

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, August 5, 2003
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, August 5, 2003, 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 Mosher, second by Block, and unanimously carried to approve the County Board agenda of August 5, 2003, with the following addition:

11:10 a.m. – Court Services Director – Request to Establish Bank Accounts

Approval of Minutes

Motion by Froemming, second by Nelson, and unanimously carried to approve the County Board minutes of July 22, 2003, as presented.

Approval to Pay Bills

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

**Physical Security & Personal Safety Policy
Approval of Grant Agreement**

Safety Director, Tiny Holm, presented the Otter Tail County Operational Policies for Physical Security & Personal Safety implemented under M.S. Chapter 15.86. Motion by Block, second by Mosher, and unanimously carried to approve the Otter Tail County Physical Security & Personal Safety Policy as presented, subject to a clerical correction on Page 4 of the document.

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a Grant Contract between the Commissioner of Public Safety, Division of Emergency Management, and the County of Otter Tail for the period of October 1, 2002 through September 30, 2003. This grant, not to exceed \$21,926, is federal funding that pays for a portion of the County's Emergency Management Director salary. Mr. Holm reported that all qualifications to receive the grant have been met.

Request for Off-Sale Liquor License

Rick Green, owner of Sparetime Bar & Grill, stated that he is seeking an off-sale liquor license. He stated that there is decreased bar business because of new laws; however, the off-sale business is increasing. There are several off-sale licenses (located in municipalities) within several miles of his business and in order to compete, he is seeking this license. County Attorney, David Hauser, referred to M.S. 340A.405 Subd. 2, which prohibits the issuance of off-sale liquor license when the establishment is located within a mile of a municipality. Commissioners referred Mr. Green to state legislators to request that they introduce a bill to change the law at their next legislative session.

County Ditch No. 25
County Ditch No. 68

Ditch Inspector, Randy Wasvick, stated that County Ditch No. 25 runs between Round Lake and Star Lake. He presented a drawing on behalf of Mike Hagen showing his proposed construction of a private drive into property that crosses Ditch No. 25. The Land & Resource Director and Ditch Inspector reviewed the plan as favorable. Motion by Lee, second by Froemming, and unanimously carried to authorize Mike Hagen's request to construct a private drive that will cross Ditch No. 25 as presented.

The Ditch Inspector reported a problem with beaver plugging a culvert under a Township Road in Ditch No. 68, Inman Township. Motion by Froemming, second by Mosher, and unanimously carried to approve a clean out of a culvert in the Ditch No. 68 System using the funds in the ditch system to pay for the service.

GSC Project

Architect, David Shultz, reported that the remodeling of the GSC building is in the last 5-10% of the project. He reported that a decision has been made to shift the proposed move scheduled for August 15th to the September 5th weekend because of some construction delivery issues. Physical Plant Manager, Rick Sytsma, reported that the Fergus Falls School District will be purchasing most of the furniture from the 121 Washington Avenue building and that the Child Support Unit will be temporarily located in the 505 South Court building. Lengthy discussion took place regarding closing departments Monday after their respective move to allow employees to organize their areas and provide good customer service the following day. Commissioners agreed that each department may decide individually if they need to be closed to the public the day following their move. Ann Packer from Shultz Torgerson Architects briefed the County Board regarding the vendors that submitted an estimate for moving County departments to the GSC building. Bids were received from four vendors; the bids were analyzed for hourly rate, crew size, on-site supervision, etc. Ms. Packer recommended hiring Beltmann Group. Commissioner Block expressed concern regarding control of the length of time spent by the movers; however, since that will be supervised by the on-site Move Coordinator, motion by Block, second by Lee to hire Beltmann Group as the vendor responsible to move departments into their new spaces in the Government Services Center. Motion and second were withdrawn, as a motion is not required based on the County's Contract Administration Guidelines.

Highway Contracts

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 Mark Sand & Gravel Co. to perform construction work on CR No. 119 from TH 210 South 6.048 miles to CSAH No 47, C.P. 03:119B. The motion is contingent upon the County Attorney's approval.

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 Central Specialties, Inc. for construction work on CSAH No. 5 from TH 210 to 180th Street South of Clitherall, S.P. 56-605-06. The motion is contingent upon the County Attorney's approval.

Bid Award – S.P. 56-696-02 & S.A.P. 56-696-03

After previously advertising for bids, Highway Engineer, Rick West, opened the following bids at 1:00 p.m. on July 16, 2003 for Bridge Replacement and Street Reconstruction on CSAH 96 in the City of Pelican Rapids:

Robert R. Schroeder Construction Glenwood, MN	\$1,014,259.11
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Mark Sand & Gravel Acquisition Co. Fergus Falls, MN	\$1,326,169.50
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Motion by Lee, second by Nelson, and unanimously carried to award S.P. 56-696-02 & S.A.P. 56-696-03 to Robert R. Schroeder Construction of Glenwood, MN as the low bidder, at a bid price of \$1,014,259.11.

**Fund Transfer
Increased Change Fund**

Motion by Mosher, second by Froemming, and unanimously carried to approve an operating transfer, in the amount of \$35,030.58, from the General Revenue Fund to the Tax Forfeited Land Sale Fund for maintenance and cleanup cost incurred in 2003.

Motion by Block, second by Mosher, and unanimously carried to increase the License Center change fund from \$175.00 to \$600.00.

Closure of Motor Vehicle License Center

Motion by Mosher, second by Block, and unanimously carried to authorize the closing of the License Center (Motor Vehicle, Driver's License, and Game & Fish) office on Thursday, September 18, 2003, for the purpose of allowing staff to attend the Department of Motor Vehicle's annual training seminar in Alexandria.

Request to Use a Tax Forfeited Site

Motion by Mosher, second by Froemming, and unanimously carried to authorize the Underwood Community Club to use the Underwood Grain Elevator Site during the Underwood Harvest/Fall Festival.

Establishment of Bank Accounts

Chuck Kitzman, Court Services Director, requested approval to establish two bank accounts for the purpose of collecting local correction fees with credit cards. One bank account would be opened at Security State Bank in Fergus Falls and the other at the East Otter Tail Credit Union. He reported that the State Auditors have assisted in developing this process. Motion by Nelson, second by Froemming with Mosher abstaining, to approve the opening of two bank accounts as presented contingent upon the approval of the Treasurer.

New York Mills Building

Motion by Nelson, second by Froemming, and unanimously carried to authorize the use of the conference room at the New York Mills building for Newton Township's monthly meetings. Newton Township would be responsible for a nominal fee (to be determined) for use of the room and for scheduling their monthly meetings with the Maintenance Staff at the New York Mills building.

**Closed to the Public - Performance Evaluation
Recess**

At 11:30 a.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners closed to the public for the purpose of evaluating the performance of GIS Data Base Coordinator, Sherry Leabo, pursuant to M.S. Chapter 13D.05 Subd. 3. All five seated commissioners were present for the evaluation. A summary of performance conclusions will be provided at the next regular County Board meeting. At 11:50 a.m., upon conclusion of the performance evaluation, Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break.

Reconvene

At 1:30 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners reconvened.

**Support for the Right to Practice Forestry Act
Otter Tail County Resolution No. 2003 - 49**

Commissioner Mosher offered the following and moved its adoption:

WHEREAS, the practice of forestry is extremely important to the economy, environment, high-quality scenery, diversity of wildlife, and quality of water in lakes and streams in this state, and

WHEREAS, the proper use of forest resources is an inherent element in the viability and sustainability of communities located in forestland, and

WHEREAS, the availability of forest resources is critical for supporting quality health facilities, quality educational systems, and employment for residents choosing to live on forest land or in forest land communities, and

WHEREAS, prescriptive management of forestland through proactive quality land stewardship programs utilizing combined biophysical information and silvicultural principles and practices is necessary for the establishment of new forest crops, tending existing and new forest crops and removal of wood fiber, and

WHEREAS, the protection of private property rights is an integral part of the right to practice forestry.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners supports the passage of SF1092, "The Right to Practice Forestry Act".

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

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Malcolm K. Lee, County Board Chair

Attest: _____

Larry Krohn, Clerk

Public Hearing to Amend Lake Improvement District Orders

At 1:35 p.m., Chairman Lee opened the Public Hearing to amend the established Lake Improvement District Orders. County Attorney, David Hauser, stated that after three of the lake improvement districts had been established, absentee balloting procedures for LID's became a law. Ron Anderson from the Little McDonald and Paul LID and Mr. Lund from the PGOLID both spoke in favor of the amendment. Motion by Nelson, second by Froemming, and unanimously carried to adopt the proposed language to establish absentee balloting procedures for Otter Tail County Lake Improvement Districts. The language will be inserted into the current, four LID Orders.

Reclassifications

Motion by Mosher, second by Block, and unanimously carried to honor two reclassifications, one in the County Attorney's office and one in the Treasurer's office, because these reclassification requests were in process before the motion to freeze all reclassifications was adopted on July 22, 2003.

Job Opportunity Building Zones (JOBZ)

County Coordinator, Larry Krohn, informed the Board that West Central Initiative will apply for Job Opportunity Building Zones for the nine counties in their region. A decision regarding where these JOBZ will be located will be made at the end of this year.

Dog Bite Order of Findings

Mr. Hauser presented the Order of Findings for the Dog Bite Hearing held July 22, 2003, for a dog owned by Evelyn Swedberg.

Health Insurance Continuation Policy

Motion by Mosher, second by Block, and unanimously carried to approve the Health Insurance Continuation Policy as presented. This policy/guideline was requested by Blue Cross Blue Shield of MN, the County's health insurance carrier.

Adjournment

At 2:10 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, August 12, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk