

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Otter Tail County Courthouse  
Commissioners' Room, Floor 1-B  
Tuesday, September 23, 2003  
9:30 a.m.**

**Call to Order**

The Otter Tail County Human Services Board convened Tuesday, September 23, 2003, at 9:35 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 Human Services agenda of September 23, 2003, as mailed.

**Approval of Minutes**

Motion by Froemming, second by Nelson, and unanimously carried to approve the Human Services Board minutes of September 9, 2003, as mailed.

**Correction to June 24, 2003, Human Services Minutes**

Motion by Froemming, second by Nelson, and unanimously carried to approve the following correction to the June 24, 2003, Human Services Minutes under the heading "Legislative Rate Reductions":

The motion currently reads "Motion by Mosher, second by Froemming, and unanimously carried to authorize a 1% rate reduction to all chemical health providers effective July 1, 2003, as mandated by legislation."

The motion is corrected to replace the words "chemical health providers" to "continuing care services providers".

**Approval of Replacement for Support Staff Position**

Court Services Director, Chuck Kitzman, informed the Board of a support staff resignation in his department and requested permission to advertise and replace the position. He stated that approximately 80% of the salary for this position is covered by the Caseload/Workload grant and the remaining dollars are covered by County funds. Motion by Block, second by Mosher, and unanimously carried to authorize the Court Services Director to proceed with the hiring process to replace this support staff position in the Court Services Department.

**Federal Grant for Radon Awareness  
Ordinance Revisions & Tobacco Compliance Grant**

Public Health Director, Diane Thorson, reported that a \$2,500 Radon Grant has been received to raise awareness for the need for testing for radon. Testing kits and brochures will be available. The grant is a federal grant sent to Otter Tail County from the Minnesota Department of Health.

Ms. Thorson reported that the Public Health Nuisance Ordinance needs to be reviewed as it relates to Methamphetamine houses. Ms. Thorson has been notified that Otter Tail County did not receive a Tobacco Compliance Grant in the amount of \$52,250.

### **Contract Renewal**

Motion by Nelson, second by Froemming, and unanimously carried to authorize the appropriate County officials' signatures to execute a Purchase of Service Agreement between the County of Otter Tail and Perham Hospital District (Perham Memorial Home Care) for the period of July 1, 2003 through June 30, 2004, for the purchase of home health care services.

### **Proposed Child Care Licensing Fees**

Human Services Director, John Dinsmore, presented a letter dated September 11, 2003, which was sent to all licensed Child Care Providers and a draft of the proposed policy dated 8/5/03. Legislative action took place this past year to allow counties to charge for the permitting/licensing process and background checks for Child Care Providers. Human Services Supervisor, Jodi Wentland, reviewed the mandated licensing requirements with the County Board.

### **Children's Justice Initiative Grant Awards**

Motion by Froemming, second by Mosher, and unanimously carried to accept \$4,166, from funds available from the federal government pursuant to Title IV-B2 of the Social Security Act. The funding is for alternatives to the court process, i.e. pre-petition mediation services and flexible funding for families to complete case plans.

Motion by Nelson, second by Froemming, and unanimously carried to accept a Children's Justice Act grant award, in the amount of \$2,000, from funds available from the federal government pursuant to the Children's Justice Act, Section 107(a) of the child Abuse Prevention and Treatment Act. The funding will be used to improve child protection processes.

### **Purchase of Service Agreement for Wilkin County**

Motion by Mosher, second by Block, and unanimously carried to authorize the appropriate County officials' signatures to execute a Purchase of Service Agreement between the County of Otter Tail and Wilkin County for the period of September 1, 2003 through December 31, 2004. Wilkin County will purchase supervision services from Otter Tail County at a cost of \$60.00 per hour, not to exceed eight hours per month.

### **Approval of Bills & Claims**

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

### **Closed to the Public**

At 10:20 a.m., Chairman Lee declared the meeting of the Otter Tail County Human Services Board closed to the public for the purpose of evaluating the performance of Public Health Director, Diane Thorson, 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 Human Services Board meeting.

**Adjournment**

At 10:55 a.m., Chairman Lee declared the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, October 14, 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, September 23, 2003, at 11:02 a.m. at the Otter Tail County Courthouse with Malcolm Lee, Chair; Syd Nelson, Vice-Chair; Roger Froemming, Dennis Mosher, and Bob Block present.

**Approval of Agenda**

Motion by Froemming, second by Nelson, and unanimously carried to approve the County Board agenda of September 23, 2003, with the following additions:

- Bill Kalar - Request for Approval of Two Final Plats
- Tiny Holm - Request for Approval of Emergency Operations Plan

**Approval of Minutes**

Motion by Mosher, second by Block, and unanimously carried to approve the County Board minutes of September 15, 2003, as presented.

**Approval of Minutes**

Motion by Froemming, second by Nelson, and unanimously carried to approve the County Board minutes of September 16, 2003, as presented.

**Approval to Pay Bills**

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

**Planning Commission Recommendations**

Preliminary Plat & Conditional Use Permit – “Long Lake Maple View”/George Townsend et al:  
Motion by Lee, second by Mosher, and unanimously carried to accept the request of the Attorney for the developers to withdraw the Preliminary Plat request for “Long Lake Maple View” and Conditional Use Permit. The property is described as S½ NE¼ & Lots 1, 8 & 9 ex 2.07 AC, Section 14 of Elizabeth Township; Long Lake (56-784).

Conditional Use Permit – Gary E. Reitan:

Motion by Nelson, second by Froemming, and unanimously carried to approve a Conditional Use Permit to prepare a building site for a proposed dwelling with conditions as recommended by the Planning Commission. The property is described as Lot 5 Blk 1, Long Lake Shores, Section 28 of Hobart Township; Long Lake (56-388).

Conditional Use Permit – Preston & Susan Eidenschink:

Motion by Nelson, second by Froemming, and unanimously carried to approve a Conditional Use Permit to develop a building site with conditions as recommended by the Planning Commission. The property is described as Rose Acres Lot 10 Blk 1, Section 17 of Hobart Township; Rose Lake (56-360).

Conditional Use Permit – Robert Ethan Steinbrueck:

Motion by Lee, second by Block, and unanimously carried to approve a Conditional Use Permit to fill some low areas with conditions as recommended by the Planning Commission. The property is described as Tanglewood Shores, Lot 6 Blk1, Section 2 of Dunn Township; Little Pelican Lake (56-761).

Conditional Use Permit – Duane M. Hirsch:

Motion by Lee, second by Froemming, and unanimously carried to approve a Conditional Use Permit to build retaining walls on the sides of a walkout basement with conditions as recommended by the Planning Commission. The property is described as Tr in GL 2, 142' x 55' on Lake x 158.3' x 65' called Lot A-52, Section 2 of Dunn Township; Little Pelican Lake (56-761).

Conditional Use Permit – Gary Ware:

Motion by Nelson, second by Froemming, and unanimously carried to approve a Conditional use Permit for replacement of a railroad tie retaining wall as presented. The property is described as West 116' of East 350' of Sub Lot A of Government Lot 9, Section 3 of Hobart Township; Wimer Lake (56-355).

Conditional Use Permit – Faith Haven Camp, Inc:

Motion by Mosher, second by Block, and unanimously carried to deny a Conditional Use Permit, as recommended by the Planning Commission, to install a 5' diameter steel fire ring and post and plank seating. The property is described as Bg at NE Cor of NW ¼ NE ¼ N 10.53',... Section 10 of Eagle Lake Township; Eagle Lake (56-253).

Conditional Use Permit – Raymond & Nancy Ward:

Motion by Block, second by Nelson, and carried with Mosher opposed, to deny a Conditional Use Permit, as recommended by the Planning Commission, to construct a retaining wall. The property is described as Lot #1, South Swan Oak Estates, Section 30 of Dane Prairie Township; Swan Lake (56-781).

Conditional Use Permit – Oak Lodge Resort/William & Charlene Steinhoff:

Motion by Lee, second by Mosher, and unanimously carried to approve a Conditional Use Permit to convert the existing Oak Lodge Resort cabins to single family seasonal dwellings (maximum of 18 units) with conditions as recommended by the Planning Commission. The property is described as Pt GL 2, Pt GL 3 & Pt SL A, Section 29 of Lida Township; Lake Lida (56-747).

Conditional Use Permit – Otter Tail County Highway Department:

Motion by Mosher, second by Lee, and unanimously carried to approve a Conditional Use Permit to replace two deficient culverts on CSAH 88 near Johnson Lake with conditions as recommended by the Planning Commission. The project is located in GL 2 & 3, Section 12 of Carlisle Township along CSAH No. 88; Johnson Lake (56-979).

Conditional Use Permit – Otter Tail County Highway Department:

Motion by Mosher, second by Block, and unanimously carried to approve a Conditional Use Permit to replace a deficient culvert on CH 110 over the Mustinka River with conditions as recommended by the Planning Commission. The project is located 1,148.5 ft. East of the SW Corner of Section 22 & 27 of Aastad Township, crossing of CH 110 and Mustinka River; Mustinka River (56-TR).

**Extension Requests**

Motion by Lee, second by Froemming, and unanimously carried to approve an extension, until October 15, 2003, for Conditional Use Permit No. 6061 for Thomas Bunkowski on Dora Lake (56-503).

Motion by Lee, second by Mosher, and unanimously carried to approve an extension, until November 21, 2003, for a Conditional Use Permit for Layman R. Milburn et al on Star Lake (56-385).

**Final Plats**

Motion by Mosher, second by Block, and unanimously carried to approve the Final Plat of Angela Berge known as "Prairie Point", GL 3 of Section 4, Township 132, Range 42, Dane Prairie Township on Wall Lake.

Motion by Froemming, second by Nelson, and unanimously carried to approve the Final Plat of Richard Spanswick and Marie Spanswick known as "Spanswick Second Addition", GL 2 and 3 of Section 4, Township 133, Range 39, Girard Township, Hanson Lake (56-197).

**2004 Natural Resources Block Grant**

Land & Resource Director, Bill Kalar, presented the 2004 Natural Resources Block Grant grants totaling \$102,702 requiring an in-kind match of \$88,267. Motion by Mosher, second by Block, and unanimously carried to authorize the Land & Resource Director to apply for the 2004 NRBG as presented.

**Snowmobile Performance Grants**

Motion by Froemming, second by Nelson, and unanimously carried to authorize the appropriate County officials' signatures to execute the following snowmobile grant agreements:

Prairie Snow Drifters Snowmobile Trail	\$2,873.00
Henning Sno Cruisers Snowmobile Trail	5,985.00
Otter Country Trail Association (OCTA) Snowmobile Trail	29,685.00
Lake Runners Trail Association (LRTA) Snowmobile Trail	18,434.00
Otter Trail Riders Snowmobile Trail	34,713.00

**Lease Proposal**

County Coordinator, Larry Krohn, reported that the Building Committee met with the University of Minnesota Extension's District Director and staff at the US Bank building. There is a lot of space in the building that could be configured in different formats. The proposal includes:

- Public Health Director's former office
- Main floor conference room
- Main floor support (clerical) area

The total of these three areas is approximately 1300 sq. ft., which is the space requested by the University of Minnesota.

Additionally, the Building Committee recommends the following after meeting with the District Director:

- \$12 per sq. ft./yr. including custodial & utility costs
- \$650/mo for fiber optic internet connection
- Renewal agreements for 2 yr. periods with a 3% CPI
- Parking is limited; however, adjacent parking is available in the lot owned by the City of Fergus Falls

Motion by Block, second by Lee, and unanimously carried to approve the above lease proposal to the University of Minnesota Extension Service for Regional Office space as presented.

### **Storage Space**

Court Administrator, Kathryn Ouren, requested temporary and long-term storage. Commissioners requested the Physical Plant Manager to assist with providing short-term storage for several months. Ms. Ouren will work with the Architect for long term storage assessment and a final plan.

### **Recess & Reconvene**

At 11:50 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.

### **Payroll Discussion**

Treasurer, Steve Andrews, discussed the payroll process with the Board. Motion by Block, second by Mosher, and unanimously carried to approve a new payroll policy as follows: Effective November 30, 2003, all payroll direct deposits will be sent out the day before the actual payday. Regular paychecks will be mailed out on the actual payday. Picking up your checks or paystubs in the Treasurer's office will no longer be an option.

### **4-H Update**

Extension Educator, Donna Geiser, presented 4-H brochures and several handouts. She discussed the after school club program, Otter Tail County 4-H participation in the State Fair, and the 4-H Adventures Program.

### **Market Price for the Solid Waste Management Tax Otter Tail County Resolution No. 2003 - 58**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, the solid waste management tax requires political subdivisions to identify by resolution a market price if the political subdivision:

Subsidizes the cost of service at a facility.

WHEREAS, the political subdivision will be liable for the solid waste management tax based only on the market price amount identified through this resolution.

WHEREAS, the market price is identified in state statutes as the "lowest price available in the area".

WHEREAS, Otter Tail County has performed research to identify the lowest price available in the area;

THEREFORE, the County of Otter Tail declares a market price of \$53.93 per ton for a facility, based on a tipping fee amount of \$53.93 per ton at Fergus Falls Resource Recovery Facility and an additional transportation cost of \$0 per ton.

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

Adopted and signed this 23<sup>rd</sup> day of September, 2003.

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

By: \_\_\_\_\_  
Malcolm K. Lee, County Board Chair

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

**Tobacco Citation Hearing**

Linus Katzner, proprietor of Lenny's Dining & Dancing, expressed dissatisfaction with the tobacco compliance program. He stated that his establishment failed a check and stated that employees are sent to training and some employees still make mistakes. Public Health Director, Diane Thorson, read the specific report from the record. Motion by Mosher, second by Lee, to stay the fine for 6 months and if no other incidences of failing a compliance check, the fine would be forgiven. If a 2<sup>nd</sup> offense occurs within 6 months, the incident would be handled as a 2<sup>nd</sup> offense. Chairman Lee called for a roll call vote:

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

Motion failed.

**Local Board of Review Changes**

Assessor, Bob Moe, presented new legislative and Board of Review options. The local Board of Review duties will automatically transfer to the County if Town Board members do not attend the appropriate classes given by the Department of Revenue. Mr. Moe reported that, it appears, Otter Tail County will be increasing land values for next year. The County's values are approximately 20% below current market sales.

**Approval of Replacement for Sheriff's Department**

Sheriff, Brian Schlueter, requested approval to replace a Sergeant position in the Task Force with a regular deputy and fill the Sergeant position within the Sheriff's Department. Motion by Lee, second by Block, and unanimously carried to approve replacement of the Task Force position as described above.

### **Final Payments for Remodeling Services at GSC**

Motion by Nelson, second by Froemming, and unanimously carried to approve the following change order and three final payments for services at the Government Services Center:

Change Order No. CO 9G.03 \$14,788.82

William Wallace Painting, Fergus Falls

Final Payment for Bid Package "9G" \$18,940.68

William Wallace Painting, Fergus Falls

Final Payment for Bid Package "4B" & "4B-1" \$23,005.50

BRADCO Restoration, Inc., Fergus Falls

Final Payment for Bid Package "4A" & 4A-1" \$20,807.00

Johnson-Nelson Masonry, Inc., Ashby

### **Bid Opening & Award – C.P. 03:SALT**

After previously advertising for bids, Highway Engineer, Rick West, opened the following bids at 1:00 p.m. on September 17, 2003:

Greystone Construction Co. \$87,890.00

Shakopee, MN

The Tradesmen Construction, Inc. \$119,150.00

Alexandria, MN

Motion by Nelson, second by Mosher, and unanimously carried to award the Salt Storage Building Project to the low bidder, Greystone Construction Co., in the amount of \$87,890.00 for construction of the Salt Storage Building in New York Mills.

### **Payment Approval**

Motion by Froemming, second by Nelson, and unanimously carried to approve payment to Shaw Excavating, in the amount of \$250.00, for the cleaning of a culvert on County Ditch No. 68 from the funds in the Ditch System.

### **Approval of Agreement**

Motion by Mosher, second by Block, and unanimously carried to authorize the County Auditor's signature on the agreement between Otter Tail County and the Department of Administration InterTechnologies Group for the production and mailing of the Postal Verification Cards at a cost of \$.30 per card subject to postal rate changes.

### **Application for Exempt Permit**

Motion by Nelson, second by Froemming, and unanimously carried to approve an Application for Exempt Permit for the Perham Area Chamber of Commerce for an event scheduled for December 31, 2003, at the Sparetime Bar and Grill.

### **Approval of Agreement**

Motion by Lee, second by Froemming, and unanimously carried to authorize the County Auditor's signature on the agreement between Otter Tail County and NBS (National Business Systems) for the printing and mailing of the Payable 2004 Truth in Taxation Notices at a cost of \$.1233 per notice plus postage and an administrative fee of \$200.00.

**Premise Permit  
Otter Tail County Resolution No. 2003 - 59**

Commissioner Nelson offered the following and moved its adoption:

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

WHEREAS, the Frazee Lions Club, Frazee, MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at Spanky's on Rose Lake, in Hobart 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 Frazee Lions Club, Frazee, MN, at Spanky's on Rose Lake, in Hobart 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 the Frazee Lions Club, Frazee, MN, at Spanky's on Rose Lake, in Hobart 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 Hobart by sending them a copy of this resolution.

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

Adopted and signed this 23<sup>rd</sup> day of September, 2003.

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

By: \_\_\_\_\_  
Malcolm K. Lee, County Board Chair

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

**Emergency Operations Plan**

Motion by Froemming, second by Block, and unanimously carried to authorize the Chairman's signature to approve the Otter Tail County-Wide Emergency Operations Plan as presented by Tiny Holm, Otter Tail County Emergency Manager.

**Adjournment**

At 2:46 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, October 7, 2003.

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

By: \_\_\_\_\_  
Malcolm K. Lee, County Board Chair

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