

REGULAR MEETING OF THE BIG STONE COUNTY BOARD
July 21, 2009

The Big Stone County Board of Commissioners met in the Commissioner's Room at 8:30 AM on Tuesday, July 21, 2009. Chairman Olson called the meeting to order with Commissioners Athey, Berning, Sandberg and Wulff present. Also present were Elsie Perrine, County Attorney Bill Watson and County Auditor Michelle Knutson. The Pledge of Allegiance followed.

Motion by Athey, seconded by Berning and carried to approve the minutes of the July 7th regular meeting.

Motion by Sandberg, seconded by Wulff and carried to approve the agenda.

Commissioners reported on the following committees:

Athey – TAC (Prairie 5); WACCO

Wulff – Pomme de Terre; Toqua Park

Berning – Countryside Public Health; Supporting Hands; Property (MCIT)

Olson – County Restructuring Meeting

Sandberg – CBSL; Property (MCIT); Personnel (Interview); MSI

Sue Kaercher-Blake of the Ortonville Independent arrived at the meeting during Committee Reports.

Discussion was held on the funds held from the Easy Heat settlement for Main Street Industries (MSI). Board consensus was to allow MSI access to a portion of the funds for the purchase of 2 vans.

Attorney Watson presented a bill for a termination of parental rights case. The matter was referred to the Welfare Board.

Discussion was held on the County's obligation to West Central Regional Juvenile Center.

Attorney Watson left the meeting.

Jesse Hopkins-Hoel of Little Rock Wind reviewed the requirements for a community wind project with the Board. Motion by Athey and seconded by Wulff to adopt the following resolution of support:

2009-31

WHEREAS, agriculture and energy are a major and an integral part of Big Stone County's and the State of Minnesota's economic security; and

WHEREAS, the state C-BED statute calls for County Board Approval of C-BED projects-Minn. Stat. 216B. 1612, Subd.2(f) (3); and

WHEREAS, the Minnesota State Legislature has directed electric utilities providing service in Minnesota to facilitate locally-owned wind energy projects; and

WHEREAS, Big Stone County recognizes that wind energy projects can and should play a larger role in providing energy through locally-generated wind projects; and

WHEREAS, Big Stone County recognizes that Little Rock Wind, LLC wind projects will contribute economically to Big Stone County and its residents through tax collections, land lease payments, local ownership and ancillary benefits; and

WHEREAS, locally-owned wind energy projects support economic development; and

WHEREAS, wind energy development within the State of Minnesota lessens the state's dependence on the importation of electricity from North Dakota, South Dakota and Manitoba; and

WHEREAS, wind energy projects mitigate pollution generated by the combustion of fossil fuel; and

WHEREAS, the mitigation of pollution supports recreational activities such as fishing, hunting and other outdoor activities central to life in Big Stone County; and

WHEREAS, this resolution of support does not bind Big Stone County to any financial support of the proposed project.

NOW THEREFORE BE IT RESOLVED, that the Big Stone County Board of Commissioners hereby indicates its support for the development of the Little Rock Wind, LLC wind project as a C-BED project, subject to the authority of the County Board to grant or deny applications, permits or licenses for said project as may be provided by State statute or local ordinance, rules or regulations.

Motion carried with Commissioner Olson abstaining.

Leah Thvedt of the Red River Basin Commission was present to update the Board on the Commission's plans to develop long term flood solutions for the Red River watershed.

Motion by Sandberg, seconded by Wulff and carried to authorize payment of the following claims as presented by Auditor Knutson:

General	\$52,555.13
Highway	14,007.22
Ditch	1,214.00
Taxes & Penalties	<u>105.00</u>
Total	\$67,881.35

Motion by Athey, seconded by Berning and carried to authorize the following internal transactions:

Ditch to Highway		\$10,353.83
CD #2	\$3,323.11	
CD #4	\$ 133.62	
CD #10/11	\$ 309.88	
CD #13	\$ 637.12	
CD #15	\$2,025.66	
CD #16	\$ 136.05	
CD #20	\$ 52.14	
CD #30	\$ 155.14	
JD #4	\$2,048.43	
JD #7	\$1,532.68	
General to Highway		\$ 4,117.75

Motion by Sandberg, seconded by Wulff and carried to execute the agreement with Short Elliott Henrickson for professional services relating to the ARMER system.

Motion by Wulff, seconded by Berning and carried to adopt the following resolution:

2009-32

BE IT RESOLVED by the County Board of Commissioners (the "County Board") of the County of Big Stone, 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.

Motion by Athey and seconded by Olson to appoint Vernon Johnson as a Board Manager to the Upper MN River Watershed District (UMRWD) for a 3-year term effective August 12, 2009. Discussion was held regarding the two individuals that requested appointment. Motion failed with Commissioners Wulff, Olson, Sandberg and Berning voting Nay. Motion by Wulff and seconded by Berning to appoint Gary Haugen as a Board Manager to the Upper MN River Watershed District (UMRWD) for a 3-year term effective August 12, 2009. Following further discussion, motion carried.

Motion by Sandberg, seconded by Berning and carried to nominate Vicki Oakes to the Revolving Loan Fund (RLF) upon the resignation of John Cunningham.

Following a break, Attorney Watson returned to the meeting.

Motion by Berning, seconded by Wulff and carried to execute the use agreement with the State of Minnesota for the Schumacher Communications Facility.

Discussion was held on temporary clerical help for the County Attorney's office. Motion by Sandberg, seconded by Wulff and carried to authorize the additional expenditure of 6-12 hours for additional clerical support staff.

Motion by Sandberg, seconded by Athey and carried to set the rent for Family Services at \$15 per square foot effective September 1, 2009.

Motion by Athey, seconded by Wulff and carried to authorize the hiring of Pamela Rud as the Social Services Supervisor at Grade 14 Step 2 contingent upon successful background checks and the approval of the Welfare Board.

The 5-Year Plan Meeting of the Highway Department was set for August 11, 2009, beginning at 9:00 AM.

Joel Stattelmann and Aaryn Arndt were present to officially request the previously pledged funding for the Clinton Depot. Following discussion, motion by Olson and seconded by Wulff to reduce the amount of the pledge to \$6,655.16 as requested by the committee. Following further discussion, motion carried with Commissioner Athey voting Nay.

Attorney Watson left the meeting.

Cheri Kromann of the US Fish & Wildlife was present to request certification of acquisition of lands for an easement in Big Stone Township. Frank Durbian of US Fish was also present. Motion by Athey, seconded by Wulff and carried to certify for acquisition the following described property:

T122N, R46W, 5th P.M., Section 21, that portion of the NE1/4 excepted from the property conveyed by Inez B. Reisdorph to Lotadux, Inc. by Warranty Deed dated October 12, 1951 and recorded in the office of the Register of Deeds of Big Stone County, Minnesota, on November 16, 1953, at 3 o'clock p.m. in Book 72 of Deeds on page 527.

Marc Vaillancourt from the Southwest Initiative Foundation presented an update on the Foundation.

Discussion was held on the new legislation passed regarding administrative tickets.

Further review of the 2010 budget will be held at the next board meeting.

Motion by Berning, seconded by Athey and carried to accept a \$100 gift from the residents of Moonshine Township for Toqua Park.

Chairman Olson adjourned the meeting at 11:14 AM.

Brent Olson, Chairman

ATTEST: _____
Michelle R. Knutson, Auditor