

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, 500 Fir Ave W.
Commissioners' Room
Tuesday, February 24, 2004
9:30 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, February 24, 2004, at 9:30 a.m. at the Otter Tail County Government Services Center with Commissioners Syd Nelson Chair; Bob Block, Vice-Chair; Dennis Mosher, Roger Froemming, and Malcolm Lee present.

Approval of Agenda

Motion by Mosher, second by Lee, and unanimously carried to approve the Human Services agenda of February 24, 2004, with the following additions:

Meth Lab Ordinance Discussion
West Central Area Agency on Aging Resolution

Approval of Minutes

Motion by Froemming, second by Block, and unanimously carried to approve the Human Services Board minutes of February 10, 2004, as mailed.

Otter Tail County Court Services 2003 Annual Report

Court Services Director, Chuck Kitzman, and Office Manager, Amy Kampa, presented the Otter Tail County Court Services 2003 Annual Report. Mr. Kitzman stated that the annual reports are very important as the data is used to identify specific trends and to make decisions on how to deal with these trends. Mr. Kitzman reviewed the major offenses for juveniles and adults, offender programs, and caseload statistics and comparisons. He also provided a copy of the Otter Tail County Court Services 2004 Program Overview.

Post Employment Health Care Plan

Public Health Director, Diane Thorson, introduced discussion regarding a non-union Post Employment Health Care Plan. Mr. Kitzman, as a member of the Personnel Board, reported that at a recent meeting, the Personnel Board discussed how a recommendation could be designed to facilitate a common benefit base. Research will continue on this topic.

Minnesota Citizens Forum on Health Care Costs

Ms. Thorson presented preliminary recommendations from the Minnesota Citizens Forum on Health Care Costs dated February 6, 2004. The final report is scheduled to be released February 23, 2004.

Meth Lab Ordinance Discussion

Ms. Thorson reported that the proposed Meth Lab Ordinance has been revised and she reviewed the revisions. Lengthy discussion took place. A Public Hearing is required to adopt the ordinance.

Human Services Contract Renewals

Motion by Mosher, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a Purchase of Service Agreement between the Otter Tail County Department of Human Services and Prairie Community Resources – Ironwood, in Perham, MN, to provide residential services/assisted living to eligible persons. The agreement is effective from July 1, 2003 through June 30, 2004.

Motion by Block, second by Mosher, and unanimously carried to authorize the Chair's signature to execute a Purchase of Service Agreement between the Otter Tail County Department of Human Services and Lakes & Prairies Community Action Partnership, Inc., to provide child care services for the period of January 1, 2004 through December 31, 2004. The funding, state and county dollars, is not to exceed \$7,500.00 for this contract.

Human Services Director, John Dinsmore, presented a master list of all program contracts in the Human Services Department along with the status of each contract to-date.

**West Central Area Agency on Aging
Otter Tail County Resolution No. 2004 – 07**

Upon the motion of Commissioner Malcolm Lee, seconded by Commissioner Roger Froemming, and passed by a 5-0 vote, the County Board of Commissioners adopts the following resolution:

WHEREAS, the Minnesota Board on Aging intends to designate larger planning and service areas for the Area Agencies on Aging by January 1, 2005, and Otter Tail County is one of nine counties being served currently by the West Central Area Agency on Aging (Region IV); and

WHEREAS, the nine counties of Region IV already constitute a very large geographic area; and

WHEREAS, when appropriate, the Region IV Council can work in collaboration with neighboring regions. Collaborations have already taken place in housing with services, training and joint contract administration for identical projects with the same provider between Regions I, II and IV; and

WHEREAS, the West Central Area Agency on Aging has proven to be very helpful to the citizens of Otter Tail County and the region, helping to provide for senior housing that allows the seniors to remain independent, resulting in the reduction of nursing homes; using federal, state and local funding provides direct services and also contracts with others to provide services for seniors in information and assistance, health insurance, counseling, nutrition services, caregiving support, education and respite, prescription drug, financial assistance, medication management, falls prevention, in-home safety programs, among other services; and

WHEREAS, the current size of the West Central Area Agency on Aging is efficient and cost effective; and

WHEREAS, the current size of the West Central Area Agency on Aging adheres to the Older Americans Act's emphasis on local decision making; and

WHEREAS, a larger area agency would cause decreased local decision making along with funding allocation uncertainties and increased travel time and expenses for staff and governance board members.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Otter Tail County Board of Commissioners is opposed to combining the West Central Area Agency on Aging into a larger area.

Adopted at Fergus Falls, Minnesota, this 24th day of February, 2004.

Dated: _____ OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____
Sydney Nelson, Human Services Board Chair

Attest: _____
Larry Krohn, Clerk

Authorization to Sign

Motion by Mosher, second by Froemming, and unanimously carried to authorize Kathy Domholt, County Board Secretary, to attest County Board signatures in the absence of the County Board Clerk.

Bills & Claims

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

Adjournment

At 10:42 a.m., Chairman Nelson declared the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, March 9, 2004.

Dated: _____ OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____
Sydney Nelson, Human Services Board Chair

Attest: _____
Larry Krohn, Clerk

Call to Order – County Board

The Otter Tail County Board of Commissioners convened Tuesday, February 24, 2004, at 11:00 a.m. at the Otter Tail County Government Services Center with Sydney Nelson, Chair; Bob Block, Vice-Chair; Dennis Mosher, Roger Froemming, and Malcolm Lee present.

Approval of Agenda

Motion by Froemming, second by Block, and unanimously carried to approve the County Board agenda of February 24, 2004, as mailed.

Approval of Minutes

Motion by Mosher, second by Froemming, and unanimously carried to approve the County Board minutes of February 17, 2004, as mailed.

Correction to October 14, 2003 Minutes

Motion by Mosher, second by Block, and unanimously carried to correct the low bid for the CSAH #21 Culvert Replacement in the October 14, 2003, County Board minutes from \$56,895.00 to \$57,895.00.

Approval to Pay Bills

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

Jail Space Needs Assessment

Sheriff, Brian Schlueter, requested approval of a jail space needs assessment. He reviewed three proposals received in regards to conducting this study and recommended Vetter, Johnson Architects based on their experience. Motion by Block, second by Nelson, and unanimously carried to authorize the Sheriff to hire Vetter, Johnson Architects to complete a jails needs assessment/study with a cost not to exceed \$4,700.00 and subject to the contract stating a completion date for the study.

Amendment for Work Release Services

Motion by Lee, second by Mosher, and unanimously carried to authorize the Chair's signature to execute Amendment #1 to the Joint Powers Agreement between the Otter Tail County Detention Facility and the Department of Corrections for work release services for FY2004. The amendment provides an additional \$35,000 to Otter Tail County for housing additional state inmates during this period of time.

County Ditch #19

Ditch Inspector, Randy Wasvick, reported on clean-out work and removal of two culverts in the Ditch #19 System. The Ditch Inspector will confirm work completed with the property owner and approve 50% of the cost of the maintenance work to be paid out of the Ditch System as previously discussed.

**Resolution for Acreage Modification in the Fergus Falls JOBZ Subzone
Otter Tail County Resolution No. 2004 - 08**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, the Otter Tail County Board of Commissioners, on September 9, 2003, passed a resolution approving certain County parcels to be included in a regional application for a Job Opportunity Building Zone; and

WHEREAS, the City of Fergus Falls was a participant in the regional Job Opportunity Building Zone application done by the West Central Initiative Fund; and

WHEREAS, the regional application submitted by the West Central Initiative Fund was approved by the Department of Employment and Economic Development; and

WHEREAS, the City of Fergus Falls wishes to modify the acreage in their Job Opportunity Building Subzone; and

BE IT RESOLVED, the Otter Tail County Board of Commissioners upon careful consideration and review hereby approve the modifications as identified in the following table:

Owner/Developer	Parcel Number	Acreage	Modification
Fergus Falls:			
Midwest Regional Development	71003500195007	27.59	
Merwin Adams	71003500195904	3.45	
Merwin Adams	71003500202005	40.35	
Aasness/Bjorgum	71003500195050	2.81	
Aasness/Bjorgum	71003991519000	.46	
Aasness/Bjorgum	71003500195039	2.47	
DFA	71003500003000	2.7	
DFA	71003500004002	2.03	
DFA	71003500002000	1.96	
DFA	71003500004004	22.44	
Jason Hintermeister	71003500006000	7.17	
Fergus Falls Port Authority	71003990853901	.46	
Fergus Falls Port Authority	71003500004006	2.38	
City of Fergus Falls	71003500004005	6.61	
Burlington Northern Railroad	71001500048000	.99	
State of Minnesota	71003500007000	77.17	
Thiele Technologies	71003991430006	1.38	
Daniel Larson	71003991430901	1.20	
Fergus Falls Port Authority	71003991430005	1.33	
Fergus Falls Port Authority (UPS)	71003991430004	1.32	
Fergus Falls Port Authority	71003991550000	5.88	
Fergus Falls Port Authority	71003500007008	1.01	
Fergus Falls Port Authority	71003991558000	5.13	Parcel Added
Fergus Falls Port Authority	71003991559000	5.36	Parcel Added
Fergus Falls Port Authority	71003991560000	7.52	Parcel Added
TNT Properties LTD	71003991551000	10.38	
Robert Bunkowski	26000320196000	79.40	Reduced by 18.01 acres
Fergus Falls: (Continued)			
Mark Thorson	06000010004003	18.50	
Mark Thorson	06000010008000	80.00	
Mark Thorson	06000010009000	38.61	

Commissioner Froemming seconded the motion and upon being put to a vote, the above resolution was adopted as follows:

Yes: 5
No: 0
Absent: 0

Adopted at Fergus Falls, Minnesota, this 24th day of February, 2004.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

**RESOLUTION AWARDING SALE OF \$465,000 GENERAL
OBLIGATION CAPITAL NOTES, SERIES 2004A,
FIXING THE FORM AND SPECIFICATIONS THEREOF,
PROVIDING FOR THEIR EXECUTION AND
DELIVERY, AND PROVIDING FOR THEIR PAYMENT
Otter Tail County Resolution No. 2004 – 09**

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

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

1. The proposal of Wells Fargo Bank Minnesota, N.A., Fergus Falls, Minnesota, to purchase the \$465,000 General Obligation Capital Notes, Series 2004A of the County is hereby found and determined to be a favorable proposal and shall be and is hereby accepted, said proposal being to purchase Notes bearing interest at the rate of 1.69% and at a price of \$465,000 plus accrued interest.

2. To provide funds for the purpose of purchasing certain equipment pursuant to the authority of Section 373.01, Subd. 3, and Chapter 475, Minnesota Statutes, the County shall forthwith issue its negotiable General Obligation Capital Notes, Series 2004A (the "Notes") in the aggregate principal amount of \$465,000, to be dated March 25, 2004 (or other date of delivery), to mature on March 25, 2005, to bear interest at the rate of 1.69% per annum, payable on September 25, 2004 and at maturity on March 25, 2005. The Notes are subject to redemption and prior payment in whole or in part at the option of the County on any date at par plus accrued interest.

3. The Notes, the Registrar's Authentication Note and the form of assignment and on the reverse side thereof shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
OTTER TAIL COUNTY

No. R-1

\$465,000

GENERAL OBLIGATION
CAPITAL NOTE, SERIES 2004A

Interest Rate
1.69%

Maturity
March 25, 2005

Date of Original Issue
March 25, 2004

Registered Owner:

Principal Amount: Four Hundred Sixty-five Thousand Dollars

Otter Tail County, Minnesota, for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, [without option of prior payment,] the Principal Amount specified above on the Maturity Date specified above, upon the presentation and surrender hereof, and to pay to the Registered Owner hereof interest on such principal sum at the interest rate specified above from March 25, 2004 from the date hereof or the most recent interest payment date to which interest was provided to the date of maturity. Principal is payable in lawful money of the United States of America at the office of the Otter Tail County Auditor, in Fergus Falls, Minnesota, as Bond Registrar or of its successor as Bond Registrar designated by the County upon 60 days' notice to the registered owners at their registered addresses. Interest shall be computed on the basis of a 360-day year of twelve 30-day months and shall be paid on September 25, 2004 and at maturity on March 25, 2005 by check or draft mailed to the registered owners.

This Note constitutes an issue of Notes in the aggregate principal amount of \$465,000, issued pursuant to and in full conformity with the Constitution and Laws of the State of Minnesota, including Section 373.01, Subd. 3, and Chapter 475, Minnesota Statutes, for the purpose of providing funds for purchasing certain equipment. This Note constitutes a general obligation of the County and to provide moneys for the prompt and full payment of said principal and interest as the same become due the full faith and credit of the County is hereby irrevocably pledged, and the County will levy ad valorem taxes, if required for such purpose, without limitation as to rate or amount.

This Note is transferable, as provided by the Resolution of the Board of Commissioners authorizing the issuance of the Notes of this series adopted February 24, 2004 (the "Bond Resolution") only upon books of the County kept at the office of the Bond Registrar by the registered owner hereof in person or by the owner's duly authorized attorney, upon surrender of this Note for transfer at the office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Bond Registrar duly executed by, the registered owner hereof or the owner's duly authorized attorney, and, upon payment of any tax, fee or other governmental charge required to be paid with respect to such transfer, one or more fully registered Notes of the series of the same principal amount, maturity and interest rate will be issued to the designated transferee or transferees.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to happen and to be performed precedent to and in the issuance of this Note have been done, have happened and have been performed in regular and due form, time and manner as required by law and that this Note, together with all other indebtedness of the County outstanding on the date of its issuance, does not exceed any constitutional or statutory limitation of indebtedness.

This Note shall not be valid or become obligatory for any purpose until the Note of Authentication and Registration hereon shall have been signed by the Bond Registrar.

IN WITNESS WHEREOF, the Otter Tail County, Minnesota, by its Board of Commissioners, has caused this Note to be executed in its behalf by the manual or facsimile

signature of the Chair and by the manual or facsimile signature of the County Auditor, all as of the Date of Original Issue specified above.

Dated: March 25, 2004

Chair

County Auditor

Bond Registrar's Certificate of Authentication and Registration

This is one of the Notes described in the within mentioned Bond Resolution, and this Note has been registered as to principal and interest in the name of the Registered Owner identified above on the registration books of Otter Tail County, Minnesota.

OTTER TAIL COUNTY AUDITOR
Bond Registrar

By _____
Authorized Signature

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____
(Please Print or Typewrite Name and Address of Transferee) the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints _____ to transfer the within Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Please Insert Social Security
Number or Other Identifying
Number of Assignee
Assignee

Notice: The signature to this assignment
must correspond with the name as it appears
on the face of this Note in every
particular, without alteration or any change
whatever.

Signature Guaranteed:

Signatures must be guaranteed by a
national bank or trust company or by
a brokerage firm having membership
in one of the major stock exchanges.

4. The Notes shall be payable upon presentation at the office of Otter Tail County Auditor, in Fergus Falls, Minnesota, as Registrar and Paying Agent, or at the offices of such other successor agents as the County may hereafter designate upon 60 days' mailed notice to the registered owners at their registered addresses. Interest shall be paid by check or draft of the Registrar mailed to the registered owners at their addresses shown on the registration books on each interest payment date unless other arrangements satisfactory to the Bond Registrar the County and the registered owners of Notes are made. The County shall deposit funds with the Bond Registrar at the time and in the manner necessary to provide for the full and prompt payment of such principal and interest.

5. The Notes shall be prepared under the direction of the County Auditor and when so prepared shall be executed on behalf of the County by the manual or facsimile signature of the Chair and by the manual or facsimile signature of the County Auditor or other authorized officer. The Notes shall not be valid for any purpose until authenticated by the Bond Registrar. The Bond Registrar is authorized and directed to register the Notes initially issued hereunder in such names as the purchaser may direct. The Notes initially issued hereunder shall be registered as of March 25, 2004, or other date of delivery, and all Notes issued in exchange therefor shall be registered as of such date. When the Notes shall have been so prepared and executed, they shall be delivered by the County Auditor in exchange for the purchase price and upon receipt of the signed legal opinion of Faegre & Benson LLP, and the purchaser shall not be required to see to the proper application of the proceeds. The Notes shall be in the denomination of \$5,000 each or any multiple thereof.

6. As long as any of the Notes issued hereunder shall remain outstanding, the County shall maintain and keep at the office of the Bond Registrar an office or agency for the payment of the principal of and interest on such Notes, as in this Resolution provided, and for the registration and transfer of such Notes, and shall also keep at said office of the Bond Registrar books for such registration and transfer.

7. As to any Note, the County and the Bond Registrar and their respective successors, each in its discretion, may deem and treat the person in whose name the same for the time being shall be registered as the absolute owner thereof for all purposes and neither the County nor the Bond Registrar nor their respective successors shall be affected by any notice to the contrary. Payment of or on account of the principal or interest of any such Note shall be made only to or upon the order of the registered owner thereof, but such registration may be changed as above provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

8. There is hereby created a separate debt service fund for the Notes, which shall be held by the Treasurer and used for no other purpose than to pay said Notes, provided, that if any payment thereon shall become due when there is not sufficient money in said fund to pay the same, the Treasurer shall make such payment from the general fund of the County, and said general fund shall be reimbursed for such advances out of the proceeds of taxes levied pursuant hereto or other moneys appropriated by the Board of Commissioners for such purpose. Into said debt service fund shall be paid all proceeds of the taxes heretofore levied for this purpose and such other moneys as may be received by the County for the purpose of or appropriated to the payment of the Notes.

It is hereby found and determined that the taxes previously levied in the amount of \$500,000, if collected in full, together with funds appropriated therefor, will produce at least five percent in excess of the amount needed to meet when due the payments on the Notes.

9. The County Auditor and County Administrator are authorized and directed to prepare and furnish to the purchaser and to the attorneys approving the Notes, certified copies of all proceedings and records relating to the issuance of said General Obligation Capital Notes, Series 2004A and to the right, power and authority of the County and its officers to issue the same, and said certified copies and Notes shall be deemed the representations of the County as to all matters stated therein.

10. The officers of the County are hereby authorized and directed to prepare and furnish to the Secretary of the Treasury a statement meeting the information reporting requirements of Section 149(e) of the Internal Revenue Code of 1986, as amended (the "Code"), by the 15th day of the second calendar month after the close of the calendar quarter in which the Notes are issued.

11. The County shall not take or permit any action that would cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The County shall comply with the rebate requirements imposed under Section 148(f) of the Code and regulations thereunder, including (if applicable) the requirement to make periodic calculations of the amount subject to rebate thereunder and the requirement to make all required rebates to the United States. The County Auditor of the County is hereby authorized to make on behalf of the County all elections that he may deem necessary and expedient under Section 148 of the Code. In addition, the County shall make no investment of funds that would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code and regulations thereunder. All terms used in this paragraph 11 shall have the meanings provided in the Code and regulations thereunder.

12. The County Auditor shall file a certified copy of this resolution in his office and issue the County Auditor's certificate as required by law.

13. The Notes are designated as "qualified tax exempt obligations" for purposes of Section 265(b)(3) of the Code.

The motion for the adoption of the foregoing resolution was duly seconded by Member Bob Block upon vote being taken thereon the following voted in favor thereof:

Syd Nelson, Chair,
Bob Block, Vice Chair,
Roger Froemming, and
Malcolm Lee,

the following voted against the same: None, and the following abstained: Dennis Mosher

whereupon said resolution was declared duly passed and adopted.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

Adjournment

At 11:57 a.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, March 2, 2004.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

CB/kd