

Traverses County Commission
Regular Board Meeting
May 18, 2021

The meeting was called to order at 9:30a.m. by chairman Dave Salberg. The pledge of allegiance was recited. This meeting is being conducted pursuant to the Minnesota Statute 13D.021, which allows a meeting to be conducted by telephone or other electronic means during a health pandemic by the governor of the State of Minnesota Statute Chapter 12. Appearing in person are Dave Salberg, Mark Gail, Kayla Schmidt, and Todd Johnson. The agenda was unanimously approved upon a motion by Gail and second by T. Johnson with the following additions: Correction to April 6 Board minutes; Preparedness Plan update to match CDC and MDH guidelines; and Silent Auction question regarding 2 safes.

Highway Department

Chad Gillespie, County Engineer, and Brian Kock, County Maintenance Supervisor appeared before the Board. Gillespie asked the Board to approve a quit claim deed to Murphy Gravel Pit in Big Stone County giving them back their property that we purchased on a contract for deed in 2004. No warranty deed was ever given to us, so the title to property is still in Murphy's name. The quit claim deed is needed to extinguish our rights in the contract for deed. The Board unanimously approved the quit claim deed upon the motion by Schmidt and second by Gail. Gillespie also asked for approval for the County to enter into an easement agreement, whereby Murphy Gravel Pit will give the County an easement lasting through December 31, 2025 to the roadway that is on the property we are deeding back to them. The easement is so we will still have access to the gravel pit to the south. This was approved unanimously upon a motion by Gail and a second by T. Johnson. Gillespie asked for Board approval for the Grant Agreement in the amount of \$131,312.50 for the Box Culvert Project, 078-616-008, on Co. Rd 16. This was unanimously approved upon motion by Gail and second by Schmidt. Gillespie then asked for approval for the construction contract for 078-616-008, Box Culvert Project, this was approved unanimously upon a motion by Gail and second by T. Johnson. Upon a motion by T. Johnson and second by Gail the following excavator rental rates were approved unanimously to be added to the equipment rates: \$165/hour for activities such as doing work for townships and \$135/hour for Traverse County Roads.

Gillespie informed the Board that he has purchased a crack/depression filling product through the Minnesota State contract from Midstates Equipment and Supply Inc. for repairs this summer. The paving projects are currently planned to start mid to late June according to the last discussion with the contractor. Koch informed the Board the ditch mowing is under way.

Zoning Administrator

Ben Oleson appeared before the Board via Zoom to get approval for a Conditional Use Permit. The request relates to the placement of a manufactured home. Approvals required include a Variance to place a structure 3 feet from a side lot line (min 8 feet required) and possibly within the 20ft. setback requirement of a platted road right-of-way on a lot not meeting minimum size or width standards. A Conditional Use Permit is also required to use a method of elevating the lowest floor to flood elevation requirements other than fill. Schmidt made a motion to approve the conditional use permit with the conditions and the finding of facts as were recommended by the Planning Commission/Board of Adjustment, second by Gail and approved unanimously.

Auditor/ Treasurer

Kit Johnson appeared before the Board with a Department update. K. Johnson informed the Board that he will be doing the tax settlement and allocating the funds to the various entities such and schools, cities, townships and, the Watershed District. K. Johnson presented the Board with the Central Services Cost Allocation Plan. He explained the plan is used to recover indirect costs for administrating federal programs. K. Johnson also informed the Board that the Real ID federal enforcement deadline has been extended to May 1, 2023. K. Johnson was seeking a motion to approve a resolution concerning a joint project between Traverse and Wilkin county for Ditch 6. Traverse County would pledge \$359,000 toward the project for the county share of the bond obligation. Upon motion by T. Johnson and a second by Schmidt, the following resolution was approved unanimously:

RESOLUTION CONCURRING IN THE ISSUANCE OF THE \$1,495,000 GENERAL OBLIGATION DRAINAGE BONDS, SERIES 2021A BY THE COUNTY OF WILKIN, MINNESOTA, AND AUTHORIZING EXECUTION OF A \$359,000 GENERAL OBLIGATION DRAINAGE BOND, SERIES 2021A AND PLEDGING SPECIAL ASSESSMENTS FOR THE PAYMENT THEREOF

A. WHEREAS, the County of Wilkin, Minnesota (the "Wilkin County") will issue its \$1,495,000 General Obligation Drainage Bonds, Series 2021A (the "Wilkin Bonds") pursuant to a resolution adopted May 11, 2021 (the "Wilkin Bond Resolution") to finance construction of improvements to the Bois de Sioux Watershed District Drainage Improvement Project associated with Judicial Ditch No. 6 located in Wilkin County and Traverse County (the "Project"); and

WHEREAS, in order to induce Wilkin County to issue the Wilkin Bonds to finance the Project, it is proposed that the County of Traverse, Minnesota (the "County"), will issue its General Obligation Drainage Bond, Series 2021A, in the amount of \$359,000 (the "County Bond") to pay its share of the debt service on the Wilkin Bonds; and

WHEREAS, the County has authority to issue the County Bond pursuant to Minnesota Statutes, Chapter 475, as amended, and Minnesota Statutes, Section 103E.635 (together, the "Act"); and

NOW, THEREFORE, BE IT RESOLVED by the County Board of Commissioners (the "County Board") of the County of Traverse, Minnesota, as follow:

Approval and Form of County Bond. The issuance of the County Bond to Wilkin County is hereby approved. The County Bond shall be in fully registered form without interest coupons and shall be dated, mature, bear interest, be subject to redemption and be payable as provided in the form attached hereto as Exhibit A, with such amendments thereto as shall be deemed desirable or necessary by the Chairman and County Auditor-Treasurer (hereby authorized to execute the County Bond by their manual signatures), as evidenced by their execution thereof.

Debt Service Account. There is hereby created the General Obligation Drainage Bond, Series 2021A Debt Service Account (the "Traverse Debt Service Account"), to be administered and maintained by the County Auditor-Treasurer as a bookkeeping account separate and apart from all other accounts maintained in the official financial records of the County. The Traverse Debt Service Account shall be maintained in the manner herein specified until the County Bond and the interest thereon have been fully paid. There are hereby pledged and there shall be credited to the Traverse Debt Service Account collections of all taxes herein or hereafter levied by the County for the payment of the County Bond and interest thereon and any and all other moneys which are properly available and are appropriated by the governing body of the County to the Traverse Debt Service Account. The Traverse Debt Service Account shall be used solely to pay the principal and interest on the County Bond.

Special Assessments. It is hereby determined that the cost to the County of the improvement comprising the Project located in Traverse County and financed hereunder, within the meaning of Minnesota Statutes, Section 475.58, Subdivision 1(3), shall be paid by special assessments (also called drainage liens) levied against property benefited by the portion of the Project located in Traverse County. The County hereby covenants and agrees that it shall and perform all acts and things which may be necessary for the final and valid levy of such special assessments, and in the event that any such special assessment be at any time held invalid with respect to any lot, piece or parcel of land due to any error, defect, or irregularity in any action or proceedings taken or to be taken by the County or its County Board or its officers or employees, either in the making of the special assessments or in the performance of any condition precedent thereto, the County and the County Board will forthwith do all further acts and take all further proceedings as may be required by law to make the special assessments a valid and binding lien upon such property. The special assessments shall be levied in the amount set forth below and the drainage lien statements shall be filed on the date the special assessments are levied. The special assessments shall be payable in equal, consecutive, annual installments of principal with interest on the declining balance of all such assessments at the rates per annum not less than the rate per annum set forth opposite the collection years specified below:

<u>Improvement Designation</u>	<u>Levy Years</u>	<u>Collection Years</u>	<u>Amount</u>	<u>Interest Rate</u>
Bois de Sioux Watershed District Drainage Improvement Project - Judicial Ditch No. 6	2022-2036	2023-2037	\$359,000	2.75%

At the time the assessments are in fact levied the County Board shall, based on the then-current estimated collections of the assessments, make any adjustments in any ad valorem taxes required to be levied in order to assure that the County continues to be in compliance with Minnesota Statutes, Section 475.61, Subdivision 1.

General Obligation Pledge. For the prompt and full payment of the principal and interest on the County Bond, as the same respectively become due, the full faith, credit and taxing powers of the County shall be and are hereby irrevocably pledged. If the balance in the Traverse Debt Service Account is ever insufficient to pay all principal and interest then due on the County Bond and any other bonds payable therefrom, the deficiency shall be promptly paid out of any other funds of the County which are available for such purpose, and such other funds may be reimbursed with or without interest from the Traverse Debt Service Account when a sufficient balance is available therein.

Defeasance. When the County Bond has been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this resolution to the registered owner of the County Bond shall, to the extent permitted by law, cease. The County may discharge its obligations with respect to the County Bond which is due on any date by irrevocably depositing with the County Auditor-Treasurer on or before that date a sum sufficient for the payment thereof in full; or if the County Bond should not be paid when due, it may nevertheless be discharged by depositing with the County Auditor-Treasurer a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The County may also discharge its obligations with respect to the County Bond called for redemption on any date when it is prepayable according to its terms, by depositing with the County Auditor-Treasurer on or before that date a sum sufficient for the payment thereof in full, provided that notice of redemption thereof has been duly given. The County may also at any time discharge its obligations with respect to the County Bond, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a suitable banking institution qualified by law as an escrow agent for this purpose, cash or securities described in Minnesota Statutes, Section 475.67, Subdivision 8, bearing interest payable at such times and at such rates and maturing on such dates as shall be required,

without regard to sale and/or reinvestment, to pay all amounts to become due thereon to maturity or, if notice of redemption as herein required has been duly provided for, to such earlier redemption date. Notwithstanding anything to the contrary herein, the County shall defease the County Bond in part in accordance with the terms of this section upon prepayment of the Wilkin Bonds, by Wilkin County.

Refunding of Wilkin Bonds. The County acknowledges that the Wilkin Bonds are subject to redemption in connection with refunding in accordance with the Wilkin Bond Resolution. Upon any refunding of the County Bond, the County will issue a replacement County Bond with a payment schedule adjusted to reflect the County's proportionate share of debt service due and payable on the Wilkin County's refunding bond.

Certificate of Registration. A certified copy of this resolution shall be filed in the office of the County Auditor-Treasurer, together with such other information as the County Auditor-Treasurer shall require and the County Auditor-Treasurer shall issue a certificate that the County Bond has been entered in the County Auditor-Treasurer's Bond Register.

Records and Certificates. The officers of the County are hereby authorized and directed to prepare and furnish to the original purchaser of the Wilkin Bonds, and to the attorneys approving the legality of the issuance of the County Bond, certified copies of all proceedings and records of the County relating to the Wilkin Bonds and to the financial condition and affairs of the County, and such other affidavits, certificates and information as are required to show the facts relating to the legality and marketability of the County Bond as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the County as to the facts recited therein.

Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Headings. Headings in this resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

The motion for the adoption of the foregoing resolution was seconded by commissioner _____ and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Whereupon the resolution was declared duly passed and adopted.

K. Johnson's next order of business was updating the Board on the status of the Advantenon loan that will be paid off within the next nine months. The final order of business was seeking approval for tobacco licenses for Tri County Coop of Dumont and Dollar General in Folsom Township. Upon a motion by Gail and second by Schmidt the motion to approve the tobacco licensing was unanimous.

Next on the Board agenda was the update on the Constitutional Rights Resolution prepared by commissioner Schmidt. Schmidt notified the Board that she will be bringing the Constitutional Rights Resolution/2A Sanctuary for Traverse County along with the Second Amendment Dedicated County Resolution to the Board for a vote on June 15, 2021 at 9:30 a.m. Gail said he would be on vacation on June 15. Salberg is afraid if we pass the Constitutional Rights Resolution/2A Sanctuary that we may be

ineligible for any federal or state funding in the future and he doesn't want to take that chance. The Board agreed that they will not take into consideration any anonymous letters to the Board, letters must be signed.

County Coordinator

A motion was made by Gail with a second by T. Johnson to approve the minutes from the May 4, 2021 meeting and the motion passed unanimously. A motion to approve the bills was made by Gail with a second by T. Johnson, the motion passed unanimously.

TRI COUNTY COOP OIL ASSOC	7,565.50
ZIEGLER, INC.	17,914.95
BARTZ COLLISION & GLASS	3,502.41
CARDMEMBER SERVICE	4,086.65
Counties Providing Technology	5,225.41
Fleet Services	3,291.74
GAZETTE PUBLISHING CO.	2,573.58
GOVERNMENT MANAGEMENT GROUP	3,350.00
Hometown Planning	2,450.00
HORMANN/MARK	2,000.00
MEnd Correctional Care, PLLC	2,634.30
MORRIS ELECTRONICS	2,374.97
WEX Bank	2,272.12

Per M.S. 375.12, the number of claims totaling \$2000 or less were 67, amounting to \$33,632.81.

Zahl presented the Board with the updated Agreement and the Addendum to the Agreement between the University of Minnesota and Traverse County for providing Extension programs locally and employing Extension staff for 2022 through 2024.

Zahl gave an update on the American Recovery Program. She has certified for money in the amount of \$637,701 which will be received in two installments.

The Social Services Director contract was discussed. T. Johnson made a motion to continue the contract with Grant County second by Gail and passed unanimously.

Clarification to the April 6, 2021 meeting minutes was requested regarding the Law Library. Sheriff Wright can obtain the Lexus Nexus program for the LEC but the physical location of the county Law Library will not change.

Zahl presented the Board with the updated Preparedness Plan that align with the Minnesota Department of Health and the Centers for Disease Control. The County buildings will remain in phase 3 with the following updates: Social Services and the Department of Motor Vehicle will be open without appointments effective immediately; face to face meetings will be permitted with no social distancing IF fully vaccinated; and face coverings are no longer required but encouraged if you are not vaccinated. Gail made a motion to approve the updated preparedness plan, second by T. Johnson, discussion followed. Schmidt would like the County buildings to move to phase 4 which operations will resume as they were previous to the Public Health Emergency. The updated plan was approved with a 3-1 vote with Gail, T. Johnson and Salberg voting in favor of the motion and Schmidt voting against the motion. The final item Zahl brought to the Board was seeking input on whether or not to include two safes in the upcoming silent auction. The decision was made to include the safes, but to draw up a contract for the potential purchaser to take responsibility for any damage that may be caused when the safes are removed. Zahl will confer with the County Attorney to determine the specifics of such a contract.

The meeting was adjourned at 10:20.

Lisa Zahl, County Coordinator

Dave Salberg, Chairman