

**STEVENS COUNTY
BOARD OF COMMISSIONERS
Regular Meeting
Official Proceedings
Tuesday, March 20, 2007
9:00 a.m.**

The Stevens County Board of Commissioners was called to order at 9:00 a.m., Tuesday, March 20, 2007, by Chair Paul Watzke. Members present were Watzke, Hofland, Kloos, Sayre and Munsterman.

The minutes of the March 6th, 2007, regular meeting were reviewed and approved on a motion by Kloos, second by Munsterman and all members voting aye.

Human Services Director Joanie Murphy presented the department's monthly agenda. On a motion by Sayre, second by Kloos and all members voting aye, the Board authorized payment of monthly Human Services warrants in the amount of \$80,893.80.

On a motion by Sayre, second by Hofland and all members voting aye, the Board approved revisions to the Stevens County MR/RC Waiver Policy as proposed this date by the Human Services Director; four specific county optional language changes are on file in the Human Services Agency.

Commissioner Hofland moved the following Proclamation:

**PROCLAMATION NO. 070320-08
SOCIAL WORK MONTH PROCLAMATION**

WHEREAS social workers have the right education and experience to guide individuals, families, and communities through complex issues and choices;

WHEREAS social workers connect individuals, families, and communities to available resources;

WHEREAS, social workers are dedicated to improving the society in which we live;

WHEREAS social workers are positive and compassionate professionals;

WHEREAS social workers stand up for others to make sure everyone has access to the same basic rights, protections, and opportunities;

WHEREAS social workers help people help themselves, whenever and wherever they need it most;

WHEREAS social workers have been the driving force behind important social movements in the United States and abroad;

NOW, THEREFORE, in recognition of professional social workers and their commitment and dedication to individuals, families, and communities everywhere through service delivery, research, education, and legislative advocacy.

The Stevens County Board of Commissioners, proclaim the month of March 2007 as **Professional Social Work Month** and call upon all citizens to join Stevens County Human Services in celebration and support of social workers and the social work profession.

Commissioner Kloos seconded the motion and all members voting aye, the motion carried.

Murphy reviewed the Agency's proposed re-drafted mission statement. She also discussed status of the AMC Child Safety and Protection Act legislation now before the legislature.

Murphy noted that former County Commissioner Bob Stevenson has been appointed to serve on the Area Agency on Aging Board as an at-large member.

Kylene Olson, Director of the Chippewa River Watershed Project, presented information regarding a low interest loan program for septic systems. Environmental Services Coordinator Bill Kleindl shared information regarding impact of the proposal on Stevens County septic system procedures. The Board took the issue under advisement.

Kurt Domnick, representing Darnen Dairy, LLP of Darnen Township, presented a request for issuance of industrial development revenue bonds for purposes of improvements to the dairy's manure disposal system.

Commissioner Sayre moved the following resolution:

RESOLUTION NO. 070320-09
RESOLUTION GIVING PRELIMINARY APPROVAL
TO THE ISSUANCE OF MUNICIPAL INDUSTRIAL
DEVELOPMENT REVENUE BONDS
(DARNEN DAIRY, LLP PROJECT)

WHEREAS, for the purpose of promoting, attracting, encouraging, and developing an economically sound industry and commerce, preserving and developing a tax base adequate to finance necessary public services, and encouraging employment opportunities for the citizens of Stevens County, Minnesota (the "County"), the County is authorized by Minnesota Statutes Sections 469.152 to 469.1651, as amended (the "Act") to issue industrial development revenue bonds of the County in anticipation of the collection of revenues from an authorized project; and

WHEREAS, Darnen Dairy, LLP, a Minnesota limited liability partnership (the "Company"), desires to undertake a project in the County, at a total cost not exceeding \$3,500,000, said Project to consist of the construction, acquisition and installation of buildings, equipment and fixtures to be used in connection with livestock solid waste disposal and functionally related facilities in connection with a dairy operation including site preparation, concreted flushing and scraping lanes, flushing equipment and separators (the "Project"); and

WHEREAS, the Project would increase the level of economic activity in the County, would increase the tax base, and would provide additional employment opportunities for residents of the County and the surrounding area; and

WHEREAS, the County is advised by representatives of the Company that with the aid of municipal financing and the resulting lower borrowing cost, the Project would be significantly more feasible. The County is further advised by the Company that the Project would not be undertaken but for the availability of financing pursuant to the Act; and

WHEREAS, a public hearing, after published notice setting forth the nature of the Project and the date and time of a public hearing, must be held prior to the issuance of bonds under the Act;

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

1. The County Board hereby gives preliminary approval to the issuance of its Revenue Bonds pursuant to the Act to finance the Project. The Revenue Bonds shall be issued pursuant to a revenue agreement between the County and the Company containing such terms and conditions (with provisions for revision from time to time as necessary) as may be necessary to produce income and revenues sufficient to pay, when due, the principal of and interest on the Revenue Bonds in the maximum aggregate principal amount of \$3,500,000, to be issued pursuant to the Act to finance the acquisition, construction and equipping of the Project. Said revenue agreement may also provide for the entire interest of the County therein to be assigned to the purchaser of the Revenue Bonds. The County hereby undertakes preliminarily to issue its Revenue Bonds in accordance with such terms and conditions.
2. On the basis of information available to the County Board it appears, and the County Board hereby finds, that the Project constitutes properties, real and personal, used or useful in connection with one or more revenue producing enterprises engaged in any business within the meaning of Subdivision 2(b) of Section 469.153 of the Act; that the Project furthers the purposes stated in Section 469.152 of the Act; that the Project would not be undertaken but for the availability of industrial development bond financing under the Act and the willingness of the County to furnish such financing; and that the effect of the Project, if undertaken, will be to encourage the development of economically sound industry and commerce, to help the County retain and improve the tax base and to provide the range of service and employment opportunities required by the population, to help prevent the movement of talented and educated persons out of the State and to areas within the State where their services may not be as effectively used, to promote more intensive development and use of land within the County, and eventually to increase the tax base of the County.
3. The Project is hereby given preliminary approval by the County, subject to: (i) a public hearing, (ii) the approval of the Project by the Commissioner of the Department of Employment and Economic Development or such other state officer

having authority to grant approval (the “Commissioner”), (iii) receipt of an adequate allocation of authority to issue private activity bonds (which allocation is not made hereby), and (iv) final approval by the County Board, the Company, and the purchaser of the Revenue Bonds as to the ultimate details of the financing of the Project.

4. In accordance with Subdivision 3 of Section 469.154 of the Act, the Chair of the County Board of Commissioners or County Coordinator is hereby authorized and directed to submit the proposal for the Project to the Commissioner requesting his approval, and other officers, employees and agents of the County are hereby authorized to provide the Commissioner with such preliminary information as he may require.
5. The Chair and the County Board of Commissioners or County Coordinator is hereby authorized and directed to submit the Application for Allocation of Bonding Authority in accordance with Minnesota Statutes, Chapter 475A to the Minnesota Department of Finance.
6. The County Board of Commissioners shall hold a public hearing on the Project and the issuance of the Bonds in the County Board Room, County Courthouse, Morris, Minnesota on April 17, 2007, at 9:00 a.m. The County Coordinator is hereby authorized to publish notice of the hearing in the official newspaper of the County not less than fourteen days prior to the hearing date. The form of public notice attached to this Resolution is hereby approved.
7. The Company has agreed and it is hereby determined that any and all costs incurred by the County in connection with the financing of the Project, whether or not the Project is carried to completion and whether or not the Revenue Bonds are issued by the County, will be paid by the Company.
8. Nothing in this resolution or in the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Project other than the revenues derived from the Project or otherwise granted to the County for this purpose. The Revenue Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the County except the revenue and proceeds pledged to the payment thereof, nor shall the County be subject to any liability thereon. The holder of the Revenue Bonds shall never have the right to compel any exercise of the taxing power of the County to pay the outstanding principal of the Revenue Bonds or the interest thereon, or to enforce payment thereof against any property of the County. The Revenue Bonds shall recite in substance that the Revenue Bonds, including interest thereon, are payable solely from the revenue and proceeds pledged to the payment thereof. The Revenue Bonds shall not constitute a debt of the County within the meaning of any constitutional or statutory limitation.
9. In anticipation of the approval by the County Board and the issuance of the Revenue

Bonds to finance all or a portion of the Project, and in anticipation that the County will procure and devote to the Revenue Bonds an adequate allocation of authority to issue private activity bonds (which allocation is not made hereby), and in order that completion of the Project will not be unduly delayed when approved, the Company is hereby authorized to make such expenditures and advances toward payment of that portion of the costs of the Project to be financed from the proceeds of the Revenue Bonds as the Company considers necessary, including the use of interim, short-term financing, subject to reimbursement from the proceeds of the Revenue Bonds if and when delivered but otherwise without liability on the part of the County.

Commissioner Kloos seconded the motion and all members voting aye, the motion carried.

County Recorder Virginia Mahoney and Stevens-Pope District Court Administrator Sandee Tollefson informed the Board that issuance of passports will be transferred from the District Court to the Recorder's Office. The change is projected to occur on or about May 1, 2007.

Commissioner Hofland moved the following resolution:

RESOLUTION NO. 070320-10

WHEREAS, Minnesota Statutes 244.19 subdivision 6 outlines a process for State reimbursement to participating counties for 50% of the cost of their probation officer salaries, and

WHEREAS, 28 County Probation Officer counties and 27 Department of Corrections contract counties participate in this process, and

WHEREAS, appropriate from the State have steadily decreased from 50% in 1996 to as low as 38% in 2004, and

WHEREAS, the 55 counties participating in this process have been forced to make up the deficit in the reimbursement funding for their probation officers, and

WHEREAS, the 2007 Legislative Session will be setting and passing the FY 08 and FY 09 appropriation for probation officer salary reimbursement for these 55 counties, and

WHEREAS, the Minnesota Association of County Probation Officers has been working with the Department of Corrections and legislative staff to ensure that an accurate FY 08 and FY 09 appropriation amount is determined, and

NOW, THEREFORE, BE IT RESOLVED, that the Stevens County Board of Commissioners strongly requests the 2007 Legislature to appropriate sufficient funds to reimburse the 55 participating counties for the full 50% of the cost of their probation officer salaries.

Commissioner Sayre seconded the motion and all members voting aye, the motion carried.

Auditor-Treasurer Neal Hofland presented the list of Commissioner's Warrants. Commissioner Kloos moved to approve the following amounts, reflecting a \$2,700 deduction from the Ambulance Fund:

FUND	AMOUNT
Revenue	\$52,333.47
Road & Bridge	\$31,460.12
Ditches	\$17,407.00
Ambulance	<u>\$10,179.31</u>
AMOUNT	\$111,379.90

Commissioner Hofland seconded the motion and all members voting aye, the motion carried.

On a motion by Kloos, second by Sayre and all members voting aye, the Board authorized issuance of a tobacco license to HD & Co., Donnelly, formerly known as the Donnelly Grocery store.

Commissioner Hofland moved the following resolution:

RESOLUTION NO. 070320-11
25X'25 PARTNER ENDORSEMENT

The goal of 25x'25 is that by 2025, America's farms, forests and ranches will provide 25 percent of the total energy consumed in the United States, while continuing to produce safe, abundant, and affordable food, feed and fiber.

WHEREAS, current and future risks to U.S. energy security are mounting;

WHEREAS, domestic and global energy demands are growing exponentially;

WHEREAS, environmental and health concerns and risks associated with fossil based fuel sources are escalating;

WHEREAS, solar, wind, bioenergy and biofuels can be captured and/or produced on the land mass managed by U.S. agriculture and forestry; and

WHEREAS, technology and production capabilities allow America's farmers, ranchers and forest landowners to play a major role in ensuring a fully sustainable U.S. energy system;

NOW THEREFORE BE IT RESOLVED, that the Stevens County Board of Commissioners supports the goal of producing 25 percent of America's energy from renewable resources by the year 2025 and commits to work collaboratively with renewable energy champions to:

- Further explore and define the overarching contribution which the agricultural and forestry sectors can make as producers of energy, and

- Develop an action plan to bring this vision to life.

Commissioner Kloos seconded the motion and all members voting aye, the motion carried.

State Auditor Crew Chief Bob Johnson, reviewed the outcomes of the 2005 fiscal year state audit. Also present was County Auditor-Treasurer Neil Wiese. He noted the Schedule of Findings and Recommendations for the year.

Peter Heck and Len Wegener, representing the Highway Department AFSCME bargaining unit, presented information regarding the desired outcomes of this year's negotiating sessions.

Commissioner Hofland moved the following resolution:

RESOLUTION NO. 070320-12

WHEREAS, The Congress of the United States has taken up measures to broaden the scope of the jurisdiction of the nation's Clean Water Act (CWA); and

WHEREAS, one change being sought through federal legislation will remove from the act the term "navigable waters" and replace it with the term "waters of the United States"; and

WHEREAS, said change in language will negatively impact local units of government in that the U.S. Army Corps of Engineers will be forced to review projects and applications for permits in far greater numbers, and in fact will cause delay of permitting to local agencies; it is noted that the Corps already faces a national backlog of 30,000 permits under present definition of waters; and

WHEREAS, the National Association of Counties (NACo) opposes any federal efforts to change the definition in the CWA from "navigable waters" to "waters of the United States":

NOW THEREFORE BE IT RESOLVED that the Stevens County Board of Commissioners hereby respectfully requests that members of the Minnesota Congressional Delegation oppose efforts to change the definition of waters under the Clean Water Act.

Commissioner Kloos seconded the motion and all members voting aye, the motion carried.

The Board went into closed session at 11:35 a.m. for labor negotiation strategies. The meeting was re-opened at 12:20 p.m.

Having no further business, the meeting was adjourned at 12:22 p.m.

James Thoreen, County Coordinator

Paul Watzke, Chair