

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Thursday, December 12, 2002
1:30 p.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Thursday, December 12, 2002, at 1:30 p.m. at the Otter Tail County Courthouse with Dennis Mosher, Chair; Malcolm Lee, Vice-Chair; Syd Nelson, Roger Froemming, and Bob Block present.

Approval of Agenda

Motion by Froemming, second by Lee, and unanimously carried to approve the County Board agenda of December 12, 2002, with the following additions:

Physical Plant Engineer, Rick Sytsma – Contract Requests
Synopsis of Annual Association of Minnesota Counties Meeting

Approval of Minutes

Motion by Lee, second by Nelson, and unanimously carried to approve the County Board minutes of December 3, 2002, as presented.

Approval to Pay Bills

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

Joint Meeting to Award Bonds for the Government Services Center

Pursuant to due call and notice thereof, a meeting of the Board of Commissioners of Otter Tail County, Minnesota was duly held at the County Courthouse, in Fergus Falls, Minnesota, on December 12, 2002, at 1:30 o'clock P.M.

The following Commissioners were present: Commissioners Syd Nelson, Malcolm Lee, Dennis Mosher, Roger Froemming, and Bob Block.

The following Commissioners were absent: None.

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The Chair announced that the meeting was convened for the purpose of considering the execution of a Ground Lease and a Lease and Purchase Option Agreement relating to the issuance by the Otter Tail County Housing and Redevelopment Authority of its Government Services Building Lease Revenue Bonds, Series 2002A (Otter Tail County Lease Obligation).

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The Chair then presented the proposals received at the offices of Ehlers & Associates Inc. prior to 10:00 o'clock A.M. on December 12, 2002. These were examined and found to be as shown in Exhibit A attached hereto in the official minutes located in the Otter Tail County Auditor's Office.

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

RESOLUTION APPROVING THE ISSUANCE AND SALE BY THE OTTER TAIL COUNTY HOUSING AND REDEVELOPMENT AUTHORITY OF \$9,995,000 OF ITS GOVERNMENT SERVICES BUILDING LEASE REVENUE BONDS, SERIES 2002A (OTTER TAIL COUNTY LEASE OBLIGATION) AND AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE AND A LEASE AND PURCHASE OPTION AGREEMENT AND CERTAIN DOCUMENTS RELATED THERETO

Otter Tail County Resolution No. 2002 - 64

WHEREAS, the Board of Commissioners (the "Board") has determined that it is necessary and expedient that Otter Tail County, Minnesota (the "County") finance the development of an administration facility for County offices by converting a portion of the Regional Treatment Facility to serve such purposes, including necessary demolition, renovation and related site work (the "Project"), under a Lease and Purchase Option Agreement dated as of December 1, 2002 (the "Lease"), to be entered into between the County and the Otter Tail County Housing and Redevelopment Authority (the "Authority"); and

WHEREAS, the Authority is to have a leasehold interest in the property upon which the Project is to be developed pursuant to a Ground Lease Agreement, dated as of December 1, 2002 (the "Ground Lease"), between the County and the Authority; and

WHEREAS, there has been presented to this Board an Official Statement relating to the offering of the Bonds, the Lease, the Ground Lease, a Mortgage Trust Indenture, dated as of December 1, 2002 (the "Indenture"), between the Authority and U.S. Bank National Association, as the trustee thereunder and a Mortgage Agreement dated as of December 1, 2002 from the County to the Trustee (the "Mortgage") mortgaging the County's interest in the Project.

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

1. The Indenture and the financing of a portion of the costs of the Project by the issuance of the Bonds described therein are approved. The offer of U.S. Bancorp Piper Jaffray (the "Purchaser") to purchase the Bonds is hereby found and determined to be the best proposal received and acceptance of such offer by the Authority is approved.

2. The Mortgage, the Lease and the Ground Lease (the "County Documents") are hereby approved, and the Chair and the County Auditor or other appropriate officer 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. It is hereby determined that the Ground Lease, to the extent that it extends beyond the term of the Lease by reason of any failure to appropriate Basic Rent under the Lease, will promote industry and provide employment opportunities to citizens.

3. The County Auditor and 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, the County Auditor and other County officials and staff are authorized and directed to take all other actions, to execute additional documents and certificates, and to 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 Auditor 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 Auditor or 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 Block and upon vote being taken thereon, the following voted in favor thereof:

Commissioners Froemming, Nelson, Block, Lee, and Mosher

and the following voted against the same: None.

whereupon said resolution was declared duly passed and adopted.

Soil Boring Agreement for Pelican Rapids Bridge

Motion by Lee, second by Froemming, and unanimously carried to authorize the Highway Department to enter into an agreement with Braun Intertec, Inc. for soil borings for street reconstruction and piling design for the bridge replacement over the Pelican River, CSAH No. 96.

Prairie Snow Drifters

Motion by Froemming, second by Nelson, and unanimously carried to authorize the Chair's signature to execute a Snowmobile Trail Permit Agreement for the Prairie Snow Drifters to use the south right-of-way of CSAH No. 46 from State Highway 29 about 3 miles east on CSAH No. 46.

Correction to October 22, 2002, County Board Minutes

Motion by Lee, second by Nelson, and unanimously carried to correct the October 22, 2002, County Board minutes as follows: Bid Package 4B – Masonry for Bradco Masonry Base Bid was recorded as \$86,700.00 and should have been recorded as \$86,770.00 which corrects the total bid package at a total cost of \$179,260.00.

Building Temperature Controls Bid Award

Physical Plant Manager, Rick Sytsma, reported that the Architect, Engineer, and Plant Manager, interviewed the three lowest bidders for the Temperature Controls Contract and determined that the product of G & R Controls better suits the requirements of the request for proposals. Discussion followed. Motion by Lee, second by Block, and carried with

Froemming opposed, to award the Temperature Control Bid for the Government Services Center to G & R Controls, in the amount of \$136,903.00, for the aforementioned reason, and to authorize the Chair's signature on the contract.

Adjustment to Contracts for Alternate Bids

Motion by Lee, second by Block, and unanimously carried to authorize the Chair's signature to execute the alternate contract for Fergus Drywall which increases the original contract \$137,610.00 for work at the Government Services Center.

Motion by Block, second by Lee, and unanimously carried to award the painting contract for the Government Services Center to William Wallace Painting, in the amount of \$81,217.20, and to authorize the Chair's signature to execute the contract.

Discussion – Annual AMC Meeting

Commissioner Block provided Association of Minnesota Counties (AMC) budget information and platform adoption information. Commissioner Nelson briefed the Board on several meetings he attended. Discussion and concern was expressed regarding the financial deficit the State will be dealing with and how that may affect local funding.

Adjournment

At 3:17 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, December 17, 2002.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: _____ By: _____
Larry Krohn, Clerk Dennis R. Mosher, County Board Chair