

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
New York Mills County Offices - Courtroom  
118 North Main Avenue  
Tuesday, April 20, 2004  
9:30 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, April 20, 2004, at 9:30 a.m. at the New York Mills County Offices with Commissioners Syd Nelson, Chair; Bob Block, Vice-Chair; Roger Froemming, Dennis Mosher, and Malcolm Lee present.

**Approval of Agenda**

Motion by Lee, second by Mosher, and unanimously carried to approve the County Board agenda of April 20, 2004, as mailed.

**Approval of Minutes**

Motion by Froemming, second by Mosher, and unanimously carried to approve the County Board minutes of April 13, 2004, as mailed.

**Approval to Pay Bills**

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

**Reflections for Change Group Home Day**

Court Services Director, Chuck Kitzman, introduced Buddy & Marlene Gleason, who have operated the Reflections for Change Group Home since 1993. He stated that they were first licensed for PATH and later as a Group Home and took in and cared for over 76 young men, in crises, from this area. Buddy & Marlene have decided to retire and Mr. Kitzman expressed his appreciation for their work through the years. Chairman Nelson presented a resolution and plaque expressing Otter Tail County's appreciation and declared April 20, 2004, as "Reflections for Change Group Home Day".

**Otter Tail County Proclamation  
Reflections for Change Group Home Day  
Otter Tail County Resolution No. 2004 - 18**

Commissioner Nelson offered the following and moved its adoption:

WHEREAS, Buddy and Marlene Gleason have operated the Reflections for Change Group Home since June, 1993; and

WHEREAS, the Reflections for Change Group Home has provided supervision and direction to over 75 Otter Tail County youth over the course of the last eleven years; and

WHEREAS, many of the young men that were placed at the Reflections for Change Group Home have achieved goals in their lives that might have been unreachable without the guidance and caring of Buddy and Marlene Gleason; and

WHEREAS, Buddy and Marlene Gleason have decided not to renew the Reflections for Change Group Home license in June, 2004 so that they may begin a well deserved retirement.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners recognizes the dedication and sacrifice that Buddy and Marlene Gleason have shown in their work with the youth of Otter Tail County over the past eleven years; and

BE IT FURTHER RESOLVED, that the Board of Commissioners recognize how both Otter Tail County and the young men who were placed at Reflections for Change Group Home have benefited from the care provided by Buddy and Marlene Gleason; and

BE IT FURTHER RESOLVED, that the Otter Tail County Commissioners proclaim Tuesday, April 20, 2004 as Reflections for Change Group Home Day in Otter Tail County.

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

Adopted and signed this 20<sup>th</sup> day of April, 2004.

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

By: \_\_\_\_\_  
Sydney Nelson, County Board Chair

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

#### **EZFlow Presentation**

Mike Volrath, representing EZFlow, a company that makes products for septic systems, introduced discussion regarding a different type of septic system from the standard rock system. EZFlow recycles polystyrene which is used in drain field applications in place of the standard rock/gravel system. He provided a book about the product and reviewed the advantages of using this product rather than rock. He stated that ½ million of these systems have been installed. The product doesn't crush, is very flexible, and reduces cost of installing a septic system because there is less labor required. Discussion took place regarding the 7080 septic system rules. Mr. Volrath stated that several other counties in Minnesota have approved the EZFlow product and requested that the Commissioners approve this product for use in Otter Tail County. Commissioners will research this request further.

#### **Performance Evaluation**

At 10:00 a.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners closed to the public for the purpose of evaluating the performance of Solid Waste Director, Mike Hanan, 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.

### **Recess & Reconvene**

Upon completion of the performance evaluation at 10:29 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 10:33 a.m.

### **Vehicle Purchase**

Motion by Froemming, second by Block, and unanimously carried to authorize purchase of two (2) 2004 Dodge 1500 Quad Cab SLT Pickups for the Solid Waste Department from Owatonna Chrysler, in the amount of \$21,226.00 each. C & M Ford submitted a lower quotation; however, later withdrew because the vehicles quoted were not available.

### **Perham Resource Recovery Facility**

Solid Waste Director, Mike Hanan reported that he has received an invoice for the Perham Resource Recovery Facility for installation of equipment to supply steam to Bongards. Motion by Froemming, second by Nelson, to approve payment, in the amount of \$80,290.00, to the City of Perham for Otter Tail County's portion of the cost to install equipment to supply steam to Bongards. Lengthy discussion followed regarding the financial issues of the facility. Chairman Nelson called for a vote. Motion carried unanimously.

### **Highway Contract Approvals**

Motion by Nelson, second by Lee, and unanimously carried to authorize the appropriate County officials' signatures to execute a contract between the County of Otter Tail and Larson-Peterson & Associates, Inc. of Detroit Lakes, MN, for engineering services for the CSAH No. 67 project including New York Mills street improvements.

Motion by Froemming, second by Mosher, and unanimously carried to authorize the Chair's signature to execute a contract between the County of Otter Tail and Wadena Asphalt for seasonal supply of Hot Mix Bituminous Material for East Otter Tail County at a maximum cost of \$53,241.20, subject to the approval of the County Attorney.

### **Otter Tail River Watershed Basin Plan**

Land & Resource Director, Bill Kalar, handed out information from the Soil & Water Conservation Districts entitled "Otter Tail River Watershed Basin Plan – a collaborative approach to protecting and enhancing land and water resources in the Otter Tail River Watershed" (dated 2003). Mr. Kalar explained that Otter Tail County is involved with an Otter Tail River Management Group authorized by the County Board about three years ago in partnership with Becker and Wilkin Counties. This deals with the new CREP program and a proposed ranking procedure by the Board of Water & Soil Resources to close some gaps in watershed development.

### **2004 Natural Resources Block Grant Agreement**

Motion by Froemming, second by Mosher, and unanimously carried to authorize the Chair's signature to execute the 2004 Natural Resources Block Grant agreement between the County of Otter Tail and the State of Minnesota, subject to the approval of the County Attorney. The actual grant amount is \$102,700.00.

**Lake Runners Trail Association**  
**Otter Tail County Resolution No. 2004 - 19**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, Otter Tail County has sponsored Grant-In-Aid Systems in the past; and

WHEREAS, acceptance of the Grant-In-Aid Systems proposed extensions are subject to the review and approval of the County Attorney.

THEREFORE, BE IT RESOLVED that Otter Tail County shall continue to sponsor Grant-In-Aid Trail Systems as they exist for Lake Runners Trail Association and proposed extensions of Grant-In-Aid Trails with the aforementioned condition.

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

Adopted this 20<sup>th</sup> day of April, 2004.

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

By: \_\_\_\_\_  
Sydney Nelson, County Board Chair

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

**Extension to File Final Plat**

Motion by Mosher, second by Froemming, and unanimously carried to approve an extension, until November 11, 2004, to file the Final Plat known as "Woodland Sands" located in Clitherall Township, Clitherall Lake (56-238).

**Planning Commission Recommendations**

**Conditional Use Permit – Philip Burseth:**

Motion by Mosher, second by Froemming, and unanimously carried to deny, as recommended by the Planning Commission, a Conditional Use Permit application to clean out 1,300' of an old ditch 2' deep x 6' wide. The property is described as Lots 1, 2, 3 & SW¼ NE¼ & NW¼ SE¼ (160.14 Ac), Section 16, Dane Prairie Township; Wall Lake (56-658).

**Preliminary Plat & Conditional Use Permit – Triple T Investments:**

Motion by Nelson, second by Lee, and unanimously carried to approve the Preliminary Plat known as "Otter Tail Inlet Estates" consisting of 13 single family residential lots and a Conditional Use Permit to build a road to service the proposed development, with conditions as recommended by the Planning Commission. The property is described as Pt of NE¼ of SW¼ & Pt of Gov't Lots 8 & 9 (146 Ac) of Section 27, Rush Lake Township; Mud Lake (56-215)

**Conditional Use Permit – Jewett Lake Resort/Curtis E. & Lisa J. Malecha:**

Mr. Kalar stated that a Conditional Use Permit request for Curtis & Lisa Malecha had been recommended for approval with conditions by the Planning Commission. Correspondence from Kati Sasseville and Allen Haugrud, along with pictures of the proposed site, was

provided. The letters expressed opposition to allowing fill to be brought in for the proposed building site. Applicant, Curt Malecha, presented for the record, a petition with 24 signatures in support of the proposed request and a handout stating the positive reasons to allow the project. Motion by Lee, second by Block, to approve a Conditional Use Permit to add 2,000 cu. yds. of fill to prepare a building site for a single family dwelling, with conditions as recommended by the Planning Commission. Discussion followed. Reasons for the approval are as outlined in Exhibit A. The property is described as GL 2 lying Ely & Sly of foll line...(18.61 ac), Section 24 of Elizabeth Township; Jewett Lake (56-877). Chairman Nelson called for a vote. Motion carried unanimously.

Conditional Use Permit – Roberta Skibness:

Motion by Mosher, second by Lee, and unanimously carried to approve a Conditional Use Permit to build a roadway to serve as a driveway to a new home site with conditions as recommended by the Planning Commission. The property is described as GL 2 & 3, NW¼ SW¼ & S450' of W 245' of SW¼ SW¼, Section 15 of Clitherall Township; Clitherall Lake (56-238).

Conditional Use Permit – Hidden Acre Resort/Michael & Nancy Slattery:

Motion by Lee, second by Froemming, and unanimously carried to approve a Conditional Use Permit to change from a resort to condominium association keeping the six existing individual structures with conditions as recommended by the Planning Commission. The property is described as Moltzan Survey Lots of GL 7 467.5' on Lk (called Lot A) Section 16 of Candor Township; Leek Lake (56-532).

Conditional Use Permit – R Exchange LLC %James Elliott:

Motion by Lee, second by Froemming, and unanimously carried to deny, as recommended by the Planning Commission, a Conditional Use Permit to fill and level this lot and install retaining wall and to fill a type 6 wetland for construction of a cabin. Reason for the denial is to protect the aquatic vegetation and the lake. The property is described as Lot 11 Blk 1 Blyberg's Point 1<sup>st</sup> Addition, Section 17 of Dunn Township; Fish Lake (56-768).

Preliminary Plat & Conditional Use Permit – Big Sandy Beach/Johnson, Hopkins & Canfield:

Motion by Froemming, second by Nelson, and unanimously carried to approve the Preliminary Plat known as "Big Sandy Beach" consisting of 10 single family residential lots and a Conditional Use Permit to construct a road to service the proposed plat, with conditions as recommended by the Planning Commission. The property is described as Jungle Shores Lots 6 – 12 & Pt of GL 9...(15.55 Ac) Section 31 of Corliss Township; Big Pine Lake (56-130).

Preliminary Plat – Wild Wings Estates/Elmer Colten Tst Agreement:

Motion by Mosher, second by Lee, and unanimously carried to approve the Preliminary Plat known as "Wild Wings Estates" consisting of 7 single family residential lots, with conditions as recommended by the Planning Commission. The property is described as that part of SE¼ E of T.H. #78 & Sly T.H. #210 ex Hwy esmt ex trs (11.58 AC) Section 4 of Clitherall Township; (non-shoreland).

**Training Approved**

Motion by Froemming, second by Mosher, and unanimously carried to authorize the Benefits Coordinator to attend Health and Life Insurance Licensing programs May 5 – May 7, 2004, and May 11 & 12, 2004, in Alexandria, MN, at a cost of \$230.00 plus mileage.

**Post Employment Health Plan – Patrol Deputies**

Motion by Lee, second by Mosher, and unanimously carried to approve a Memorandum of Understanding between Otter Tail County and Minnesota Teamsters Public and Law Enforcement Employees' Union, Local No. 320, representing the Deputies of the Otter Tail County Sheriff's Office, to allow employees to participate in a Post Retirement Health Plan through the Minnesota State Retirement System.

**Recess & Reconvene**

At 11:50 a.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:10 p.m.

**Liquor License Applications**

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

Kelly's Lakeside Tavern FKA Doug and Mary's Henning, MN	Consumption and Display Permit On-Sale Wine On/Off 3.2 Malt Liquor License
Pair a Dice Resort Perham, MN	On/Off Sale 3.2 Malt Liquor License Present date 2004 – June 2004, and July 1, 2004 – June 30, 2005
Toms Amoco and Grocery Henning, MN	Off-Sale 3.2 Malt Liquor License
Zorbaz of Pelican Lake, Inc. Pelican Rapids, MN	Seasonal Liquor and Seasonal Sunday Liquor

**Otter Tail County Board of Commissioners**  
**Resolution No. 2004 - 20**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, the Federal Government has passed the Help America Vote Act (HAVA) of 2002 in an effort to improve the elections administration throughout the nation; and

WHEREAS, HAVA provides funding to individual states for election administration and Minnesota's share is estimated to equal roughly \$39 million; and

WHEREAS, the Counties, Cities, and Townships in Minnesota are given the authority of providing the election administration on behalf of the State of Minnesota and fund the majority of election costs in Minnesota; and

WHEREAS, the HAVA law requires that a voter be given the opportunity to correct a spoiled ballot prior to casting and outlines a number of ways a local jurisdiction can meet this requirement; and

WHEREAS, the federal HAVA funds should be used to meet the federal requirements in an efficient and effective manner that does not obligate any local unit of government to significant on-going capital or operational costs after the federal funds are used; and

WHEREAS, any bill that appropriates the federal funding should conform to the following criteria:

- (a) Local governments should retain authority over decisions on how to meet the federal requirements the most efficient way in its jurisdiction.
- (b) Purchasing of equipment from vendors who can provide certified equipment should be allowed.
- (c) Federal funds should be made available to all counties for both the purchase of equipment and for the substantial costs in order to operate, store, maintain, train, and program ballots for use **with** the purchased equipment.

THEREFORE, the Otter Tail County Board of Commissioners supports providing the assisted voting technology equipment required under HAVA for use by disabled voters. The Board does not support the requirement that every polling place in Minnesota be required to utilize **precinct-based** optical scan vote **TABULATING** equipment as proposed in House File 1703.

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

Adopted this 20<sup>th</sup> day of April, 2004.

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

By: \_\_\_\_\_  
Sydney Nelson, County Board Chair

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

**Premise Permit**  
**Otter Tail County Resolution No. 2004 - 21**

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 Pelican Rapids Fireman Relief Association, Pelican Rapids, MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at the Blue Water Restaurant and Sports Bar, located at Highway 59 and County Road 4 in Pelican 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 Pelican Rapids Fireman Relief Association, Pelican Rapids, MN, at the Blue Water Restaurant and Sports Bar, located at Highway 59 and County Road 4 in Pelican 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 Pelican Rapids Fireman Relief Association, Pelican Rapids, MN, at the Blue Water Restaurant and Sports Bar, located at Highway 59 and County Road 4 in Pelican 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 Pelican by sending them a copy of this resolution.

Commissioner Nelson seconded the resolution and, upon being put to vote, was unanimously adopted.

Adopted this 20<sup>th</sup> day of April, 2004.

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

By: \_\_\_\_\_  
Sydney Nelson, County Board Chair

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

#### **Adjournment**

At 1:16 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, April 27, 2004.

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

By: \_\_\_\_\_  
Sydney Nelson, County Board Chair

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