

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Otter Tail County Courthouse  
Commissioners' Room, Floor 1-B  
Tuesday, July 16, 2002  
9:30 a.m.**

**Call to Order**

The Otter Tail County Human Services Board convened Tuesday, July 16, 2002, at 9:30 a.m. at the Otter Tail County Courthouse with Commissioners Dennis Mosher, Chair; Malcolm Lee, Vice-Chair; Syd Nelson, Roger Froemming, and Bob Block present.

**Election of Human Services Chair**

Motion by Block, second by Nelson, and unanimously carried to elect Commissioner, Malcolm Lee, as the FY2003 Human Services Board Chair.

**Election of Human Services Vice-Chair**

Motion by Froemming, second by Lee, and unanimously carried to elect Commissioner, Syd Nelson as the FY2003 Human Services Board Vice-Chair.

**Approval of Agenda**

Chairman Lee assumed the Chair and called for a motion to approve the agenda. Motion by Block, second by Mosher, and unanimously carried to approve the Human Services agenda of July 16, 2002, as presented.

**Approval of Minutes**

Motion by Nelson, second by Froemming, and unanimously carried to approve the Human Services Board minutes of June 25, 2002, as mailed.

**Approval of Grant Contracts**

Motion by Mosher, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a grant contract between the County of Otter Tail and the State of Minnesota Department of Corrections in the amount of \$11,000. The grants provide funding for the caseload/workload reduction, remote electronic monitoring, and juvenile restitution programs.

**Approval of School Contracts**

Motion by Mosher, second by Block, and unanimously carried to authorize the Public Health Director to enter into two school contracts between the County of Otter Tail and the Battle Lake and Pelican Rapids School Districts. The contracts allow Public Health Nursing staff to provide school nursing services.

**Approval of Bioterrorism Funding Contract**

Motion by Mosher, second by Block, and unanimously carried to authorize the Chair's signature to execute a contract between the County of Otter Tail and the Minnesota Department of Health for the period of June 6, 2002, through August 31, 2003. The contract provides funding from the Centers for Disease Control and Prevention to the Public Health Department, in the amount of \$57,159, for assessing and enhancing responsiveness to bioterrorism, infectious diseases, and other threats to public health.

### **Human Services Contract Approvals**

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a contract between the County of Otter Tail and the Fergus Falls Regional Treatment Center for waived services to persons with mental retardation or related conditions. The agreement is for the period of January 1, 2002, through December 31, 2002.

Motion by Mosher, second by Block, and unanimously carried to authorize the Chair's signature to execute a Host County Contract between the County of Otter Tail and Consumer/Survivor Network (CSN) for the period of May 1, 2002, through December 31, 2002. The contract provides \$12,400 from the State mental health initiative funds for adult mental health training services for Becker, Clay, Otter Tail, and Wilkin counties.

Motion by Block, second by Froemming, and unanimously carried to authorize the Chair's signature to execute an interagency contract between the County of Otter Tail, Fergus Falls Special Education Cooperative, and Lakeland Mental Health Center for the period of July 1, 2002 through June 30, 2003, for the Children's Day Treatment program servicing pre-school through 8<sup>th</sup> grade.

### **Transportation Discussion**

Commissioner Syd Nelson reported that the Mayor of Bluffton has contacted him regarding participation in the public transportation system in Wadena. Another apartment for senior citizens is being built in Bluffton and there is a need for transportation to Wadena. If the Bluffton citizens were to participate, a contribution of \$1,000 for the public system would be required. Discussion followed regarding busing outside of Otter Tail County, looking at the total County transportation issue rather than pieces of the County, and the cost of public transportation systems. No action was taken.

### **Otter Tail Family Services Collaborative**

Court Services Director, Chuck Kitzman, and Public Health Director, Diane Thorson, have been appointed to an evaluation and planning committee for the Collaborative. Mr. Kitzman reported that evaluation of the school based mental health program, universal home visiting, and the project to reduce truancy will be evaluated for outcomes. Mr. Kitzman and Ms. Thorson will continue to encourage a collaborative effort when recommending projects.

### **Approval of Bills and Claims**

Motion by Mosher, second by Froemming, and unanimously carried to approve the Human Services bills and claims as presented.

### **Adjournment**

At 10:30 a.m., Chairman Lee declared the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, July 30, 2002.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY HUMAN SERVICES BOARD

Attest: \_\_\_\_\_  
Larry Krohn, Clerk

By: \_\_\_\_\_  
Malcolm Lee, Human Services Chair

### Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, July 16, 2002, at 10:54 a.m. at the Otter Tail County Courthouse with Dennis Mosher, Chair; Malcolm Lee, Vice-Chair; Syd Nelson, Roger Froemming, and Bob Block present.

### Approval of Agenda

Motion by Froemming, second by Lee, and unanimously carried to approve the County Board agenda of July 16, 2002, with the following changes:

- Cancel - Building Committee Meeting
- Cancel - Bid Opening results for Demolition Work

### Approval of Minutes

Motion by Froemming, second by Lee, and unanimously carried to approve the County Board minutes of July 9, 2002, with the following correction: The following roll call vote on the bottom of page 4 under the heading "Board of Directors – Little McDonald/Kerbs, Paul Lakes Improvement District" reads as follows:

Commission District 4	Froemming	Yea
Commission District 1	Nelson	Nay
Commission District 2	Lee	Nay
Commission District 3	Mosher	Abstain

The roll call vote should read as follows:

Commission District 4	Froemming	Yea
Commission District 1	Nelson	Nay
Commission District 2	Lee	Abstain
Commission District 3	Mosher	Nay

### Approval to Pay Bills

Motion by Lee, second by Nelson, and unanimously carried to approve payment of County Board bills per Attachment A of these minutes which includes the following lodging payment:

Cragun's Lodge & Conference

County Recorder, Wendy Metcalf

### Performance Evaluation Summary

Motion by Lee, second by Froemming, and unanimously carried to approve the satisfactory performance evaluation of Physical Plant Manager, Rick Sytsma, and place the summary in his personnel file.

### Planning Commission Recommendations

Preliminary Plat & Conditional Use Permit – "Hancock Estates"/David A. & Julie M. Olson and Michael & Patricia Van Santen:

Motion by Froemming, second by Lee, and unanimously carried to approve the Preliminary Plat known as "Hancock Estates" consisting of 11 single family residential lots and a Conditional Use Permit to build a road to provide access to the development with conditions as recommended by the Planning Commission. The property is described as E½ of SW¼ ex tr & pt SW¼ of SW¼, Section 12 of Eagle Lake Township, Hancock Lake (56-255).

Conditional Use Permit – Wallace Stommes:

Motion by Froemming, second by Nelson, and unanimously carried to deny a Conditional Use Permit to cut the top edge of the bank, as recommended by the Planning Commission. The

property is described as Lot 3, Block 1, Loll's Lakeshore (formerly Loll's Resort), Section 12 of Maine Township, Pickerel Lake (56-475).

Conditional Use Permit – Ron Strand:

Motion by Froemming, second by Block, and unanimously carried to deny a Conditional Use Permit to cut the top edge of the bank, as recommended by the Planning Commission. The property is described as Lot 4, Block 1, Loll's Lakeshore (formerly Loll's Resort), Section 12 of Maine Township, Pickerel Lake (56-475).

Preliminary Plat – “Silver Shores Second Addition”/ John Matteson:

Motion by Mosher, second by Lee, and unanimously carried to approve the Preliminary Plat of John Matteson known as “Silver Shores Second Addition” consisting of 17 non-residential backlots. The property is described as Pt of Gov. Lot 6, Section 28 of Everts Township, Silver Lake (56-302).

Preliminary Plat – “Clear Lake Landing”/Barbara Jo Nelson:

Motion by Nelson, second by Lee, and carried with Mosher abstaining, to approve the Preliminary Plat of Barbara Jo Nelson known as “Clear Lake Landing” consisting of 7 single family residential lots as presented in the revised plan dated June 24, 2002. The property is described as Pt GL 1 lying NW'ly of Ed's Clear Lake Beach, Section 23 of Tumuli Township, Clear Lake (56-559).

Conditional Use Permit – Ten Mile Lake Resort:

Motion by Mosher, second by Lee, and unanimously carried to approve a Conditional Use Permit to replace 3 older mobile homes with conditions as recommended by the Planning Commission. The property is described as Pt GL 3 Bg SE Cor GL 3 (27.80 acres), Section 21 and Pt Lot 1 Bg M.C. #26 E 238', S 219', W 276.3' to Lake (1.3 acres), Section 28 of Tumuli Township, South Ten Mile Lake (56-613).

Conditional Use Permit – John Barry (Jim Jensen):

Motion by Lee, second by Froemming, and unanimously carried to deny a Conditional Use Permit to alter topography of the site, as recommended by the Planning Commission. The property is described as Provan Beach, Lot 23 & Vac Rd Adj Ex Pt Vac Rd Being 32.26' x 5.13' x 33.51' x 17.14', (Parcels 950 & 65-001 not to be split), Section 4 of Dunn Township, Pelican Lake (56-786).

Conditional Use Permit – Greg Miller/Richard Banz:

Motion by Nelson, second by Lee, and unanimously carried to approve an after-the-fact Conditional Use Permit to fill in driveway for access for larger vehicles with conditions as recommended by the Planning Commission. The property is described as Buchanan Oaks Lots 6 & 7, Block 1, Section 35 of Rush Lake Township, Buchanan Lake (56-209).

Conditional Use Permit – Mark & Barb Lenius:

Land & Resource Director, Bill Kalar, reported that this CUP request to build a road was recommended for approval by the Planning Commission. Larry Olson stated that he is an adjacent property owner and spoke in opposition to the location of this proposed road. He stated that the road will traverse a runoff area that will be forced onto his property and if the location could be moved a little further north, there would be no impact on either property. Motion by Nelson, second by Block, and carried with Lee opposed, to approve a Conditional Use Permit to build a road with conditions as recommended by the Planning Commission. The property is described as

GL 3 & 4 ex trs & ex platted ex roadways, Section 2 in Edna Township; Little McDonald Lake (56-328).

Conditional Use Permit – Matt & Brenda Hobbs:

Land & Resource Director, Bill Kalar, stated that this CUP request was initially recommended for denial due to lack of representation. The County Board referred the request back to the Planning Commission for consideration. The Planning Commission considered the proposal and recommended denial. Rob Goral of Shoreland Solutions and Applicant, Brenda Hobbs, represented the application. Mr. Goral stated that this project appears to meet the County's ordinance in every way and stated that the decision from the Planning Commission was arbitrary and failed to state findings of fact as to how this violated the ordinance. The owner to the west of this property stated that he has looked at this proposal and what is being requested is the same that neighbors have completed and he recommended approval. Lengthy discussion followed. Motion by Froemming, second by Block, and unanimously carried to table the Conditional Use Permit request of Matt & Brenda Hobbs for one week after further review by the Land & Resource Director. This request will be considered at the Tuesday, July 23, 2002, County Board meeting.

Preliminary Plat – “Long Lake Shores Third Addition”/Art Riestenberg:

Motion by Nelson, second by Lee, and unanimously carried to clarify a previous provision that stated there were no bluffs onsite. Lots 1 & 2 have bluffs onsite; however, there appears to be sufficient buildable area. The plat is approved with the bluffs onsite provided there is sufficient buildable area on the lots.

Conditional Use Permit – “West Silent Lake Retreat”/Lyle Kachelmyer and Douglas Kramer:

Motion by Lee, second by Mosher, and carried with Nelson opposed, to approve a Conditional Use Permit to construct a road to service the plat of West Silent Lake Retreat pursuant to a Court Order. The property is located in Section 31, Township 136, Range 41, in Dora Township, W. Silent Lake (56-519).

**Final Plat – “Prime Pine View”**

Motion by Froemming, second by Lee, and unanimously carried to approve the Final Plat known as “Prime Pine View” located in Section 25 of Leaf Lake Township, East Leaf Lake.

**Recess & Reconvene**

At 12:06 p.m., Chair Mosher recessed the meeting of the Otter Tail County Board of Commissioners for lunch break. The meeting was reconvened at 1:00 p.m.

**Approval of Personnel Request**

Detention Administrator, Gary Waskosky, introduced Richard Akerman and explained that he will be the new Administrator October 1, 2002. He requested permission to hire a replacement on Mr. Akerman's detention officer team two months prior to allow Mr. Akerman to train into his new position. Motion by Lee, second by Froemming, and unanimously carried to authorize Detention Administrator, Gary Waskosky, to hire a detention officer replacement August 1, 2002.

**Fire Department Grant Approval**

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a grant contract between the County of Otter Tail, DEM and the State of Minnesota Commissioner of Public Safety, DEM as recommended by the Safety Director. This

federal funding will be used for personal protective equipment for fire departments located in Otter Tail County.

### **Water Surface Control Request**

Indian Lake Property Owner, LeRoy Edstrom, presented a request signed by all property owners to adopt a water surface use ordinance for Indian Lake. The lake is approximately 40 acres in size, 8 feet deep, and has no public access. The request would be to limit motor boat use to electric trolling motors only. Lengthy discussion followed regarding the procedure of adopting an ordinance and Commissioner Block presented an Ordinance Process Checklist. The property is located in Section 33 & 34, Township 135, Range 40, Dead Lake Township, Indian Lake (56-327). Motion by Nelson, second by Block, and unanimously carried to begin the process for adopting a water surface ordinance for Indian Lake in Dead Lake Township.

### **Approval to Purchase Software Licenses**

Motion by Lee, second by Froemming, and unanimously carried to authorize the purchase of microsoft office xp professional licenses in the amount of \$89,540.

### **Recess & Reconvene**

At 1:25 p.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 1:30 p.m.

### **Ditch System No. 53**

Ditch Inspector, Randy Wasvick, reported that this ditch system has two large holes in a tiled ditch and after receiving 12" of rain north of Rush Lake, the situation has become worse. There are two property owners affected with water backing up on their property. Mr. Wasvick has received an estimate of \$100,000 from Delzer Construction to replace the tile. The tile is on the north side of the township road with a highline wire above the area. Mr. Wasvick will request a bid from another contractor. His plan would be to open the ditch to get the level of water down and also estimate the cost of installing new tile. Motion by Nelson, second by Block, and unanimously carried to proceed with the necessary emergency repairs on Ditch System No. 53.

### **Ditch System No. 38**

Motion by Nelson, second by Lee, and unanimously carried to authorize the Chair's signature to execute the Order for Redetermination of Benefits for Ditch System No. 38.

### **Final Payment – S.P. 56-604-09**

Motion by Lee, second by Block, and unanimously carried to authorize final payment per estimate No. 21, in the amount of \$43,430.92, payable to Mark Sand & Gravel Acquisition Co., for bituminous and grading on S.P. 56-604-09.

### **Milling Equipment Signage**

Motion by Froemming, second by Block, and unanimously carried to approve the placement of interpretive signs to identify milling equipment in the old mill at the Phelps Mill Park as requested by the Friends of Phelps Mill.

### **Approval of Contract - S.A.P. 56-619-10 & Etc.**

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a contract between the County of Otter Tail and Mark Sand & Gravel Acquisition Company for S.A.P. 56-619-10 & Etc.

**Bid Award – S.A.P. 56-612-11 & Etc.**

After previously advertising for bids, Rick West, Highway Engineer, opened the following bids on July 10, 2002, at 1:00 p.m:

	<u>Bid Amount</u>	<u>Corrected Bid Amount</u>
Central Specialties, Inc. Alexandria, MN	\$1,065,244.41	\$1,065,193.06
Mark Sand & Gravel Acquisition Co. Fergus Falls, MN	\$1,090,939.75	

Motion by Mosher, second by Froemming, and unanimously carried to award S.A.P. 56-612-11 & Etc. (from CSAH 35 in Dalton to CSAH 39) to Central Specialties, Inc. as the low bidder, in the amount of \$1,047,706.06, contingent upon approval of the City of Dalton and the Public Facilities Authority. The difference in the award amount and the corrected bid amount is a result of Clitherall Township deciding to eliminate the Class 5 Aggregate Base except for approach requirements on their projects.

**MnDOT Signs**

Mr. West received a letter from the Minnesota Department of Transportation informing the County that several MnDOT signs will be removed because they conflict with 911 signing.

**License Approval**

Motion by Froemming, second by Mosher, and unanimously carried to approve the following application for licenses:

Chases's Ethel Beach Resort & Rest. Battle Lake, MN	On-Sale 3.2 Malt Liquor Wine
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Subject to the approval of the County Attorney's office, the County Sheriff's office, and to the submission of the application forms.

**Approval of Payment and Ditch Invoices**

Motion by Nelson, second by Lee, and unanimously carried to approve payment to Kathy Gilbert, in the amount of \$500.00, for services provided under the provision of Minnesota Statute 609.35.

Motion by Nelson, second by Lee, and unanimously carried to approve payment of the following invoices:

Wadena Pioneer Journal	Ditch No. 38	\$17.50
Daily Journal	Ditch No. 43	\$41.20
New York Mills Herald	Ditch No. 38	\$33.40

**Premise Permit – VFW Post 612  
Otter Tail County Resolution No. 2002 - 45**

Commissioner Froemming offered the following and moved its adoption:

WHEREAS, the responsibility for the regulation of lawful gambling and the issuance of licenses and permits or the conduct of lawful gambling lies with the Minnesota Gambling Control Board; and

WHEREAS, the VFW Post 612, Fergus Falls, MN, has made an application to the Gambling Control Board for a premise permit to conduct lawful gambling at Lenny's Dining and Dancing, in Maine Township of Otter Tail County; and

WHEREAS, Minnesota Statute 349.213 provides that the Gambling Control Board may not issue a premise permit unless they receive a resolution from the Otter Tail County Board of Commissioners approving the application for a permit; and

WHEREAS, THE Otter Tail County Board of Commissioners is aware of no reason to oppose the conduct of lawful gambling by the VFW Post 612, Fergus Falls, MN at Lenny's Dining and Dancing in Maine Township of Otter Tail County.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby approves the conduct of lawful gambling by VFW Post 612, Fergus Falls, MN, at Lenny's Dining and Dancing, in Maine Township of Otter Tail County, provided the applicant meets all the necessary criteria for the licenses and permits as required by the Gambling Control Board.

IT IS FURTHER RESOLVED, that notice of this application and approval shall be provided to the Township of Maine by sending them a copy of this resolution.

Commissioner Lee seconded the motion and upon being put to a vote, the resolution was unanimously adopted.

Adopted at Fergus Falls, Minnesota, this 16<sup>th</sup> day of July, 2002.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: \_\_\_\_\_ By: \_\_\_\_\_  
Larry Krohn, Clerk Dennis Mosher, County Board Chair

### **Fund Transfers**

Motion by Nelson, second by Lee, and unanimously carried to approve closing a Special Revenue Fund, Missing Heirs, and a Non-Expendable Trust Fund, Land Trust, effective December 31, 2002. The fund balance of these funds will be carried in the General Fund as reserve line items.

### **Perham Resource Recovery Facility**

Solid Waste Director, Mike Hanan, reported on a recent meeting regarding the Perham Resource Recovery Facility. Mr. Hanan reported the City of Perham owes Barlow the retainage portion of the project (\$470,000) plus \$230,000 debt service payment which is due in November. Because the plant is not operating as it should and not generating electricity, the facility will end up severely in the red. The City of Perham requested two, one-time payments from the participating counties to start the facility financially even at the beginning of next year. The other option discussed is to bond for the money needed because it is being used for construction costs. In order to pay for the additional bond of \$1.1 million, the tipping fee would need to increase from \$49 per ton to \$52 per ton on January 1, 2003. Lengthy discussion followed. It appears there is the potential for the facility to operate to the good financially after problems are solved. There is potential for steam revenue as well as the electricity revenue.

### **Adjournment**

At 3:28 p.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, July 23, 2002.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: \_\_\_\_\_  
Larry Krohn, Clerk

By: \_\_\_\_\_  
Dennis Mosher, County Board Chair

CB/kd