

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, July 8, 2003
9:30 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, July 8, 2003, at 9:31 a.m. at the Otter Tail County Courthouse with Commissioners Malcolm Lee, Chair; Syd Nelson, Vice-Chair; Dennis Mosher, Roger Froemming, and Bob Block present.

Election of Human Services Chair and Vice-Chair

Motion by Nelson, second by Froemming, and unanimously carried to elect the same Human Services Chairman (Commissioner Malcolm Lee) and the same Human Services Vice-Chairman (Syd Nelson) for the remainder of CY2003.

Approval of Agenda

Motion by Mosher, second by Block, and unanimously carried to approve the Human Services agenda of July 8, 2003, as mailed.

Approval of Minutes

Motion by Froemming, second by Nelson, and unanimously carried to approve the Human Services Board minutes of June 24, 2003, as presented.

Dental Service Options

Public Health Director, Diane Thorson, introduced Mike Fitzgerald from the Department of Human Services. Mr. Fitzgerald discussed the possibility of a dental clinic in Fergus Falls to serve developmentally disabled clients that will be moving into the community setting. The State has staff for a clinic and is looking for space, equipment, and other assistance in developing a partnership with the County or other governmental agencies. Mr. Fitzgerald explained that the clinic would need to operate as an Enterprise Fund and not rely on appropriations after the start up of the clinic. Ms. Thorson requested permission to allow the State to use the dental equipment purchased by the County through grant dollars to pool resources and bring needed dental services to the community. The Public Health Department would continue to provide outreach and connect people with the services. Ms. Thorson will return to the Board with an agreement regarding the use of the dental equipment.

West Central Regional Juvenile Center

Court Services Director, Chuck Kitzman, briefed the Board on a WCRJC Advisory Board meeting held June 26th. The Advisory Board discussed the issue of a \$437,000 facility deficit and the request by Clay County for member counties to share in payment of this deficit. After lengthy committee discussion, Mr. Kitzman felt that Clay County may be willing to reduce the deficit amount requested from the member counties. Further discussion will take place if Clay County presents a new proposal.

Local Corrections Fees Proposal

Mr. Kitzman reported that, in an effort to cut costs and find new sources of revenue, he is requesting approval of Local Corrections Fees for probation services. He provided copies of

the statute that authorizes counties to charge corrections fees. Credit cards may be used for payment of these fees. Several credit card company proposals were provided and lengthy discussion followed. Motion by Nelson, second by Froemming, and unanimously carried to authorize the Court Services Department to charge Local Corrections Fees as presented and to authorize the Court Services Director to solicit a contract with a credit card company for clients to pay electronically for the fees.

Budget Management Guidelines

Human Services Director, John Dinsmore, reported an expected 1.1 million dollar shortfall in the Human Services budget for the next two years. He presented the guidelines the Management Team will use to make budget decisions.

Community CSSA Meetings

Mr. Dinsmore provided data compiled during ten community meetings to gain input from the public regarding Human Services programs. The turnout from the public at these community meetings was quite low; therefore, the focus next time will be on targeted meetings inviting providers and other interested parties.

Bill & Claims

Motion by Nelson, second by Froemming, and unanimously carried to approve the Human Services bills & claims as presented.

Adjournment

At 10:53 a.m., Chairman Lee declared the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, July 22, 2003.

Dated: _____ OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____
Malcolm K. Lee, Human Services Chair

Attest: _____
Larry Krohn, Clerk

Call to Order – County Board

The Otter Tail County Board of Commissioners convened Tuesday, July 8, 2003, at 11:00 a.m. at the Otter Tail County Courthouse with Malcolm Lee, Chair; Syd Nelson, Vice-Chair; Roger Froemming, Dennis Mosher, and Bob Block present.

Approval of Minutes

Motion by Froemming, second by Nelson, and unanimously carried to approve the County Board minutes of July 1, 2003, as mailed.

Approval of Agenda

Motion by Mosher, second by Block, and unanimously carried to approve the County Board agenda of July 8, 2003, with the following additions:

- 2:10 p.m. – Rick Sytsma – Agreement with City of Fergus Falls
- 2:30 p.m. – Larry Krohn – Budget & Phone Proposal for GSC

Approval to Pay Bills

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

S.A.P. 56-619-10 & Etc.

Mark Thorson, owner of Mark Sand & Gravel Company, discussed the issue of liquidated damages by the County against his company. He explained that the company is in a period of transition, with a lot of growth. He reported a payroll increase from 82 people to over 200. During this period, the company is assessing and evaluating where the company will reside. Currently, they are in the process of moving to a temporary location. He stated that the business is highly competitive in Otter Tail County and everyone wants their projects completed by September 15th, so it becomes difficult, at times, to juggle the schedules and it is not possible to avoid fall competition. Mr. Thorson continued discussing the condition of Highway 19 and presented pictures; maintaining that the life of the road has been increased by waiting until spring to pave the road. He previously requested a reduced amount of liquidated damages, not to exceed \$20,000. The Highway Committee will research and deliberate on this issue further and the item will be placed on the County Board agenda next week for a decision.

Sunday 10:00 a.m. Opening to Serve Liquor

County Attorney, David Hauser, reported that the governing body may permit an establishment/club to sell alcoholic beverages with the sale of food between the hours of 10 a.m. to 1:00 a.m. If the Board wants to allow the sale of liquor at 10:00 a.m. on Sundays for the Balmoral Golf Course, it would require an ordinance. Commissioners requested information on what other counties and municipalities are doing in regards to the sale of liquor on Sunday mornings.

Recessed

Reconvened in Closed Session

At 11:43 a.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch. At 1:22 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners reconvened and closed to the public to discuss a contract dispute/issue with Mark Sand & Gravel Company that could lead to litigation, as authorized by attorney-client privilege, Chapter 13D.05 Subd. 3(b). Present were Commissioners Lee, Froemming, Mosher, Nelson, and Block, and the County Highway Engineer, County Attorney, County Coordinator, and Board Secretary.

Continue in Open Session

At 1:46 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners open to the public for the remainder of the agenda items.

C.P. 03:119B, Overlay Project

After previously advertising for bids, Highway Engineer, Rick West, opened the following bids at 1:00 p.m. on June 25, 2003, for an overlay project, C.P. 03:119B:

Mark Sand & Gravel Co. Fergus Falls, MN	\$517,320.50
Central Specialties, Inc. Alexandria, MN	\$545,988.75

Motion by Mosher, second by Block, and unanimously carried to award C.P. 03:119B to the low bidder, Mark Sand & Gravel Co., in the amount of \$517,320.50, as recommended by the Highway Engineer.

Countywide Traffic Marking Contract

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a contract between the County of Otter Tail and Interstate Road Management of Alexandria, MN, for the countywide traffic marking contract, C.P. 03:TM.

Amendment to the Correction Facility Food Service Contract

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair's signature to execute an Amendment to a Management Operating Agreement for the correctional facility food service contract between the County of Otter Tail and ARAMARK Correctional Service, Inc. The amendment extends the current food service contract from July 1, 2003 to June 30, 2004, at the same per meal cost.

Pay for Stay Legislation

Jail Administrator, Richard Akerman, reported that the legislature gave counties legal authority in August of last year to charge inmates for staying in correction facilities. Otter Tail County's proposal would be to charge \$20 per day, which can only be charged of someone that has been convicted of a crime. The detention center will take care of billings for 90 days, and then the bill would be transferred to the County Attorney's Collection Officer. Motion by Froemming, second by Block, and unanimously carried to approve the proposed "Pay for Stay" program at the Otter Tail County Detention Center at a rate of \$20 per day. The Huber rate would also be \$20 per day.

County Drainage System No. 43

Motion by Mosher, second by Froemming, and unanimously carried to approve payment to Delzer Construction Inc. in the amount of \$594.00 from the Road and Bridge Fund, for services provided to County Drainage System No. 43.

Housing and Redevelopment Authority

Motion by Block, second by Mosher, and unanimously carried to approve payment to the Fergus Falls HRA in the amount of \$2,862.72, for reimbursement of Section 8 Administrative Funds for the period of January 1, 2003 through June 30, 2003.

Approval of License Application

Motion by Mosher, second by Nelson, and carried with Lee opposed, to approve the following application for license:

Main Street Gas & Goods
Dalton, MN 56324

Tobacco

Optional 2 a.m. Closing Time for Establishments

Motion by Froemming, second by Block, and carried with Mosher and Nelson opposed, to authorize the County Auditor to sign all applications submitted for the optional 2 a.m. closing time for establishments for the remainder of CY2003.

Application for Exempt Permit

Motion by Nelson, second by Froemming, and unanimously carried to approve, with no waiting period, the LG220 Application for Exempt Permit by the Holy Cross Church for an event scheduled for September 14, 2003, at the Holy Cross Church Parish Hall.

Credit Card Authorization

Motion by Block, second by Mosher, and unanimously carried to approve the following request for an Otter Tail County credit card:

Dana Lyn McClafflin Human Services Dept. \$500.00

**Classification of Tax Forfeited Land and Request for DNR Approval
Otter Tail County Resolution No. 2003- 46**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, the County Board of Commissioners of the County of Otter Tail, State of Minnesota, desires to offer for sale the following described parcel of land that has forfeited to the State of Minnesota for non-payment of taxes:

Original Plat
Lot 9, Block 6
City of Pelican Rapids

WHEREAS, said parcel of land has been considered and viewed by the County Board of Commissioners and has been classified as non-conservation land as provided in Minnesota Statute 282.01, and

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby certifies that the above referenced parcel of land has been considered, visually viewed on a map, and complies with the provisions of Minnesota Statutes 85.012, 92.461, 282.01 Subd. 8, and 282.018 and other statutes that require the withholding of tax-forfeited lands from sale.

BE IT FURTHER RESOLVED, that the Otter Tail County Board of Commissioners hereby requests approval from the Minnesota Department of Natural Resources for the sale of the above described property.

Commissioner Block seconded the motion and upon being put to a roll call vote, the above resolution was unanimously adopted as follows:

Commission District 2	Lee	Yea
Commission District 5	Block	Yea
Commission District 4	Froemming	Yea
Commission District 1	Nelson	Yea
Commission District 3	Mosher	Yea

Adopted at Fergus Falls, Minnesota, this 8th day of July, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

RESOLUTION NO. 2003 – 47

**RESOLUTION ESTABLISHING PROCEDURES
RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND
REGULATIONS UNDER THE INTERNAL REVENUE CODE**

Commissioner Froemming offered the following and moved its adoption:

BE IT RESOLVED by the County Board of Commissioners (the "County Board") of the County of Otter Tail, Minnesota (the "County"), as follows:

1. Recitals.

(a) The Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of the County's bonds used to reimburse the County for any project expenditure paid by the County prior to the time of the issuance of those bonds.

(b) The Regulations generally require that the County make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment).

(c) The County heretofore implemented procedures for compliance with the predecessor versions of the Regulations and desires to amend and supplement those procedures to ensure compliance with the Regulations.

(d) The County's bond counsel has advised the County that the Regulations do not apply, and hence the provisions of this Resolution are intended to have no application to payments of County project costs first made by the County out of the proceeds of bonds issued prior to the date of such payments.

1. Official Intent Declaration. The Regulations, in the situations in which they apply, require the County to have declared an official intent (the "Declaration") to reimburse itself for previously paid project expenditures out of the proceeds of subsequently issued bonds. The County Board hereby authorizes the County Auditor to make the County's Declarations or to delegate from time to time that responsibility to other appropriate County employees. Each

Declaration shall comply with the requirements of the Regulations, including without limitation the following:

2.

(a) Each Declaration shall be made not later than 60 days after payment of the applicable project cost and shall state that the County reasonably expects to reimburse itself for the expenditure out of the proceeds of a bond issue or similar borrowing. Each Declaration may be made substantially in the form of the Exhibit A which is attached to and made a part of this Resolution, or in any other format which may at the time comply with the Regulations.

(b) Each Declaration shall (1) contain a reasonably accurate description of the "project," as defined in the Regulations (which may include the property or program to be financed, as applicable), to which the expenditure relates and (2) state the maximum principal amount of bonding expected to be issued for that project.

(c) Care shall be taken so that the County, or its authorized representatives under this Resolution, not make Declarations in cases where the County does not reasonably expect to issue reimbursement bonds to finance the subject project costs, and the County officials are hereby authorized to consult with bond counsel to the County concerning the requirements of the Regulations and their application in particular circumstances.

(d) The County Board shall be advised from time to time on the desirability and timing of the issuance of reimbursement bonds relating to project expenditures for which the County has made Declarations.

1. Reimbursement Allocations. The designated County officials shall also be responsible for making the "reimbursement allocations" described in the Regulations, being generally written allocations that evidence the County's use of the applicable bond proceeds to reimburse the original expenditures.

2. Effect. This Resolution shall amend and supplement all prior resolutions and/or procedures adopted by the County for compliance with the Regulations (or their predecessor versions), and, henceforth, in the event of any inconsistency, the provisions of this Resolution shall apply and govern.

3. Adopted this 8th day of July, 2003, by the County Board of Commissioners.

Commissioner Block seconded the motion and upon being put to a vote, the above resolution was unanimously adopted.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

Steam Purchase Agreement

Motion by Block, second by Lee, and unanimously carried to authorize the Chair's signature to execute a Steam Purchase Agreement between the County of Otter Tail and the City of Fergus Falls for the GSC.

Telephone Proposal for GSC Building

Motion by Block, second by Mosher, and unanimously carried to authorize the County Coordinator to proceed with the proposal between the County of Otter Tail and Network Center Communications & Otter Tail TelCom to expand the NEC NEAX 2000 IVS2 Telephone System to the Government Services Center building. The proposed estimate is \$115,164.00 plus tax with additional charges if wiring is needed.

Adjournment

At 3:02 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, July 15, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk