

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 Fir Ave W, Fergus Falls, MN
Tuesday, June 7, 2005
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, June 7, 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 Froemming, second by Mosher, and unanimously carried to approve the County Board agenda of June 7, 2005, as presented.

Approval of Minutes

Motion by Froemming, second by Nelson, and unanimously carried to approve the County Board minutes of May 24, 2005, as mailed.

Bill & Claims

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

Grand View Lodge

Veterans Service Department (Jourdan Sullivan,
Tom Figliuzzi, Syd Maclean, & Bernie Gamber)

Public Hearing to Issue Bonds for Detoxification Center

At 9:33 a.m., Chairman Block opened the Public Hearing to issue bonds for conduit financing for Productive Alternatives, Inc. to build a detoxification center. Hearing no opposition to the financing, and noting that this is a good project for the area and provides a needed service, the County Board passed two resolutions (2005 – 35 and 2005 – 36), which are attached as Attachment B and Attachment C.

County Ditch No. 31

Ditch Inspector, Randy Wasvick discussed water flowage from South Turtle Lake, located in Tordenskjold Township, and provided a map showing the flow of water when water is pumped out of South Turtle Lake. The water eventually flows into Ditch No. 31. He expressed concern for high water around 200th Street. Bricker Johnson from the South Turtle Lake Improvement District noted that pumping water out of South Turtle Lake is regulated by the State DNR and if water is high downstream, pumping cannot take place. County Attorney, David Hauser, stated that the situation is a diminimus matter. The County Board, as the drainage authority, could tell the South Turtle LID to stop pumping into Ditch No. 31, at any time. Commissioners requested that the water levels be monitored. No action was taken.

County Ditch No. 37

Mr. Wasvick reported that there is a control on the outlet of Bass Lake that goes into Ditch No. 37. Eugene Peterson is farming land in that area and has asked if the control could be

closed down a little bit to slow the water down. Mr. Wasvick has spoken with DNR Hydrologist, Terry Lejcher. Mr. Lejcher, has not notified Mr. Wasvick with his decision; however, Mr. Wasvick asked the County Board if they would approve this request subject to the DNR's decision. By consensus, County Commissioners agreed to move forward based on the DNR's decision on the matter.

License Approvals

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

Elks Point** BOPE Elks Lodge 1093 20970 Elks Point Road Fergus Falls, MN	On-Sale Liquor
Hamburger Hollow* 43077 County Highway 53 New York Mills, MN	On-Sale Wine On/Off Sale 3.2 Malt Liquor
Silver Moon Lounge and Steakhouse* T & T Enterprises of Perham Inc. 41500 400 St Perham, MN 56573	On-Sale Liquor, Sunday Liquor and Off-Sale 3.2 Malt Liquor
Stalker Lake Club House** Stalker Lake Golf Course LLC 15786 Golf Course Road Dalton, MN 56324	On-Sale Liquor and Sunday Liquor
Ye Olde Schoolhouse* 24028 Emery Drive Erhard, MN 56534	On/Off-Sale 3.2 Malt Liquor

*Approval is subject to review by the County Attorney's office and the County Sheriff's office.

**Approval is subject to review by the County Attorney's office and the County Sheriff's office and to the approval of the township.

Audit Engagement Letter

Motion by Froemming, second by Nelson, and unanimously carried, to authorize the Chair of the County Board of Commissioners, the County Auditor, and the County Coordinator to sign the audit engagement letter for the year ending December 31, 2004.

Payment Approvals

Motion by Mosher, second by Lee, and unanimously carried to approve the following payments for beaver trapping:

Roland Aho	Ditch 29	\$105.00
John Thorson	Ditch 12	\$210.00

Motion by Froemming, second by Mosher, and unanimously carried, to approve payment to Lake Region Healthcare, in the amount of \$235.37, for costs incurred under the provision of Minnesota Statute 609.35.

Premise Permit
Otter Tail County Resolution No. 2005 – 37

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 Perham Athletic Association, Perham, MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at Big Pine Lodge, located at 43606 Mosquito Heights Road in Pine Lake 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 Perham Athletic Association, Perham, MN, at Big Pine Lodge, located at 43606 Mosquito Heights Road in Pine Lake 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 Perham Athletic Association, Perham, MN, at the Big Pine Lodge, located at 43606 Mosquito Heights Road in Pine Lake 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 Pine Lake by sending them a copy of this resolution.

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

Adopted and signed this 7th day of June 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk

Planning Commission Appointments

Motion by Nelson, second by Mosher, and unanimously carried appoint Jim Arno of Perham, to the Otter Tail County Planning Commission to complete the term of Frank Lachowitz ending December 31, 2006.

Motion by Lee, second by Mosher, and unanimously carried to appoint Ken Erickson to the Otter Tail County Planning Commission to complete the term of Richard Sha ending December 31, 2005.

Board of Equalization

Assessor, Bob Moe, provided handouts for the duties of the County Board of Appeal and Equalization and market sales data. He reported that the State Board of Equalization was held last week and there are no valuation changes from the State. He provided 2005 market assessment increases. Total new improvements this past year in Otter Tail County was reported as \$162,193,900, with an estimated market value increase of 15.7% with new construction being 18.7% of that increase.

Approval of Appraiser Trainee Position

Motion by Lee, second by Mosher, and unanimously carried to authorize the Assessor to proceed with the hiring process, through the Coordinator's office, for a new Appraiser Trainee position. The Assessor will develop an eligibility list during this hiring.

Recess & Reconvene

At 10:24 a.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 10:28 a.m.

Work Release Contract

Motion by Lee, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a Joint Powers Agreement between State of Minnesota, Department of Corrections and the Otter Tail County Sheriff's Department for the work release program effective July 1, 2005 through June 30, 2006. Compensation to the County is \$56 per day per client.

Emergency Management

Emergency Management and Safety Director, Tiny Holm, discussed with the Board, additional requirements being imposed by the Federal Government in order to qualify for emergency management grants and the increased time that will be required to complete the process. Lengthy discussion took place. Commissioners requested that County Coordinator, Larry Krohn, Mr. Holm, and Physical Plant Manager, Rick Sytsma, meet and put together a recommendation.

Closed to the Public Reconvene

At 10:50 a.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners closed to the public for purposes of discussing labor negotiation strategies relative to the Human Services Social Workers Union. Present were the five seated Commissioners, the County Attorney, County Coordinator, Board Secretary, Political Science Intern and Human Services Director. Chairman Block reconvened the regular Board meeting at 11:20 a.m.

RESOLUTION
Agency Agreement No. 88162
For Federal Participation in Advance Construction
For S.P. 56-665-06, M.P. STPX 5605(124)
Otter Tail County Resolution No. 2005 - 38

Commissioner Lee offered the following and moved its adoption:

BE IT RESOLVED, that pursuant to Minnesota Statutes Section 161.36, the Commissioner of Transportation be appointed as Agent of Otter Tail County to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the County Board Chair and the County Board Clerk are hereby authorized and directed for and on behalf of the County of Otter Tail to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 88162", a copy of which said agreement was before the County Board and which is made a part hereof by reference.

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

Adopted and signed this 7th day of June 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk

CSAH No. 12 – Johnson Lake

Highway Engineer, Rick West, requested approval to move forward with plans to siphon some water from Johnson Lake to the Pomme de Terre River. Johnson Lake is six feet above the Ordinary High Water Level. Motion by Mosher, second by Nelson, and unanimously carried to authorize the Highway Engineer to pursue a plan to reduce the water level of Johnson Lake to alleviate flooding issues on CSAH No. 12. A public hearing will be required.

Recess & Reconvene

At 11:30 a.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners recessed for Personnel Committee meetings and lunch break. The meeting was reconvened at 1:02 p.m.

Discussion Regarding Aggregate Material Tax

Consultant, Donald H. Walsh, submitted an Aggregate Material Tax Informational Brochure and offered his services if Otter Tail County chooses to impose an Aggregate Materials tax. He explained that a public hearing would need to be held, a resolution completed and

notification to the State Department of Revenue. The Materials Tax would be imposed on all producers and importers. Lengthy discussion followed regarding the formula of distribution of the tax, weighing the product, other counties that currently have a Materials Tax, and steps to complete before a public hearing is held.

Continuance of Public Hearing for 229th Avenue Road Complaint

At 1:30 p.m., Chairman Block opened the continued public hearing for the 229th Avenue road complaint. Robert Sefkow, representing the complainants regarding the condition of 229th Avenue, submitted a letter dated May 31, 2005. He also spoke at the continued hearing stating that the barricades had been removed and gravel added since the May 24th hearing and the condition of the road provides for it to be driven on without fear of damage to person or property. He felt that the work was completed only because of the complaint brought to the County and asked that the complaint be held for six months. Attorney for Dane Prairie Township, Mark Brown, submitted a letter dated June 1, 2005, and spoke at the continued hearing. He did not agree with continued monitoring of this road and asked that the County Board dismiss this complaint as not well-founded. Motion by Mosher, second by Froemming, and unanimously carried to find that 229th Avenue is reasonably passable.

Recorder's Office Position Descriptions

Motion by Lee, second by Mosher, and unanimously carried to authorize the Recorder to update the position descriptions for the employees in her department. Position descriptions are Land Title Specialist (2203) and Vital Statistics Deputy (2204).

Public Health Positions

Motion by Froemming, second by Nelson, and unanimously carried to increase hours for a Dietitian to 24 hours per week and a Public Health Nurse position to 24 hours per week. These will be filled by internal postings.

RESOLUTION ESTABLISHING THE MINNESOTA SERVICE COOPERATIVES VEBA PLAN AND TRUST, AND A POST-RETIREMENT HEALTH CARE SAVINGS PLAN FOR RETIREES OTTER TAIL COUNTY RESOLUTION NO. 2005 – 39

Commissioner Lee offered the following and moved its adoption:

WHEREAS, Otter Tail County wishes to offer tax preferred and tax free benefit plans to current and former employees;

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. Otter Tail County has taken the steps necessary to establish a Voluntary Employees' Beneficiary Association ("VEBA") for the provision of a Post Retirement Health Care Savings Plan ("PRHCSP") for retired employees.
2. Otter Tail County hereby adopts the Minnesota Service Cooperatives VEBA Plan and Employee Benefits Trust Agreement, which is intended to qualify as a VEBA under Section 501 (c)(9) of the Internal Revenue Code, and consents to the appointment of Wells Fargo Corporation as Trustee.

3. The effective date of the establishment of the VEBA and PRHCSP is March 15, 2005.

Whereupon the above Resolution was seconded by Mosher, and was unanimously adopted.

Date: _____

Otter Tail County Board of Commissioners

By: _____

Robert Block, County Board Chair

Attest: _____

Larry Krohn, Clerk

Special County Board Meeting

Motion by Froemming, second by Mosher, and unanimously carried to schedule the Joint Otter Tail/Todd/Wadena County Meeting on Monday, June 20, 2005, at 10:00 a.m. at the New York Mills offices as a Special County Board Meeting.

Dead Lake Lawsuit

Motion by Nelson, second by Lee, and unanimously carried to authorize payment of \$532.32, payable to Minnesota Counties Insurance Trust, for attorney's fees for one of the Dead Lake (Blue Heron Bay) lawsuits in which judgment was made for a need for an EIS.

Performance Evaluation Summary

Motion by Mosher, second by Froemming, and unanimously carried to approve the positive performance evaluation summary as presented for County Coordinator, Larry Krohn. The performance summary will be placed in his personnel file.

**Closed to the Public
Adjournment**

At 2:05 p.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners closed to the public for purposes of discussing labor negotiation strategies relative to the Human Services Social Workers Union. Present were the five seated Commissioners, the County Attorney, County Coordinator, Board Secretary, and Political Science Intern. At 2:30 p.m., upon completion of the Closed Session, Chairman Block declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, June 14, 2005.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Robert Block, County Board Chair

Attest: _____

Larry Krohn, Clerk