

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, January 28, 2003
9:30 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, January 28, 2003, at 9:30 a.m. at the Otter Tail County Courthouse with Commissioners Malcolm Lee, Chair; Dennis Mosher, Roger Froemming, and Bob Block present. Vice-Chair, Syd Nelson, was present at 9:40 a.m.

Approval of Agenda

Motion by Mosher, second by Block, and unanimously carried to approve the Human Services agenda of January 28, 2003, as mailed.

Approval of Minutes

Motion by Froemming, second by Mosher, and unanimously carried to approve the Human Services Board minutes of January 14, 2003, as mailed.

WCR Juvenile Center Advisory Board

Motion by Froemming, second by Block, and unanimously carried to reappoint Commissioner Syd Nelson and Court Services Director, Chuck Kitzman, to the West Central Regional Juvenile Center Advisory Board effective January 1, 2003, for a two-year term.

Legislative Budget Discussion

Public Health Director, Diane Thorson, reported that the Governor has recommended deleting the WIC funding. WIC is a federal program with added state funding to run the program. She stated that this would affect Otter Tail County WIC funding by about \$44,000. There is also discussion at the state level to shift payment of Community Health Service funding from May into June.

Approval of Contracts

Motion by Froemming, second by Mosher, and unanimously carried to authorize the Chair's signature to execute the following CY 2003 contract renewals with the County of Otter Tail:

St. Williams Annex	Residential Treatment Services for Adult Mental Health
A Place to Belong	Adult Mental Health Initiative
Lakeland Mental Health Center	Case Management Services for Adults with Mental Illness
Lakeland Mental Health Center	Crisis Responder Program Services serving Becker, Clay, Otter Tail, and Wilkin Counties
Lakeland Mental Health Center	Community Support Program Services for Persons with Mental Illness
Productive Alternatives, Inc.	Sheltered Employment, Supported Employment, and Follow-up Service

Food Support Enhancement Funds

Human Services Director, John Dinsmore, reported that the Food Support Enhancement Funds for CY2003 would be approximately \$38,000. He requested that the funds be used for New York Mills remodeling expenses, computer purchases, and not to exceed \$5,000 for the

LSS Refugee Program in Pelican Rapids. Motion by Nelson, second by Froemming, and unanimously carried to authorize the Food Support Enhancement Funds for CY 2003 to be used as proposed by the Human Services Director.

MACSSA Meeting

Mr. Dinsmore briefed the County Board on a recent Minnesota Association of County Social Service Administrators (MACSSA) meeting. A document has been completed by this group to identify core services in the Human Services field, which will be submitted to the AMC. The document could be used when grant reductions are being considered by the legislature. Discussion took place regarding the compact proposing a new facility to deliver MI and CD services. Because of billing procedures, smaller centers located throughout the County rather than one center may be proposed.

Approval of Bills and Claims

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

Adjournment

At 10:40 a.m., the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, February 11, 2003.

Dated: _____ OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____
Malcolm K. Lee, Human Services Chair

Attest: _____
Larry Krohn, Clerk

Call to Order – County Board

The Otter Tail County Board of Commissioners convened Tuesday, January 28, 2003, at 11:00 a.m. at the Otter Tail County Courthouse with Malcolm Lee, Chair; Syd Nelson, Vice-Chair; Dennis Mosher, Roger Froemming, and Bob Block present.

Approval of Agenda

Motion by Nelson, second by Block, and unanimously carried to approve the County Board agenda of January 28, 2003, with the following addition:

Discussion – Watershed Board Resolution

Approval of Minutes

Motion by Mosher, second by Froemming, and unanimously carried to approve the County Board minutes of January 21, 2003, as mailed.

Approval to Pay Bills

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

Minnesota AWAIR Act Safety Policy & Programs

Safety Director, Tiny Holm, presented an updated/revised AWAIR (A Workplace Accident and Injury Reduction Program) Policy. Motion by Froemming, second by Block, and unanimously

carried to approve the revised Otter Tail County Safety Program Policy and Programs to Promote Worker Safety and Health, implementing the Minnesota AWAIR Act of 1991, as presented.

Bid Award for Repair of CSAH No. 83 Bridge

Highway Engineer, Rick West, presented quotations for repair of Bridge No. 56509, CSAH No. 83, as follows:

Robert R. Schroeder Construction, Inc. \$34,000.00
 Glenwood, MN

Redstone Construction \$53,800.00
 Mora, MN

Motion by Mosher, second by Froemming, and unanimously carried to award the pier cap replacement of Bridge No. 56509 on CSAH No. 83 to Robert R. Schroeder Construction, Inc. in the amount of \$34,000.00 as recommended by the Highway Engineer.

CY2003 Light Duty Vehicle Purchase

Motion by Block, second by Mosher, and carried with Lee abstaining, to authorize purchase of the following vehicles from Minnesota State Bid Contract Release, T-642(5) from the following vendors:

	VEHICLE	VENDOR	BUDGET	QUOTE
Engineering	2003 Dodge 1500 2wd Extended Cab	Nelson Dodge – GMC Fergus Falls, MN	\$16,000.00	\$16,790.00
Henning Garage	2003 Chevrolet 2500 2wd Regular Cab	Thane Hawkins Polar Chevrolet White Bear Lake, MN	\$18,000.00	\$16,808.66
Vergas Garage	2003 Chevrolet 2500 2wd Regular Cab	Thane Hawkins Polar Chevrolet White Bear Lake, MN	\$18,000.00	\$16,808.66
Maintenance Supervisor	2003 Dodge 1500 4wd Extended Cab	Nelson Dodge – GMC Fergus Falls, MN	\$24,000.00	\$19,786.00
Engineering	2003 Dodge 1500 4wd Extended Cab	Nelson Dodge – GMC Fergus Falls	\$24,000.00	\$20,308.00
Total			\$100,000.00	\$90,501.32

**Resolution Re-Designating County Highways
 (Correction to Resolution No. 2002 – 65)
 Otter Tail County Resolution No. 2003 - 04**

Commissioner Mosher offered the following and moved its adoption:

WHEREAS, THE Otter Tail County Board of Commissioners adopted Resolution No. 2002 – 65 on December 17, 2002, re-designating certain County Highways, AND

WHEREAS, there is an error in the Otter Tail County rural addressing designation of County Highway 131.

NOW, THEREFORE, BE IT RESOLVED, by the Otter Tail County Board of Commissioners that the Northern segment of County Highway 131 be corrected to state 432nd Street for addressing purposes as follows:

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 432nd 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 Nelson seconded the motion, and upon being put to vote, was unanimously carried.

Adopted at Fergus Falls, Minnesota, this 28th day of January, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

Highway Project Update Culvert Installation – North Side of Marion Lake

Mr. West briefed the County Board on current highway construction and design projects.

Mr. West reported that Dead Lake Township is requesting reimbursement from the County for installing a culvert to resolve a drainage issue on the north side of Marion Lake. Discussion followed. Motion by Nelson, second by Froemming, and carried with Mosher opposed, to reimburse Dead Lake Township 90% of the total cost of installation of a culvert on Marion Lake. Commissioners Nelson and Froemming withdrew their motion and second respectively. Motion by Nelson, second by Froemming, and unanimously carried to reimburse Dead Lake Township 100% of the total cost of installation of a culvert on the north side of Marion Lake, (approximate cost \$1,250) with reimbursement to the Highway Budget from the General Revenue Fund.

Approval of Final Payment

Motion by Mosher, second by Froemming, and unanimously carried to authorize final payment per Estimate No. 4, in the amount of \$5,351.84, payable to Traffic Marking Services, Inc. for completion of the 2002 County Wide Traffic Marking contract.

Recess & Reconvene

At 11:54 a.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:00 p.m.

Veterans Service Office Update

VSO, Jourdan Sullivan, introduced new Veterans Service Officer, Bernie Gamber. Mr. Gamber will be working out of the New York Mills office to service veterans in the east side of the County. Mr. Sullivan briefed the Board regarding the satellite offices located throughout the County, the new priority to enroll veterans in the health care system, and the possible closure of some VA facilities.

Otter Tail County Water Plan Update

Shelley Becklund and Bruce Brenden, representing the Water Plan Committee, reported that the committee is working on updating the County Water Plan, which is required every ten years. They briefed the County Board on the process, which includes public meetings to

allow the public to state their concerns about water resources in the County. They requested assistance from the County GIS Department to provide maps to show soil types, emergent vegetation, sensitive areas such as bluffs in shoreland areas, etc. for the public meetings. Motion by Mosher, second by Froemming, and unanimously carried to authorize the GIS Department to assist the Water Plan Committee with mapping.

Ditch #38

Chairman Lee opened discussion regarding the letter received by the County Board from Attorney, Kurt Deter, regarding the Redetermination Order for Ditch #38. Lengthy discussion took place. No action was taken by the Board.

Alcohol Compliance-Check Penalties

Motion by Block, second by Lee, to adopt the following Violation Grid for alcohol compliance check violations with all businesses subject to the "Best Practices" Violation Grid until after the Best Practices Program (training and education) is fully in place:

Normal Violation Grid

Type of License	1st Violation	2nd Violation	3rd Violation	4th Violation
On-Sale or Off-Sale Intoxicating Liquor	\$500 & 3 days suspension	\$1,000 & 7 days suspension	\$2,000 & 12 days suspension	REVOCAION
On-Sale Beer or Wine or Off-Sale 3.2 Malt	\$500 & 5 days suspension	\$1,000 & 10 days suspension	\$2,000 & 15 days suspension	REVOCAION

"Best Practices" Violation Grid

Type of License	1st Violation	2nd Violation	3rd Violation
On-Sale or Off-Sale Intoxicating Liquor	\$500	\$1,000 and 3 days suspension, stayed	See 3 rd Violation on Normal Violation Grid and removed from "Best Practices" Program
On-Sale Beer or Wine or Off-Sale 3.2 Malt	\$500	\$1,000 and 5 days suspension, stayed	See 3 rd Violation on Normal Violation Grid and removed from "Best Practices" Program

Chairman Lee called for a roll call vote:

Commission District 5	Block	Yea
Commission District 3	Mosher	Nay
Commission District 4	Froemming	Yea
Commission District 1	Nelson	Nay
Commission District 2	Lee	Yea

Motion carried 3 – 2.

License Approval

Motion by Mosher, second by Froemming, and unanimously carried to approve the following applications for license:

Under Mart Underwood, MN	Tobacco
The Peak Supper Club Clitherall, MN	Renewal of Consumption and Display Permit

Application for Exempt Permit

Motion by Mosher, second by Nelson, and unanimously carried to approve, with no waiting period, the LG220 Application for Exempt Permit, as submitted by the Minnesota Waterfowl Association – Prairie Wings Chapter for an event scheduled for June 7, 2003, at Ostroms Sports.

Red River Valley Development Association Appointment

Motion by Nelson, second by Block, and unanimously carried to reappoint Commissioner Roger Froemming as Otter Tail County’s representative on the Board of Directors of the Red River Valley Development Association effective March 1, 2003, for a one-year term.

Land & Resource Management Fee Schedule

Motion by Mosher, second by Block, and unanimously carried to authorize the following Land & Resource Management fee schedule:

Sewage System Permit	\$75.00
Site Permit 0 – 499 Sq. Ft.	\$75.00
500 Sq. Ft. (or larger)	\$150.00
Grade/Fill Permit	\$100.00
Variance Application	\$175.00*
Conditional Use Application	\$200.00*
Subdivision Filing Fee	\$250.00
Final Plat Filing	\$130.00 + \$10.00 per Lot**
Appeal Fee	\$50.00
AFTER-THE-FACT PERMIT	\$500.00

*\$20.00 Recording Fee Included

**Recording and Digital Mapping Fees

Environmental Assessment Worksheet – Blue Heron Bay

Land & Resource Director, Bill Kalar, provided copies of the EAW for the proposed plat of Blue Heron Bay dated January 20, 2003, and a tentative timeline for required action.

**Resolution Authorizing the Execution of an Amendment
To the Waste Delivery Agreement Between the
City of Perham and the County of Otter Tail
Otter Tail County Resolution No. 2003 - 05**

Commissioner Froemming offered the following and moved its adoption:

WHEREAS, the State of Minnesota through the enactment of a Solid Waste Management Act has declared that it is the State's policy to abate landfilling through the application and encouragement of resource recovery facilities, source reduction, recycling, and other alternatives; and

WHEREAS, the City of Perham, (the "City") as owner of an existing municipal solid waste combustion facility, known as the City of Perham Resource Recovery Facility (the "Facility"), contracted for retrofitting the Facility to meet Minnesota and pending Federal air emissions rules and upon completion of the retrofit, will make the Facility available to various Minnesota Counties to meet the State's solid waste management policies; and

WHEREAS, following satisfactory completion of the Facility retrofit, a Facility Operator will operate and maintain the Facility; and

WHEREAS, Otter Tail County (the "County") has determined that the use of resource recovery incineration facilities will reduce the volume of solid waste generated in the County that would otherwise be deposited in landfills and that will result in a recovery of energy that would otherwise be lost; and

WHEREAS, to finance the Facility retrofit, the City issued its \$8,215,000 General Obligation Disposal System Revenue Bonds, Series 2001 (the "Series 2001 Bonds") and the City entered into an Agreement Between the City of Perham, Minnesota and the County for Waste Deliveries to the Perham Solid Waste Facility, dated March 27, 2001, (the "Original Agreement") in which the County agreed to the delivery of waste or payments in lieu of such deliveries and guaranteed its share of debt service on the Series 2001 Bonds; and

WHEREAS, the Facility has experienced unforeseen problems during construction that have increased the costs associated with retrofitting the Facility (the "Completion Costs"); and

WHEREAS, to finance the Completion Costs, the City will issue its General Obligation Disposal System Revenue Bonds, Series 2003, (the "Series 2003 Bonds") in the maximum aggregate principal amount of \$1,750,000 and, to obtain bond financing, the City seeks an additional commitment by the County to guarantee the County's share of the debt service payments on the Series 2003 Bonds pursuant to a supplement and amendment to the Original Agreement; and

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

1. Guaranty. The County hereby agrees that it will guaranty its share of the debt service on the Series 2003 Bonds as provided in the First Amendment approved in Section 2 of this Resolution.
2. Approval, Execution and Delivery of First Amendment to the Original Agreement. The Chairperson and the County Auditor are hereby authorized and directed to execute, attest, and deliver the First Amendment to the Waste Delivery Agreement Between the City of Perham and Otter Tail County, Minnesota for Waste Deliveries to the Perham Solid Waste Facility (the "First Amendment"). All of the provisions of the First Amendment, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if

incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The First Amendment shall be substantially in the form annexed hereto with such necessary and appropriate variations, omissions, and insertions as permitted or required, or as the Chairperson, in his or her discretion, shall determine, including that the term of the contract will not be extended beyond the original agreement, and the execution thereof by the Chairperson shall be conclusive evidence of such determination.

Commissioner Nelson seconded the motion, and upon being put to a roll call vote, was adopted as follows:

Commission District 4	Froemming	Yea
Commission District 1	Nelson	Yea
Commission District 5	Block	Yea
Commission District 3	Mosher	Yea
Commission District 2	Lee	Yea

Adopted by the Board of Commissioners of Otter Tail County, Minnesota, this 28th day of January, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

Canine Drug Dog Program

Commissioner Froemming presented a check from the Parkers Prairie Lions Club, in the amount of \$400, to be used as a donation for the Sheriff's Department Canine Drug Dog Program.

**Resolution Supporting Buffalo-Red River Watershed
District Legislation to Create Fund for "Common Benefit" Projects/Programs
Otter Tail County Resolution No. 2003 - 06**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, There is a recognized need for the Buffalo-Red River Watershed District (BRRWD) to have taxing authority for the development of projects/programs that benefit the District; and

WHEREAS, The BRRWD has a history of using funds from the Red River Watershed Management Board (RRWMB) account for projects such as: LIDAR mapping, floodplain management, stream bank erosion, and education; and

WHEREAS, The Board of Managers, BRRWD, has decided to withdraw their membership from the RRWMB, effective October 1, 2002, which means they will no longer be allowed to

use the joint Powers taxation, and there will be no way in the future for the BRRWD to fund local projects/programs; and

WHEREAS, The BRRWD has proposed a bill for an act related to taxation, that would amend Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 5, allowing for a local taxation to replace the RRWMB tax so they can continue with the development of projects/programs of common benefit to the district; and

WHEREAS, Counties appointing Managers to the BRRWD would have ultimate control regarding use of said taxation through their appointments;

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners urges the Minnesota Legislature to approve this proposed bill for the BRRWD.

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

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Malcolm K. Lee, County Board Chair

Attest: _____

Larry Krohn, Clerk

Adjournment

At 3:11 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, February 4, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Malcolm K. Lee, County Board Chair

Attest: _____

Larry Krohn, Clerk