

Recess & Reconvene

At 10:06 a.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners recessed for a Building Committee meeting. The Board of Commissioners' meeting was reconvened at 10:35 a.m.

Detention Facility Requests

Detention Facility Administrator, Richard Akerman, reported that an upcoming training session (July 18-23) is available in Colorado for institutions considering a new detention facility or an addition to a facility. He requested that a three-person team attend this training, as the National Institute of Corrections pays for airfare, lodging, and meals for the participants. Motion by Lee, second by Mosher, and unanimously carried to authorize the Detention Facility Administrator, Physical Plant Manager, and the County Coordinator to attend this training session as presented.

Mr. Akerman reported that because the jail has been very full recently, he contacted the Department of Corrections to request approval of double bunking. The DOC has approved double bunking to add eight (8) beds. He requested approval to accommodate the double bunking and to add part time staff during the day, if needed. Motion by Block, second by Lee, and unanimously carried to authorize the addition of eight (8) beds and other minor changes, such as additional seating in the dayroom, at a cost of \$12,000. Additionally, the motion authorizes additional part time staff during the day when the need is determined by the Sheriff or the Detention Facility Administrator. Additional staffing would not exceed \$113,000 for the year. If there becomes a need to board an inmate at another facility because Otter Tail County's facility is at capacity, the cost would be approximately \$20,000 per year.

Judicial & County Ditch Discussion

Ditch Inspector, Randy Wasvick, discussed, with the County Board, several issues regarding Judicial Ditch No. 2. Chairman Nelson requested that the County Attorney, Highway Engineer, and Ditch Inspector research the issues further and return to the Board with an update.

Motion by Froemming, second by Block, and unanimously carried to authorize Contractor, Leroy Kingston, to build and install a grate to protect a 54" culvert from debris caused by beavers in County Ditch System No. 4. The culvert is located under Stony Creek Road in Elmo Township.

Safety & Emergency Services Policies

Motion by Lee, second by Mosher, and unanimously carried to approve the revised 2004 Otter Tail County Harassment Policy and Programs as presented by the Safety Director.

Motion by Froemming, second by Mosher, and unanimously carried to approve the revised March, 2004, Otter Tail County Emergency Plan for Phelps Mill Park Festivals as presented by the Safety Director.

Building Committee

Chairman Nelson appointed Commissioner Bob Block to the statutory Building Committee to replace his representation. The Government Services Center Building Committee will be removed from active committees as the GSC building is complete.

Conveyance of Tax Forfeited Lands

Motion by Froemming, second by Mosher, and unanimously carried to approve the Application from the City of Deer Creek for Conveyance of Tax Forfeited lands for an Authorized Public Use for the following described property:

67-000-99-0144-000
Deer Creek Soule's Addition
The South 85' of Lots 1 and 2, Block 2

Payment Requests

Motion by Mosher, second by Lee, and unanimously carried, to deny payment to Houston Engineering, Inc., for services provided to Judicial Ditch No. 2, in the amount of \$2,045.37, until the Otter Tail County Highway Department deposits the \$25,000 outlet fee in the Judicial Ditch No. 2 account.

Motion by Mosher, second by Froemming, and unanimously carried to approve payment to Lake Region Healthcare, in the amount of \$450, for services provided under the provision of Minnesota Statute 609.35.

License Applications

Motion by Lee, second by Froemming, and unanimously carried to approve the following applications for licenses:

*Pair A Dice Resort and Campground
Perham, MN 56573

On/Off Sale 3.2 Malt Liquor
Consumption and Display Permit

Super H
Elizabeth, MN 56533

Tobacco

* Subject to the review and approval of the Otter Tail County Attorney and Sheriff's offices.

Membership Payment

Motion by Mosher, second by Froemming, and carried with Block and Lee opposed, to approve payment to the Western Area City County Cooperative from the County's General Fund, in the amount of \$5,000 for CY2004 membership dues.

Premise Permit

Otter Tail County Resolution No. 2004 - 17

Commissioner Lee 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 VFW Post 612, Fergus Falls, MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at the Lenny's Dining and Dancing, located at 30255 Phelps Mill Rd 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, located at 30255 Phelps Mill Rd 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.

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, located at 30255 Phelps Mill Rd 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 IF 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 Block seconded the motion, and upon being put to a vote, was unanimously carried.

Adopted and signed this 6th day of April, 2004.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

National Association of Counties

Mr. Stein provided an information packet regarding the National Association of Counties.

Payment Approval

Motion by Mosher, second by Lee, and unanimously carried to authorize payment, in the amount of \$5,500, payable to Ehlers & Associates, Inc., for professional services relative to the \$465,000 bond issue.

Health Insurance Portability and Accountability Act

County Coordinator, Larry Krohn, briefed the County Board regarding the HIPAA privacy regulations which are effective for the County's group health insurance on April 16, 2004. He provided a copy of the Notice of Privacy Practices that will be sent to members of the County's group health insurance.

Motion by Mosher, second by Froemming, and unanimously carried to approve County Coordinator, Larry Krohn, as the Otter Tail County Human Resources Healthcare Arrangement Privacy Officer for purposes of administering HIPAA privacy regulations.

Recess & Reconvene

At 11:30 a.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 11:35 a.m.

Public Hearing for the Proposed Otter Tail County Cleanup of Clandestine Drug Lab Sites Ordinance

At 11:36 a.m., Chairman Nelson reconvened the meeting of the Otter Tail County Board of Commissioners for the Public Hearing for the proposed Meth Lab Ordinance. Copies of the draft ordinance were provided. Approximately 12 members of the public were in attendance.

County Attorney, David Hauser, stated that this is an Ordinance that has been recommended to the counties by the state. It does not create new obligations, but it declares, as a matter of policy, that clandestine drug sites are public health nuisances. Under existing law, this can be done on a case by case basis. The purpose of the proposed Ordinance is outlined in Section 120 which states that, where this product is being manufactured, there is toxic residue left behind and it should be cleaned up. In Section 200, the Ordinance declares methamphetamine labs to be a public nuisance. The balance of the Ordinance sets up procedures to be followed, all of which are already authorized in MS Chapter 145A relating to public nuisances.

Diane Thorson, Public Health Director, stated that there is basically four reasons why the County is considering adoption of this Ordinance; 1) for protection of people, particularly children and pregnant women (Ms. Thorson passed around pictures of the effects of 10 years of meth usage by a woman), 2) the legislature is working on a potential loan pool so if the County incurs the cost of clean up, state money could be accessed; however, the funds could only be accessed if an Ordinance is adopted, 3) from a risk management standpoint, the County needs to declare that a structure is safe to live in once it is cleaned up and in order for the County to declare that it is safe and protect landowners from a liability standpoint, procedures need to be in place as to how clean up is accomplished, because these are hazardous sites; and 4) protection to taxpayers because the Ordinance includes language that the County would not be able to expend over 75% of the assessed value of the structure.

Commissioner Froemming asked about the bill the legislature is working on, to help pay the cost of some of this cleanup. Ms. Thorson stated that there is proposed legislation in the House and the Senate, although the bill is not yet finalized. There would be procedures to access the dollars.

Commissioner Mosher asked about the agricultural issue. Ms. Thorson stated that the original draft Meth Lab Ordinance included cleanup and soils testing of land if a lab was found outside. This provision has been removed because the County is primarily concerned about structures (houses, campers, vehicles) where people live.

Commissioner Lee asked if the County needs an Ordinance to require Meth Lab cleanup. Mr. Hauser responded that an Ordinance is not required. The difference between having an Ordinance and not having an Ordinance is that it would otherwise be done on a case by case basis, doesn't set up the procedures, and it doesn't make the declaration about the 75% of value situation. It is not a mandated Ordinance where we are directed to have one and there is, in fact, no funds for clean up at this point. If the funding is approved as proposed, we would need an Ordinance in place. Basically, the ordinance includes everything that is

already authorized under state statute, but it sets up procedures. The Ordinance makes a declaration that all of these sites are a public health nuisance and the Public Health Director would not need to declare these a public health nuisance on a case by case basis.

Chairman Nelson asked for questions or comments from the public.

Les Estes from the City of Battle Lake, questioned if the cities need to do anything in regards to a Meth Ordinance. Mr. Hauser responded that the County's ordinance has application countywide including in municipal areas; however, if a city chooses to have their own Ordinance, that is allowed.

Landowner, Harold Bye, explained that he owns a farm and is retirement age and needs the income from land rent. He expressed concern that if someone manufactures Meth on his property, he may not have the funds to pay for this. He felt the Government should protect citizens from this. Vandalism and other criminal acts are often covered under insurance policies; but there would be no protection for this type of situation.

Kevin Moore, representing realtors, asked if this Ordinance helps the Superfund go into effect or to help access it. Ms. Thorson stated if there is a large enough area of land contaminated, you can access the Superfund through the Pollution Control Agency. The County can not access the Superfund for the structure because the PCA fund is only for land contamination. There is potential for a new fund, the Revolving Loan Fund, that requires adoption of an Ordinance to access the funds.

Landowner, Vern Haarstick, had questions regarding the Meth Lab found at the Oak Grove Cemetery.

Kevin Moore asked for clarification of the 75% value. Ms. Thorson stated that if the cost of removing debris and making the structure livable, is more than 75% of the assessed market value of the structure, the structure would be demolished. A follow up question was asked about who determines tear down or demolishing of a structure. The proposed Ordinance allows the homeowner to take care of the situation working with the Public Health Agency. If the homeowner ignores the responsibility, the Ordinance allows the County to take care of the problem.

Justin Taylor asked if landowners can take care of Meth clean up themselves or do they need to hire a cleanup company? Ms. Thorson responded that landowners must go through a company that is trained and the company must do the initial assessment because the contamination is very high. The trained company would oversee and direct the landowner during the cleanup. This is for protection of the landowner so the proper equipment is used to clean up the toxic residue left by Meth Labs.

David Houge, expressed concern that a large percentage of kids are trying Meth and is concerned that these kids are not required to pay back for the damages. He felt Meth usage laws should be stricter.

The public expressed a desire for Sheriff Schlueter to continue public presentations and education to the public and in classrooms to increase awareness.

With no further comment from the public, Chairman Nelson closed the proposed Meth Lab Ordinance Public Hearing at 12:15 p.m. and declared the Otter Tail County Board of Commissioners' meeting recessed for lunch break.

Reconvene

At 1:25 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners reconvened for further agenda items.

Seasonal Supply of Hot Mix Bituminous Material

Motion by Froemming, second by Block, and unanimously carried to authorize the Chair's signature to execute the following contracts for Seasonal Supply of Hot Mix Bituminous Material:

Seasonal Supply of Hot Mix Bituminous Material (East Otter Tail County)	Mark Sand & Gravel Co. Fergus Falls, MN
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Central Specialties, Inc.
Alexandria, MN

Seasonal Supply of Hot Mix Bituminous Material (West Otter Tail County)	Mark Sand & Gravel Co. Fergus Falls, MN
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Central Specialties, Inc.
Alexandria, MN

Seasonal Supply of Hot Mix Bituminous Material (North Otter Tail County)	Mark Sand & Gravel Co. Fergus Falls, MN
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Bid Award – Highway 116 Overlay Project

Motion by Mosher, second by Lee, and unanimously carried to award C.P. 04:116B, Overlay Project, to the low bidder, Mark Sand & Gravel Co., in the bid amount of \$410,961.92.

Bid Award – CSAH No. 61 Reconstruction

Motion by Lee, second by Froemming, and unanimously carried to award the Right of Way Platting for S.A.P. 56-661-05, CSAH No. 61 Reconstruction from .9 miles north of 300th St. to TH 108, to Lake Region Surveying, Inc. of Pelican Rapids, MN, in the amount of \$4,650.00.

Temporary Foundation Repairs

Motion by Froemming, second by Mosher, and unanimously carried to authorize the Highway Department to enter into an agreement with Barr Engineering to provide professional engineering services for the Phelps Mill Foundation Temporary Repairs, with a not to exceed cost of \$8,000.

Environmental Stewardship Award

Highway Engineer, Rick West, presented an Environmental Leadership Award given to the Highway Maintenance Department from the Minnesota Freshwater Society for reducing the environmental impacts of winter road maintenance.

Performance Evaluation Summary

Motion by Block, second by Mosher, and unanimously carried to approve an excellent performance evaluation summary for GIS Coordinator, Brian Armstrong, as presented, and to direct that the summary is placed in his personnel file.

Adjournment

At 2:16 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, April 13, 2004.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

CB/kd