

Yellow Medicine County Board Minutes

February 8, 2005

Chairman Lynn Anderson called this regular meeting to order at 9:00 a.m. with Commissioners Gary Johnson, Louis Sherlin, Jane Remiger, and Ron Antony present. Administrator John Chattin and Dan McGonigle of the Granite Falls Advocate Tribune were also present. Robert Wolfington of the Marshall Independent arrived at 9:03 a.m.

02-08-05-01 Motion by Mr. Johnson and second by Mr. Antony to approve the agenda as presented. Carried.

02-08-05-02 Motion by Mr. Sherlin and second by Mr. Antony to approve the consent agenda consisting of the January 25, 2005 regular meeting minutes, an audit engagement letter, and a St. Leo American Legion Bingo license. Carried.

Mr. Sherlin shared a news article on county approval for land sales to the DNR. Mr. Johnson reported on Prairie Five CAC, Region 6W Community Corrections, the Area Transportation Partnership, and the Clarkfield City Council. Ms. Remiger attended meetings of the Hanley Falls Machinery Museum and the Historical Society. Mr. Antony gave an update on the Cooperative Efforts Committee.

Dick Olson, Prairie Five CAC Transit Manager, reviewed his agency's activities and a proposed bus replacement schedule.

Liz Auch, Countryside Public Health Administrator, updated the Board and reviewed applicable legislative issues.

Sheriff Richard Rollins presented a request to purchase two new patrol vehicles. His request was for a 2005 Dodge Durango and a 2005 Crown Victoria. Although money was budgeted for the purchases, a \$29,380 grant to assist with the purchase will not be received. A \$10,000 donation from the Upper Sioux Community to assist with equipping the vehicles was also acknowledged.

02-08-05-03 Motion by Mr. Sherlin and second by Mr. Antony to approve the purchase of a 2005 Durango for \$22,111 and a 2005 Crown Victoria for \$19,929, both under the state bid, and to adjust the Sheriff's budget to reflect the loss of \$29,380 in budgeted grants and the additional \$10,000 donation. Carried.

02-08-05-04 Motion by Mr. Antony and second by Mr. Sherlin to authorize the sale of vehicles being replaced, at the Sheriff's discretion. Carried.

Mr. Anderson opened the public hearing to consider the County's draft Water Plan at 11:00 a.m. Two task force members, Planning and Zoning Administrator Randy Jacobson, and Zoning Official Jolene Johnson were present. There were no others present to be heard. The plan was reviewed and questions answered by Ms. Johnson.

02-08-05-05 Motion by Mr. Johnson and second by Ms. Remiger to accept the draft Water Plan as presented. Carried.

A resolution needed to obtain a lower interest rate on the jail bond refunding was considered.

02-08-05-06 Motion by Mr. Sherlin and second by Mr. Antony to adopt the following resolution:

BE IT RESOLVED by the Board of County Commissioners (the Board) of Yellow Medicine County, Minnesota (the County), as follows:

Section 1. RECITALS.

1.1. The County has determined to issue its \$2,620,000 General Obligation Refunding Bonds, Series 2005 (the Bonds) for the purpose of refinancing the construction of a jail, law enforcement, probation and human services center in the

jurisdiction of the County. Minnesota Statutes Section 373.45 (the Act) provides that the County may participate in the County Credit Enhancement Program with the Public Facilities Authority of the Department of Employment and Economic Development of the State of Minnesota (the PFA), to provide additional credit enhancement for the Bonds.

1.2. It has been proposed that the County enter into a Minnesota Public Facilities Authority County Credit Enhancement Program Agreement (the Agreement) the form of which has been presented to this Board and is ordered placed on file in the office of the County Auditor. Under the Agreement, the County covenants and obligates itself to notify the PFA of a potential default in the payment of principal and interest on the Bonds, and to use the provisions of the Act to guarantee payment of the principal and interest on the Bonds when due. The County further covenants to deposit with the paying agent or any successor paying agent three (3) days prior to the date on which a payment is due an amount sufficient to make that payment or to notify the PFA that it will be unable to make all or a portion of that payment. The registrar for the Bonds is authorized and directed to notify the Commissioner of Finance if it becomes aware of a potential default in the payment of principal or interest on the Bonds or if, on the day two (2) business days prior to the payment date of the Bonds there are insufficient funds on deposit with the paying agent to make the payment.

Section 2. AUTHORIZATION AND APPROVAL OF AGREEMENT.

2.1. Authorization to Participate in Credit Enhancement Program. The County is hereby authorized to submit an application to the PFA to participate in the County Credit Enhancement Program with the PFA.

2.2. Approval of Agreement. The form and terms of the Agreement are hereby approved, and the execution and delivery by the County of the Agreement is hereby authorized. The Chair and County Auditor are hereby authorized and directed to execute and deliver the Agreement on behalf of the County in substantially the form presented hereto with such changes and modifications as may be approved by the officers executing the Agreement. The execution and delivery of the Agreement by the Chair and the County Auditor shall be conclusive evidence of the approval of any changes and modifications to the Agreement by such officers.

Carried.

02-08-05-07 Motion by Ms. Remiger and second by Mr. Johnson to approve a contract for jail nursing services, as presented. Carried.

Mr. Anderson gave an update on Region 6W Community Corrections.

02-08-05-08 Motion by Ms. Remiger and second by Mr. Antony to close the meeting to consider a settlement being recommended by the Department of Revenue. Carried.

Assessor Connie Erickson reviewed the details of a settlement offer advocated by the Department of Revenue to settle a tax court petition by Aquila Inc. They were seeking \$4 million in property tax relief for taxes payable in 2003, 2004, and 2005 on natural gas line utility property. The Department of Revenue has negotiated a \$2.37 million settlement with Aquila and is seeking consent of 51 counties involved in the petition. The total expense to the county is approximately \$5,300. The Board was concerned that other utilities may also seek similar relief, thus redistributing the tax burden to other property owners. However, the assessment obtained by the Department of Revenue upheld Aquila's case and there is little basis on which to oppose the settlement.

Mr. Anderson opened the meeting at 11:43 a.m.

02-08-05-09 Motion by Ms. Remiger to accept the Department of Revenue settlement and to draft a resolution admonishing the Department of Revenue for not keeping their rules and regulations current, thus leading to an antiquated valuation. As no support for the motion was forthcoming, Mr. Anderson passed the gavel to Mr. Antony and he seconded the motion. The motion carried with Mr. Johnson voting against the motion.

Mr. Antony returned the gavel to Mr. Anderson.

County Attorney Tom Kramer, who arrived during the closed session, updated the Board on his activities.

02-08-05-10 Motion by Mr. Antony and second by Mr. Sherlin to approve Commissioner's Warrants, as presented, totaling \$116,714.23 and acknowledge review of Auditor's Warrants totaling \$199,912.27. Carried.

Mr. Anderson adjourned the meeting at 12:02 p.m.

Witness:

Lynn Anderson, Chairman

Attest:

Carolyn Sherlin, Auditor/Treasurer