

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, December 17, 2002
9:30 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, December 17, 2002, at 9:30 a.m. at the Otter Tail County Courthouse with Commissioners Malcolm Lee, Chair; Syd Nelson, Vice-Chair; Dennis Mosher, Roger Froemming, and Bob Block present.

Approval of Agenda

Motion by Froemming, second by Mosher, and unanimously carried to approve the Human Services agenda of December 17, 2002, as mailed.

Approval of Minutes

Motion by Nelson, second by Block, and unanimously carried to approve the Human Services Board minutes of November 26, 2002, as mailed.

Approval of Contract – Lake Region Halfway Homes, Inc.

Dean Gilbertson, Director of the Lake Region Halfway Homes, Inc. presented a CY2002 program evaluation report and requested approximately a 3% increase in the per diem for next year. Discussion followed. Motion by Nelson, second by Mosher, and unanimously carried to authorize the appropriate County officials' signature(s) to execute a contract between the County of Otter Tail and Lake Region Halfway Homes, Inc. for CY2003 with a per diem rate of \$61.21. This approval is subject to the approval of the County Attorney.

MACPO Legislative Platform

Court Services Director, Chuck Kitman, presented the Minnesota Association of County Probation Officers 2003 legislative platform and reviewed the organization's priorities for the next legislative session.

Approval of Human Services Contracts

Motion by Mosher, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a contract between the County of Otter Tail and Permanent Family Resource Center for licensed foster care and adoption services.

Motion by Block, second by Mosher, and unanimously carried to authorize the Chair's signature to execute a purchase of service agreement between the County of Otter Tail and Lakeland Mental Health Center, Inc. for the period of January 1, 2003 through December 31, 2003. LMHC will provide case management services for children with severe emotional disturbance. Services are funded with federal, state, and local dollars.

Motion by Mosher, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a purchase of service agreement between the County of Otter Tail and Lakeland Mental Health Center, Inc. for CY2003. LMHC will provide family community support services for children with severe emotional disturbance.

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair's signature to execute renewed purchase of service agreements between the County of Otter Tail Human Services Department and the following providers for CY2003:

Lakes Homes and Program Development Inc. Detroit Lakes, MN	Home & Community Based Waivered Services
Lutheran Social Services Fergus Falls, MN	Home & Community Based Waivered Services
Midwest Community Residential Resources, Inc. Fergus Falls, MN	Home & Community Based Waivered Services
New Horizons Frazee, MN	Home & Community Based Waivered Services
REM Central Lakes, Inc. Edina, MN	Home & Community Based Waivered Services
West Central Community Services Breckenridge, MN	Home & Community Based Waivered Services
Prairie Community Waivered Services Morris, MN	Home & Community Based Waivered Services
Homework Center, Inc. Fergus Falls, MN	Home & Community Based Waivered Services
Synsteliem Foster Homes, Inc. Fergus Falls, MN	Home & Community Based Waivered Services
Prairie Community Services, Arlington House Fergus Falls, MN	ICFMR Residential Services
Homework Center, Inc. Fergus Falls, MN	Semi-Independent Living Services
Productive Alternatives, Inc. (Willows Program) Fergus Falls, MN	Day and Habilitation Services
Telcare-Lifeline Denver, Co.	Lifeline Services
Spectrum Support Services, Inc. Fargo, ND	Support Services
Ghost Runner Errand Service Perham, MN	Support Services
TRAN\$EM Moorhead, MN	Employment Support Services

Motion by Mosher, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a new purchase of service agreement between the County of Otter Tail Human Services Department and Stanley & Karen Synsteliem, Fergus Falls, MN. The agreement is for providing home and community based waived services for persons with mental retardation or related conditions for CY2003.

Medical Assistance

Motion by Nelson, second by Froemming, and unanimously carried to decrease the medical assistance mileage reimbursement rate from \$.365 per mile to \$.36 per mile, which coincides with the federal rate effective January 1, 2003.

Lutheran Social Services – Pelican Rapids Minicontract

Motion by Block, second by Mosher, and unanimously carried to authorize the Public Health Director to enter into an agreement with Lutheran Social Services Pelican Rapids Outreach Program to assist with tuberculosis and foreign borne persons screening and follow-up. The agreement transfers \$1,000 from the County to LSS for the above purpose.

Smallpox Plan Update

Public Health Director, Diane Thorson, briefed the County Board regarding President Bush's recent indication to proceed with the smallpox plan. She stated that the smallpox vaccination will be offered to all health care workers, police, fire, and first responders that are not contraindicated. Then the vaccine will be offered to the general public with any child under age 18 excluded. Law enforcement and emergency management officials are involved in the security issues.

Contract for Aging Coordinator Position

Motion by Froemming, second by Nelson, and unanimously carried to authorize the appropriate County officials' signature(s) to execute a contract between West Central Area Agency on Aging (WCAAA) and the County of Otter Tail. The contract provides federal funding to the County, in the amount of \$21,216 used towards the Aging Coordinator's salary.

Approval of Bills and Claims

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

Adjournment

At 10:16 a.m., the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, December 31, 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, December 17, 2002, at 10:30 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 December 17, 2002, with the following changes:

Solid Waste Director, Mike Hanan – canceled agenda item
1:15 p.m. Steve Andrews for Forgiveness of Penalty
1:25 p.m. Bob Moe for Personnel Request
Correspondence, Mileage Reimbursement, & Salary Discussion

Approval of Minutes

Motion by Lee, second by Block, and unanimously carried to approve the County Board Special Meeting Minutes of December 12, 2002, as mailed.

Approval to Pay Bills

Motion by Lee, second by Froemming, and unanimously carried to approve payment of the County Board bills per Attachment A of these minutes.

Minnesota Game Breeders & Shooting Preserve Proposed Legislation

Les Bensch, representing the Minnesota Game Breeders & Shooting Preserve Association, provided a copy of the proposed Range Preservation bill. He stated that the bill passed in the Minnesota House last year, but failed to receive a hearing in the Senate Environmental Committee. Mr. Bensch stated that the right to hunt and fish are constantly being eroded because of urban encroachment. He feels there is a need to protect this business within the state and the proposed legislation would provide a zoning and safety bill for shooting ranges. He suggested a County ordinance to allow the County to govern and control the industry. Lengthy discussion followed. Commissioners requested that the proposed legislation be referred to the Planning Commission for discussion.

Highway Contract Approval

Motion by Mosher, second by Lee, and unanimously carried to authorize the appropriate County officials' signatures to enter into an agreement with Larson-Peterson & Associates, Inc. for design work in the City of Underwood on CSAH No. 35 for drainage improvements.

Resolution Re-Designating County Highways Otter Tail County Resolution No. 2002 – 65

Commissioner Nelson offered the following and moved its adoption:

WHEREAS, it appears to the Otter Tail County Board of Commissioners that the County Highways hereinafter described should be re-designated because of Otter Tail County Rural Addressing, under the provisions of Minnesota Law.

NOW THEREFORE, BE IT RESOLVED, by the Otter Tail County Board of Commissioners that the County Highways described as follows, to-wit:

That portion of former County State Aid Highway 1, from County State Aid Highway 1 to County State Aid Highway 72 all within Section 32, Amor Township (Township 134 North, Range 40 West), being approximately 1.00 miles.

That portion of former County State Aid Highway 35, from County State Aid Highway 35 to County State Aid Highway 35 all within Sections 15, 16, 21 and 22, Edna Township (Township 136 North, Range 40 West), being approximately 1.47 miles.

That portion of County Highway 136, from Trunk Highway 29 in Sections 3 and 10, Parkers Prairie Township (Township 131 North, Range 37 West) to County Highway 136 at the Northeast corner of Section 36, Elmo Township (Township 132 North, Range 37 West), being approximately 5.00 miles.

That portion of County Highway 136, from County Highway 136 at the Northeast corner of Section 11, Parkers Prairie Township (Township 131 North, Range 37 West) to County State Aid Highway 42 all within Sections 11 and 12, Parkers Prairie Township, being approximately 0.75 miles.

be, and hereby re-designated County Highways of said County as follows, to-wit:

That portion of former County State Aid Highway 1, from County State Aid Highway 1 to County State Aid Highway 72, shall be designated as County Highway 145.

That portion of former County State Aid Highway 35, from County State Aid Highway 35 to County State Aid Highway 35, shall be designated County Highway 131 for maintenance and cost accounting purposes. For addressing purposes the County Highway will be subdivided and designated as follows:

The Eastern segment shall be designated as 370th Avenue.

The Southern segment shall be designated as 423rd Street.

The Northern segment shall be designated as 430th Street.

That portion of County Highway 136, from Trunk Highway 29 to County Highway 136, shall be designated as County Highway 138.

That portion of County Highway 136, from County Highway 136 to County State Aid Highway 42, shall be designated as County Highway 139.

Commissioner Lee seconded the motion, and upon being put to vote, was unanimously carried.

Adopted at Fergus Falls, Minnesota, this 17th day of December, 2002.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Dennis R. Mosher, County Board Chair

Attest: _____

Larry Krohn, Clerk

Planning Commission Recommendations

Conditional Use Permit – Duane & Jeannette Wahl:

Motion by Lee, second by Froemming, and unanimously carried to deny the After-the-Fact Conditional Use Permit application of Duane & Jeannette Wahl as recommended by the Planning Commission. The property is described as Star Point Estates 2nd Addition, Lot 3 Blk 1, Section 12 of Star Lake Township, Star Lake (56-385).

Conditional Use Permit – David A. Chase:

Motion by Nelson, second by Block, and unanimously carried to approve a Conditional Use Permit to add storage freezers for ice plant as presented. The property is described as Pt of GL 4 (4.17 Acres) Section 5 of Rush Lake Township, Marion Lake (56-243).

Conditional Use Permit – Gordon Scott:

Motion by Lee, second by Froemming, and carried with Nelson opposed, to approve a Conditional Use Permit to construct a driveway with conditions as recommended by the Planning Commission. The property is described as E½ of NW¼ of SW¼ (20 Ac) Section 1 of Erhards Grove Township, Unnamed Lake (56-1568).

Conditional Use Permit - Clitherall Township (Country Estate Road):

Land & Resource Director, Bill Kalar, reported that this CUP request by Clitherall Township is to widen and pave a road that services Country Estates. He stated that this request was considered by the County Board a few weeks ago and the County Board sent the request back to the Planning Commission to hear further comments by neighbors. The Planning Commission received further comment on the project and recommended approval of the CUP as stated in the original motion of November 20, 2002. Discussion followed by the County Board and a letter from Randall Mann regarding potential impact of Elm Dale Beach property was provided for the record. Motion by Mosher, second by Lee, and carried with Block opposed, to approve a Conditional Use Permit for improvement of Country Estate Road with conditions as recommended by the Planning Commission in their November 20, 2002, motion. The project is for Country Estate Road from 190th Street, North & East, approximately 6,000', Sections 14 & 15, Clitherall Township, Clitherall Lake (56-238).

Amend Conditional Use Permit – Clitherall Township (190th Street):

Motion by Mosher, second by Lee, and unanimously carried to amend the 190th Street Conditional Use Permit request to allow an additional borrow area. All other conditions remain the same as stated in the November 20, 2002, motion. The project is for 190th Street from T.H. 78 East to 150' East of Country Estate Road, approx. 3,150', Section 15 of Clitherall Township, Clitherall Lake (56-238).

EAW Process – “Blue Heron Bay”, R. Murray Partnership, LLP:

Mr. Kalar stated that this project is of sufficient size to require an Environmental Assessment Worksheet and must be prepared before the County could approve the project. The Applicants' Attorney, Bob Russell, provided colored maps of the proposed development and offered his assistance if the Board had questions. Motion by Nelson, second by Froemming, and unanimously carried to table a Conditional Use Permit for the proposed development of “Blue Heron Bay” to allow for the process of an EAW as required.

Final Plat – “Prairie Point”

Mr. Kalar reported that approval of the proposed plat of “Prairie Point” was conditioned upon several items. One condition was to show the boat accesses on the Final Plat. Anderson Land Surveying is requesting that the boat accesses not be shown on the Final Plat and, instead be addressed by restrictive covenants. Lengthy discussion followed. Motion by Mosher, second by Nelson, and unanimously carried to request the County Attorney to research the issue further and return to the County board at their December 31, 2002, meeting.

Certificates of Compliance for Sewer Systems

Mr. Kalar discussed, with the County Board, the current procedures used in issuing Certificates of Compliance for sewer systems. By consensus, commissioners requested that Mr. Kalar continue with the current procedures for issuing compliance certificates.

Planning Commission Reappointments

Motion by Lee, second by Froemming, and unanimously carried to reappoint Richard Sha (2nd District) and David Trites (4th District) to the Otter Tail County Planning Commission for a three year term effective January 1, 2003.

Final Plat – “Hancock Estates”

Motion by Mosher, second by Lee, and unanimously carried to approve the Final Plat of David Olson known as “Hancock Estates” located in Section 12 of Eagle Lake Township, Hancock Lake (56-255).

Recess & Reconvene

At 12:21 p.m., Chair Mosher declared the Otter Tail County Board of Commissioners meeting recessed for lunch break and a Building Committee meeting. The meeting was reconvened at 1:31 p.m.

Request for Forgiveness of Penalties

Treasurer, Steve Andrews, presented a request for forgiveness of tax penalty on behalf of Debbie Wendt due to the initial payment being lost in the mail. Motion by Froemming, second by Block, and unanimously carried to deny forgiveness of penalty, in the amount of \$45.96, because an error was not made by the County. The motion included that if the original check is located, the penalty should then be returned to Ms. Wendt.

Mr. Andrews presented a request for forgiveness of penalty on behalf of Gwen Macklem on four parcels because the lending institution did not pay the second half 2002 taxes correctly. Motion by Nelson, second by Lee, and unanimously carried to deny the forgiveness of penalty request, in the amount of \$56.44, as the error was not made by the County.

WACCO Membership Dues

The Board discussed annual membership dues for the Western Area City-County Cooperative. Commissioners reviewed a Department Head survey regarding the use of the WACCO program. Many items available through WACCO can be purchased by the County at a cost savings through the state bid. Motion by Block, second by Froemming, and unanimously carried not to participate as a member of WACCO for CY2003 and not to pay the membership dues of \$5,000.

Assessor's Clerical Position

Assessor Bob Moe, reported that he met with the Personnel Committee and is requesting a change in hours for one of the clerical positions in the Assessor's Office. Motion by Lee, second by Mosher, and unanimously carried to authorize a conversion of a 32 hour per week clerical position to a 35 hour per week position changing hours from 4-8 hour days per week to 5-7 hour days per week effective January 1, 2003.

Homestead Applications

Discussion took place regarding correspondence received by the commissioners relative to denial of a Homestead Application. Motion by Nelson, second by Lee, and unanimously carried to require either the Assessor or an Appraiser to state the reason in writing for denials of Homestead Applications.

MRCC Funding

Motion by Nelson, second by Froemming, and unanimously carried to approve an additional \$1,000 for the Minnesota Rural Counties Caucus (MRCC) for lobbying and news releases for issues important to rural counties.

Mileage Reimbursement Rate

Motion by Nelson, second by Block, and unanimously carried to authorize a decrease in the County's mileage rate from \$.365 per mile to \$.36 per mile based on federal IRS standards effective January 1, 2003.

Health Care Reform Act

Motion by Lee, second by Froemming, and unanimously carried to authorize the Chair's signature on Attachment 2.5 to update information for the New York Health Care Reform Acts.

Compensation Adjustments

Motion by Lee, second by Mosher, and unanimously carried to authorize a 2% market rate adjustment and a 3% cost of living adjustment to non-union employees effective January 1, 2003.

Motion by Nelson, second by Froemming, and unanimously carried to adjust the County Commissioners' annual compensation to \$25,200 effective January 1, 2003.

Adjournment

At 2:15 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, December 24, 2002.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: _____
Larry Krohn, Clerk

By: _____
Dennis R. Mosher, County Board Chair