

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS**  
Government Services Center, 500 Fir Ave. W.  
Commissioners' Room  
Tuesday, March 15, 2005  
9:30 a.m.

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, March 15, 2005, at 9:31 a.m. at the Otter Tail County Government Services Center with Commissioners Roger Froemming; Vice-Chair, Dennis Mosher, Malcolm Lee, and Syd Nelson present. Chairman Bob Block was absent.

**Approval of Agenda**

Motion by Lee, second by Nelson, and unanimously carried to approve the County Board agenda of March 15, 2005, as mailed.

**Approval of Minutes**

Motion by Mosher, second by Froemming, and unanimously carried to approve the County Board minutes of March 8, 2005, as mailed.

**Approval to Pay Bills**

Motion by Nelson, second by Lee, and unanimously carried to approve payment of the County Board bills per Attachment A of the official minutes, which includes the following lodging payment as follows:

Sheraton Bloomington

HHW Program Manager, David Stadum

Public Information & Education Officer, Elizabeth Bjerklie

**Emergency Operations Plan Update**

Emergency Services Director, Tiny Holm, presented an updated Emergency Operations Plan. Updating the EOP is a requirement of the Emergency Management Grant Program. Motion by Lee, second by Mosher, and unanimously carried to authorize the Chairman's signature to approve the revisions of the Otter Tail County-Wide Emergency Operations Plan as presented and to approve a resolution designating the NIMS.

**Resolution Designating the National Incident Management System (NIMS) as the  
Basis for all Incident Management in  
Otter Tail County  
Otter Tail County Resolution No. 2005 - 16**

Commissioner Lee offered the following and moved its adoption:

**WHEREAS**, the President of the United States, in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity;

**WHEREAS**, the collective input and guidance from all federal, state, local, and tribal security partners has been, and will continue to be vital to the development, effective implementation and utilization of a comprehensive NIMS;

**WHEREAS**, it is necessary and desirable that all federal, state, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

**WHEREAS**, to facilitate the most efficient and effective incident management, it is critical that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform planning, training, and exercising standards, comprehensive resource management, and designated incident facilities during emergencies or disasters;

**WHEREAS**, the NIMS standardized procedures for managing personnel, communications, facilities, and resources will improve the county's ability to utilize federal and state funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes;

**WHEREAS**, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State and Otter Tail County including current emergency management training programs;

**WHEREAS**, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

**WHEREAS**, the Governor of the State of Minnesota by Executive Order 05-02, February 9, 2005, has designated the NIMS as the basis for all incident management in the State of Minnesota;

**NOW, THEREFORE**, the Otter Tail County Board of Commissioners does hereby establish the National Incident Management System (NIMS) as the standard for incident management in Otter Tail County.

Commissioner Mosher seconded the motion and upon being put to vote, the resolution was adopted as follows:

County of Otter Tail Board of Commissioners	<u>YEA</u>	<u>NAY</u>	<u>Other</u>
Syd Nelson	X		
Malcolm Lee	X		
Dennis Mosher	X		
Roger Froemming	X		
Bob Block			Absent

Adopted at Fergus Falls, MN, this 15<sup>th</sup> day of March, 2005.

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

By: \_\_\_\_\_  
Robert Block, County Board Chair

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

**Non-Union Post Employment Health Plan**

County Coordinator, Larry Krohn, presented a proposed Non-Union Post Employment Health Plan. He stated that the Personnel Rules would need to be modified to conform with the language of the Post Employment Health Plan. Motion by Lee, second by Mosher, and unanimously carried to approve the Otter Tail County Non-Union Post Employment Health Plan as follows:

**Otter Tail County  
Non-Union Post Employment Health Plan**

The County will allow full time and regular part time, non-union employees to participate in a Post Employment Health Plan administered by Mill Life. The County will make contributions on behalf of eligible employees as follows:

- A. Severance pay, as defined in Section 10 D. of the Personnel Rule, will be applied to the Post Employment Health Plan.
- B. All unused vacation leave upon termination of employment, not in excess of the provisions of Section 9.10 A. of the Personnel Rules, authorizing accrual of up to 192 hours (24 days) as of the employee's anniversary date, shall be applied to Post Employment Health Plan.
- C. All compensatory time accumulated prior to any wage rate increase, as of December 31<sup>st</sup> of each year, or at the time of termination, will be applied to the Post Employment Health Plan. Any compensatory time requested which would exceed the forty (40) hour maximum authorized in section 4.10 D. of the Personnel Rules will also be applied to the Post Employment Health Plan.
- D. An employee who has accumulated a total of 960 hours of sick time will receive four (4) hours per month, for each month the 960 hours are maintained, to their Post Employment Health Plan. This amount will be paid to the Plan once a year. This benefit will be prorated for part-time employees.
- E. After the accumulation of 960 hours of sick time, four (4) hours will be applied to the "Catastrophic Sick Bank" authorized in section 9.15 D. of the Personnel Rules, until a total of 1200 hours of sick leave have been banked. This benefit will be prorated for part-time employees.

**Conditional Use Permit Discussion**

Conditional Use Permit Applicant, Jim Morken, requested clarification of the Conditional Use Permit submitted for Echo Bay. The request has not moved forward because of a moratorium placed on new cluster developments in Otter Tail County. Land & Resource Director, Bill Kalar, stated that procedurally, a recommendation was made by the Planning

Commission regarding implementation of the EAW process. The County Board agreed with the Planning Commission recommendation by motion. Mr. Kalar's opinion is that the EAW process would resume at the end of the moratorium in the same manner as if the moratorium hadn't occurred. An EIS needs review would be the next step. The County Board's negative declaration for an EIS in the Blue Heron Bay case is currently being challenged in court. Should the rules change based on what has been learned through the past year, those changes could affect the Echo Bay project.

#### **Application for Exempt Permit**

Motion by Lee, second by Mosher, and unanimously carried to approve, with no waiting period, the LG220 Application for Exempt Permit as submitted by the Pelican Rapids Ducks Unlimited for an event scheduled for Friday, April 15, 2005, at The Club located at 44086 Highway 59, Pelican Rapids, MN.

#### **Sale of Tax-Forfeited Property**

Motion by Lee, second by Nelson, and unanimously carried to offer at 9:00 a.m., on Friday, April 29, 2005, at a tax forfeited private land sale, the following described parcel of tax forfeited property and to establish the opening/minimum bid price at \$400.00.

Parcel 24-000-04-0035-000  
Section 4, Township 135, Range 43  
West 70 rods of the South 1 rod of the  
Southeast Quarter of the Southwest Quarter  
Tax Forfeited 09/24/1964

#### **Payment of Election Equipment**

Motion by Nelson, second by Mosher, and unanimously carried to approve payment to Election Systems and Software, in the amount of \$48,473.89 for final payment on the purchase of 26 Model ES & S 100 Precinct Based Optical Scan Units and to approve payment to the Minnesota Department of Revenue, in the amount of \$4,056.00.

#### **Resolution in Support for a Fee Increase for Deputy Registrars Otter Tail County Resolution No. 2005 - 17**

Commissioner Lee offered the following and moved its adoption:

**WHEREAS**, The State of Minnesota established a public/private Deputy Registrar system to provide citizens convenient locations to conduct title registration services for motor vehicles and DNR recreational vehicles; and

**WHEREAS**, The State of Minnesota in 1949 established a user service fee on motor vehicle transactions to be retained by the Deputy Registrar to defray the cost of providing the local service; and

**WHEREAS**, The Deputy Registrar administrative fee is a user fee that should fully support the cost of providing motor vehicle transactions; and

**WHEREAS**, The user service fee no longer covers the operational costs to maintain most Deputy Registrar offices. Public Deputy Registrars must use the property tax levy to subsidize this service. Rural areas with lower volumes are in jeopardy of losing service.

**NOW, THEREFORE, BE IT RESOLVED**, That Otter Tail County Board of Commissioners supports and recommends a user service fee increase in the year 2005 to maintain local title registration service to the citizens of Minnesota.

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

County of Otter Tail Board of Commissioners	<u>YEA</u>	<u>NAY</u>	<u>Other</u>
Syd Nelson	X		
Malcolm Lee	X		
Dennis Mosher	X		
Roger Froemming	X		
Bob Block			Absent

Adopted at Fergus Falls, MN, this 15<sup>th</sup> day of March, 2005.

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

By: \_\_\_\_\_  
Robert Block, County Board Chair

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

**Bid Award – Snowplow Dump Truck**

After previously advertising for bids, Assistant Highway Engineer, Chuck Grotte, opened bids for four (4) tandem axle snowplow dump trucks at 1:00 p.m., on March 9, 2005 as follows:

<u>Vendor</u>	<u>Bid Amount</u>
Twin City Mack Sales Roseville, MN	\$230,124.00
Hall GMC, Inc. Fargo, ND	\$231,865.04
Gatr Volvo GMC Sauk Rapids, MN	\$249,900.00
Twin City Volvo Roseville, MN	\$255,108.00
Wallwork Truck Center Fargo, ND	\$266,216.00
Nelson International Fargo, ND	\$272,747.76

Motion by Nelson, second by Mosher, and unanimously carried to award the bid for four (4) tandem axle snowplow dump trucks, in the amount of \$231,865.04, to Hall GMC Inc., the lowest bidder who also complies with all specifications in the base bid. The low bidder, Twin City Mack Sales did not comply with the following specifications: Dealership must have a

service center within a 75 mile radius of Fergus Falls and the truck engine is to be a Caterpillar C-13 or Volvo VE D12.

**Quotation Award – CSAH No. 61 Reconstruction**

After advertising for quotations, the following quotes were received for the Phase I Archaeological Survey for the CSAH No. 61 Reconstruction Project:

<b><u>Vendor</u></b>	<b><u>Quotation</u></b>
Tom Bailey Minneapolis, MN	\$ 945.00
Soils Consulting Longville, MN	\$2,250.00
University of North Dakota Grand Forks, ND	\$1,250.00

Motion by Froemming, second by Mosher, and unanimously carried to award the Phase I Archaeological Survey for the CSAH No. 61 Reconstruction Project, S.A.P. 56-661-05, to Tom Bailey of Mpls, MN, in the amount of \$945.00.

**Quotation Award – Maine Township Bridge**

After advertising for quotations, the following quotes were received for a right of way survey for the Maine Township Bridge (L0884), Water Street Road, S.A.P. 56-599-57 as follows:

<b><u>Vendor</u></b>	<b><u>Quotation</u></b>
Anderson Land Surveying, Inc. Minneapolis, MN	\$6,200.00
Interstate Engineering, Inc. Fergus Falls, MN	\$5,600.00

Motion by Lee, second by Froemming, and unanimously carried to award the right of way survey for the Maine Township Bridge (L0884), Water Street Road, S.A.P. 56-599-57, to Interstate Engineering of Fergus Falls, MN, in the amount of \$5,600.00.

**Approval of Final Plat**

Motion by Froemming, second by Lee, and unanimously carried to approve the Final Plat of Roger Luehning known as Elwill Beach Third Addition, a one lot subdivision, located in Section 5 of Girard Township, Ethel Lake (56-193).

**Resolution to Amend the Otter Tail County Personnel Rules**  
**Otter Tail County Resolution No. 2005 - 18**

Commissioner Nelson offered the following and moved its adoption:

**WHEREAS**, Otter Tail County has adopted a Non-Union Post Employment Health Plan involving the use of sick leave; and

**WHEREAS**, the Post Employment Health Plan must coordinate with Article 9.15B of the Personnel Rules; and

**THEREFORE, IT IS HEREBY RESOLVED**, that the Otter Tail County Personnel Rules are amended to read as follows:

Article 9.15D is amended to read as follows:

An employee who has accumulated 960 hours of sick leave may bank an additional 240 hours, at the rate of four hours per month, to be used only in the event that sick leave accumulated under this section has been exhausted. Sick leave in this bank cannot be used to replenish the maximum accumulation of 960 hours as stated in paragraph C. Sick leave in this bank may not be used for payment of insurance premiums or severance under section 10.00.

**IT IS HEREBY FURTHER RESOLVED**, that this action is taken to bring the Personnel Rules into conformance with the Non-Union Post Employment Health Plan.

Commissioner Froemming seconded the motion and upon being put to vote, the resolution was unanimously adopted:

Adopted at Fergus Falls, MN, this 15<sup>th</sup> day of March, 2005.

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

By: \_\_\_\_\_  
Robert Block, County Board Chair

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

**Professional Consultation Services**

Motion by Mosher, second by Lee, and unanimously carried to authorize legal consultation outside of Otter Tail County regarding personnel matters.

**Recess & Reconvene**

At 11:06 a.m., Vice-Chair Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for committee meetings. Upon conclusion of the committee meetings, at 11:42 a.m., Vice-Chair Froemming reconvened the Board of Commissioners meeting in open session.

**Bid Award – Solid Waste Offices**

After previously advertising for bids, Architect David Shultz, opened the following bids for the Otter Tail County Solid Waste Facility Expansion, Project No. 0202-8, at 1:00 p.m. on Wednesday, March 2, 2005:

<b><u>Vendor</u></b>	<b><u>Base Bid "G"</u></b>
All Building Corporation	\$419,400.00
Comstock Construction	\$397,850.00
D & W Construction of Alexandria	\$486,000.00
R.A. Bristlin Son Construction	\$399,000.00
Woessner Construction	\$390,000.00

Motion by Nelson, second by Lee, and unanimously carried to award the Solid Waste Facility Administrative Addition and Remodeling, Project 0202-08, to the low bidder, Woessner Construction as follows:

Specifications and pricing for the exterior metal siding was reviewed as there were significant discrepancies noted by several Bidders. Based on minor revisions to the specifications, a deduct is approved to become a negotiated change to the project award with Base Bid at \$390,000.00, a Negotiated Deduct of \$22,244.00, for a total project award of \$367,756.00 and subject to a computer/phone wiring closet as requested by the MIS Director.

**Adjournment**

At 12:05 p.m., Vice-Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, March 22, 2005.

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

By: \_\_\_\_\_  
Robert Block, County Board Chair

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