

**OFFICIAL PROCEEDINGS
PENNINGTON COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 9th, 2012, 10:00 A.M.**

Pursuant to adjournment, the Pennington County Board of Commissioners met in the Pennington County Board Room in Thief River Falls, MN, on Tuesday, October 9th, 2012 at 10:00 a.m. Members present: Cody Hempel, Donald Jensen, Neil Peterson, and Oliver “Skip” Swanson. Members absent: Darryl Tveitbakk.

George Eilertson, Senior Vice President of Northland Securities met with the County Board regarding the future sale of General Obligation Drainage Ditch Bonds for funding the improvement and construction of Red Lake Watershed District No. 14. Ditch Assessment will be levied to pay for the bonds.

Commissioner Hempel moved, seconded by Commissioner Jensen to enter into a Financial Advisory Agreement between Northland Securities Inc. and Pennington County that provides for Northland Securities Inc. to provide service necessary to analyze, structure, offer for sale and close the transaction for sale of the General Obligation Ditch Bonds. Motion unanimously carried.

The following resolution was presented by Commissioner Jensen, who moved its adoption:

**RESOLUTION PROVIDING FOR THE ISSUANCE AND
SALE OF GENERAL OBLIGATION DRAINAGE DITCH
BONDS, SERIES 2012A IN THE PROPOSED
AGGREGATE PRINCIPAL AMOUNT OF \$810,000**

BE IT RESOLVED By the Board of Commissioners of Pennington County, Minnesota (the “County”), as follows:

1. Background. It is hereby determined that:
 - (a) The County is authorized by Minnesota Statutes, Chapters 103D, 103E and 475, as amended (collectively, the “Act”), to finance improvements to a drainage system.
 - (b) As authorized by the Act, contracts have been or will be let for the construction of drainage improvements for the Red Lake Watershed District to Red Lake Watershed District No. 14 (the “Improvements”), and assessments have been or will be levied for the Improvements.
 - (c) It is necessary and expedient to the sound financial management of the affairs of the County to issue its General Obligation Drainage Ditch Bonds, Series 2012A (the “Bonds”), in the proposed aggregate principal amount of \$810,000, pursuant to the Act, to provide financing for the Improvements.
 - (d) The County is authorized by Section 475.60, subdivision 2(9) of the Act to negotiate the sale of the Bonds, it being determined that the County has retained an

independent financial advisor in connection with such sale. The actions of the County staff and the County's financial advisor in negotiating the sale of the Bonds are ratified and confirmed in all respects.

2. Sale of Bonds. To finance the Improvements, the County will issue and sell the Bonds in the proposed aggregate principal amount of \$800,000, pursuant to the Act. The Bonds will be issued, sold and delivered in accordance with the terms of the Notice of Sale attached hereto as EXHIBIT A (the "Notice of Sale").

3. Authority of Financial Advisor. Northland Securities, Inc. is authorized and directed to advertise the Bonds for sale in accordance with the Notice of Sale. The Board of Commissioners will meet at 5:00 P.M. on Tuesday, November 27, 2012, to consider proposals on the Bonds and take any other appropriate action with respect to the Bonds.

4. Authority of Bond Counsel. The law firm of Kennedy & Graven, Chartered, as bond counsel for the County, is authorized to act as bond counsel and to assist in the preparation and review of necessary documents, certificates and instruments relating to the Bonds. The officers, employees and agents of the County are hereby authorized to assist Kennedy & Graven, Chartered in the preparation of such documents, certificates, and instruments.

5. Covenants. In the resolution awarding the sale of the Bonds, the Board of Commissioners of the County will set forth the covenants and undertakings required by the Act.

6. Official Statement. In connection with the sale of the Bonds, the officers or employees of the County are authorized and directed to cooperate with Northland Securities, Inc., and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the County upon its completion.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner Peterson, and upon vote being taken thereon the following commissioners voted in favor of the motion: Jensen, Swanson, Hempel and Peterson and the following voted against: None

Whereupon the resolution was declared duly passed and adopted.

Assistant County Engineer Ben Pribula met with the County Board requesting a resolution to finalize the Schenky Gravel Crushing contract and authorize final payment of \$3,542.25. Commissioner Jensen moved, seconded by Commissioner Hempel to accept the Gravel Crucshin Contract with Schenky, Inc. as completed and authorize final payment. Motion unanimously carried.

The joint Ditch #13 meeting is scheduled for October 17th, at 8:00 a.m. to discuss the two petitions to clean Branch 2 and Branch 3.

Ben Pribula also reported on the progress of Ditch cleaning projects and the CSA# 31 projects.

Commissioner Hempel moved, seconded by Commissioner Peterson to approve the minutes of September 25th 2012 as written with corrections as stated by the County Auditor. Motion carried.

Bryan Malone, Administrator of the Pennington County Soil & Water Conservation District and Peter Nelson, Water Plan Administrator met with the County Board. Bryan Malone presented a Grassed Waterway State Cost-share Contract FY12-03 along CSAH #3 in the SE1/4SE1/4 section

32 Rocksbury Township. Total estimated cost of the project is \$21,300 with the County using CSAH funds to fund 25% of the costs. Commissioner Jensen moved, seconded by Commissioner Peterson to approve the State Cost-share Assistance Contract as proposed and authorize the Chairman to sign the agreement. Motion unanimously carried.

Peter Nelson presented the FY 2013 State of Minnesota Board of Water and Soil Resources Natural Resources Block Grant Agreement. It was noted that one change in the Block Grant funds was \$20,902 from the MPCA SSTS upgrade Fund Grant. Commissioner Peterson moved, seconded by Commissioner Jensen to approve the FY 2013 STATE OF MINNESOTA BOARD OF WATER AND SOIL RESOURCES NATURAL RESOURCES BLOCK GRANT AGREEMENT in the total amount of \$81,964. Motion unanimously carried.

County Auditor Ken Olson presented the City of Thief River Falls Snow Removal Agreements for County properties in the 38 block designated area. The city will charge \$24 per load for the snow removal. Moved by Commissioner Jensen, seconded by Commissioner Peterson to approve the Snow Removal Agreement with the City of Thief River Falls for the following properties:

- County Courthouse Parcel #25.00338760
- L.E.C. South Parking Lot Parcel #25.00342140
- Minimum Security Jail Parcel #25.00342040
- County Welfare & West Parking Lot Parcel #25.00322580

Motion unanimously carried.

County Auditor Ken Olson then presented an agreement between the Minnesota Secretary of State and the County Auditors Office designating the County Auditor as a Deputy Recount Official. Moved by Commissioner Hempel, seconded by Commissioner Peterson to approve the State of Minnesota Joint Powers Agreement between the Office of Secretary of State and the County Auditor for election recount services effective 10/1/12 to 12/31/12. Motion unanimously carried.

The County Auditor presented a revised resolution approving the State of Minnesota Joint Powers eCharging agreement with the County on behalf of the County Sheriff. The County Board has previously approved the agreement but asked for the following wording.

The following resolution was introduced by Commissioner Hempel, seconded by Commissioner Peterson and upon vote was unanimously carried.

Resolution Approving State of Minnesota Joint Powers eCharging Agreement With The County of Pennington on Behalf of Its County Sheriff

WHEREAS, the County of Pennington on behalf of its County Sheriff desires to enter into Joint Powers Agreement with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to accept funding to pay for implementing an eCharging adapter to facilitate the submission of incident records between the County RMS and the BCA.

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

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the County of Pennington on behalf of its County Sheriff are hereby

approved. Copies of the Joint Powers Agreement is attached to this Resolution and made a part of it.

2. That the Sheriff, Ray D. Kuznia, or his successor, is designated the Authorized Representative for the Sheriff.
3. That Oliver C. Swanson, the Chair of the County of Pennington, and Ray D. Kuznia, the County Sheriff, are authorized to sign the State of Minnesota Joint Powers Agreements.

Passed and Adopted by the County Board on this 9th day of October, 2012.

The following Committee reports were heard:

Technology Committee
Highway Committee
Radio Board Committee

Moved by Commissioner Hempel, seconded by Commissioner Peterson, to approve payment of the Human Services warrants totaling \$113,733.88, the Auditor and Manual warrants for September 2012 totaling \$1,045,048.73, and the following Commissioner warrants. Motion unanimously carried

WARRANTS

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| County Revenue | \$129,397.65 |
| Road & Bridge | \$50,104.46 |
| Solid Waste Facility | \$5,148.07 |
| Ditch Funds | \$2,727.88 |
| Forfeited Tax | \$127.30 |

Per diems and meal reimbursements in the amount of \$1,482.26 were also approved.

Commissioner Hempel moved, seconded by Commissioner Peterson to adjourn to 5:00 p.m. October 23rd, 2012. Motion carried.