

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 Fir Ave W., Fergus Falls, MN
Tuesday, May 24, 2005
9:30 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, May 24, 2005, at 9:30 a.m. at the Otter Tail County Government Services Center with Commissioners Bob Block, Chair; Roger Froemming; Vice-Chair, Dennis Mosher, Malcolm Lee, and Syd Nelson present.

Approval of Agenda

Motion by Mosher, second by Froemming, and unanimously carried to approve the Human Services Board agenda of May 24, 2005, with the following change:
Cancel Closed Session

Approval of Minutes

Motion by Froemming, second by Nelson, and unanimously carried to approve the Human Services Board minutes of May 10, 2005, as mailed.

Recognition of Smoke Free Establishments

Public Health Nurse, Marion Kershner, spoke on behalf of Borders United for Smoke-Free Air, and thanked area restaurant and resort owners for voluntarily declaring their businesses smoke free. Ms. Kershner requested approval of the following resolution:

Resolution Recognizing Smoke Free Establishments
Otter Tail County Resolution No. 2005 -32

Commissioner Nelson offered the following and moved its adoption:

WHEREAS, Public Health has joined efforts with neighboring counties and has received a Tobacco-free Communities in Minnesota Intervention Grant, and

WHEREAS, Public Health and the neighboring counties have identified this project as Borders United for Smoke Free Air, and

WHEREAS, one of the strategies of the grant is to advocate for the implementation of public and/or private policies to create tobacco-free environments, and

WHEREAS, the Regional Tobacco and Secondhand Smoke Survey of 2002 identified

- ⇒ 80% of respondents were most regularly exposed to secondhand smoke in restaurants, and
- ⇒ 63% of respondents moved to another seat or left early from a restaurant, entertainment facility, or other place where secondhand smoke was present, and
- ⇒ 72% of respondents felt reducing exposure to secondhand smoke can best be achieved by encouraging business owners to adopt voluntary smoke-free policies, and

WHEREAS, in the past 2 years less than 10% of licensed restaurant establishments in the county have established voluntary smoke-free policies,

THEREFORE, BE IT RESOLVED, Otter Tail County Board of Commissioners wishes to publicly recognize the establishments which have adopted a smoke-free policy and recognize their efforts to promote health by serving *SMOKE-FREE AIR* in their establishments.

Bakketopp Hus Bed & Breakfast – Fergus Falls
Birchwood Golf Course – Pelican Rapids
Burger Time – Fergus Falls
Dairy Queen – Fergus Falls
Don Pablos Mexican Restaurant – Fergus Falls
Elmers Texas BBQ – Battle Lake
Field of Beans – Fergus Falls
Gladiator Pizza Freshway – New York Mills
Hunan Spring Restaurant – Fergus Falls
Kentucky Fried Chicken – Fergus Falls
One Fine Day – Battle Lake
Pelican Rapids Dairy Queen – Pelican Rapids
Pizza Heaven – Fergus Falls
Prairie View Estates Bed & Breakfast – Pelican Rapids
Senior Citizens Center – New York Mills
Southtown C Store – Pelican Rapids
Subway – Fergus Falls
Taco Johns Mexpress – Perham
The Williams Company Store – Ottertail
Underwood Senior Nutrition – Underwood
Whistle Stop Inn – New York Mills
Young Life Castaway Club – Detroit Lakes

Barringers Coffee House – Fergus Falls
Burger King – Fergus Falls
Dairy Queen – Perham
Dairyland Drive Inn – Fergus Falls
East Silent Resort – Dent
Ethel Beach Resort & Restaurant – Ottertail
Gathering Grounds Coffee Shoppe- Perham
Holly's Resort – Battle Lake
Jazzy Fox Bistro – Fergus Falls
Lida Green Golf Course – Pelican Rapids
Our Home Your Home – Henning
Perham Oasis Convenient Store – Perham
Pizza Hut – Fergus Falls
Senior Center – Fergus Falls
Senior Citizens Center – Henning
Subway – Perham
Taco Johns – Fergus Falls
Tee Time Golf Course – Ottertail
Thumper Pond Resort – Ottertail
Wee Villa Lodge – Fergus Falls
Whistle Stop Inn B & B – New York Mills

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

Dated: _____

OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____

Robert Block, Human Services Board Chair

Attest: _____

Larry Krohn, Clerk

Executed Grant Agreement

Court Services Director, Chuck Kitzman, presented, for the record, an executed grant agreement between the County of Otter Tail and the State of Minnesota for the Caseload/Workload and Remote Electronic Alcohol Monitoring programs.

Court Services Legislative Update

Mr. Kitzman reported that the Minnesota Association of County Probation Officers (MACPO) was supporting the nickel per drink legislation. The proposed bill did not move forward in the legislature; however, an appropriation for \$2 million/year passed through conference committee. Mr. Kitzman provided a handout and briefed the Board on potential funding

formulas for the proposed appropriation. Additionally, he briefed the Board on portions of the Public Safety Finance Bill.

Human Services Legislative Update

Human Services Director, John Dinsmore, briefed the County Board on Health and Human Services proposed legislation. Child Support legislation has passed in both the House and Senate which could involve monitoring of how child support dollars are used by the custodial parent, with effective date in 2007.

Human Services Contract Approvals

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a Host County Contract between Otter Tail County Human Services and the Otter Tail Family Services Collaborative to fund a parent outreach support program for the period of June 1, 2005 to December 31, 2005. The grant funding of \$192,000, over a four-year period, is provided from the McKnight Foundation. The contract is approved subject to the approval of the County Attorney.

Motion by Nelson, second by Mosher, and unanimously carried to authorize the Chair's signature to execute a Purchase of Service Agreement between the Otter Tail County Department of Human Services and the Nelson House, New York Mills, for assisted living services for the elderly. The contract period is from April 1, 2005 to June 30, 2006, and subject to the approval of the County Attorney.

Motion by Froemming, second by Mosher, and unanimously carried to authorize the Chair's signature to execute an Addendum to Purchase of Service Agreement Transportation Contract between the Otter Tail County Department of Human Services and Productive Alternatives, Inc. of Fergus Falls, for a period of May 1, 2005 through December 31, 2005. The addendum modifies the original contract to charge \$200 per ride or \$100 per client for eligible clients, whichever is greater, for transportation services.

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a Purchase of Service Agreement between the Clay County Receiving Center and Otter Tail County Human Services for the period of May 1, 2005 through January 1, 2006, for utilization of the Clay County detoxification facility at a per diem rate of \$275.00, subject to approval of the County Attorney.

Bill & Claims

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

Economic Assistance Program Update

Human Services Supervisor, Beverly Schoon, provided a 2004 Annual Report and update of the Otter Tail County Income Maintenance Programs. The Minnesota Family Investment Program (MFIP) has been in operation for over six years and there has been a significant decrease in enrollment in the cash benefit program because of the welfare to work emphasis. From 1998 to 2004, the MFIP (formerly AFDC) caseload has decreased from 550 families to 258 families. Discussion also included: decreased childcare assistance because of lower income guidelines for eligibility and proposed web-based application for health care enrollment process for MA, GAMC, and MinnesotaCare. Human Services Director,

John Dinsmore, presented the most recent Human Service Cost Report (CY2003) comparison with other counties and noted that only 7% of the county's total health and human services public spending (federal, state and county funding) is spent on cash assistance for low income individuals. Sixty percent (60%) of all health and human services costs are spent on health care expenses, primarily nursing home care funded by Medicaid.

Recess & Closed to the Public

At 10:33 a.m., Chairman Block declared the meeting of the Otter Tail County Human Services Board recessed for a short break. At 10:40 a.m., Chairman Block declared the meeting of the Otter Tail County Human Services Board closed to the public for the purpose of evaluating the performance of County Coordinator, Larry Krohn, 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.

Adjournment

At 10:55 a.m., Chairman Block declared the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, June 14, 2005.

Dated: _____ OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____
Robert Block, Human Services Board Chair

Attest: _____
Larry Krohn, Clerk

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, May 24, 2005, at 11:03 a.m. at the Otter Tail County Government Services Center with Commissioners Bob Block, Chair; Roger Froemming, Vice-Chair; Dennis Mosher, Malcolm Lee, and Syd Nelson present.

Approval of Agenda

Motion by Lee, second by Nelson and unanimously carried to approve the County Board agenda of May 24, 2005, with one addition as follows:
Solid Waste Committee Meeting

Approval of Minutes

Motion by Froemming, second by Mosher, and unanimously carried to approve the County Board minutes of May 17, 2005, as mailed.

Approval to Pay Bills

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

Planning Commission Recommendations

Conditional Use Permit – Kenneth & Sandra Weis:

Motion by Nelson, second by Mosher, and unanimously carried to approve a Conditional Use Permit to develop a driveway as presented. The property is described as GL 3 ex trs, Section 15 of Dead Lake Township; Tee Lake (56-321).

Preliminary Plat – “Joyces Addition”/John P. & Clark A. Squires (Paul Motschenbacher, new owner):

Motion by Nelson, second by Froemming, and unanimously carried to approve the Preliminary Plat known as “Joyces Addition” consisting of four (4) non-residential backlots as presented. The property is described as GL 2 ex platted ex trs & GL 1 ex platted ex trs & NW¼ SE¼ E of creek, Section 14 of Rush Lake Township; Rush Lake (56-141).

Conditional Use Permit – Aurdal Township %Otter Tail County Highway Department:

Motion by Lee, second by Mosher, and unanimously carried to approve a Conditional Use Permit to replace deficient bridge No. L5936 in Aurdal Township over the Otter Tail River as presented. The location is at the crossing of 245th St. and the Otter Tail River, Section 19 of Aurdal Township; Otter Tail River (56-OTR).

Conditional Use Permit – Silver Sage Guest Ranch/Joan & Michael Otto:

Land & Resource Director, Bill Kalar, stated that this CUP request is to replace three campsites with two cabins and a shower/toilet building on this existing resort and the Planning Commission recommended approval as presented. Commissioner Mosher expressed concern regarding the lake classification and letters of opposition submitted at the Planning Commission meeting. Mr. Kalar read three letters from Joe Koep, James Hanson, and John & Julie Heintz that had been read at the Planning Commission meeting. These letters stated opposition to approval of this CUP request because of the small size of the lake, negative impact on wildlife, and increased fishing pressure. Mr. Kalar noted that this is an existing commercial operation since September of 1996, and this request is not an expansion of dwelling units. Commissioner Mosher requested that a re-classification for small lakes in Otter Tail County to Natural Environment lakes be completed. Motion by Mosher to approve a Conditional Use Permit if the same setback is used as would be required for a NE lake. A second was not offered and the motion was withdrawn. Motion by Nelson, second by Lee, to approve a Conditional Use Permit for Silver Sage Guest Ranch to replace existing campsites with two cabins and a shower/toilet building as presented. Chairman Block called for a roll call vote as follows:

	<u>Yea</u>	<u>Nay</u>
Commissioner Lee	X	
Commissioner Nelson	X	
Commissioner Mosher		X
Commissioner Froemming	X	
Commissioner Block		X

Motion passed 3-2. The property is described as E½ SE¼ (80 AC) Section 6 of Leaf Mountain Township; Unnamed Lake (56-147).

Conditional Use Permit – Eagle Lake Township %Jeff Stabnow:

Motion by Mosher, second by Froemming, and unanimously carried to approve a Conditional Use Permit to reconstruct an existing township road with conditions as recommended by the Planning Commission. The property is described as 160th Street – 700 feet west of 405th Ave to 1,700 feet east of 405th Ave adjacent to parcels 18000010004000, 18000010002000, in Section 1 of Eagle Lake Township and 180000360237000, Section 36 of Clitherall Township; Belmont Lake (56-237).

Conditional Use Permit – Allen & Carol Kuvaas:

Motion by Lee, second by Nelson, and unanimously carried to approve a Conditional Use Permit for a sawmill operation with the following conditions: 1. It operates 8:00 a.m. to 8:00 p.m., 6 days per week, with no operation taking place on Sundays or legal holidays; 2. The operation must be contained within an insulated structure within 1 year; and, 3. The operation must remain in its present location (500' from the lake). The property is described as Pt of GL 3 ...(11.80 AC) Section 26 of Scambler Township; Tamarac Lake (56-931).

Conditional Use Permit – Randy & Teri Vareberg:

Motion by Lee, second by Froemming, and unanimously carried to approve a Conditional Use Permit to open a gravel pit for removal of rock and gravel with conditions as recommended by the Planning Commission. The property is described as NE¼ NW¼ (40 AC), Section 26 of Dunn Township; Unnamed Lake (56-775).

Otter Trail Riders Snowmobile Club
Otter Tail County Resolution No. 2005 – 33

Commissioner Froemming 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 the Otter Trail Riders Snowmobile Club and proposed extensions of Grant-In-Aid Trails with the aforementioned condition.

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

Adopted this 24th day of May, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk

Recess & Reconvene

At 11:44 a.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners recessed for a committee meeting and lunch break. The meeting was reconvened at 1:00 p.m.

Dane Prairie Township Road Complaint Public Hearing

Assistant County Attorney, Kurt Mortenson, opened a Public Hearing at 1:00 p.m., pursuant to a complaint of five property owners in Dane Prairie Township regarding the condition of 229th Avenue from State Highway 210 to Birchwood Estates Road. Attorney Mark Brown, representing Dane Prairie Township, referred to correspondence dated May 20, 2005,

previously sent to the Commissioners, stating his opinion, that the County does not have jurisdiction of this issue because a formal complaint was not first submitted to the Township. Bob Sefkow, representing the complainants, disagreed with Mr. Brown's analysis and stated that the County does have jurisdiction under MS 163.16 when a road is not reasonably passable. Assistant County Attorney, Kurt Mortenson, stated that it is appropriate to hear this issue. Mr. Brown questioned whether non-resident claimants are legal complainants. In terms of the closure of the road, he explained that the road was in that condition for a period of less than seven days and after that, the road was maintained and brought to a passable condition. Mr. Sefkow referred to MS 163.16, and stated that the statute does not require that you be a resident in the township to assert a complaint, and that the 1997 case law submitted by Mr. Brown has different facts and is not relevant. Mr. Sefkow gave testimony to support that the road is not reasonably passable as follows: 1. the road is currently closed with barricades that remain in place; therefore, the road is not open to the general public, 2. public safety issues with ambulance, fire trucks, and other emergency services gaining access, 3. problems with pedestrian traffic, bicyclists, damage to vehicles, and disruption in bus service and garbage removal, 4. business interruption, 5. snow removal if road is not upgraded before winter, 6. newspaper article in the Daily Journal dated April 8, 2005, and 7. video showing the condition of the road at the time the complaint was filed. The complainants requested that the County Board make a decision whereby the road will be maintained in a reasonably passable condition so it can be re-opened to the general public until other pending court proceedings are completed that will determine whether this road will be tar or gravel. Mr. Brown asked to present some photographs to the County Board and requested that County Board members drive this road to conclude that it is passable today. He stated that it is more passable than another stretch of road that isn't mentioned by these complainants that runs directly from their development into Fergus Falls which is in their own township. Additionally, he stated that he is prepared to submit invoices on the type of repairs that have been completed. Chairman Block requested that this Public Hearing be continued at 1:30 p.m. on Tuesday, June 7, 2005. Mr. Sefkow and Mr. Brown stipulated waiver of the statute notice requirements.

Auxiliary Boiler – Perham Resource Recovery Facility

Solid Waste Director, Mike Hanan, explained that a Coordinating Committee Meeting is scheduled for Thursday, May 26th, and Otter Tail County will be asked their position regarding the replacement of the auxiliary boiler. Mr. Hanan and Commissioner Froemming expressed concern that the Committee will ask for approval to purchase the auxiliary boiler without having bid the installation of the boiler. Commissioners agreed that the purchase of the boiler and installation should be bid out at the same time so a total cost is known before expending dollars. Commissioner Froemming will bring the Board's concern to the Coordinating Committee.

Used Skidsteers

Motion by Froemming, second by Lee, and unanimously carried to reject the existing bids received for sale of two used skidsteers, re-advertise and allow competitive bidding to take place at the time of the bid opening.

Liquor License Applications

Motion by Nelson, second by Mosher, and unanimously carried to approve the following applications for license:

Balmoral Golf Course* Battle Lake, MN	On-Sale Liquor and Sunday Liquor
Big Pine Lodge on Mosquito Heights Resort Perham, MN	Renewal of Consumption and Display Permit
Cozy Cove Resort Dent, MN	On/Off-Sale 3.2 Malt Liquor
Keeps Corner* Clitherall, MN	Off-Sale 3.2 Malt Liquor
Lenny's Dining and Dancing** Underwood, MN	On-Sale Liquor and Sunday Liquor (2 a.m. closing)
Tom's Amoco* Henning, MN	Off-Sale 3.2 Malt Liquor

*Approval is subject to review and approval by the County Attorney's office and the County Sheriff's office.
**Approval is subject to review and approval by the County Attorney's office and the County Sheriff's office and to the submission of the proper insurance papers.

Otter Tail Water Management District Board

Motion by Mosher, second by Froemming, and unanimously carried to reappoint Jim Olson and Bob Young to four year terms, effective July 1, 2005, on the Otter Tail Water Management District Board.

Applications for Exempt Permit

Motion by Nelson, second by Froemming, and unanimously carried to approve the LG220 Application for Exempt Permit as submitted by the Holy Cross Church for an event scheduled for September 11, 2005, at the Holy Cross Church.

Motion by Nelson, second by Mosher, and unanimously carried to approve the LG220 Application for Exempt Permit as submitted by the MN Finnish American Historical Society, Chapter 13, for an event scheduled for August 28, 2005, at the Finn Creek Open Air Museum.

Promotion

Motion by Lee, second by Mosher, and unanimously carried to promote a License Center Specialist to Senior License Center Specialist effective June 1, 2005.

Request for Transfer of County State Aid Construction Funds to County State Aid Maintenance Account Otter Tail County Resolution No. 2005 - 34

Commissioner Mosher offered the following and moved its adoption:

WHEREAS, Otter Tail County has experienced high water elevations at Johnson Lake on CSAH No. 12 located in Sections 5 and 8 of St. Olaf Township (T131N, R31W) approximately 3 miles East of the City of Dalton and also at Lake Oscar/Lein Lake on CSAH No. 10 located in Sections 32 and 33 of Oscar Township (T134N, R44W) approximately 5 miles West of the City of Elizabeth, AND

WHEREAS, these two high water situations have existed for the past five years with Otter Tail County raising the highway grades at both locations two – three times with our maintenance forces, AND

WHEREAS, both these locations are now closed to traffic because the lakes have again risen over the highways.

NOW, THEREFORE BE IT RESOLVED, that Otter Tail County is requesting the transfer of \$500,000.00 from our County State Aid Construction Account to our County State Aid Maintenance Account to accomplish the work required to open CSAH No. 10 and CSAH No. 12.

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

Adopted this 24th day of May, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk

Bridge #L5936 Replacement Project

Motion by Lee, second by Mosher, and unanimously carried to authorize right-of-way payments to the following individuals for S.P. 56-599-53 Bridge Replacement Project:

Gary D. and Elaine M. Snyder	\$8,788.00
Keith W. and Eileen Lange	\$1,070.00
David and Amy Nathe	\$599.00
Judith R. Gregor	<u>\$327.00</u>
Total R/W S.P. 56-599-53	\$10,784.00

Adjournment

At 2:27 p.m., Chair Block declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, June 7, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk