

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 W. Fir Avenue, Fergus Falls, MN
Tuesday, February 3, 2009
9:15 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, February 3, 2009, at 9:17 a.m., at the Otter Tail County Government Services Center in Fergus Falls, MN, with Commissioners Everett Erickson, Chair; Roger Froemming, Vice-Chair; John Lindquist, Doug Huebsch and Lee Rogness present.

Approval of Agenda

Motion by Rogness, second by Froemming, and unanimously carried to approve the Board of Commissioners agenda of February 3, 2009, with the following addition:
Closed Session – Attorney/Client Privilege

Approval of Minutes

Motion by Lindquist, second by Huebsch, and unanimously carried to approve the Board of Commissioners meeting minutes of January 27, 2009, as mailed.

Approval to Pay Bills

Motion by Rogness, second by Froemming, and unanimously carried to approve payment of the County Board bills per Attachment A of these minutes.

Committee of the Whole Discussion

County Attorney, David Hauser, provided handouts regarding statutory provisions as they relate to conflict of interest and travel expense reimbursement requests. Discussion took place regarding capital improvement expenses, operating expenses and the budgetary process. Further discussion will take place regarding expenditures and budget. Commissioner Huebsch requested a list of unfunded mandates.

Green Acres Law Update

Assessor, Bob Moe, provided Green Acres legislation information (M.S. 273.111) and sample application and addendum forms. Mr. Moe gave background information on the Green Acres law which started in the 1960's in the metropolitan area and later expanded into outstate Minnesota. The 2008 Legislature made some changes to the law including a shift to benefiting productive non-tillable land. The payback in tax differential between full market value and Green Acres was increased from three years to seven years on any non-productive acres when selling or transferring agricultural property that has received Green Acres deferral prior to May 2008 and that has been grandfathered based on the new 2008 law. Ron Christensen questioned the value of Green Acres and why a property owner would want to put their land into Green Acres. Mr. Moe explained that the Estimated Market Value (EMV) of wooded land is about \$2,400 per acre and under Green Acres, it would be valued at \$1,000 per acre so the property owner would realize a taxable reduction in value. Discussion followed regarding the value of grazing land, issues with assessing land at its highest and best use rather than the land's current use, different interpretations of the Green Acres law and the seven year payback provision. Commissioner Lindquist suggested talking to legislators about the law. Ron Christensen expressed concern for the ecology of our land being affected to save tax dollars because of this law. Commissioner Huebsch stated that we need to use our resources for the advantage of Otter Tail County residents. Additional time was requested for continued discussion regarding the Green Acres Law.

Boat & Water Grant

Chief Deputy, Stacy Paulseth, requested approval of the FY2009 Boat and Water Grant for the State of Minnesota. Motion by Lindquist, second by Huebsch, and unanimously carried to authorize the Chairman's signature to execute a Grant Agreement between the County of Otter Tail and the State of Minnesota DNR for FY2009 Boat and Water Safety Program. The total cost of Otter Tail County's Boat and Water Program was estimated at \$115,000 with the State Grant providing \$44,663 towards salaries for officers.

Noxious Weed Appeal Committee

Motion by Rogness, second by Froemming, and unanimously carried to reappoint Eldor Kugler (WOT) and Richard Carlund (EOT) to the Noxious Weed Appeals Committee as required by State law. Mr. Wasvick submitted a listing of Noxious Weeds in the State of Minnesota and Prohibited Weeds in Otter Tail County. With the agreement of the Board of Commissioners, Mr. Wasvick will request that the townships petition to add Spotted Knapweed and Wild Parsnip to the Prohibited Weeds of Otter Tail County list.

Chute Construction Bids – Fergus Falls Transfer Station

After previously advertising for bids, Solid Waste Director, Mike Hanan, presented two proposals for the Municipal Solid Waste Chute and Deflection Plate Design, Fabrication and Installation at the Fergus Falls Transfer Station as follows:

Wanzek Construction Fargo, ND	\$249,600.00
Northside Welding Sauk Rapids, MN	\$106,763.00

Motion by Huebsch, second by Rogness, and unanimously carried to authorize the appropriate County Officials' signatures to execute a contract between Otter Tail County and Northside Welding, LLC, at a cost of \$106,763.00, for design, fabrication and installation of a Municipal Solid Waste Chute at the Fergus Falls Transfer Station.

Recess

At 10:47 a.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break.

Closed to the Public

At 10:52 a.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners reconvened and closed to the public for the purpose of evaluating the performance of Human Services Director, John Dinsmore, pursuant to M.S. Chapter 13D.05 Subd. 3. All five seated Commissioners were present for the evaluation. A summary of performance conclusions will be provided at the next regular County Board meeting.

Recess & Reconvene

At 11:23 a.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners recessed for committee meetings and lunch break. Chairman Erickson reconvened the meeting at 1:00 p.m.

Public Hearing – Viking Library System Construction Project Financing

Pursuant to due call and notice thereof, a meeting of the Board of Commissioners of Otter Tail County, Minnesota was duly held at the Otter Tail County Government Services Center, 500 Fir Avenue West in Fergus Falls, Minnesota, Tuesday, February 3, 2009, at 1:00 o'clock P.M.

The following members were present:

Commissioners Erickson, Froemming, Lindquist, Huebsch and Rogness

and the following were absent: None

The Chair announced that the meeting was convened for the purpose of considering the execution of a Ground Lease, a Lease and Purchase Option Agreement and a Sublease Agreement relating to the issuance by the Otter Tail County Housing and Redevelopment Authority of its Public Project Revenue Bonds, Series 2009A.

The Chair then presented the proposals received at the offices of Ehlers and Associates, Inc. prior to 10:00 o'clock A.M. These were examined and found to be as shown in Exhibit A.

Commissioner Froemming introduced the following written resolution and moved its adoption:

RESOLUTION APPROVING SALE OF \$1,200,000 PUBLIC PROJECT REVENUE BONDS, SERIES 2009A AND AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE, A LEASE AND PURCHASE OPTION AGREEMENT, A SUBLEASE AND CERTAIN DOCUMENTS RELATED THERETO

Resolution No. 2009 – 07

WHEREAS, the Board of Commissioners has determined that it is necessary and expedient that the County finance the construction of a library system headquarters facility (the "Project") under a Lease and Purchase Option Agreement (the "Lease") to be entered into between the County and the Otter Tail County Housing and Redevelopment Authority (the "Authority");

WHEREAS, the Project will be subleased by the County to Viking Library System pursuant to a Sublease (the "Sublease");

WHEREAS, the Authority is to have a leasehold interest in the land upon which the Project is to be located pursuant to a Ground Lease between the County and the Authority (the "Ground Lease");

WHEREAS, there has been presented to this Board an Official Statement relating to the offering of the Bonds for sale, the Lease, the Sublease, the Ground Lease and a Trust Indenture between the Authority and U.S. Bank National Association, St. Paul, Minnesota (the "Trust Indenture").

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Otter Tail County, Minnesota, as follows:

1. The Trust Indenture and the financing of the Project by the issuance of the Bonds described therein are approved. The offer of Northland Securities, Inc., Minneapolis, Minnesota (the "Purchaser") to purchase the Bonds as hereinafter described is hereby found and determined to be the best proposal received and acceptance of such offer by the Authority is approved.

2. The Sublease, the Lease and the Ground Lease (the "County Documents") are hereby approved, and the County Board Chair (the "Chair") and the County Coordinator are authorized to execute and deliver the County Documents on behalf of the County, in substantially the forms on file, but with all such changes therein, not inconsistent with applicable law, as may be approved by the officials executing the same, which execution shall constitute conclusive evidence of the approval thereof.

3. The Chair and the County Coordinator are authorized and directed to prepare and furnish to the purchaser and to the attorneys approving the Bonds certified copies of all proceedings and records relating to the County Documents and to the right, power and authority of the County and its officers to execute and deliver the same, and said certified copies and certificates shall be deemed the representations of the County as to all matters stated therein.

4. The Chair, County Coordinator and other County officials and staff are authorized and directed to take all other actions and do all other things necessary to assure the expeditious completion of the construction of the Project and the financing thereof as contemplated hereby and to pay all fees and expenses incurred in connection with the transaction.

5. The Official Statement relating to the Bonds, on file with the County Coordinator and presented to this meeting, is hereby approved and the furnishing thereof to prospective purchasers of the Bonds is hereby ratified and confirmed. The Continuing Disclosure Certificate attached to the Official Statement is hereby approved and shall be executed by the Chair and the County Coordinator. The Continuing Disclosure Certificate constitutes a contractual obligation of the County.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner Huebsch and upon vote being taken thereon the following voted in favor thereof:

Commissioners Erickson, Froemming, Lindquist, Huebsch and Rogness

and the following voted against the same: None

whereupon said resolution was declared duly passed and adopted.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Everett P. Erickson, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

Safety Orientation

Safety Director, Tiny Holm, briefed the Board on Otter Tail County's Safety Program and provided orientation materials.

Annual Membership Dues Approved

Motion by Froemming, second by Huebsch, and unanimously carried to authorize payment of 2009 Annual Membership dues to the Minnesota Rural Counties Caucus (MRCC), in the amount of \$2,100, and to the National Association of Counties (NACO), in the amount of \$1,143.

AMC Health & Human Services Committee

County Coordinator, Larry Krohn, reported that the AMC District Chair has requested a delegate to serve on the Health and Human Services Committee. Commissioner Lee Rogness will serve on the AMC Health and Human Services Committee with Commissioner Doug Huebsch serving as an alternate.

**Resolution in Support of the
Otter Country Trail Association
Federal Recreation Trail Grant Application
Otter Tail County Resolution No. 2009 - 08**

Commissioner Rogness offered the following and moved its adoption:

WHEREAS, Otter Tail County has many multi-use trails, and

WHEREAS, Otter Tail County acts as a sponsor for OCTA in the State Grant In Aid Snowmobile Trail System, and

WHEREAS, Otter Country Trail Association (OCTA) wishes to apply for a Federal Recreation Trail Grant to purchase a new groomer for their many trails, and

WHEREAS, This Federal Grant is a 50/50 grant and Otter Country Trail Association would pay half the price of a new groomer, and

WHEREAS, Otter Tail County will act as sponsor for this federal grant and will have no financial responsibility, and

NOW, THEREFORE, BE IT RESOLVED, That the Otter Tail County Board of Commissioners of Otter Tail County hereby supports Otter Country Trail Association's application for the Federal Recreation Trail Grant.

Commissioner Froemming seconded the motion, and upon being put to vote, the resolution was unanimously carried.

Adopted at Fergus Falls, Minnesota, this 3rd day of February, 2009.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Everett P. Erickson, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

Land & Resource Department Fee Schedule

Land & Resource Director, Bill Kalar, submitted the current Land & Resource Department Fee Schedule. The Board of Commissioners accepted the Fee Schedule with no changes for CY2009.

Certificate of Substantial Completion

Motion by Huebsch, second by Lindquist, and unanimously carried to accept the Certificate of Substantial Completion for the 60-Bed Chemical Dependency Treatment Center as recommended by the Physical Plant Manager.

Employee Recognition Program

Motion by Rogness, second by Lindquist, and unanimously carried to authorize payment from the Commissioners Contingency Fund to the Employee's Committee, in the amount of \$936.56, for Employee of the Month recognition and Years of Service Awards.

Personnel Board of Appeals Reappointments

Motion by Froemming, second by Lindquist, and unanimously carried to reappoint the following members to the Otter Tail County Personnel Board of Appeals:

Charles Davis
Parkers Prairie, MN

Term – 01/01/2009 to 01/01/2011

Virginia Portmann
Fergus Falls, MN

Term – 01/01/2009 to 01/01/2012

Closed to the Public

At 2:47 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners closed to the public to discuss a disciplinary proceeding. The closed session is authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Present were all five seated Commissioners, County Attorney, County Coordinator and Board Secretary.

Open to the Public

At 3:00 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners opened to the public. Motion by Huebsch, second by Rogness, and unanimously carried to authorize the Chairman's signature to execute an Agreement between the County of Otter Tail and Deputy, Scott Koennicke, as submitted.

Adjournment

At 3:02 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, February 10, 2009.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Everett P. Erickson, Board of Commissioners Chair

Attest: _____

Larry Krohn, Clerk

WARRANTS APPROVED ON 2/03/2009 FOR PAYMENT 2/03/2009

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A-1 ENGRAVING	37.28
ALEXANDRIA TECHNICAL COLLEGE	225.00
AMERICAN INSTITUTIONAL SUPPLY	302.03
ARTROMICK	51.33
ASSOCIATION OF MN COUNTIES	350.00
BAUDVILLE	76.56
BEN FRANKLIN	5.09
BRANDON COMMUNICATIONS INC	127.80
BRAUN INTERTEC CORPORATION	1,492.50
BUY-MOR PARTS & SERVICE LLC	37.09
CALIBRE PRESS LLC	430.00
CARR'S LAKE COUNTRY SUPERMARKE	6.98
CHARTER COMMUNICATIONS	65.56
COMMISSIONER OF TRANSPORTATION	2,658.79
COOPERS TECHNOLOGY GROUP	123.77
EAGLE POINT	3,190.95
EGGE CONSTRUCTION INC	100.00
FERGUS ELECTRIC	1,391.43
FERGUS FALLS MEDICAL GROUP	597.75
FERRELLGAS	83.93
GALL'S INC	44.00
JARED GREFSRUD	426.45
HEDAHLS HEADQUARTERS	41.55
INNOVATIVE OFFICE SOLUTIONS	645.62
INSTITUTIONAL EYE CARE	16.85
INTERSTATE ENGINEERING INC	17,024.40
J J KELLER & ASSOCIATES INC	228.11
JK SPORTS	283.40
KELLY SERVICES INC	671.78
ROBERT KINLUND	60.15
LAKE REGION HEALTHCARE CORP	3,921.63
LARRY OTT INC TRUCK SERVICE	1,000.00
MARCO	3,498.60
NAPA FERGUS FALLS	21.49
OTIS ELEVATOR CO	107.77
OTTER TAIL CO EMPLOYEES COMMIT	10.00
PEPSIAMERICAS	214.02
PINE PLAZA TV APPLIANCE	94.79
PRODUCTIVE ALTERNATIVES INC	52.81
QUALITY TOYOTA	93.55
ROYAL TIRE INC	513.56
SAFELITE FULFILLMENT INC	230.66
SCHOOL DIST 850	14,496.47
SERVICE FOOD SUPER VALU	71.13
STEINS INC	818.72
STREICHERS	149.61
SUPERIOR LAMP INC	275.35
ULTIMATE OFFICE	50.48
SUE VAN DE STREEK	17.60
VICTOR LUNDEEN COMPANY	126.11
WCM TASK FORCE	5,000.00
WEST CENTRAL JAIL ADMIN ASSOC	2,760.00
WHITE BANNER UNIFORM SHOP	41.83
LORI WINDELS	73.60
<u>ZIEGLER INC</u>	<u>2,386.21</u>
<u>**** FINAL TOTAL.....</u>	<u>\$66,822.14 ****</u>