

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

December 4, 2008

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session December 4, 2008 at 1:00 p.m. at the Courthouse in Austin, Minnesota.

All members present, viz: Richard Cummings, Chair
 Raymond Tucker (1:12)
 David Hillier
 Dave Tollefson
 Dick Lang
 Craig Oscarson, County Coordinator

Motion made by Commissioner Tucker, seconded by Commissioner Lang to approve the request of the County Auditor-Treasurer to cancel uncashed warrants in the amount of \$964.91 issued more than one year ago in accordance with the Mower County Check Cancellation Policy. Motion carried. A list of the cancelled warrants is on file in the office of the County Auditor-Treasurer.

Doug Groh, County Auditor-Treasurer provided to the Board a report on forfeited properties.

Public Hearing was held in regard to CUP #743 of **David E. Lewison**, who submitted a conditional use permit application to operate a repair shop for small motorized vehicles, including but not limited to, ATVs motorcycles, and snowmobiles on the property in an accessory structure as an extended home occupation. The application did not include a request for advertising signs for this business

Angie Knish, Environment Services Director, reviewed the permit and Planning Commission recommendations.

Date: December 4, 2008

Res. #67-08

RESOLUTION

On motion of Ray Tucker seconded by Dave Hillier the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 4, 2008 at 1 p.m. in the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #743 of David E. Lewison, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations:

To operate a repair shop for small motorized vehicles, including but not limited to, ATVs motorcycles, and snowmobiles on the property in an accessory structure as an extended home occupation. The application did not include a request for advertising signs for this business.

Legal Description: The following described portion of the Northwest Quarter of Section 34, Township 102 North, Range 16 West: Commencing at the Northeast Corner of the Northwest Quarter of Section 34, Township 102 North, Range 16 West; thence South along the East line of said Quarter Section to the Southeast Corner of said Quarter Section; thence West along the South line of said Quarter Section for a distance of 697 feet; thence North parallel to the East line of said Quarter Section for a distance of 398 feet; thence East parallel to the South line of said Quarter Section for a distance of 300 feet; thence North parallel to the East line of said Quarter Section for a distance of 597 feet; thence East parallel to the South line of said Quarter Section for a distance of 381 feet to a point 16 feet West of the East line of said Quarter Section for a distance of 1,185 feet more or less to a point that is 444 feet South of the North line of said Quarter Section; thence West parallel to the North line of said Quarter Section for a distance of 1,050 feet; thence North parallel to the East line of said Quarter Section 444 feet more or less to the North line of said Quarter Section; thence East along the North line of said Quarter Section to the point of beginning.

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board accepts and adopts the findings of fact of the Mower County Planning Commission in the five required areas, which is hereby adopted by reference and kept on file in the office of Environmental Services, and

BE IT FURTHER RESOLVED, that said petition is hereby approved, as recommended by the Mower County Planning Commission with conditions as follows:

1. Comply with MPCA Rules and Regulations for this type of facility.
2. Any floor drain must be discharged to a holding tank and not connected to an Individual Sewage Treatment System.
3. Batteries, used oil, antifreeze, etc. All business waste must be stored, recycled or disposed of in accordance with applicable MPCA solid and hazardous waste rules.
4. If construction of new buildings and gravel lots or driveways disturbs more than one acre of land, then the business must apply for a construction stormwater permit.
5. Comply with E.P.A. Pamphlet 816-R-00-018 "Class IV Auto Disposal System" dated November, 2000 (applicant has received a copy of this document).
6. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

This permit is in accordance with Section 14-51 (p) of the Mower County Zoning Ordinance.

Passed and approved this 4th day of December, 2008.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

George Eilertson, Northland Securities, summarized the bond issue to date and discussed the courts portion of the bond issue. Mr. Eilertson presented a resolution for the Boards review and approval.

Date: December 4, 2008

Res. #68-08

**RESOLUTION APPROVING SALE OF \$10,000,000 LEASE REVENUE BONDS
(MOWER COUNTY COURT FACILITIES PROJECT), SERIES 2008A AND
AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE AND
A LEASE AND PURCHASE OPTION AGREEMENT AND CERTAIN DOCUMENTS
RELATED THERETO**

On motion of Commissioner Tucker, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 4, 2008 at the Courthouse, Austin, Minnesota.

WHEREAS, this Board has determined that it is necessary and expedient that the County finance a portion of a building that will house certain court and related facilities of the County (the "Project") under a Lease and Purchase Option Agreement, dated as of December 1, 2008 (the "Lease"), to be entered into between the County and The Housing and Redevelopment Authority in and for Mower County (the "Authority"); and

WHEREAS, the Authority is to have a leasehold interest in the land upon which the Project is to be built pursuant to a Ground Lease Agreement, dated as of December 1, 2008 (the "Ground Lease"), between the County and the Authority; and

WHEREAS, there has been presented to this Board an Official Statement relating to the offering of the Bonds for sale, the Lease, the Ground Lease and a Trust Indenture, dated as of December 1, 2008 (the "Indenture"), between the City and U.S. Bank National Association.

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

1. The Indenture and the financing of a portion of the costs of the Project by the issuance of the Bonds described therein are approved. The offer of Northland Securities Inc.

(the "Purchaser") to purchase the Bonds as hereinafter described is hereby found and determined to be the best proposal received and acceptance of such offer by the Authority is approved.

2. The Lease and the Ground Lease (the "County Documents") are hereby approved, and the Chair and the Clerk/Coordinator are authorized to execute and deliver the County Documents on behalf of the County, in substantially the forms on file, but with all such changes therein, not inconsistent with applicable law, as may be approved by the officials executing the same, which execution shall constitute conclusive evidence of the approval thereof. It is hereby determined that the Ground Lease, to the extent that it extends beyond the term of the Lease by reason of any failure to appropriate Basic Rent under the Lease, will promote industry and provide employment opportunities to citizens.

3. The Clerk/Coordinator is authorized and directed to prepare and furnish to the purchaser and to the attorneys approving the Bonds certified copies of all proceedings and records relating to the County Documents and to the right, power and authority of the County and its officers to execute and deliver the same, and said certified copies and certificates shall be deemed the representations of the County as to all matters stated therein.

4. The Chair, the Clerk/Coordinator and other County officials and staff are authorized and directed to take all other actions and do all other things necessary to assure the expeditious completion of the construction of the Project and the financing thereof as contemplated hereby, and to pay all fees and expenses incurred in connection with the transaction.

5. The Official Statement relating to the Bonds, on file with the County Clerk/Coordinator and presented to this meeting, is hereby approved and the furnishing thereof to prospective purchasers of the Bonds is hereby ratified and confirmed. The Continuing Disclosure Certificate attached to the Official Statement is hereby approved and shall be executed by the Chair and the Clerk/Coordinator. The Continuing Disclosure Certificate constitutes a contractual obligation of the County.

Passed and approved this 4th day of December, 2008.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Mike Hanson, County Engineer, presented bid information received for project CP 50-08-12, building pad preparation for the justice center.

Motion made by Commissioner Hillier, seconded by Commissioner Lang to award the bid for CP 50-08-12 to the low bidder Hansen Hauling Excavating, Inc. with a low bid of \$148,860.00 and have the project commence. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer and County Engineer.

The Finance Committee provided a brief update on the proposed 2009 budget and levy and there was a review of the handout to present at the truth in taxation hearing later today. It was noted that the proposed levy is reduced from the preliminary levy set in September.

Motion made by Commissioner Tollefson, seconded by Commissioner Hillier to approve the minutes of November 12 and November 25, 2008 subject to the Chairs review and approval. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Tollefson to approve the following miscellaneous bills for immediate payment:

KKE Architects	\$ 183,994.50
Adams Rizzi & Sween PA Trust Account	353,566.00
Adams Rizzi & Sween PA Trust Account	20,000.00

(Subject to Kevin Soiney not leasing the property)

Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Tollefson to adjourn the meeting at 2:41 p.m. until December 4, 2008 at 5:30 p.m. truth-in-taxation hearing. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

INDEX

A

adjourn, 304
award bid
 CP 50-08-12, 304

M

minutes
 11-12 and 11-25-08, 304
miscellaneous bills, 304

P

Public Hearing
 CUP #743
 Lewison, 300

R

Res. #67-08
 CUP #743, 300
Res. #68-08
 Sale of \$10mil lease revenue bonds, execute ground lease, lease and purchase option agreement, 302

W

warrants canceled, 300