake Twp.	Jean Ballenthin	Ponto Lake Twp.
David Harrington	Self	Gail Leverson	Cass County EDC
Dale Yerger	Deep Portage Conservation Reserve	Greg Booth	Sylvan Twp.
Gail DeBoer	Pilot Independent	Monica Lundquist	Brainerd Dispatch

- 1B. M/S/P Kangas, Peterson - To approve the agenda items for discussion as presented after moving Item 2A.18. (Approve Resolution No. 26-10 DNR aquatic management area – Lots 1, 2, 3, and 4 of Bl. 1 and Lot 1 of Bl. 2, all in the plat of Minnevista Shores located in SE1/4 of NW1/4 of Section 15 Woodrow Township and add the David Harrington property to the Aquatic Management Area on Washburn Lake totaling 4.67 acres on the lake bed and 14.29 acres upland Crooked Lake Township) to Item 2E. and the addition of Items 2A29. (Approve final payment on SP-11-595-03 (Pine River Depot Project) to Gopher State Contractor's Inc. in the amount of \$16,279.74) and 2D. (2011 Budget Adoption Calendar). Unanimous.

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

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

Approve - Regular Board Minutes of June 1, 2010.

Approve - Auditor Manual Warrants dated May, 2010 in the amount of \$2,804,216.38.

Approve - HHVS Auditor Warrants dated May 28, 2010 in the amount of \$71.00.

Approve - Auditor Warrants dated June 3, 2010 in the amount of \$846,058.16.

Approve - HHVS Auditor Warrants dated June 4, 2010 in the amount of 51,049.39.

Approve - HHVS Commissioner Warrants dated June 4, 2010 in the amount of \$53,634.77.

Receive & file - Monthly Budget Reports.

Approve Personnel Items - A. Budgeted positions scheduled for replacement - 1. Receive & file – Notice of retirement of Sylvia Bird, adult mental health Social Worker, Adult Unit, effective 8/2/10, and Receive & file – Notice of intent to fill budgeted Social Worker position, Adult Unit, grade 28, step 1, with intent to post internally. 2. Receive & file – Notice of intent to fill the budgeted .5 FTE Office Support/.5 FTE Financial Worker position with two half time staff; office support worker, grade 15, step 1 and a financial worker grade 20, step 1 with intent to post internally. B. Positions scheduled for no replacement: None. C. Other - 1. Receive & file - Notice of probation completion for Kelly Crow, Social Worker, Children's unit, grade 28, step 1, effective 6/14/10. 2. Receive & file - Notice of hire of Rachael Bratz to fill the budgeted Family Stabilization Social Worker position, Children's Unit, grade 28, step 1, effective 6/21/10. 3. Receive & file - Notice of promotion of Tamara Miller to the budgeted Financial Worker position, IMU, grade 20, step 1, effective 6/14/10 (Board approved on June 1, 2010).

Approve licenses – On Sale Intoxicating Liquor including Sunday Application - Charlie's Up North Boathouse & Grill, Charles Thompson, Shingobee; Charlie's, Charles Thompson, Shingobee; Anderson's Horseshoe Bay Lodge, Anderson's Horseshoe Bay, LLC, Turtle Lake; Fireside, Shimer's Steak & Seafood, Inc., Turtle Lake. On & Off Sale Intoxicating Liquor including Sunday Application - Anchorage Inn, JL Anchorage, LLC, Inguadona. Off Sale Intoxicating Liquor - Lake Country Grocery & Liquor, Sara & Chris Smith, Crooked Lake; Y Bottle Shop, TGL Corp., Shingobee. Gambling - Outing Gun Club, Connie Glass, Crooked Lake.

Receive & file - Auditor -Treasurer's Interest Income Report for May 2010.

Receive & file - Timber auction results of May 27, 2010 totaling 10,199.00 cords plus 8.80mbf saw timber totaling \$226,684.00.

Receive & file - Cass County EDC Report of May, 2010.

Receive & file - Kitchigami Regional Library Financial Statement dated December 31, 2009.

Accept - Donation in the amount of \$50.00 from David G. Lawson for the Cass County Sheriff's Office – Boat and Water Division.

Approve - Conservation Easement - Lake Wabedo (Haxby Family) Wabedo Twp. & authorize payment of \$27,000. - appraisal services from BWSR- LCCMR Grant funds.

Authorize - FY2010 contribution to the Initiative Foundation in the amount of \$7,357.00 per the November 2, 2009 recommendation of the Citizen Budget Committee and refer the FY2011 request in the amount of \$16,350.00 to the Cass County Citizen Budget Committee.

Receive & file - Correspondence from MNDEED regarding Monitoring Report for the Ah-Gwah-Ching Redevelopment Special Appropriation Project.

Approve - Resolution No. 26-10 confirming continuation of the Absentee & Mail Ballot Board (2010 law change-statutory requirement). Commissioner Kangas offered Resolution No. 26-10 and moved its adoption; Commissioner Dowson seconded:

BE IT RESOLVED that the Cass County Board of Commissioners hereby continues the establishment of an absentee ballot and mail ballot board pursuant to the mandated procedures of Minnesota Statutes 203B.121 for elections held within Cass County, Minnesota.

BE IT FURTHER RESOLVED to delegate the authority to the Cass County Auditor-Treasurer to appoint qualified election judges to the absentee and mail ballot boards in sufficient numbers pursuant to Minnesota Statutes 204B.13-204B.22 and 204B.45 within the approved annual budget authority.

Resolution No. 26-10 is hereby effective beginning with the 2010 election year and shall remain in effect until amended or revoked.

Resolution No. 26-10 was adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

Approve - Tax variance write-off amount of \$10.00 effective for taxes payable 2010 and future tax years (was \$5.00).

M/S/P Kangas, Dowson - Award quotes for the repair of a wash out on a grant in aid snowmobile trail in Section 18-135-30 (Homebrook Township) currently being used to access an active timber sale to Sawyer Timber in the amount of \$300.00. Unanimous.

<u>Bidder</u>	<u>Bid Amount</u>
Sawyer Timber	\$300.00
Sawyer Enterprises	\$345.00
Northfork Boulders	\$400.00
Schrupp Excavating	\$500.00

Approve - Pay invoice #4156645 request for AGC Re-Use Project, Kimley-Horn, in the amount of \$2,950.00. (capital fund).

Approve - Resolution No. 27-10 - 3 yr. lease agreement with the Highway Department and MN Public Safety, 50'X100' land to be used a motorcycle skill test course.

Commissioner Kangas offered Resolution No. 27-10 and moved its adoption; Commissioner Dowson seconded:

Whereas; the State of Minnesota, Department of Public Safety, requires an area of land approximately 50'X100' to be used as a motorcycle skill test course during the summer months, and

Whereas; the Cass County Highway Department has a section of parking lot that would be suitable for this use,

Now, Therefore, Be it Resolved, that the Cass County Board authorizes the County Engineer to enter into a three-year lease agreement with the State of Minnesota for this purpose.

Resolution No.27-10 was adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

Authorize - Sheriff to execute GeoComm's PSAP Consolidation Study Agreement.

Approve - Application for Need Determination for Lakes Employment Opportunities to increase licensed capacity to 36 individuals in order to meet the needs for day treatment in southern Cass County.

Accept - \$6,787.00(local match of \$711.00) Juvenile Accountability Block (JABG) Grant Funds from Office of Justice Program.

Approve - Qualified installer and authorize payment not to exceed \$8,000.00 for replacement/imminent health threat septic system in Remer Twp (BWSR 2008 Clean Water Legacy grant).

Receive & file - Correspondence from MNDEED regarding Monitoring Report for the Deep Portage Reserve Wood Gasification Appropriation Project.

Approve - Resolution No. 32-10 - Final payment on SP-11-595-03 (Pine River Depot Project) to Gopher State Contractor's Inc. in the amount of \$16,279.74.

Commissioner Peterson offered Resolution No. 32-10 and moved its adoption; Commissioner Downham seconded:

WHEREAS: Contract No. 59503 (SP-11-595-03) 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. 32-10 was adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

- 2B. Administrator Yochum reported on the Personnel Policy Committee recommendation to amend the Personnel Policies and Rules by adding H. Cell Phone Policy to SECTION 8: CODE OF ETHICS. The purpose of the policy is to provide guidance regarding cellular (cell) phone privileges and to define County expectations with regard to use of County-owned cell phones. The Internal Revenue Service (IRS) has categorized these tools as "Listed Property" and requires that stringent controls be in place to insure compliance. All County Employees that are provided a cell phone will sign an acknowledgement of receiving and understanding the policy.

M/S/P Downham, Kangas - To approve the recommendation from the Personnel Policy Committee to amend the Personnel Policies and Rules to add H. Cell Phone Policy to SECTION 8: CODE OF ETHICS as presented. Unanimous.

- 2C. Administrator Yochum reported that the Personnel Committee of the Board (Demgen, Dowson) met with District Judge John Smith, Probation Director Reno Wells, Chief Probation Officer Jim Schneider, and Administrator Yochum on Tuesday, May 11, 2010. Items discussed were the results to date of the Cass County/Leech Lake Wellness Court, the recent resignation of the State Agent that provided supervision to Wellness Court participants and a request from the Probation Department to authorize overtime in the amount \$5,000.00 (utilizing state funds) to assist in supervision of Cass County/Leech Lake Band Wellness participants. Mr. Wells added that there are grant funds available to sustain the Wellness Court Program through September 30, 2010.

M/S/P Dowson, Peterson – To approve the recommendation of the Personnel Committee of the Board to authorize overtime not to exceed \$5,000.00 (utilizing solely State funds) in FY 2010 for the Probation Department to assist in supervision of Cass County/Leech Lake Wellness Court participants. Unanimous.

- 2D. Auditor-Treasurer Sharon Anderson presented a draft 2011 budget adoption calendar and Administrator Yochum requested approval of a special meeting with the Cass County Citizen Budget Committee.

M/S/P Downham, Peterson – To establish a special meeting of the Cass County Board of Commissioners and the Cass County Citizen Budget Committee on Tuesday, July 13, 2010 beginning at 9:00 a.m., at the Cass County Land Department Meeting Room, Backus, MN. Unanimous.

- 2E. County Administrator Yochum explained Resolution No. 28-10 regarding the MN Department of Natural Resources proposed state land acquisition of an aquatic management areas consisting of 11.14 acres and about 1,200 feet of shoreline on Little Woman Lake in Woodrow Township and a similar request from David Harrington to add the Aquatic Management Area on Washburn Lake totaling 4.67 acres on the lake bed and 14.29 acres upland Crooked Lake Township. Mr. Yochum also informed the Board that both Townships have also supported the MN DNR's purchase of the parcels on Little Woman Lake in Woodrow Township and Lake Washburn in Crooked Lake Township.

Commissioner Dowson offered Resolution No. 28-10 and moved its adoption; Commissioner Downham seconded:

#### Review of Proposed State Land Acquisition

In accordance with Minnesota Statutes 84.944, Subd. 3 and 97A.145, Subd. 2, the Commissioner of the Department of Natural Resources on Tuesday, June 15, 2010 provided the county board with a description of lands to be acquired by the State of Minnesota for Aquatic Management Area purposes.

Lands to be acquired are described as follows:

Lots 1, 2, 3, and 4 of Block 1 and Lot 1 of Block 2, all in the plat of Minnevista Shores located in SE1/4 of NW1/4 of section 15 Woodrow Township. The subject property consists of 11.14 acres and about 1200 feet of shoreline on Little Woman Lake and,

Lands to be acquired are described as follows:

Washburn Lake Aquatic Management Area (AMA 00240)  
(Lake Bed) 4.67 acres  
Acquisition Number 136840

That part of Government Lot 6, Section 17, Township 139 North, range 26 West, Cass County, Minnesota, lying within the lakebed of Donut Lake and lying northwesterly and northerly of the following described line:

Commencing at the Southwest corner of said Government Lot 6; thence North 0 degrees 37 minutes 17 seconds West, assumed bearing along the west line thereof 325.44 feet to the point of beginning of the line to be herein described; thence North 42 degrees 52, minutes 56 seconds East 425.00 feet; thence North 21 degrees 46 minutes 21 seconds East 512.25 feet; thence North 48 degrees 33 minutes 53 seconds East 370 feet, more or less, to the shoreline of Washburn Lake and said line there terminating, and

(Upland) 14.39 acres  
Acquisition Number 136840

That part of Government Lot 6, Section 17, Township 139 North, range 26 West, Cass County, Minnesota, lying northwesterly and northerly of the following described line:

Commencing at the Southwest corner of said Government Lot 6; thence North 0 degrees 37 minutes 17 seconds West, assumed bearing along the west line thereof 325.44 feet to the point of beginning of the line to be herein described; thence North 42 degrees 52, minutes 56 seconds East 425.00 feet; thence North 21 degrees 46 minutes 21 seconds East 512.25 feet; thence North 48 degrees 33 minutes 53 seconds East 370 feet, more or less, to the shoreline of Washburn Lake and said line there terminating. And lying north of Donut Lake.

IT IS HEREBY RESOLVED, by the Board of County Commissioners of Cass County on June 15, 2010 that the State's proposed acquisition of the attached described property be approved.

Resolution No. 28-10 was adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

- 3A. Chairman Demgen reopened the May 18, 2010 continued Public Hearing on County road status revocation of Old Highway 371 (Rocking Ranch Rd. SE) in Wilson Township. Highway Engineer Enblom updated the Board on the recommended improvements by the County prior to reversion of the Rocking Ranch Rd. SE to Wilson Township including bituminous crack filling and a road shoulder project in 2010. Mr. Enblom recommended that the resurfacing of this .3 mile should occur when CR #44 (last pavement placed in 1987) is resurfaced (date undetermined at this time). Mr. Enblom also reaffirmed that pursuant to MN Statute the road authority transfer would be effective two years after adoption of Resolution No. 29-10 by the County Board. Mr. Yochum added that no written responses have been received since the May 18, 2010 meeting. No one requested to be heard on this subject.

Commissioner Kangas offered Resolution No. 29-10 and moved its adoption; Commissioner Peterson seconded:

Pursuant to MN Statute 163.11, Subd. 5, it appears to the Cass County Board of Commissioners, State of Minnesota; that Rocking Ranch Road, located within Wilson Township MN, should be revoked to the political subdivision for which it lies.

Part of the former County Road, known as ROCKING RANCH ROAD

The North 850.00 feet of the East 33.00 feet of Government Lot 4, Section 8; and the North 850.00 feet of the West 33.00 feet of Government Lot 1 and the West 33.00 feet of Southwest Quarter of the Northwest Quarter, Section 9, all in Township 137 North, Range 29 West, Cass County, Minnesota, which lie southeasterly of the easterly right-of-way line of the alignment established for County State Aid Highway Number 44 defined in Project Number S.A.P. 11-644-02 as approved February 10, 1986.

Included is that part of said West 33.00 feet of Government Lot 1, Section 9 dedicated as ROCKING RANCH ROAD in the plat of PINE RIVER ESTATES according to the record plat thereof on file in the office of the Cass County Recorder.

Resolution No. 29-10 was adopted by majority vote: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

- 4A. Construction/Design Highway Engineer Laura Hadrava presented the bid results that had been opened on Tuesday, June 15, 2010.

Contract No. 63502

Project No.: CM 2010-1(106) - CR 106 in Becker Twp., CM 2010-2(34) - Patches on CSAH 34 between TH 64 and CSAH 1; SAP 11-677-12 - CSAH 77 in City of East Gull Lake; and SAP 11-635-02(CSAH35 paving in May Township (S & N)).

Engineers Estimate \$1,263,536.44

<u>Bidder</u>	<u>Total Bid Amount</u>	<u>Percent Over/Under Estimate</u>
Tri-City Paving, Inc.	\$1,104,282.95	12.60% Under Estimate
Anderson Brothers Constr. Co.	\$1,113,415.67	11.88% Under Estimate
Knife River Materials Corp. - North Central	\$1,128,642.12	10.68% Under Estimate
Mark Sand & Gravel Co.	\$1,391,799.20	10.15% Over Estimate

M/S/P Kangas, Dowson - To award the bid to the following apparent low bidder (received on June 15, 2010) for CM 2010-1(106) - CR 106 in Becker Twp., CM 2010-2(34) - Patches on CSAH 34 between TH 64 and CSAH 1; SAP 11-677-12 - CSAH 77 in City of East Gull Lake; and SAP 11-635-02(CSAH35 paving in May Township (S & N)). to Tri-City Paving, Inc. in the bid amount of \$1,104,282.95. Unanimous.

Contract No. 63502

Project No.: CP 2010-1(155) - CR 155 in Crooked Lake Twp.; SAP 11-611-04 - CSAH 11 in Woodrow Twp.

Engineers Estimate \$968,453.82

<u>Bidder</u>	<u>Total Bid Amount</u>	<u>Percent Over/Under Estimate</u>
Tri-City Paving, Inc.	\$ 735,633.63	24.04% Under Estimate
Knife River Materials Corp. - North Central	\$ 780,816.30	19.37% Under Estimate
Anderson Brothers Constr. Co.	\$ 863,197.54	10.87% Under Estimate
Hawkinson Construction Co., Inc.	\$ 926,962.58	4.28% Under Estimate
Mark Sand & Gravel Co.	\$1,103,589.38	13.95% Over Estimate

M/S/P Peterson, Dowson - To award the bid to the following apparent low bidder (received on June 15, 2010) for CP 2010-1(155) - CR 155 in Crooked Lake Twp.; SAP 11-611-04 - CSAH 11 in Woodrow Twp. to Tri-City Paving, Inc. in the bid amount of \$735,633.63. Unanimous.

Project Name: Enhanced Pavement Markings

Project No.: SP 011-070-002

Engineers Estimate \$295,061.20

<u>Bidder</u>	<u>Total Bid Amount</u>	<u>Percent Over/Under Estimate</u>
Traffic Marking Service, Inc.	\$271,626.39	7.94% Under Estimate
Century Fence	\$279,481.87	5.28% Under Estimate
AAA Striping Service Co.	\$287,561.20	2.54% Under Estimate

M/S/P Downham, Kangas - To award the bid to the following apparent low bidder (received on June 15, 2010) for SP 011-070-002 Enhanced Pavement Markings to Traffic Marking Service, Inc. in the bid amount of \$271,626.39. Unanimous.

- 4B. Engineer Enblom presented the Leech Lake Tribal Council Resolution No. 2010-172 approving a cooperative project on CSAH #8 (approximately 8.4 miles) also known as Indian Service Road #3208 located between the junction of CR 157 and the City of Federal Dam. The Leech Lake Band committed \$1.6M for the improvements. Mr. Enblom requested authorization to enter into an agreement for the project with the Leech Lake Band of Ojibwe and to advance project plans to advertise and construction.

M/S/P Downham, Dowson – To approve a Memorandum of Understanding between the Leech Lake Band of Ojibwe and Cass County for the cooperative project on CSAH #8 also known as Indian Service Road #3208, and further, the Board expressed their appreciation to the Leech Lake Band of Ojibwe for assistance on this project. Unanimous.

- 4C. Mr. Enblom discussed the State bridge bonding funds that are available this year or next for the replacement of Bridge No.11505 over Inguadona Bay on CSAH #7. Mr. Enblom requested authorization for the advertisement of the project.

M/S/P Dowson, Peterson – To approve advertisement of the replacement of Bridge No.11505 over Inguadona Bay on CSAH #7. Unanimous.

5. Chairman Demgen acknowledged the Public Hearing Notice regarding updates to the Cass County Capital Improvement Plan. Auditor-Treasurer Sharon Anderson discussed the updates in progress, and requested the Board to continue the public hearing until Tuesday, July 6, 2010. No one requested to be heard on this subject.

M/S/P Peterson, Downham – To continue the Public Hearing on Updates to the Cass County Capital Improvement Plan until Tuesday, July 6, 2010, beginning at 9:15 a.m. Commissioners Board Room, 1<sup>st</sup> Floor Courthouse Annex, Walker, MN. Unanimous.

- 6A. Ponto Lake Township Board members Jim Ballenthin, Duane Larson, and Brad McDonald appeared before the Board to discuss options for managing the recycling containers in the Town hall parking lot. The Town Board reported incidents of the recycling container being set on fire and garbage being dumped at that location. County Planner/Solid Waste Officer Paul Fairbanks discussed alternate sites and security options. By consensus, the Board requested Mr. Fairbanks to discuss further with the Township Board and report back at the regular Commissioners Board Meeting of Tuesday, July 6, 2010.
- 6B. Ponto Lake resident Blair Whitnah requested to be heard regarding the condition of the forest access road that provides access to her property located at 1400 Hay Lake Drive in Ponto Lake Township. Ms. Whitnah explained that the road has not been restored to its past condition after timber harvesting in March of 2010. Ms. Whitnah presented photographs on her laptop of the site and an estimate of \$2,884.00 from Anderson Brothers to restore the road to its prior condition. Land Commissioner Josh Stevenson discussed forest access road maintenance practices and timber harvest contract management. By consensus, the Board requested the Land Commissioner to respond to Ms. Whitnah and report the same to the Board.
- 7A. Land Commissioner Josh Stevenson discussed a request for MNDOT special use permits for Two-Way Nighttime Operation of Snowmobiles on and across MNDOT right of way. The permit covers all current eighteen crossings and use of MNDOT right of way required for existing Cass County GIA Snowmobile trails. Mr. Stevenson presented Resolution No.30-10.

Commissioner Dowson offered Resolution No. 30-10 and moved its adoption, Commissioner Downham seconded:

WHEREAS, the Cass County Board of Commissioners is the duly elected governing body of Cass County; and

WHEREAS, the Cass County Board of Commissioners are concerned for the health and welfare of the community and the residents of Cass County; and

WHEREAS, the Minnesota Department of Transportation maintains jurisdiction over Trunk Highway right of ways;

WHEREAS, the Cass County Board of Commissioners wishes to enter into an agreement with the Minnesota Department of Transportation providing for limited use for Snowmobile Trail – Nighttime, Two-Way Use.

NOW, THEREFORE, BE IT RESOLVED: that the Cass County Board of Commissioners does hereby authorize that Cass County enter into an agreement with the Commissioners of Transportation of the State of Minnesota providing for the limited use, under the terms and conditions set forth therein, for Snowmobile Trail – Nighttime, Two-Way Use referred to C.S. 110 T.H. 0 County of Cass LUP#-0020.

Resolution No. 30-10 was adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

- 7B. Mr. Stevenson updated the Board on Lessard-Sams Outdoor Heritage Council reporting that the Land Department has received notice that the Cass County proposal to acquire key industrial lands was passed into law on May 17. The funding is in the amount of \$594,000 for to acquire 400+ acres of forest and wetland wildlife habitats through fee title acquisition from Pottlatch. The project schedule includes: June 2010 – approach Townships for approval to purchase properties in Powers (41 acres), Becker (80 acres), Byron (120 acres), and Trelpe North (160 acres); July 2010 – complete appraisals for approved parcels; August 2010 – purchase agreements and title opinions; October 2010 – record deeds. The Board congratulated the Land Department and requested notice of the Township presentations. No action necessary.
- 8A. County Attorney Christopher Strandlie presented a draft Social Host Ordinance (No. 2010-01). The proposed ordinance would prohibit any person or persons from hosting an event where alcohol is present and being possessed or consumed by persons less than twenty-one (21) years of age. Mr. Strandlie requested the Board to establish public hearing dates for consideration of the Social Host Ordinance.
- M/S/P Dowson, Downham – To approve hearing dates for consideration of Social Host Ordinance No. 2010-01: 1<sup>st</sup> reading on Tuesday, July 6, 2010, beginning at 10:00 a.m., in the Commissioners Boardroom, 1st Floor, Cass County Courthouse Annex, Walker, MN, 2<sup>nd</sup> reading and final adoption on Tuesday, July 20, 2010, beginning at 6:45 p.m., at the Turtle Lake Township Hall, 4196 72nd St. NW, Walker, MN. Unanimous.
- 8B. Mr. Strandlie reported that the MN Supreme Court has issued an order amending the Rules of Criminal Procedure that allows the expanded use of interactive television (ITV). The new rules permit the use of ITV “for defendants being held in custody in a county other than the venue county” and “the interests of justice”. The County Attorney discussed the types of hearings eligible for ITV contingent upon the consent and location of the parties. Other changes included requiring that the defendant and defense attorney be at the same terminal site if ITV is used for sentencing; Allow pending charges in multiple counties to be heard in a single proceeding conducted by ITV; Permit witnesses to testify by ITV if the court and all parties agree and if all other parties are appearing in person in the courtroom; and Remove the strict “courthouse” limitation to allow ITV sites to be located in other buildings, so long as the ITV site is a “courtroom.” The Board thanked the County Attorney for the update noting that the Board has endorsed expanded ITV use. No action necessary.
- 9A. Central Services Director Tim Richardson discussed the need to engage professional project management services for the Energy Efficiency Conservation Improvement Project approved by the Board June 1, 2010. Mr. Richardson reported seeking proposals from two firms and presented a response from Construction Analysis & Management Inc. (CAM) to provide professional project management services for the project.
- M/S/P Kangas, Downham – To authorize retaining Construction Analysis & Management Inc. (CAM) for professional services for the Energy Efficiency Conservation Improvement Project (design and inspections services) not to exceed 12% of the project cost. Unanimous.
- 10A. Chief Financial Officer Larry Wolfe presented the Post-Employment Benefit Valuation Report (GASB 45) of FY 2008. Mr. Wolfe discussed changes since the last actuarial valuation as of January 1, 2007 including: health cost trend rates, employees hired after January 1, 2008 will receive no direct subsidized post employment medical benefits from Cass County, and implicit rate subsidy benefit up due to Medicare eligibility under MN Statutes 471.61. No action necessary.

- 10B. Chief Financial Officer Larry Wolfe and Deep Portage Conservation Reserve Director Dale Yerger explained the LCCMR Grant that will implement renewable energy, energy efficiency, and energy conservation practices at Deep Portage Conservation Reserve in the estimated amount of \$212,000.00. Improvements at Deep Portage will include install solar hot water system, replacement of the oldest windows and doors; installation of a 10K wind turbine; change out lighting fixtures, switches and refrigeration and freezer compressors. Mr. Yerger added that completion date is June 30, 2012.

Commissioner Peterson offered Resolution No. 31-10 and moved its adoption; 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 7d3, 16.1 d. Demonstrating Sustainable Energy Practices at Residential Environmental Learning Centers..

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 the Cass County Board Chairman and the Cass County Administrator is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the recipient.

Resolution No. 31-10 was adopted by majority vote: Ayes: Demgen, Downham, Dowson, Kangas, Peterson. Nays: None.

- 10C. Administrator Yochum presented a draft grant administration agreement with the Deep Portage Foundation related to the improvements funded by the LCCMR Grant authorized by Resolution 31-10. The proposed draft is similar to the grant agreement utilized for the MNDEED (MIFB-09-0002-H-F-FY09) biomass gasification project in 2009.

M/S Downham, Kangas – To approve the draft grant administration agreement with the Deep Portage Foundation related to the improvements funded by the LCCMR Grant authorized by Resolution 31-10.

M/S Peterson, Dowson – To amend the motion by deleting #3 of the draft grant administration agreement on the basis that the County has not required reimbursement of lost interest income in other similar agreements.

M/S/P Downham, Kangas – To approve the draft grant administration agreement as amended with the Deep Portage Foundation related to the improvements funded by the LCCMR Grant authorized by Resolution 31-10. Unanimous.

- 10D. Mr. Wolfe and Mr. Yerger reported seeking proposals from three firms and presented a response from Construction Analysis & Management Inc. (CAM) to provide professional project management services for the LCCMR energy grant project at the Deep Portage Conservation Reserve.

M/S/P Kangas, Peterson – To authorize retaining Construction Analysis & Management Inc. (CAM) for professional services for LCCMR Energy Grant Project (design and inspections services) not to exceed \$21,000. Unanimous.

11. Chairman Demgen adjourned the meeting at 7:42 p.m.

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

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