

PROCEEDINGS OF THE COUNTY BOARD OF JACKSON COUNTY, MINNESOTA
May 17, 2022

The Jackson County Board of Jackson, Minnesota met in regular session, in the Jackson County Courthouse, Commissioners' Board Room, City of Jackson, Minnesota, on May 17, 2022. The following members of the Jackson County Board of Commissioners were present: James Eigenberg, Catherine Hohenstein, Scott McClure, Phil Nasby and Don Wachal. County Administrator, Ryan Krosch and Assistant to the Administrator, Brandi Bourquin were also in attendance.

CALL TO ORDER

Chair Hohenstein called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance.

Motion was made by Commissioner McClure seconded by Commissioner Wachal to adopt the agenda with the addition of consent agenda item 2.11 Board Action – Letter of support for rural public safety facilities in Senate bonding bill and regular agenda item 6.1. Discussion – Purchase and Procurement Policy. The motion carried unanimously.

CONSENT AGENDA

Motion was made by Commissioner Nasby and seconded by Commissioner Eigenberg to approve the following Consent Agenda items:

Board Action 22-093 – Approve May 3, 2022 Board of Commissioner Regular Meeting Minutes.

Board Action 22-094 – Approve all Commissioner disbursements in accordance with Minnesota Statutes 130.01 subd. 4(b), recorded on warrants numbered 99008 - 99135 in the amount of \$398,706.24 for the following funds: Revenue, \$224,541.37; Public Works, \$83,849.92; Ditch, \$71,954.57; Agency Fund, \$3,117.50; Library Fund, \$6,635.28 and Taxes & Penalties Fund, \$8,607.60. A detailed list of claims paid is available at the Auditor/Treasurer's office upon request.

Vendor	Total
Brennan Construction of MN, Inc	160,358.01
I & S Group Inc	49,884.83
Jackson Co Auditor-Treasurer	26,456.20
Loo Con Inc.	19,241.44
Bolton & Menk Inc	10,837.00
CORPORATE PAYMENT SYSTEMS	8,748.40
Smith & Johnson	7,953.76
Cooperative Energy Co.	7,165.00
American Solutions For Business	6,510.26
Corelogic Tax Service Refunds Dept	6,467.00
Jackson/City Of	6,212.65
Ziegler Inc.	6,112.20
Red Rock Quarry, Inc.	5,781.12
Regroup	5,226.37
Amazon Capital Services	5,018.47
Mid States Audio, Inc	4,931.24
Brock White Co Llc	4,237.69
Minnesota Energy Resources	3,763.71

Staples Oil Company, Inc	3,694.71
Treasury Division Of Mn Dept Of Finance	3,117.50
Southwest Regional Development Comm	3,000.00
H2Over Viewers LLC	2,904.05
Heppner Consulting, Inc	2,635.00
AUTO VALUE - JACKSON	2,200.39
Jackson Federal Savings & Loan	2,140.60
Bauer Built, Inc	2,065.00
26 Claims over \$2000	366,662.60
92 Claims under \$2000	32,043.64
Total	398,706.24

Board Action 22-095 – Approve quote from Madsen Land Surveying, Inc. for the quote amount of \$112,000 for the 2022 section corner remonumentation project.

Board Action 22-096 – Approve \$18,885 project change order for the 2021 Courthouse Exterior Remodel Project.

Board Action 22-097 – Approve county credit card for County Attorney Kristi Meyeraan.

Board Action 22-098 – Approve \$1,640,000 Government Center West Addition Project Budget.

Board Action 22-099 – Approve contract and bond for SAP 032-030-030.

Board Action 22-100 – Accept donation to Veteran Services in the amount of \$100 in memory of Jeff Gay made by Sharon and Rebecca Ryan.

Board Action 22-101 – Accept DAV Donation to Veteran Services in the amount of \$250.

Board Action 22-102 – Approve a \$1,000 Library STEM Program Grant and \$1,000 Creativity Crafts & Kits Grant for the Jackson County Library.

Board Action 22-103 – Approve letter of support for rural public safety facilities in Senate bonding bill.

The motion carried unanimously.

PLUM CREEK LIBRARY

Elizabeth Hoffman, Director of Plum Creek Library System, gave an update and requested a letter of support for library capital funding.

DES MOINES VALLEY HEALTH AND HUMAN SERVICES

Luke Ewald, SHIP Coordinator, and Matt Skaret, Jackson City Administrator, presented information on a MnDOT Active Transportation Grant proposal.

Motion was made by Commissioner McClure and seconded by Commissioner Wachal to adopt Board Action 22-104 – Approve letter of support for Jackson County/City of Jackson MnDOT Active Transportation Grant. The motion carried unanimously.

AUDITOR/TREASURER

Motion was made by Commissioner Eigenberg and seconded by Commissioner Nasby to adopt Resolution 22-021 – Resolution Relating to Judicial Ditches #9, #13, and #24; Authorizing Joint Powers Agreement with Nobles County and the Issuance of General Obligation Drainage Note, Series 2022A. The motion carried unanimously.

County of Jackson)
) SS.
State of Minnesota)

**Resolution No. 22-021
RESOLUTION RELATING TO JUDICIAL DITCHES #9, #13, AND #24;
AUTHORIZING JOINT POWERS AGREEMENT WITH NOBLES COUNTY AND THE
ISSUANCE OF GENERAL OBLIGATION DRAINAGE NOTE, SERIES 2022A**

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

1.01. Authorization. Pursuant to Minnesota Statutes, Chapter 103E (the “Act”), the County has, together with Nobles County (the “Issuer”) authorized certain improvements (the “Project”) to Judicial Ditches #9, #13, and #24, each a judicial ditch established pursuant to the Act. All proceedings necessary to the undertaking and construction of the Project and the levy of special assessments against the property within the County benefited thereby have been duly and lawfully conducted pursuant to and in accordance with the provisions of the Act. The total cost of the Project is estimated to be at least \$21,960,000.

1.02. Cost of Project; Issuance and Sale of Note. The County will finance its portion of the Project (the “County Portion”), as determined in accordance with Section 103E.345 of the Act, by the issuance and sale to the Issuer of its General Obligation Drainage Note, Series 2022A (the “Note”) in an amount not to exceed the County Portion. The Note is exempt from the public sale provisions of Chapter 475 pursuant to Section 475.60, subdivision 2(6).

1.03. Joint Powers Agreement. In connection with the issuance of the Note and for the purpose of providing for the financing of the Project, the County and the Issuer propose to enter into that certain Joint Powers Agreement Providing for the Financing of Judicial Ditches #9, #13, and #24 (the “Joint Powers Agreement”), a form of which has been presented to this Board. The Joint Powers Agreement provides for the issuance of bonds by the Issuer to finance the Project (the “Bonds”). The Issuer is expected to approve the issuance of the Bonds and the Joint Powers Agreement by resolution adopted June 7, 2022, but may approve such issuance at a later or earlier date.

1.04. Approval. The issuance of the Note and execution of the Joint Powers Agreement are hereby approved, with such deletions and additions as are approved by the Chair and County Administrator, which approval shall be evidenced by their issuance and execution thereof. The Note shall bear interest at the rate or rates approved by the Issuer for the Bonds, and the amortization of the Note shall correspond with the amortization of the Bonds. All acts, conditions and things which are required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of the Note having been done, now existing, having happened and having been performed, it is now necessary for the Board to establish the form and terms of the Note, to provide security therefor and to issue the Note forthwith. In the absence or disability of the Chair or Administrator, the vice or acting Chair or Administrator, respectively, is authorized to execute the Note and Joint Powers Agreement in such officer’s stead.

1.05. Special Assessments. The County has heretofore done all acts and things necessary to be done prior to the construction of the County Portion of the Project and has determined the benefits and damages resulting from the County Portion of the Project to all property affected thereby. The County hereby covenants and agrees that, for the payment of the cost of the County Portion, the County has done or will do and perform all acts and things necessary for the final and valid levy of special assessments in an amount not less than the amount of the Note. The principal of the special assessments shall be made payable in annual installments, with interest as established by this Board in accordance with law on installments thereof from time to time remaining unpaid, such that the collections of special assessments and interest thereon will be sufficient to pay the principal of and interest on the Note when due. In the event any special assessment shall at any time be held invalid with respect to any lot or tract of land, due to any error, defect or irregularity in any action or proceeding taken or to be taken by the County or by this Board or by any of the officers or employees of the County, either in the making of such special assessment or in the performance of any condition precedent thereto, the County hereby covenants and agrees that it will forthwith do all such further things and take all such further proceedings as shall be required by law to make such special assessment a valid and binding lien upon said property.

1.06. Pledge of Taxing Powers. For the prompt and full payment of the principal of and interest on the Note as such payments respectively become due, the full faith, credit and unlimited taxing powers of the County shall be and are hereby

irrevocably pledged. It is, however, presently estimated that the special assessments levied pursuant to Section 1.05 will provide sums not less than 5% in excess of principal and interest on the Note when due, and therefore no tax levy is presently required.

1.07. Form and Terms of Note. The Note shall be originally dated as of the date of issuance thereof, and the form and terms thereof shall be in substantially form in Exhibit A attached hereto.

1.08. Certification of County Auditor / Treasurer. The County Administrator is hereby authorized and directed to file a certified copy of this Resolution with the County Auditor / Treasurer of the County, together with such other information as shall be required, and to obtain from the County Auditor / Treasurer a certificate that the Note has been entered on the bond register as required by law.

1.09. Books and Records. The officers of the County are hereby authorized and directed to prepare and furnish to Dorsey & Whitney LLP, bond counsel to the Issuer, certified copies of all proceedings and records of the County and such other affidavits, certificates and information as may be required to show the facts relating to the legality and marketability of the Note 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.

1.10. Reimbursement. The County certifies that the proceeds of the Note will not be used by the County to reimburse itself for any expenditure with respect to the Project which the County paid or will have paid more than 60 days prior to the issuance of the Note unless, with respect to such prior expenditures, the County shall have made a declaration of official intent which complies with the provisions of Section 1.150-2 of the Regulations; provided that a declaration of official intent shall not be required (i) with respect to certain de minimis expenditures, if any, with respect to the Project meeting the requirements of Section 1.150-2(f)(1) of the Regulations, or (ii) with respect to “preliminary expenditures” for the Project as defined in Section 1.150-2(f)(2) of the Regulations, including engineering or architectural expenses and similar preparatory expenses, which in the aggregate do not exceed 20% of the “issue price” of the Note.

Exhibit A

Form of Note

UNITED STATES OF AMERICA

STATE OF MINNESOTA

COUNTY OF JACKSON

GENERAL OBLIGATION DRAINAGE NOTE, SERIES 2022A

No. R-1 \$

FOR VALUE RECEIVED, THE COUNTY OF JACKSON, MINNESOTA (the “County”) acknowledges itself to be indebted to and hereby promises to pay to Nobles County, Minnesota (the “Issuer”), or registered assigns, the principal sum of six million nine hundred thirty five thousand dollars (\$6,935,000) in the following years and amounts and at the following rate or rates:

Year	Amount (\$)	Rate (%)	Year	Amount (\$)	Rate (%)
2024	95,000	3.670	2035	355,000	3.670
2025	245,000	3.670	2036	365,000	3.670
2026	255,000	3.670	2037	380,000	3.670
2027	265,000	3.670	2038	390,000	3.670
2028	275,000	3.670	2039	400,000	3.670
2029	285,000	3.670	2040	420,000	3.670
2030	290,000	3.670	2041	435,000	3.670
2031	300,000	3.670	2042	450,000	3.670
2032	315,000	3.670	2043	465,000	3.670
2033	325,000	3.670	2044	290,000	3.670
2034	335,000	3.670			

The County promises to pay Issuer interest from the date of the Note on the installments of principal from time to time remaining unpaid at the rates specified above, said interest being payable semiannually on February 1 and August 1 of each year, commencing February 1, 2023. The principal installments of and interest on this Note are payable by check or draft mailed to the Issuer, in any coin or currency of the United States of America which on the respective dates of payment is legal tender for public and private debts. Interest on the outstanding principal amount of the Note will accrue on the basis of a 360-day year comprised of twelve 30-day months. For the prompt and full payment of such principal installments and interest when due, the full faith, credit and taxing powers of the County are hereby irrevocably pledged.

This Note is issued by the authority of and in strict accordance with the Constitution and laws of the State of Minnesota pursuant to a resolution adopted by the Board of Commissioners on May 17, 2022 (the "Resolution") to finance the portion of the costs of improvements to Judicial Ditches #9, #13, and #24 (the "Project") allocable to the County (the "County Portion"). The Project is being undertaken in cooperation with Issuer pursuant to Minnesota Statutes, Chapter 103E. This Note is payable from special assessments levied with respect to the County Portion in accordance with Minnesota Statutes, Section 103E and pursuant to the Joint Powers Agreement Providing for the Financing of Judicial Ditches #9, #13, and #24 dated as of the date hereof, between the County and the Issuer.

The County shall have the option to prepay the Note in whole or in part, on any date on or after the date on which the Bonds issued by the Issuer to finance the Project are subject to optional prepayment, upon forty-five days prior written notice to the Issuer at a price equal to 100% of the principal amount to be prepaid, together with accrued interest to the redemption date. The principal amount of a partial prepayment shall be applied to a future principal payment on the Note in a manner determined by the Issuer.

This Note shall be registered in the name of the Issuer.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed precedent to and in the issuance of this Note in order to make it a valid and binding general obligation of the County according to its terms have been done, do exist, have happened and have been performed in regular and due time, form and manner as so required; that in and by the resolution authorizing the issuance of the Note, the County has covenanted and agreed with the owners of the Note that it will impose and collect special assessments sufficient to pay all principal of and interest on the Note, as such principal and interest respectively become due; that, if necessary to pay such principal and interest, the County is required by law to levy ad valorem taxes without limitation as to rate or amount; and that the issuance of this Note does not cause the indebtedness of the County to exceed any constitutional, charter or statutory limitation.

IN WITNESS WHEREOF, the County of Jackson, Minnesota, by its Board of Commissioners, has caused this Note to be executed on its behalf by the signatures of the Chairperson and County Administrator and has caused this Note to be dated as of the date set forth below.

COUNTY ADMINISTRATOR

Ryan Krosch, County Administrator, discussed the purchase and procurement policy and spending authority of administration. The consensus of the Board was that the County Administrator should have spending authority for unbudgeted expenses up to \$15,000.

BOARD REPORTS

Commissioner Nasby reported on meetings/events involving the Des Moines River Watershed Planning Partnership Policy Committee, Drainage Ditch Committee, UCAP, Friends of the Jackson County Trails, Southwest Mental Health Center and DVHHS.

Commissioner McClure reported on meetings/events involving the Building Committee, Drainage Ditch Committee, DVHHS and FMJ Steering Committee.

Commissioner Eigenberg reported on meetings/events involving the Building Committee, Drainage Ditch Committee and GBERBA.

Commissioner Wachal reported on meetings/events involving the Drainage Ditch Committee, DVHHS, SW Regional Development Commission and MCIT.

Commissioner Hohenstein reported on meetings/events involving PrimeWest and DVHHS.

ADJOURN

Motion was made by Commissioner Wachal and seconded by Commissioner Eigenberg to adjourn the meeting at 9:37 a.m. The motion carried unanimously.

JACKSON COUNTY BOARD OF COMMISSIONERS

Catherine Hohenstein, Board Chair

ATTEST:

Ryan Krosch, County Administrator