

# PROCEEDINGS OF THE COUNTY BOARD

State of Minnesota  
County of Kanabec  
Office of the County Coordinator

August 13, 2003

The Kanabec County Board of Commissioners met at 9:00am on Wednesday, August 13, 2003 pursuant to adjournment with the following Board Members present: Kathi Ellis, Stan Cooper, Jerry Nelson, Les Nielsen, and Dennis McNally.

The Chairperson led the assembly in the Pledge of Allegiance.

It was moved by Les Nielsen, seconded by Stan Cooper, and carried unanimously to approve the meeting agenda as amended.

**9:05am** - Extension Committee Chairperson Eli Berry and Extension Educator Rod Elmstrand met with the county board to present their Y2004 budget request. The board took the matter under advisement.

**9:37am** - County Assessor Sue Kondratowicz met with the County Board to discuss matters concerning a computer software/hardware purchase and to present her Y2004 budget request.

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Kathi Ellis introduced the following resolution and moved its adoption:

## *Resolution 1 - 08/13/03*

**WHEREAS** the County Assessor has requested the authority to purchase a Mass Appraisal Software package and other supporting hardware & software;

**BE IT RESOLVED** to authorize the purchase of the following:

Mass Appraisal Software package, 2003 payment	= \$11,900.00
Server with operating system, back up and SQL server	= <u>\$ 6,800.00</u>
TOTAL	= \$18,700.00

and,

**BE IT FURTHER RESOLVED** that the \$18,700 be paid from a Capital Equipment Note to be repaid in its entirety from the Assessor's Budget.

The motion for the adoption of the foregoing Resolution was duly seconded by Les Nielsen and upon a vote being taken thereon, the following voted:

**IN FAVOR THEREOF:** Dennis McNally, Jerry Nelson, Les Nielsen, Kathi Ellis  
**OPPOSED:** Stan Cooper  
**ABSTAIN:** None

whereupon the resolution was declared duly passed and adopted.

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The proposed Assessor's budget was taken under advisement.

It was moved by Kathi Ellis, seconded by Jerry Nelson, and carried unanimously to approve the July 23, 2003 minutes of the Kanabec County Board of Commissioners as corrected: (1) in Resolution 4, in the "BE IT RESOLVED", second line, move 'a' from after the word 'County' to before the word 'County;' (2) in the Public Comment Section, delete the duplicate word 'recent' in the Bob Swetz comments; (3) in Resolution 5 add the word 'be' after the word 'will' in the first line of BE IT RESOLVED; (4) in Resolution 6, identify the township as 'Southfork' in the third WHEREAS.

**10:25am** - Kathy Bursky with Lakes & Pines Community Action Council met with the County Board to discuss matters concerning an Emergency Shelter Grant.

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Jerry Nelson introduced the following resolution and moved its adoption:

### *Resolution 2 - 08/13/03*

**WHEREAS** Lakes and Pines C.A.C. has received funding to administer an Emergency Shelter Grant Program from the Department of Human Services to provide emergency services to homeless individuals and families, and,

**WHEREAS** the Kanabec County Board of Commissioners wish to support this proposal;

**BE IT RESOLVED** that the Kanabec County Board of Commissioners certifies that the project proposed by Lakes and Pines Community Action Council, Inc. being located within our jurisdiction, has the approval to receive funding from the State of Minnesota Emergency Shelter Grant Program.

The motion for the adoption of the foregoing Resolution was duly seconded by Les Nielsen and upon a vote being taken thereon, the following voted:

**IN FAVOR THEREOF:** Jerry Nelson, Les Nielsen, Kathi Ellis  
**OPPOSED:** Dennis McNally, Stan Cooper  
**ABSTAIN:** None

whereupon the resolution was declared duly passed and adopted.

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It was moved by Les Nielsen, seconded by Kathi Ellis, and carried unanimously to approve the following paid claims:

Allman, Jeff	100.00
Anderson, Jeff	100.00
Aquila	738.92
Beidel, Kimberly	134.10
Beidell, Kim	39.60
Bolstad, Kristine	100.48
Bostrom, Randall	48.40
Brindmour, Penny	32.20
Brown Law Office	1,530.00
Brown Law Office	667.50
Carda, Jeff	100.00
Carson, Nicole	25.60
Carten PHD, Roger	500.00
City of Mora	1,623.44
City of Ogilvie-Clerk	20.00
Commissioner of Finance	19,435.59
Dolan, Joseph	100.00
Fortis Benefits	64.86
Fortis Benefits	1,966.59
Gerhardson, Bryce	127.30
Gerhardson, Bryce	39.60
Glidden, Larry	24.20
Greater MN Credit Union	97.97
Grote, Don	46.00
Hinckley News	5.00
Holiday Credit Office	2,796.27
Holznagel, Michael	100.00
Huntington, Wayne	100.00
Jabe, David	48.40
Johnson, Thomas	22.80
Kanabec Co Auditor	340.00
Kanabec Co Nursing Service	17,621.37
Kanabec Co Nursing Service	20,063.35
Kanabec Co Nursing Service	69,045.23
Kanabec Hospital	4,699.29
Kanabec Publications	6.75
Kastenbauer, James	100.00
Kubat, Richard	100.00

Lanhear, Sharon	21.40
Lanphear, Catherine	21.68
Lidstrom, Sharon	20.28
Maag, Brian	100.00
McEachern, Jesse	22.80
Milless, Mitch	49.40
Milless, Shane	100.00
MN Dept of Health	1,540.00
MN Mutal Life	299.80
Mora Fire Dept	13,024.95
Mora Fire Dept	1,759.22
Mora Municipal Utilities	7,789.91
Mora Municipal Utilities	7,214.79
Mora Public Schools	3,246.89
Mora Public Schools	105.00
Nehring, Richard	100.00
Northstar Access	1,471.42
Ogilvie Fire Dept	906.64
Ogilvie Public Schools	105.00
Ogren, Arnold	24.20
Olson, Robert	100.00
Orand, Jessica	27.00
Peterson, Jennifer	100.00
Pine Co Auditor	40.00
Pine Co Health & Human Services	22,546.08
Pine Co Health & Human Services	23,893.33
Pine Co Health & Human Services	62,442.86
Postmaster	148.00
R&L Construction	100.00
Refuge, The	245.00
Riverdale Homes	100.00
Segl, Deanna	120.16
Steeves Sr, Bradlee	25.04
Steeves, George	50.08
Strandberg, Connie	28.80
Sundermeyer, Adam	62.40
Sundermeyer, Jan	40.00
Team Laboratory Chemical Corp	17,995.78
Tessneer Law Office	45.00
Town & Country Oil	9,421.67
Treasurer, Isanti Co	8.98

Treasurer, Kanabec County	55,921.36
Treasurer, Kanabec County	3,000.00
Treasurer, State of MN	174.50
Treasurer, State of MN	4,115.00
US Link	527.08
Wells Fargo	89,217.50
Wicklund, Elvera	24.48
Total	<u>471,115.29</u>

**Snake River Watershed**

ERA Laboratories	514.00
Office Depot	60.81
Snake River Watershed-Petty Cash	48.20
Total	<u>623.01</u>

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It was moved by Stan Cooper, seconded by Les Nielsen, and carried unanimously to approve the following resolution:

***Resolution 3 - 08/13/03***  
**ORDER OF THE BOARD**

**WHEREAS** there is a vacancy in the position of Home Health Aide, and

**WHEREAS** the board desires to refill this vacant position;

**BE IT RESOLVED** that the County Board authorizes Public Health Service Director Wendy Thompson and the County Personnel Director to hire a part-time Home Health Aide to refill the vacant position at \$10.01 per hour or the rate set by rule for internal promotion, and

**BE IT FURTHER RESOLVED** that the hours of work for this position be limited to those budgeted.

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It was moved by Kathi Ellis, seconded by Jerry Nelson, and carried unanimously to approve the following resolution:

***Resolution 4 - 08/13/03***  
**ORDER OF THE BOARD**

**WHEREAS** there is a vacancy in the position of Clerk Typist II, and

**WHEREAS** the board desires to refill this vacant position;

**BE IT RESOLVED** that the County Board authorizes Public Health Service Director Wendy Thompson and the County Personnel Director to hire a Clerk Typist II to refill the vacant position, and

**BE IT FURTHER RESOLVED** that the starting pay rate will be set in accordance with Kanabec County Board of Commissioners Resolution **8** - 11/13/02 which means:

- Nystuen Step 4A = \$9.01/hr
- 1½% Conversion spread applied to Nystuen Step A = \$9.01 - \$9.14/hr
- Gmach Step 7A = \$11.44
- By rule, add 5.3% Conversion spread when below Gmach Step A unless the step is less than 85% of Gmach A in which case use 10% Conversion spread
- $\$9.01/\$11.44 = 78.76\%$
- Therefore, set starting wage at:  $\$9.01 \times 1.10 = \mathbf{\$9.49/hr.}$

**BE IT FURTHER RESOLVED** that the hours of work for this position be limited to those budgeted.

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It was moved by Jerry Nelson, seconded by Les Nielsen, and carried unanimously to approve the following resolution:

***Resolution 5 - 08/13/03***  
**ORDER OF THE BOARD**

**WHEREAS** there an employee has requested a temporary adjustment of hours for personal reasons, and

**WHEREAS** this reduction has the support and approval of the employee's supervisor;

**BE IT RESOLVED** to change the status of Clerical Worker/Computer Tech Lisa Herges-Hayes from 40 hours per week to 36 hours per week effective August 9, 2003 and returning to 40 hours per week on November 1, 2003.

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It was moved by Stan Cooper, seconded by Kathi Ellis, and carried unanimously to close the meeting at 10:55am to discuss litigation strategy with County Attorney Joe Loren.

It was moved by Kathi Ellis, seconded by Les Nielsen, and carried unanimously to reopen the meeting at 11:22am.

**11:25am** - County Engineer Greg Nikodym met with the County Board to discuss matters concerning the Highway Department.

It was moved by Kathi Ellis, seconded by Stan Cooper, and carried unanimously to approve payment of a claim of \$99,326.77 to Bauerly Bros as partial payment for work on SP 33-608-13, the reconstruction of CSAH 8 from CSAH 3 to CSAH 19.

It was moved by Jerry Nelson, seconded by Stan Cooper, and carried unanimously to approve payment of a claim of \$107,809.80 to Allied Blacktop for sealcoating roads within Kanabec County.

It was moved by Jerry Nelson, seconded by Kathi Ellis, and carried unanimously to approve the following resolution:

### *Resolution 6 - 08/13/03*

**WHEREAS** the county board has been presented with a request to pay Right-of-Way claims on SAP 33-617-17, the reconstruction of CSAH 17 from CSAH 11 to Portage Ave;

**BE IT RESOLVED** to pay the following Right-of-Way claim:  
Dean & Teresa Julkowski     \$6,846.15

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County Engineer Nikodym stepped aside for other business.

**11:30am** - Carolyn Drude with Ehlers & Associates met with the County Board to discuss matters concerning East Central Solid Waste Commission Bonds.

It was moved by Kathi Ellis, seconded by Les Nielsen, and carried unanimously to approve the following resolution:

### *Resolution 7 - 08/13/03*

**WHEREAS**, pursuant to a joint Powers Agreement entered into in March, 1988 (the "Joint Powers Agreement"), Chisago, Kanabec, Pine, Isanti and Mille Lacs Counties (collectively, the "Counties") have established the East Central Solid Waste Commission (the "Commission") pursuant to Minnesota Statutes, Section 471.59, to provide for the joint management, collection, processing and disposal of solid waste in the five-County area pursuant to Minnesota Statutes, Chapter 400; and

**WHEREAS**, the Commission has undertaken and financed a project (the "Project") generally consisting of the acquisition, construction and equipping of a solid waste processing facility (the "Facility") adjacent to the East Central Solid Waste Commission Landfill near Mora, Minnesota, and related facilities; and

**WHEREAS**, to finance a portion of the costs of the Project, the Commission has issued its \$4,200,000 East Central Solid Waste Commission Solid Waste Resource Recovery Revenue Bonds, Series A (the “Series A Bonds”) and its \$13,875,000 East Central Solid Waste Resource Recovery Revenue Bonds, Series B (the “Series B Bonds”), pursuant to a Trust Indenture, dated as of December 1, 1989, as supplemented by a First Supplemental Trust Indenture, dated as of September 1, 1990, (as amended or supplemented from time to time, the “Indenture”) between the Commission and Wells Fargo Bank Minnesota, National Association (as successor in interest to Norwest Bank Minnesota, National Association), as Trustee (the “Trustee”); and

**WHEREAS**, to secure the Series A Bonds and the Series B Bonds, the County has executed and delivered to the Commission a County Guaranty Agreement, dated as of December 1, 1989, as supplemented by a First Supplemental County Guaranty Agreement, dated as of September 1, 1990 (as amended or supplemented, the “County Guaranty Agreement”), the Commission’s interest in which has been assigned to the Trustee; and

**WHEREAS**, pursuant to a Second Supplemental Trust Indenture, dated as of January 20, 1994, the Commission has issued its \$13,640,000 East Central Solid Waste Commission Solid Waste Resource Recovery Revenue Refunding Bonds, Series 1994 (the “Series 1994 Bonds”) to refund the Series B Bonds in advance of their maturity; and

**WHEREAS**, pursuant to a Third Supplemental Trust Indenture dated as of March 12, 1997, the Commission has issued its East Central Solid Waste Commission Solid Waste Resource Recovery Revenue Refunding Bonds, Series 1997 (the “Series 1997 Bonds”) to refund the callable maturities of the Series A Bonds; and

**WHEREAS**, pursuant to a Fourth Supplemental Trust Indenture to be dated as of August 1, 2003, the Commission will issue its East Central Solid Waste Commission Solid Waste Resource Recovery Revenue Refunding Bonds, Series 2003A in the principal amount of \$5,905,000 (the “Series 2003A Bonds”) to refund callable maturities of the Series 1994 Bonds and the Series 1997 Bonds (the Series 1994 Bonds, the Series 1997 Bonds, the Series 2003A Bonds and any Additional Bonds issued pursuant to the Indenture are hereinafter collectively referred to as the “Bonds”); and

**WHEREAS**, the Series 2003A Bonds are to be issued under and pursuant to the Acts, Minnesota Statutes, Chapter 475, and Minnesota Statutes, Sections 400.101 and 471.59; and

**WHEREAS**, to secure the Series 2003A Bonds, the Commission will purchase a Bond Insurance Policy, as described in the Indenture, from Financial Security Assurance Inc.; and

**WHEREAS**, Minnesota Statutes, Section 400.101 and Section 471.59, Subdivisions 3 and 11, permit the Commission to secure the Bonds by a pledge of the gross or net revenues or charges to be derived from the East Central Solid Waste Commission Landfill, the Facility and other Commission facilities and payments received from the Counties; and

**WHEREAS**, in the Joint Powers Agreement, the Counties have determined to share the costs and expenses of the Commission in the following proportions (each a “Proportional Share”):

<b>County</b>	<b>Proportional Share</b>
Chisago	28.0%
Isanti	23.7%
Kanabec	11.7%
Pine	19.5%
Mille Lacs	17.1%

and

**WHEREAS**, Minnesota Statutes, Section 400.101 permits the County to pledge to the Commission (in addition to revenues of the Landfill, the Facility and other Commission facilities) its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or any combination thereof, in order to secure its Proportional Share of the cost of financing the Project; and

**WHEREAS**, the Commission has requested that the County guarantee the payment of its Proportional Share of the principal of and interest on the Series 2003A Bonds, as provided in the County Guaranty Agreement, by the execution and delivery of a Fourth Supplemental County Guaranty Agreement dated as of August 1, 2003; and

**WHEREAS**, officials of the Commission have described the proposed refunding to the County and have satisfactorily answered questions raised by County officials; and

**WHEREAS**, officials of the Commission and the County Attorney have advised this Board that the Indenture contains provisions whereby the Commission agrees to maintain the Project Facilities and to establish, charge and collect Project Revenues sufficient to pay operating and debt service costs of the Project Facilities;

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

1. The County does hereby approve the refunding of the Series 1994 Bonds and the Series 1997 Bonds, and subject to the satisfaction of the conditions specified in the Indenture relating to issuance of the Series 2003A Bonds, the County does hereby authorize the Chair of the Board of County Commissioners and the County Coordinator to execute and deliver a Fourth Supplemental County Guaranty Agreement to secure the Series 2003A Bonds, substantially in the form presented to this meeting, with such changes therein as may be approved on behalf of the county by the Chair and the County Coordinator after consultation with the County Attorney, such approval to be conclusively evidenced by the execution thereof.

2. The Board of County Commissioners does hereby consent to distribution by the Commission of an Official Statement describing the Series 2003A Bonds, the Commission, the refinancing of the Project and the Counties.

3. The Board of County Commissioners does hereby approve the issuance by the Commission of the Series 2003A Bonds in the principal amount of \$5,905,000, and this Board hereby approves the sale thereof by the Commission.

4. The full faith, credit and taxing powers of the County are hereby irrevocably pledged for the prompt and full payment of the amounts payable by the County under the County Guaranty Agreement when due. There is hereby levied on all taxable property in the County a direct irrevocable ad valorem tax in the amount and for the years set forth on Exhibit A hereto. Following the sale of the Series 2003A Bonds, the County Auditor-Treasurer shall complete Exhibit A with amounts in each year equal to 105% of the County's Proportional Share of the debt service on the Series 2003A Bonds in each such year. The collections of such tax are irrevocably pledged and appropriated to the payment of the amounts payable by the County under the County Guaranty Agreement. On or before November 15 in each year, the Trustee shall report to the Board the value of all cash and investments held in the Bond Fund under the Indenture as of the next succeeding December 1 (after giving effect to the payment of principal and interest on such date). If the amount of the cash and investments held in the Bond Fund as of such date is sufficient for the payment of the principal of and interest on all Bonds payable from the Bond Fund on June 1 and December 1 in the succeeding year, the County Auditor-Treasurer shall immediately cause the amount of the taxes herein levied for collection in such succeeding year to be canceled. If the amount of the cash and investments held in the Bond Fund as of such date is less than the amount necessary for the payment of the principal of and interest on all Bonds payable from the Bond Fund on June 1 and December 1 in the succeeding year, the County Auditor-Treasurer may reduce the amount of the taxes herein levied for collection in such succeeding year, but only by an amount equal to the sum of (i) the County's Proportional Share of the amounts on hand in the Bond Fund and available for the payment of the principal of and interest on all Bonds payable from the Bond Fund on June 1 and December 1 in the succeeding year and (ii) 95% of the amount of solid waste management fees levied by the County for collection in such succeeding year. If the amounts levied herein are at any time insufficient to provide for the payment of the amounts payable by the County under the County Guaranty Agreement when due, the County will levy ad valorem taxes on all taxable property within its corporate limits, without limitation as to rate or amount, to restore such insufficiency.

5. The provisions of this Resolution shall be deemed covenants for the benefit of the commission and the registered owners, from time to time, of all Bonds secured by the County Guaranty Agreement.

6. The County Coordinator and other appropriate officers are authorized and directed to prepare and furnish to the purchaser, and to the attorneys approving the Series 2003A Bonds, certified copies of all proceedings and records relating to the issuance of the County Guaranty Agreement and the Fourth Supplemental County Guaranty Agreement and to the right, power and authority of the county and its officers to issue the same, and said certified copies and certificates shall be deemed to be representations of the County as to all matters stated therein.

7. The County Coordinator and other appropriate officers are authorized and directed to prepare and furnish to the Commission the information necessary to enable the Commission to comply with its continuing disclosure obligations set forth in Section 6 of the resolution authorizing the issuance of the Bonds adopted by the Commission on July 14, 2003.

8. The County Auditor-Treasurer shall supply to bond counsel the certificate of the County Auditor-Treasurer as required by Minnesota Statutes, Section 475.62.

9. Capitalized terms used herein and defined in the Indenture shall have the same meanings herein as therein.

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It was moved by Les Nielsen, seconded by Jerry Nelson, and carried unanimously to approve the following resolution:

***Resolution 8 - 08/13/03***  
**FOURTH SUPPLEMENTAL  
COUNTY GUARANTY AGREEMENT**

**THIS FOURTH SUPPLEMENTAL COUNTY GUARANTY AGREEMENT** made and entered into as of August 1, 2003, from KANABEC COUNTY, a duly organized county and political subdivision of the State of Minnesota (the "County"), to the East Central Solid Waste Commission (the "Commission"), a joint powers entity established by the Counties named below.

WITNESSETH:

**WHEREAS**, pursuant to a joint Powers Agreement entered into in March, 1988 (the "Joint Powers Agreement"), Chisago, Kanabec, Pine, Isanti and Mille Lacs Counties (collectively, the "Counties") have established the Commission pursuant to Minnesota Statutes, Section 471.59, to provide for the joint management, collection, processing and disposal of solid waste in the five-County area pursuant to Minnesota Statutes, Chapter 400; and

**WHEREAS**, the Commission has undertaken and financed a project (the "Project") generally consisting of the acquisition, construction and equipping of a solid waste processing facility (the "Facility") adjacent to the East Central Solid Waste Commission Landfill near Mora, Minnesota, and related facilities; and

**WHEREAS**, to finance a portion of the costs of the Project and an expansion to the East Central Solid Waste Commission Landfill, the Commission has issued its \$4,200,000 East Central Solid Waste Commission Solid Waste Resource Recovery Revenue Bonds, Series A (the “Series A Bonds”) and its \$13,875,000 East Central Solid Waste Commission Solid Waste Resource Recovery Revenue Bonds, Series B (the “Series B Bonds”), pursuant to a Trust Indenture, dated as of December 1, 1989, and amended and supplemented by a First Supplemental Trust Indenture, dated as of October 1, 1990 (together with the Second Supplemental Indenture and the Third Supplemental Indenture, hereinafter defined, the “Original Indenture,” and as further amended from time to time, the “Indenture”), between the Commission and Wells Fargo Bank Minnesota, National Association (as successor in interest to Norwest Bank Minnesota, National Association), as Trustee (the “Trustee”); and

**WHEREAS**, the County has executed and delivered to the Commission a County Guaranty Agreement, dated as of December 1, 1989, and a First Supplemental County Guaranty Agreement, dated as of October 1, 1990 (together with the Second Supplemental County Guaranty Agreement and the Third Supplemental County Agreement, hereinafter defined, the “Original County Guaranty Agreement,” and as further supplemented from time to time, the “County Guaranty Agreement”), to secure the Series A Bonds and the Series B Bonds; and

**WHEREAS**, pursuant to a Second Supplemental Trust Indenture, dated as of January 20, 1994 (the “Second Supplemental Indenture”), from the Commission to the Trustee, the Commission has issued and sold its East Central Solid Waste Commission Solid Waste Resource Recovery Revenue Refunding Bonds, Series 1994 in the original principal amount of \$13,640,000 (the “Series 1994 Bonds”), the proceeds of which were used to refund, in advance of their maturities, the Series B Bonds maturing in the years 1994 through 2007; and

**WHEREAS**, the County has executed and delivered to the Commission a Second Supplemental County Guaranty Agreement, dated as of January 20, 1994 (the “Second Supplemental County Guaranty Agreement”), to secure the Series 1994 Bonds; and

**WHEREAS**, pursuant to a Third Supplemental Trust Indenture, dated as of March 12, 1997, the Commission issued its \$2,540,000 East Central Solid Waste Commission Solid Waste Resource Recovery Revenue Refunding Bonds, Series 1997 (the “Series 1997 Bonds”) as provided in the Indenture to refund on June 1, 1997, the outstanding Series A Bonds; and

**WHEREAS**, the County has executed and delivered to the Commission a Third Supplemental County Guaranty Agreement, dated as of March 12, 1997 (the “Third Supplemental County Guaranty Agreement”) to secure the Series 1997 Bonds; and

**WHEREAS**, pursuant to a Fourth Supplemental Trust Indenture, dated as of August 1, 2003, the Commission intends to issue its \$5,905,000 East Central Solid Waste Commission Taxable Solid Waste Resource Recovery Revenue Refunding Bonds, Series 2003 (the “Series 2003 Bonds”) as provided in the Indenture to refund the Series 1994 Bonds and the 1997 Bonds (the Series 2003A Bonds and any Additional Bonds issued pursuant to the Indenture are hereinafter collectively referred to as the “Bonds”); and

**WHEREAS**, the Series 2003A Bonds are to be issued under and pursuant to Minnesota Statutes, Chapter 475, and Minnesota Statutes, Section 471.59 (the “Acts”); and

**WHEREAS**, Financial Security Assurance, a New York stock insurance company, will issue a Bond Insurance Policy as described in the Indenture to secure the Series 2003A Bonds; and

**WHEREAS**, Minnesota Statutes, Section 400.101 and Section 471.59, Subdivisions 3 and 11, permit the Commission to secure the Bonds by a pledge of the gross or net revenues or charges to be derived from the East Central Solid Waste Commission Landfill, the Facility and other Commission facilities and payments received from the Counties; and

**WHEREAS**, in the joint Powers Agreement, the Counties have determined to share the costs and expenses of the Commission in the following proportions (each a “Proportional Share”):

<u>County</u>	<u>Proportional Share</u>
Chisago	28.0%
Isanti	23.7%
Kanabec	11.7%
Pine	19.5%
Mille Lacs	17.1%

and

**WHEREAS**, Minnesota Statutes, Section 400.101 permits the County to pledge to the Commission (in addition to revenues of the Landfill, the Facility and other Commission facilities) its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or any combination thereof, in order to secure its Proportional Share of the cost of financing the Project; and

**WHEREAS**, to enhance the marketability of the Series 2003A Bonds, thereby resulting in interest cost savings to the Commission, the Counties and the County, the Commission has requested that the County execute and deliver this Fourth Supplemental County Guaranty Agreement to the Commission; and

**WHEREAS**, the execution, delivery and performance of this Fourth Supplemental County Guaranty Agreement have been duly approved and authorized by the Board of Commissioners of the County in the Resolution in accordance with all applicable provisions of the Acts and other applicable law;

**NOW, THEREFORE**, in consideration of the premises and in order to enhance the marketability of the Series 2003A Bonds and thereby achieve cost and other savings to residents and citizens of the County and as an inducement to the purchase of the Series 2003A Bonds by all who shall at any time become holders of the Series 2003A Bonds, the County, subject to the terms hereof, hereby covenants and agrees with the Commission as follows:

1. Paragraph 2 of the Original County Guaranty Agreement is hereby amended by adding thereto a new unnumbered subparagraph as follows:

“In furtherance of its covenant to guarantee payment of its Proportional Share of the Debt Service Payments due from the Commission under the Indenture, the County has, by

resolution, levied a direct, irrevocable, ad valorem tax on all taxable property in the County for the years and in the amounts equal to 105% of the County's Proportional Share of the debt service on the Series 2003A Bonds. The collections of such taxes, and any solid waste management fees described below, shall be paid over by the County, as collected, to the Trustee for deposit in the Bond Fund. Such taxes are irrevocable, except that the County may, in any year when the Trustee certifies, in the manner provided in the Indenture, that sufficient cash and investments are on hand in the Bond Fund to make the debt service payments on the Bonds in such year, cancel the levy for that year, and in any year when the amounts so certified by the Trustee are less than the amount necessary to make the debt service payments on the Bonds in such year, the County may reduce its levy by an amount equal to the sum of (i) the County's Proportional Share of the amounts on hand in the Bond Fund and available for the payment of the principal of and interest on all Bonds payable from the Bond Fund on June 1 and December 1 in the succeeding year and (ii) 95% of the amount of solid waste management fees levied by the County for collection in such succeeding year. Not later than November 15 in each year, the County shall certify to the Commission, the Insurance Company and each of the other Counties, (i) the amount of solid waste management fees levied by the County for collection in the succeeding year and (ii) the amount, if any, by which the County has reduced its ad valorem tax levy for the County's Proportional Share of debt service collectible in the succeeding year. If in any year there shall be a payment default by any of the Counties under its County Guaranty Agreement, or a payment default by the Commission under the Indenture, thereafter no County shall be permitted to abate its ad valorem tax levies hereunder for any solid waste management fees levied for collection in the next succeeding fiscal year or in any future fiscal year."

2. From and after the date hereof, the terms and conditions of the Original County Guaranty Agreement, as supplemented by the Second County Guaranty Agreement and the Third Supplemental County Guaranty Agreement, shall apply to the Series 2003A Bonds to the same extent and to the same effect as they apply to the Series 1994 Bonds and the Series 1997 Bonds. All references in the Original County Guaranty Agreement to the Bonds shall be deemed to include the Series 2003A Bonds described herein.

3. Except as expressly modified hereby, the terms and conditions of the Original County Guaranty Agreement are hereby ratified and confirmed and shall remain in full force and effect.

4. The County hereby expressly consents to the assignment of the Commission's rights hereunder to the Trustee pursuant to the Indenture and agrees that the Trustee may take any action required of the Commission hereunder with the same effect as if such action had been taken by the Commission.

5. From and after the date hereof, the term "Insurance Company" shall mean, with respect to the Series 2003A Bonds, Financial Security Assurance Inc.

6. Except as other definitions are provided in this Fourth Supplemental County Guaranty Agreement, definitions in the Indenture and in the Original County Guaranty Agreement shall apply to terms used in this Fourth Supplemental County Guaranty Agreement.

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**11:40am** - County Engineer Nikodym resumed his business.

It was moved by Kathi Ellis, seconded by Les Nielsen, and carried unanimously to approve the following resolution:

### *Resolution 9 - 08/13/03*

**WHEREAS** quotes for diesel fuel were received as follows:

Federated Cooperative	\$0.9640/Gallon
Town & Country Oil	\$0.9439/Gallon

**BE IT RESOLVED** to approve the recommendation of the County Engineer and accept the low quote of \$0.9439 per gallon from Town & Country Oil.

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It was moved by Jerry Nelson, seconded by Stan Cooper, and carried unanimously to approve the following resolution:

### *Resolution 10 - 08/13/03*

**WHEREAS** quotes for unleaded gasoline were received as follows:

Federated Cooperative	\$1.3550/Gallon
Town & Country Oil	\$1.3446/Gallon

**BE IT RESOLVED** to approve the recommendation of the County Engineer and accept the low quote of \$1.3446 per gallon from Town & Country Oil.

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It was moved by Kathi Ellis, seconded by Les Nielsen, and carried unanimously to authorize the purchase of a computer as recommended by Information Systems for the Highway Department at a cost of \$659.24.

It was moved by Les Nielsen, seconded by Jerry Nelson, and carried unanimously to approve the following resolution:

### *Resolution 11 - 08/13/03*

#### **ORDER OF THE BOARD**

**WHEREAS** there are vacancies in the positions of Heavy Equipment Operator I and Heavy Equipment Operator II, and

**WHEREAS** the board desires to refill these vacant positions;

**BE IT RESOLVED** that the County Board authorizes County Engineer Greg Nikodym and the County Personnel Director to hire two Heavy Equipment Operator I's and one Heavy Equipment Operator II to refill the vacant positions, and

**BE IT FURTHER RESOLVED** that the starting pay rate will be set in accordance with Kanabec County Board of Commissioners Resolution **8** - 11/13/02 which means:

Heavy Equipment Operator I

- Nystuen Step 6A = \$11.87/hr
- 1½% Conversion spread applied to Nystuen Step A = \$11.87 - \$12.05/hr
- Gmach Step 7A = \$13.63
- By rule, add 5.3% Conversion spread when below Gmach Step A unless the step is less than 85% of Gmach A in which case use 10% Conversion spread
- $\$11.87/\$13.63 = 87.09\%$
- Therefore, set starting wage for HEO I at:  $\$11.87 \times 1.053 = \mathbf{\$12.50/hr}$  or the rate set by rule for internal promotion

Heavy Equipment Operator II

- Nystuen Step 7A = \$13.51/hr
- 1½% Conversion spread applied to Nystuen Step A = \$13.51 - \$13.71/hr
- Gmach Step 9A = \$15.32
- By rule, add 5.3% Conversion spread when below Gmach Step A unless the step is less than 85% of Gmach A in which case use 10% Conversion spread
- $\$13.51/\$15.32 = 88.19\%$
- Therefore, set starting wage for HEO I at:  $\$13.51 \times 1.053 = \mathbf{\$14.23/hr}$  or the rate set by rule for internal promotion, and

**BE IT FURTHER RESOLVED** that the hours of work for this position be limited to those budgeted.

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The proposed Highway Department budget was taken under advisement.

**12:05pm** - The Chairperson called for public comment. Those who responded included:

Bob Strom	- Disappointed in decision to pay Leonard, Street & Dienard - Questioned the Hospital Per Diem being set at \$50.00
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12:10pm - The board took a brief break.

12:25pm - The board resumed business.

**12:26pm** - Jason Neuman with the Snake River Watershed met with the County Board to discuss matters concerning a low interest septic loan program. No action was taken at this time.

**1:00pm** - Probation Director Todd Eustice met the with the county board to present his Y2004 budget request. The board took the matter under advisement.

**1:15pm** - County Sheriff Steve Schulz met with the County Board to discuss matters concerning a proposal for police services for Mora.

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Les Nielsen introduced the following resolution and moved its adoption:

### *Resolution 12 - 08/13/03*

**WHEREAS** the City of Mora has requested a proposal for police services within the City of Mora, and

**WHEREAS** the Kanabec County Board of Commissioners did appoint a team to prepare a draft of a proposal to provide police services for the City of Mora by Resolution **4** - 7/9/03, and

**WHEREAS** that team has prepared a proposal and submitted it to the board for evaluation and action;

**BE IT RESOLVED** to present the following proposal to the City of Mora:

1. A five year contract with the following terms:

2004 = \$483,900

2005 = \$496,500

2006 = \$520,750

2007 = As negotiated by deadline or default 7% increase

2008 = As negotiated by deadline or default 7% increase

2. Should a criminal case within Mora arise with a cost exceeding budgeted expenses in excess of \$10,000, the City of Mora agrees to pay 20% of all additional costs.

3. Kanabec County agrees to make a good faith effort to provide 24 hour per day, 7 day per week police coverage to the City of Mora within the limits of the proposed budget. Coverage means an officer on duty who spends a majority of his/her time in the City of Mora and available for calls within Mora.

4. The City of Mora will turn over to the county all existing police equipment for use by officers fulfilling the terms of this agreement. As this equipment is cycled out of service, it will be turned back to the city.

The motion for the adoption of the foregoing Resolution was duly seconded by Jerry Nelson and upon a vote being taken thereon, the following voted:

**IN FAVOR THEREOF:** Dennis McNally, Jerry Nelson, Les Nielsen, Kathi Ellis

**OPPOSED:** Stan Cooper

**ABSTAIN:** None

whereupon the resolution was declared duly passed and adopted.

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It was moved by Les Nielsen, seconded by Stan Cooper, and carried unanimously to approve payment of the following claims on the funds indicated:

**Revenue Fund**

Accuvant	8,504.27
Ace Hardware	11.06
Ace Hardware	40.91
Ace Hardware	25.49
Ace Hardware	4.26
Adkins, Janet	133.92
Adkins, Janet	14.82
Airgas North Central	94.79
Aitkin Medical Supply	106.74
Aitkin Medical Supply	989.46
Allina Medical Clinic	209.75
Allina Medical Clinic	79.00
AMC	100.00
American Lung Assoc	250.00
Americinn of Mora	274.76
AmeriPride	242.08
Ammerman, Kari	299.16
Ammerman, Kari	129.96
Anderson, Karen	239.40
Anderson, Karen	15.48
APHA	160.00
Arbo, Marvin	220.00
Armstrong, Becci	45.36
Armstrong, Becci	15.84
Automation Supply Co	797.69
Barno, Christine	282.96
Barno, Christine	97.27
Batteries Plus	15.52
Bear Graphics	780.75

Bear Graphics	145.11
Bear Graphics	6.39
Biever, Laurie	26.28
Biever, Laurie	143.64
Braham Motor Service	60.08
Breastfeeding Center	100.00
Breezy Point	132.00
Briggs	659.49
Cale's Plumbing Service	126.50
Cardinal	11.50
Care Trust Publications	249.00
Cassman, Deb	83.52
Cassman, Deb	14.76
CDW Government	249.50
CDW Government	249.50
CDWG	249.50
Christianson, Lonnie	50.00
Circuitworks	100.00
Coborns	809.34
Coborns	45.40
Coborns Long Term Care Pharmacy	34.27
Coborns Pharmacy	1,039.34
Colburn, Judy	465.04
Consolidated Telephone	4.90
CPS Technology	160.38
Cummins Npower	747.50
Dalco	190.83
Dandelion Floral	11.25
DeJong, Harriet	32.04
DeJong, Harriet	46.80
Dell Marketing	439.91
DLR Group	1,950.00
Don's Towing	175.76
Dresser-Methvan Funeral	250.00
Drug Detection Devices	70.95
Dunkley, Carla	34.22
E-911	150.00
East Central Regional Juvenile Center	1,467.00
East Central Regional Juvenile Center	1,000.00
Ecowater Systems	51.12
EG Rud & Sons	2,600.00

EG Rud & Sons	3,400.00
Elfstrum, Brenda	189.72
Elfstrum, Brenda	186.48
Emergency Medical Products	347.46
Erbstoesser, Arnie	347.02
Frank Madden	70.00
Gabrielson, Pat	243.00
Gall's Inc	86.98
GeoComm	358.00
GHA Technologies	28.00
GHA Technologies	28.00
Glen's Tire	822.32
Grainger	78.98
Granite Electronics	2,152.68
Grant, Don	659.06
Handymans Inc	509.08
Harff, Shirley	261.20
Henderson, Paul	37.96
Henderson, Paul	14.60
Herges Hayes, Lisa	5.71
Hernandez, James	175.00
Holiday Credit	1.91
IBM Corp	2,196.76
Injoy	595.00
Intertel Technologies	136.26
Intertel Technologies	440.00
Ivans	32.88
Johnson, Dawn	103.68
Johnson, Jeanette	205.20
Johnson, Jeanette	137.88
Johnson-Stassen, Debee	30.24
Johnson-Stassen, Debee	256.32
Jones, Clare	5.40
Jones, Clare	22.32
Jones, Clare	14.40
Jones, Clare	60.48
Kanabec Co Family Services	2,500.00
Kanabec Co Hwy Dept	75.13
Kanabec Co Hwy Dept	478.88
Kanabec Co Hwy Dept	274.14
Kanabec Co Hwy Dept	124.70

Kanabec Co Hwy Dept	27.68
Kanabec Co Hwy Dept	129.60
Kanabec Co Hwy Dept	75.80
Kanabec Co Hwy Dept	478.62
Kanabec Co Hwy Dept	739.14
Kanabec Hospital	5,012.70
Kanabec Hospital	1,190.00
Kanabec Publications	1,037.60
Kanabec Publications	23.63
Kanabec Publications	30.38
Kanabec Publications	459.00
Kanabec Publications	417.70
Kanabec Publications	57.15
Kanabec Publications	144.05
KEEPRS	245.24
KEEPRS	99.69
Kinkos	18.52
Kleven, Bud	10.80
Knudson, Phebe	211.70
Krueger, Louisa	7.92
Krueger, Louisa	100.80
Krueger, Louisa	1.08
Laska, Millie	797.27
LexisNexis	690.21
Losinger, Jess	285.15
Magaard, Deb	139.32
Magaard, Deb	8.28
Marco	41.54
Marco	149.17
Marco	41.91
Martin, Bill	10.48
Mattson Electric	62.50
Maul, Barbara	144.36
Maul, Barbara	52.56
Maul, Barbara	3.60
MB McGee	1,200.00
MB McGee	1,500.00
MCCC	125.70
MDH Emergency Preparedness	30.00
Midwest Bank	159.00
MinnComm	138.94

MinnComm	147.97
MinnComm	19.06
MN BCA	100.00
MN Bureau of Criminal Apprehension	279.50
MN Dept of Admin	600.00
MN Monitoring	291.50
MN Monitoring	451.00
MN Sheriff's Assoc	300.00
MN UC Fund	3,476.73
Moulton, Hope	23.41
Moulton, Hope	96.48
NACCHO	55.00
National Bushing	35.34
National Bushing	74.50
National Bushing	42.21
National Tactical Officers Assoc	4,599.00
Nelson, Marty	825.00
Nelson, Roland	50.00
Nelson, Rosemary	15.08
Northland Fire Protection	393.21
Northland Fire Protection	351.32
Novus Windshield Repair	572.49
Oak Gallery	5.42
Oak Gallery	18.29
Office Depot	33.99
Office Depot	88.09
Office Depot	200.44
Office Depot	207.32
Office Depot	86.57
Office Depot	942.53
Office Depot	61.59
Office Depot	325.18
Office Depot Credit Office	121.64
Office Max	24.99
Office Max	21.99
Office Max	24.99
Office Max	24.99
Office Max	24.99
Office Max	106.31
Ogilvie Public School	750.00
Olmsted Co Community Services	627.00

Olson, Jeff	50.00
O'Reilly, Molly	92.16
Pamida	9.00
Pamida	60.56
Pamida	7.25
Peterson, Ronald	113.94
Peterson, Walter	115.86
Pfiffner, Betty	501.84
Pfiffner, Betty	9.36
Photo Express	12.63
Ponto, Jodi	33.84
Ponto, Jodi	7.20
Publishers Group	804.90
Quality Disposal	549.27
Raiche, Nancy	59.76
Raiche, Nancy	126.36
Raiche, Nancy	1.80
Ramsey County	3,600.00
Regions Hospital	626.00
Reliable Office Supplies	25.57
Richter Technology Supply	88.93
Ringler, Jennie	65.52
Ringler, Jennie	144.00
Ringler, Jennie	17.28
RS Eden	141.75
RS Eden	270.00
Rural Cellular Corp	21.38
Rural Cellular Corp	21.66
Rural Cellular Corp	120.17
Rural Cellular Corp	38.69
Rural Cellular Corp	73.20
Rural Cellular Corp	52.47
Rural Cellular Corp	17.43
Rural Cellular Corp	21.10
Rural Cellular Corp	17.38
Rural Cellular Corp	17.99
S&T	5.31
S&T	100.00

S&T	594.01
S&T	35.63
S&T	69.82
S&T	19.13
S&T	152.21
S&T	84.09
Salmela, Terry	23.40
Sandberg, Bev	93.60
Sandberg, Bev	5.40
Sawatzky, Mark	86.10
Schindler Elevator Corp	750.00
Schroeder, Janelle	96.84
Scofield, Rebecca	172.44
Scofield, Rebecca	82.80
Scofield, Rebecca	3.96
Sedlacek, Lowell	13.68
Sherburne Co Auditor/Treasurer	2,652.04
Sherburne Co Auditor/Treasurer	2,280.00
Sheriff, Isanti Co	165.00
Sheriff, Mille Lacs Co	10,405.44
Sheriff, Pine Co	35.50
Sjodin, Roberta	158.40
Snowflake Distributing	309.00
State of MN	30.00
State of MN	63.68
State of MN	25.46
State of MN	95.97
State of MN	15.52
Steiner, Janet	12.96
Stericycle	58.50
Steve's Motor Mending	10.00
Strandberg, Becky	471.71
Strandberg, Connie	30.60
Streicher's	2,023.68
Stringer	130.15
Stringer	2,217.19
Stringer	334.06
Stringer	49.38
Sundsvold, Kathy	132.84
Sunshine Printing	52.29
Super One	38.00

Swanby, Belle	231.34
Swanson, Kelly	13.75
Thompson, Ken	50.00
Thompson, Wendy	226.44
Thomson, Jocelyn	585.00
Timm, Rena	63.00
Timm, Rena	32.40
Timm, Rena	0.36
T-Mobile	137.53
Toucan Ed	30.02
Tower 2000	731.21
True Value	4.24
True Value	85.10
Two Harbors Super One	85.03
University of MN	1,007.78
VanderHeyden, Ed	25.00
Vaughan, Geneve	113.40
Vaughan, Geneve	6.48
Vaughan, Geneve	82.08
Vaughan, Geneve	1.44
Viking Office Products	226.25
Vogel, Darla	36.00
Vogel, Darla	154.08
Voight, Jackie	5.04
Voight, Jackie	3.96
Voight, Jackie	3.60
Voight, Jackie	3.60
Voight, Jackie	118.80
Voight, Jackie	21.60
Voight, Jackie	11.51
Voight, Jackie	15.34
Voight, Jackie	5.75
Waschenbecker, Diana	60.48
Watson Co	374.40
Watson Co	179.54
WCMAP	130.00
Wells Fargo	16,607.03
West Group	1,334.12
West Group	2,805.15
Wint, Mary	161.64
Wistrom, Betty	25.20

Wistrom, Betty	16.08
WRS	<u>217.20</u>
Total	<u><u>137,350.27</u></u>

### **Road & Bridge**

Ace Hardware	184.96
Ameripride	563.97
Arnold's Equipment, Inc.	933.52
Ashworth Audio & Electronics	42.58
Auto Glass Center, Inc.	238.84
Bentley Systems, Inc.	696.44
Boyer Ford Trucks	169.60
Buckley Construction II	931.88
Chamberlain Oil Company, Inc.	131.19
Chamberlain Oil Company, Inc.	542.69
Commissioner of Transportation	519.39
Commissioner of Transportation-Manual Sales	95.00
Contech Construction Products, Inc.	8,754.03
D.J.'s Municipal Supply, Inc.	154.50
E.G. Rud & Sons, Inc.	8,736.50
Erickson Engineering Company	3,600.00
Fieldworks	186.07
Gilson Company, Inc.	3,393.00
Glen's Tire	211.81
Gopher State One-Call	7.75
Kanabec County	26.11
Kanabec County Highway - Petty Cash	50.17
Labonville, Inc.	46.71
Lila Richards, The Cleaning Agent	724.20
Med Compass	468.00
Minnesota Dept of Economic Security	7.04
National Bushing & Parts Co.	1,027.15
Northern States Supply, Inc.	48.26
Northland Fire Protection	1,750.69
Oak Gallery & Frame Shop	30.83
Occupational Development Center, Inc.	413.91
Office Depot	25.62
Onamia NAPA Auto Parts	381.70
Oslin Lumber	15.02
Ostrom, Donna, Deputy Registrar	61.00
Oxygen Service Company, Inc.	24.68
Power Plan	6,229.56
Quality Disposal Systems, Inc.	101.91
Reed Construction Data	280.28
Rural Cellular Corporation	23.55
Rural Cellular Corporation	38.05
S & T Office Products, Inc.	104.75
Ruth Smith	39.60

Suburban Tire Wholesale Inc.	608.52
Timmer Implement, Inc.	141.32
Traffic Marking Service, Inc.	28,841.04
Sue's Bus Service	500.00
Zep Manufacturing Company	156.08
Ziegler Inc.	104.00
Total:	<u>72,363.47</u>

It was moved by Kathi Ellis, seconded by Jerry Nelson, and carried unanimously to approve the following resolution:

### *Resolution 13 - 08/13/03*

**WHEREAS** the Kanabec County Board of Commissioners have been presented with a request to pay a claim on Knife Lake Improvement District funds, and

**WHEREAS** the request was accompanied by an invoices and verification in the Knife Lake Improvement District Board minutes of July 20, 2003, and

**WHEREAS** the Knife Lake Improvement District has sufficient funds on hand to cover these claims;

**BE IT RESOLVED** to pay the following claims:

ERA Laboratories	\$112.00
Professional Lake Management	\$3,400.00
East Central Energy	\$66.00
<b>TOTAL</b>	<b>\$3,578.00</b>

It was moved by Kathi Ellis, seconded by Jerry Nelson, and carried unanimously to approve the following resolution:

### *Resolution 14 - 08/13/03*

**WHEREAS** the board has been presented with claims for recycling efforts to be paid from SCORE Funds, and

**WHEREAS** these claims have been reviewed, tabulated and approved by the Kanabec County Solid Waste Officer, and

**WHEREAS** SCORE Funds appear adequate for the purpose;

**BE IT RESOLVED** to approve payment of the following February, 2003 claims on SCORE Funds:

Quality Disposal	\$4,400.00
Arthur Township	\$ 400.00

TOTAL | \$4,800.00

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It was moved by Stan Cooper, seconded by Les Nielsen, and carried unanimously to approve payment of the following Well Baby testing claim on Water Plan funds: Midwest Analytical Services, \$65.00.

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It was moved by Les Nielsen, seconded by Kathi Ellis, and carried unanimously to approve the following resolution:

***Resolution 15 - 08/13/03***

**ORDER OF THE BOARD**

**WHEREAS** the board has appointed Teresa Bearce as Environmental Services Director;

**BE IT RESOLVED** to rescind Board Resolution 20 - 5/14/03 appointing Alan B. Peterson Environmental Services Director, such action being effective upon Bearce's starting date, and

**BE IT FURTHER RESOLVED** that the hours of work for Alan Peterson and Kim Pautsch will return to 37½ hours per week effective August 23, 2003.

It was moved by Les Nielsen, seconded by Stan Cooper, and carried unanimously to adjourn at 2:52pm to meet in regular session on Wednesday, August 20, 2003 at 9:00am.

*Signed* \_\_\_\_\_  
Chairperson of the Kanabec County Board of Commissioners,  
Kanabec County, Minnesota

*Attest:* \_\_\_\_\_  
Kanabec County Coordinator