

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, 500 Fir Ave. W.
Commissioners' Room
Tuesday, May 25, 2004
9:30 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, May 25, 2004, at 9:30 a.m. at the Otter Tail County Government Services Center with Commissioners Syd Nelson, Chair; Bob Block, Vice-Chair; Roger Froemming, Dennis Mosher, and Malcolm Lee present.

Approval of Agenda

Motion by Mosher, second by Lee, and unanimously carried to approve the Human Services agenda of May 25, 2004, as mailed.

Approval of Minutes

Motion by Froemming, second by Block, and unanimously carried to approve the Human Services Board minutes of May 11, 2004, as presented.

Juvenile Temporary Hold Positions

Court Services Director, Chuck Kitzman, requested authority to hire two, on-call Temporary Hold Attendants. Currently, the County has six Temporary Hold Attendants trained and on-call to supervise juvenile(s). Mr. Kitzman noted that two additional attendants added to the list would be sufficient for the program. Motion by Lee, second by Block, and unanimously carried to authorize hiring two on-call Juvenile Temporary Hold Attendants as requested by the Court Services Director.

Essential Public Health Services Draft Document

Diane Thorson, Public Health Director, presented the "SCHSAC Assuring Essential Local Public Health Activities Throughout the State Work Group" draft document dated 5/20/04. This draft document may be presented at Association of Minnesota County meetings, and to Otter Tail County's Advisory Committee, County Public Health staff, and community citizens. Ms. Thorson asked the County Board to review the draft document regarding public health services and respond to her with comments or concerns.

Immunization Reports for Children

Ms. Thorson provided the County Board Immunization Status Information for 2003 – 2004 for school-age and pre-school children from the Minnesota Department of Health. Overall, Otter Tail County's immunization levels were higher than the state averages.

Human Services Contracts

Motion by Mosher, second by Froemming, and unanimously carried to authorize the Chairman's signature to execute the following Purchase of Service Agreements for Assisted Living services for the period of July 1, 2004 through June 30, 2005:

| | |
|---------------------------------|---|
| CK Home Health Care | Services for Alternative Care, Elderly Waiver, CAC and CADI, TBIW and MR/RC |
| New Dimensions Home Health Care | Services for Alternative Care, Elderly Waiver, CAC and CADI, TBIW and MR/RC |

Human Services Director, John Dinsmore, requested approval of four contracts for case management services delivered on behalf of the Family Services Collaborative. He stated that the County will contract with four agencies, who will provide the services, and then submit the information to the Department of Human Services so the agencies can be certified to deliver child welfare targeted case management. To receive case management funding, the providers must have a contract with the County. Funding is federal dollars with local dollar match. Mr. Dinsmore stated that in June, he would request approval of a related contract with the Special Education Cooperative that will provide the dollars to pay for the local, non-federal share of the cost of this case management. The Special Education Cooperative has Family Services Collaborative funding to provide the local match. Mr. Dinsmore stated that this is a way to expand services and seek funding not used previously. Discussion followed. Motion by Block, second by Mosher, and unanimously carried to authorize the appropriate County officials' signatures to execute the following Purchase of Service Agreements for Child Welfare Targeted Case Management Services through the Family Services Collaborative for the period of July 1, 2004 through June 30, 2005, with funding as presented by the Human Services Director:

| | |
|---|-------------------------------|
| Lakeland Mental Health Center, Inc. | Family Based Outreach Program |
| Lutheran Social Services, Inc. | Family Based Outreach Program |
| The Village | Family Based Outreach Program |
| PATH (Professional Association of Therapeutic Homes) | Family Based Outreach Program |

Child Protection Annual Report **Chemical Dependency Annual Report**

Human Services Supervisor, Brad Vold, and staff members presented the "Child and Family Service of Otter Tail County, Minnesota Annual Report 2003" and the Annual Report for the Chemical Dependency Unit for 2003. Mr. Vold reviewed the main sections of the reports and data showing specific trends. All employees stated that, at this time, meth usage is the largest drug problem creating many other additional problems for children and families.

Funeral Allowance Policy

Collections Officer, Sue Ulschmid, submitted a proposed County Burial and Funeral Allowance Expenditure Policy. She reviewed the administrative changes that the proposed procedures would put in place. Most other counties are administering their public funeral policy similar to Otter Tail County's proposed policy. Ms. Ulschmid will send copies of the proposed policy to Funeral Home Directors before requesting approval.

Mental Health Initiative Update

Human Services Supervisor, Jodi Wentland, presented the biennial Mental Health plan for 2004. She presented the Otter Tail County Adult Mental Health Services Overview and noted that housing is one of Otter Tail County's priorities. She explained the elimination of Rule 36 Residential Services and the resulting changes in developing new programs to meet the consumer's needs. Grants for the Otter Tail County mental health initiative have stayed the same as last year. Ms. Wentland provided the other part of the biennial plan, "Phase II – Adult Mental Health Initiative Grant Application BCOW (Becker-Clay-Otter Tail-Wilkin) 2004-2005. She explained the Initiative's priorities and progress and requested approval of the Adult MH Grant Agreement. Motion by Mosher, second by Froemming, and unanimously carried to approve the Adult Mental Health Services Grant Renewal Agreement for Calendar Years 2004 & 2005.

Approval of Human Services Bills & Claims

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

Adjournment

At 10:57 a.m., Chairman Nelson declared the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, June 8, 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, May 25, 2004, at 11:01 a.m. at the Otter Tail County Government Services Center with Commissioners Sydney Nelson, Chair; Bob Block, Vice-Chair, Dennis Mosher, Malcolm Lee and Roger Froemming present.

Approval of Agenda

Motion by Mosher, second by Lee, and unanimously carried to approve the County Board agenda of May 25, 2004, as mailed:

Approval of Minutes

Motion by Froemming, second by Block, and unanimously carried to approve the County Board minutes of May 18, 2004, as mailed.

Approval to Pay Bills

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

Planning Commission Recommendations

Conditional Use Permit – James J. Stans:

Land & Resource Director, Bill Kalar, stated that this CUP request is for a hunting preserve and sporting clay course. The Planning Commission denied the request for three reasons as stated in the Planning Commission minutes of May 19, 2004. Applicant, James Stans, addressed the County Board stating that he would drop his request for a sporting clay course and request just the hunting preserve. Motion by Mosher and second by Block to deny the Conditional Use Permit request for reasons as recommended by the Planning Commission. Lengthy discussion followed regarding the applicant's proposed change in plan from the initial application and the notification process. Motion carried unanimously. The property is described as W 133.1 Ac of Lots 1, 2 & 3 SW $\frac{1}{4}$ NE $\frac{1}{4}$ & N $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ W $\frac{1}{2}$ (160 AC) and W $\frac{1}{2}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$ (85.73 AC), Section 18 of Everts Township; Silver Lake (56-302).

Conditional Use Permit – Russell & Elaine Alberg:

Motion by Mosher, second by Block, and unanimously carried to approve a Conditional Use Permit to excavate to allow for a walkout basement as presented. The property is described

as Pt GL 1, Pt GL 2 & Pt SE $\frac{1}{4}$ NE $\frac{1}{4}$...(2.5 AC) Section 13 of Clitherall Township; Clitherall Lake (56-238).

Conditional Use Permit – Jacob Hoffman and Robert & Julane Meyer:

Motion by Mosher, second by Lee, and unanimously carried to deny a Conditional Use Permit to install a passage-way in a bluff for the reasons as recommended by the Planning Commission recorded in the May 19, 2004, Planning Commission minutes. The property is described as Pt GL 1...(5.07 AC), Section 11 of Clitherall Township; Clitherall Lake (56-238).

Conditional Use Permit – Young Life Castaway Club:

Motion by Lee, second by Froemming, and unanimously carried to approve a Conditional Use Permit to construct a building to replace an existing camper dorm as presented. The property is described as Bg 478.5' N of ...(.07 AC), Section 2 and Lot 1 of Sub Lot A of GL 1 ex tr (2.06 AC) and Pt SL A & B of GL 1...(4.90 AC), Section 3 of Dunn Township; Pelican Lake (56-786).

Conditional Use Permit – Craig & Barry Dresser:

Motion by Nelson, second by Lee, and unanimously carried to approve a Conditional Use Permit to re-construct existing retaining walls to stabilize hillside and reduce runoff and erosion with conditions as recommended by the Planning Commission. The property is described as Engstrom's Beach 5th Addition, Lot 18 Blk 1, Section 18 of Edna Township; Big McDonald Lake (56-386).

Conditional Use Permit – Bjorn & Barbara Finseth:

Mr. Kalar reported that the Planning Commission is recommending denial of a Conditional Use Permit relative to the after-the-fact requests and approval of a Conditional Use Permit for proposed retaining walls on the east and west side of the house. Applicant, Barbara Finseth requested that the condition that the retaining wall be no higher than 2' be changed to 3'. Discussion followed. Motion by Lee, second by Mosher, and unanimously carried to deny a Conditional Use Permit relative to the after-the-fact requests for the reasons recommended by the Planning Commission. Motion by Lee, second by Froemming, and unanimously carried to approve a Conditional Use Permit for the proposal on the west side of the house and the proposed retaining wall on the east side of the house provided the retaining wall is no higher than 3' and outside of the bluff impact zone. The property is described as Pt GL 2 & 3, Section 32 of Aurdal Township; Otter Tail River (56-OTR).

Conditional Use Permit – Dell Arneson:

Motion by Lee, second by Mosher, and unanimously carried to approve a Conditional Use Permit to sell 14 individual storage units as presented. The property is described as Pt GL 2, Pt N $\frac{1}{2}$ NW $\frac{1}{4}$ Bg SW...(77.74 Ac), Section 17 of Dunn Township; Pelican Lake (56-786) and Bass Lake (56-770).

Preliminary Plat & Conditional Use Permit – "Get-A-Way Bay Estates on Norway Lake"/
Bothun Properties:

Motion by Lee, second by Mosher, and unanimously carried to approve a Preliminary Plat known as "Get-A-Way Bay Estates on Norway Lake" consisting of 13 lots as shown on the Revised Drawing presented at the May 19, 2004, Planning Commission meeting and a Conditional Use Permit to construct a road to service the plat. The property is described as

SW¼ NE¼ & NE¼ SE¼ & Lot 2 & Lot 1 ex pt N of LK, Section 25 of Aurdal Township; Norway Lake (56-569).

**Moratorium for the Creation of Cluster Developments
Within Shoreland Areas of Otter Tail County
Otter Tail County Resolution No. 2004 – 28**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, Otter Tail County intends to conduct studies relating to the environmental impact of cluster developments to determine whether the existing provisions of the Shoreland Management Ordinance pertaining to cluster developments are sufficient; and

WHEREAS, a temporary emergency moratorium, pursuant to Minnesota Statute 394.34, on the creation of cluster developments is necessary to protect the public health, safety and general welfare, pending the outcome of such studies; and

WHEREAS, based on the results of such studies, the County will consider possible amendments to the Otter Tail County Shoreland Management Ordinance, and

NOW, THEREFORE, BE IT RESOLVED, that Otter Tail County hereby implements a one year moratorium on the creation of cluster developments within Shoreland Areas. This moratorium does not apply to existing cluster developments.

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

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

Meeting Closed to the Public & Recessed

At 11:43 a.m., Chairman Nelson declared the Otter Tail County Board of Commissioners meeting closed to the public for requested legal advice regarding the Blue Heron Bay Lawsuit by an environmental group as authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Present were all five seated Commissioners, the County Attorney, County Coordinator, and Board Secretary. Upon conclusion of the closed session, at 11:50 a.m., Chairman Nelson declared the meeting recessed for lunch break.

**Reconvene
Technology Training**

At 1:01 p.m., Chairman Nelson declared the Otter Tail County Board of Commissioners meeting reconvened. Scott Backstrom of the GIS Department showed the County Board the benefits of the Internet and the most effective search engine(s) to use when searching for information.

Amendment to the ICWC Program

Motion by Mosher, second by Froemming, and unanimously carried to authorize the appropriate County officials' signatures to execute an Amendment (No. 1 to A44707) to the contract to house Institution Community Work Crew inmates for fiscal year 2004-2005. The amendment reduces total funding from \$227,760.00 to \$217,760.00.

Ditch No. 38

Calvin Muckala asked the Board if they were going to decide on the Ditch No. 38 project at this Board meeting. County Attorney, David Hauser, explained that the Board will make a decision regarding the Redetermination of Benefits Order for Ditch No. 38; however, would not make a decision yet with regard to the type or extent of maintenance or clean out that will be needed. Ditch Inspector, Randy Wasvick, stated that permits have not been obtained at this time for the proposed project.

Ditch Viewer, Dick Bergquist, reported that the Viewers did go out and look at Calvin Muckala and Gary Buckmeier's properties since the last Board meeting. The Viewers recommended that no further adjustments should be made since the previous amended viewers' report was presented on May 4, 2004. Property Owner, Gary Buckmeier, read a letter to the County Board to express his opinion and opposition to the Ditch No. 38 Redetermination process. Motion by Block, second by Mosher, and unanimously carried to adopt the Order Redetermining Benefits for Ditch #38 as presented by the County Attorney.

Ditch No. 29

Motion by Froemming, second by Mosher, and unanimously carried to authorize the Ditch Inspector to hire an individual to trap and eliminate beaver and remove several beaver dams in the County Ditch No. 29 system.

Reappointment – Otter Tail Water Management District Board

Motion by Lee, second by Block, and unanimously carried, to reappoint John Mehl and Donn Siems to four-year terms, effective July 1, 2004, on the Otter Tail Water Management District Board.

License Applications

Motion by Froemming, second by Lee, and unanimously carried to approve the following applications for licenses:

Peak Supper Club
43517 County Highway 38
Clitherall, MN 56524

On-Sale Wine License
On/Off-Sale 3.2 Malt Liquor

Rolling Hills Golf Course
49930 County Highway 9
Pelican Rapids, MN 56572

On/Off-Sale 3.2 Malt Liquor

St. Lawrence Church-Rush Lake
46404 County Highway 14
Perham, MN 56573

Temporary 3.2 On-Sale Malt Liquor

Amendments to the GASB 34 Policy

Motion by Lee, second by Mosher, and unanimously carried to adopt the following GASB 34 Policy changes effective for the preparation and presentation of financial reports for the Year Ended December 31, 2003 (new language is shown in italics):

A.) Policy for allocating Indirect Expenses

Otter Tail County does not allocate various indirect expenses such as overhead and insurance to individual functional departments when information concerning direct costs by function is not available, these costs are shown as Unallocated General Government expenses.

The above paragraph replaces the previously adopted **Policy for Allocating Indirect Expenses, which read as follows:**

Otter Tail County automatically allocates various indirect expenses such as overhead and insurance to individual functional departments when information concerning direct costs by function is not available. GAAP indicates no requirement to disallocate such expenses in order to present a separate indirect expense allocation column as allowed by GASB 34. However, disclosure will be made in the summary of significant accounting policies stating expenses reported for functional activities include allocated indirect expenses.

B.) Infrastructure Fixed Asset Policy

GASB 34 requires that we begin to book the infrastructure as assets. It requires us to record assets expensed in the past (retroactively 1980 through 2002) and book the current expenditures as assets as we move forward (prospectively). The following categories of infrastructure fixed assets have been identified: Roads, Bridges, Right of Way and Dams. All amounts will be rounded to the nearest whole dollar. We will account for each as follows:

ROADS

DEFINITION: Roads include, but are not limited to, road surface, sub-surface, water/sewer, drainage, and traffic signals for all County State Aid Highways and all County Roads in Otter Tail County. Road costs include, but are not limited to, construction labor, construction equipment time, materials, traffic signals, sewers, landscaping, bike paths, overhead, etc....

RETROACTIVELY: We will account for infrastructure capital assets acquired or significantly reconstructed, or that received significant improvement in the fiscal years from 1980 through 2002.

PROSPECTIVELY: We will capitalize the verified costs of all major construction contracts and design work, exclusive of purchased right of way. Overlays will be capitalized only if they represent a major increase in efficiency or extend the useful life. An overlay, which gets the road to the end of its useful life, will be expensed. In the event that a road is reconstructed before it is fully depreciated, the remaining value will be written off in the year the contract is finalized.

GRADING LIFE: Grading projects will be depreciated for fifty years using straight-line depreciation. If the grading and final bituminous work is separate projects within five years of each other, we will combine the projects and depreciate them for fifty years. When the bituminous project is finalized, add the depreciated value of the grading project to the bituminous project and depreciate the total for fifty years.

OVERLAY LIFE: Overlay projects will be depreciated for twenty years using straight-line depreciation. If the previous bituminous is milled off, expense out any value left on that project. If the previous bituminous is left in place, each project will be treated separately and depreciated for twenty years from the date they were finalized.

BRIDGES

DEFINITION: Bridges include all bridges on Otter Tail County Roads as defined by the Minnesota Department of Transportation. Bridge costs include, but are not limited to construction costs as evidenced by the contract for bridgework, approach work, guardrails, sidewalks, traffic signals and design work. In the event that the highway department installs the bridge (culverts), we will capitalize the labor, equipment, materials and overhead associated with the job.

RETROACTIVELY: We will account for infrastructure capital assets acquired or significantly reconstructed, or that received significant improvement in the fiscal years from 1980 through 2002.

PROSPECTIVELY: We will capitalize the cost of construction as verified by the contract costs. In addition, design work will be capitalized. Deck overlay and deck rehabilitation projects will be capitalized only if they represent a major increase in efficiency or extend the useful life. An overlay or rehabilitation project that gets the bridge to the end of its useful life will be expensed. In the event that a bridge is reconstructed or rehabilitated before it is fully depreciated, the remaining value will be written off in the year the contract is finalized.

LIFE: Bridges will be depreciated out using straight-line depreciation with a fifty-year life with no residual value.

RIGHT OF WAY

DEFINITION: Right of Way shall include permanent easements and deeded property acquired for highway purposes. Right of Way costs will include, but are not limited to, the purchase price from the landowner, the cost of attorney fees in court cases, relocation fees, filing fees, deed tax and reimbursement of pre-paid real estate taxes to the former landowner. All other expenditures including appraisal fees and title opinions will be expensed.

RETROACTIVELY: We will account for all right of way purchased from the year 1980 through 2002.

PROSPECTIVELY: We will capitalize the purchase of right of way using the cost definition above.

LIFE: Right of Way will not be depreciated.

DAMS

DEFINITION: Dams include, but are not limited to, the structure itself and any capital improvements. Costs include, but are not limited to, the purchase price, construction labor, equipment and materials as well as overhead.

RETROACTIVELY: We will account for infrastructure capital assets acquired or significantly reconstructed, or that received significant improvement in the fiscal years from 1980 through 2002.

PROSPECTIVELY: We will capitalize the cost of all major construction contracts and design work. Dam repairs or improvements will be capitalized only if they represent a major increase in efficiency or extend the useful life. If the dam is reconstructed or rehabilitated before it is fully depreciated, the remaining value will be written off in the year the contract is finalized.

LIFE: Dams will be depreciated using straight-line depreciation with a one hundred year life with no residual value.

WORK IN PROGRESS

Construction projects that have been awarded and are taking one or more years to complete, will be tracked in a "Work in Progress" category until such time as construction work is completed and the project has been finalized. Once the project has been finalized, the total cost of the project will be moved from work in progress and will begin to be depreciated. The first year of depreciation will be for the full year that the project was finalized in.

The two italicized paragraphs in Section B entitled "Infrastructure Fixed Asset Policy", under Roads with subheadings Of Grading Life and Overlay Life replace the following part of the previously adopted Infrastructure Fixed Asset Policy:

LIFE: Roads will be depreciated out using straight-line depreciation with a fifty-year life, with no residual value.

Tax Forfeiture Fund

Motion by Froemming, second by Lee, and unanimously carried to approve payment from the Tax Forfeiture Fund to the Otter Tail County Solid Waste Department, in the amount of \$661.70 for disposal cost related to a tax forfeited property demolition project in Clitherall City.

Request to Repurchase Tax Forfeited Property **Otter Tail County Resolution No. 2004 - 29**

Commissioner Block introduced the following resolution and moved its adoption:

RESOLVED, by the Otter Tail County Board of Commissioners of Otter Tail County, Minnesota, that

WHEREAS, Dayton Kjonaas, owner, has made application to repurchase the following legally described parcels:

Parcel No. 46-000-99-0737-000
and
Parcel No. 46-000-99-0738-000

Echo Ranch Riviera 6th Addition
Lots 21 and 22

Said property having forfeited to the State of Minnesota on the 27th day of August, 2003, for nonpayment of the 1997, 1998, 1999, 2000, 2001, 2002 and 2003 property taxes, and

WHEREAS, an application to repurchase the above described property was timely submitted on Monday, May 24, 2004, and

WHEREAS, the sum of \$628.58 represents the aggregate of all delinquent and current taxes, penalties, costs, assessments, and fees as of May 17, 2004, that would have been due and payable had the above described parcel not forfeited to the State of Minnesota, and

WHEREAS, the applicant has requested that the Otter Tail County Board of Commissioners consider his application to repurchase the above-described parcels and has requested that the Otter Tail County Board of Commissioners approve the applicant's request to repurchase the above-described properties.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby approves the repurchase of the above described tax forfeited properties, and

BE IT FURTHER RESOLVED, that the Otter Tail County Board of Commissioners hereby finds that the repurchase is in the best public interest, that it will relieve any undue hardship, which has resulted from the forfeiture.

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

Adopted this 25th day of May, 2004.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

**RESOLUTION ESTABLISHING PROCEDURES
RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND
REGULATIONS UNDER THE INTERNAL REVENUE CODE
OTTER TAIL COUNTY RESOLUTION NO. 2004 - 30**

Commissioner Lee 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.

2. 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:

(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.

3. 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.

4. 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.

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

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chairman

Attest: _____
Larry Krohn, Clerk

EXHIBIT A of Otter Tail County Resolution No. 2004 – 30
Declaration of Official Intent

The undersigned, being the duly appointed and acting County Auditor of the County of Otter Tail, Minnesota (the "County"), pursuant to and for purposes of compliance with Treasury Regulations, Section 1.150-2 (the "Regulations"), under the Internal Revenue Code of 1986, as amended, hereby states and certifies on behalf of the County as follows:

1. The undersigned has been and is on the date hereof duly authorized by the County Board of Commissioners to make and execute this Declaration of Official Intent (the "Declaration") for and on behalf of the County.

2. This Declaration relates to the following project, property or program (the "Project") and the costs thereof to be financed:

Remodeling and Renovation of Otter Tail County's Government Services Building located at 505 South Court St., Fergus Falls, MN.

3. The County reasonably expects to reimburse itself for the payment of certain costs of the Project out of the proceeds of a bond issue or similar borrowing (the "Bonds") to be issued by the County after the date of payment of such costs. As of the date hereof, the County reasonably expects that \$1,500,000 is the maximum principal amount of the Bonds, which will be issued to finance the Project.

4. Each expenditure to be reimbursed from the Bonds is or will be a capital expenditure or a cost of issuance, or any of the other types of expenditures described in Section 1.150-2(d)(3) of the Regulations.

5. As of the date hereof, the statements and expectations contained in this Declaration are believed to be reasonable and accurate.

Date: _____

County Auditor, County of Otter Tail, MN

Retainage Reduction

Motion by Lee, second by Block, and unanimously carried to approve reduction in retainage from 5% to 1% for S.A.P. 56-696-02, Pelican Rapids Bridge Replacement Project as requested.

Highway Contracts

Motion by Lee, second by Froemming, and unanimously carried to authorize the Chairman's signature to execute the following Highway Contracts subject to the approval of the County Attorney:

Morris Sealcoat & Trucking, Inc. S.A.P. 56-601-43 & Etc., 2004 County Wide Seal Coat Project
Morris, MN

AAA Striping Service Co. C.P. 04:TM, County Wide Traffic Marking Project
Rogers, MN

Riley Bros. Construction, Inc. S.A.P. 56-599-55, Aurdal Township Bridge Replacement Project
Morris, MN

Final Payments

Motion by Froemming, second by Block, and unanimously carried to approve Final Estimate No. 17, in the amount of \$44,671.74, payable to Central Specialties, Inc. for work completed on S.A.P. 56-615-16.

Motion by Mosher, second by Lee, and unanimously carried to approve Final Estimate No. 4, in the amount of \$56,437.85, payable to Mark Sand & Gravel Co. for work completed on C.P. 03:119B.

Discussion – Dead Lake Township

Cheryl Harris spoke to the County Board representing a group of citizens from Dead Lake Township. She submitted several documents and correspondence opposing recent actions of the Dead Lake Township Board. Ms. Harris presented a copy of a petition that had been submitted to the Dead Lake Township Board requesting them to abandon any further plans to put forth a moratorium on any future development or township wide zoning. She expressed opposition to Dead Lake Township's Interim Zoning Ordinance and stated that Town Board members, Mr. Kimple and Mr. West, are not representing the majority of the voters; but they are intent on stopping the Blue Heron Bay development. Ms. Harris asked that they be removed from the Dead Lake Town Board. County Attorney, David Hauser, stated that he was not familiar with a process to dissolve a township. The County is not an intervening authority over the township. The County Attorney stated that there are many questions, at this point, regarding the Interim Ordinance adopted by Dead Lake Township on May 17, 2004. Dead Lake Town Board Clerk, Marlene Fondrick, stated that all of the facts presented by Cheryl Harris were not correct and that Dead Lake Township is split between zoning and no zoning.

Emergency Management Performance Grant

Motion by Froemming, second by Lee, and unanimously carried to authorize the Chairman's signature to execute the application for Emergency Management Performance Grant for Federal Fiscal Year 2004.

Temporary Position

Motion by Mosher, second by Lee, and unanimously carried to authorize the Human Services Director to fill an Office Support position through Kelly Temporary Services to replace the term of the upcoming leave of absence.

Adjournment

At 3:23 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, June 1, 2004.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

CB/kd