

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 Fir Avenue W., Fergus Falls, MN
Tuesday, January 30, 2007
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners Convened Tuesday, January 30, 2007, at 9:31 a.m. at the Otter Tail County Government Services Center with Commissioners Dennis Mosher, Chair; Syd Nelson, Vice-Chair; Bob Block, Roger Froemming, and Everett Erickson present.

Approval of Agenda

Motion by Froemming, second by Block, and unanimously carried to approve the County Board Agenda of January 30, 2007 with the following addition:

Add to Sheriff's Agenda – Request for Approval of ICWC & STS Agreements

Approval of Minutes

Motion by Nelson, second by Froemming, and unanimously carried to approve the County Board Minutes of January 23, 2007, as presented.

Approval to Pay Bills

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

Request for New Part-time Clerical Position

Motion by Nelson, second by Block, and unanimously carried to approve advertising and hiring for a Part-time Clerical Position in the Veterans Service Office in New York Mills.

Federal Entitlement Benefits for Inmates

Motion by Nelson, second by Erickson and unanimously carried to approve a draft resolution urging congress to amend the federal statutes to allow payment for medical benefit entitlements for inmates.

Resolution

Loss of Federal Entitlement Benefits

Otter Tail County Resolution No. 2007 – 06

Commissioner Nelson offered the following and moved its adoption:

WHEREAS, U.S. Code of Federal Regulations, Title 42, Part 435.1008 states that federal financial participation (FFP) is not available in expenditures for services provided to individuals who are inmates of public institutions, and

WHEREAS, States being unable to assume the federal share of providing medical services to FFP eligible persons being held in county jails and detention facilities, tend to terminate or sometimes suspend eligibility, and

WHEREAS, this immediate cessation of benefits occurs prior to the issuance of formal charges or conviction, and

WHEREAS, counties must provide medical services to all persons incarcerated in local jails and detention facilities, and

WHEREAS, as the result of this regulation to immediately cease FFP for medical benefits, all costs of medical care must be borne solely by counties;

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners requests and strongly urges Congress to amend necessary federal statutes to allow federal financial participation for medical benefits to incarcerated individuals until convicted and sentenced to secure detention.

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

Adopted this 30th day of January, 2007

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Dennis R. Mosher, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

Request to Hire Additional Part-time Corrections Officers

Motion by Froemming, second by Erickson and unanimously carried to hire up to three additional part-time Corrections Officers.

Sentence To Service (STS) Program Agreement

Motion by Froemming, second by Erickson and unanimously carried to approve a two year agreement for FY 2008/2009 between the State of Minnesota and Otter Tail County for the Sentence to Serve Program.

Institutional Community Work Crew (ICWC)

Motion by Erickson, second by Block and unanimously carried to authorize a two year agreement with the State of Minnesota for FY 2008/2009 for the ICWC program.

RESOLUTION

Resolution to Modify an Existing Job Opportunity Building Zone
City of Pelican Rapids
Otter Tail County Resolution No. 2007 - 07

Commissioner Erickson offered the following and moved its adoption:

WHEREAS, the City of Pelican Rapids has a desire to promote economic development within the city boundaries, and

WHEREAS, the State of Minnesota through the Minnesota Department of Employment and Economic Development has created the Job Opportunity Building Zones to promote economic development in rural Minnesota, and

WHEREAS, the City of Pelican Rapids has been authorized a total of 88.30 acres of JOBZ designation, and

WHEREAS, the City of Pelican Rapids has been approached by 2 manufacturing concerns that are interested in locating facilities and creating employment opportunities within the City on sites which are not included in a JOBZ Sub-zone, and

WHEREAS, the 2 manufacturing concerns desire to establish their facilities within a JOBZ Sub-zone in order to receive JOBZ program benefits, and

WHEREAS, the State of Minnesota allows JOBZ designation to be transferred to undesignated parcels, and

WHEREAS, the City of Pelican Rapids, upon careful consideration and review, desires to modify the existing JOBZ Sub-zones as follows: removing 2.69 acres of JOBZ designation from east end of Sub-zone C; and adding 2.69 acres of JOBZ designation to Sub-zone A. Specifically, the addition to Sub-zone A will consist of adding the parcels listed below:

	Owner/Developer	Location	Parcel number	Current zoning	Size Acre
1	BTD Corp.	Industrial Park, Block 1, Lot 1	76000990849000	Industrial	.71 acre
2	City of Pelican Rapids	Industrial Park, Block 1, Lot 4	76000990852000	Industrial	.52 acre
3	City of Pelican Rapids	Industrial Park, Block 1, Lot 5	76000990853000	Industrial	.52 acre
4	City of Pelican Rapids	Industrial Park, Block 1, Lot 6	76000990854000	Industrial	.47 acre
5	City of Pelican Rapids	Industrial Park, Block 1, Lot 7	76000990855000	Industrial	.47 acre

NOW, THEREFORE, BE IT RESOLVED, the Otter Tail County Commission, at a regularly scheduled meeting and, upon careful consideration and review, hereby approves the JOBZ acreage modifications as proposed by the City of Pelican Rapids.

BE IT FURTHER RESOLVED, the Otter Tail County Commission agrees to provide all of the local tax exemptions and credits required and provided for under the Job Opportunity Building Zones (JOBZ) legislation and agrees to forego the tax benefits resulting from the local and state tax exemptions and credits provided by said legislation.

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

Adopted and signed on this 30th day of January 2007.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Dennis R. Mosher, Board of Commissioners Chair

Attest: _____

Larry Krohn, Clerk

RESOLUTION

Resolution to Modify an Existing Job Opportunity Building Zone
City of Pelican Rapids

Otter Tail County Resolution No. 2007 - 08

Commissioner Erickson offered the following and moved its adoption:

WHEREAS, the City of Pelican Rapids has a desire to promote economic development within the city boundaries, and

WHEREAS, the State of Minnesota through the Minnesota Department of Employment and Economic Development has created the Job Opportunity Building Zones to promote economic development in rural Minnesota, and

WHEREAS, the City of Pelican Rapids has been authorized a total of 88.30 acres of JOBZ designation, and

WHEREAS, the City of Pelican Rapids has been approached by an existing food processing concerns that is interested in expanding its facility and creating employment opportunities within the City on sites which are not included in a JOBZ Sub-zone, and

WHEREAS, the food processing concern desires to expand its facility within a JOBZ Sub-zone in order to receive JOBZ program benefits, and

WHEREAS, the State of Minnesota allows JOBZ designation to be transferred to undesignated parcels, and

WHEREAS, the City of Pelican Rapids, upon careful consideration and review, desires to modify the existing JOBZ Sub-zones as follows: removing 5.61 acres of JOBZ designation from Sub-zone C which will decertify this Sub-zone; and certifying a new Sub-zone D by adding 5.61 acres of JOBZ designation to the property owned by Jennie O Foods. Specifically, the certification of Sub-zone D will consist of adding the parcels listed below:

	Owner	Location	Parcel Number	Current Zoning
1	Jennie O Foods, Inc.	West Central Turkeys Plant	76000220011002	Industrial
2	Jennie O Foods, Inc.	West Central Turkeys Plant	76000220013000	Industrial
3	Jennie O Foods, Inc.	West Central Turkeys Plant	76000220013001	Industrial
4	Jennie O Foods, Inc.	West Central Turkeys Plant	76000220013002	Industrial
5	Jennie O Foods, Inc.	West Central Turkeys Plant	76000990658000	Industrial
6	Jennie O Foods, Inc.	West Central Turkeys Plant	76000990659000	Industrial

NOW, THEREFORE, BE IT RESOLVED, the Otter Tail County Commission, at a regularly scheduled meeting and, upon careful consideration and review, hereby approves the JOBZ acreage modifications as proposed by the City of Pelican Rapids.

BE IT FURTHER RESOLVED, the Otter Tail County Commission agrees to provide all of the local tax exemptions and credits required and provided for under the Job Opportunity Building Zones (JOBZ) legislation and agrees to forego the tax benefits resulting from the local and state tax exemptions and credits provided by said legislation.

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

Adopted and signed on this 30th day of January 2007.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Dennis R. Mosher, Board of Commissioners Chair

Attest: _____

Larry Krohn, Clerk

4-H Update

Regional Extension Educator, Donna Geiser updated the County Board on 4-H. Current projects include Learning about Fleece (a lesson in recycling), fitness challenge to kids, and after school programs. Ms. Geiser's handout indicated total County 4-H enrollment at 1,264, very near its all-time high. Ms. Geiser thanked the Board for support of the Extension Service.

Request for a Moratorium on Cluster Developments on Dead Lake

Dead Lake Association (DLA) Representatives, Terry Sullivan, Don Fondrick, and Bob Deutschman presented a draft resolution which would implement a one year moratorium on cluster developments and subdivisions greater than 10 units or lots, within the Shoreland areas of natural environment lakes exceeding 5,000 acres in size. They explained that the period of moratorium would be used to develop a Lake Management Plan and/or Surface Water Use Ordinance for Dead Lake. Blue Heron Bay Attorney, Bob Russell, discussed their position regarding the moratorium and encouraged moving forward to cease potential legal action relative to Blue Heron Bay's Conditional Use Permit. Land & Resource Director, Bill Kalar, stated that a Lake Management Plan is generally a process through which lake associations, in conjunction with the DNR, develop a plan for their lake. There is no regulatory authority in a Lake Management Plan; it is a plan that can be used to make future decisions. Part of a Lake Management Plan could be a Surface Water Use Ordinance, which would give the County regulatory and enforcement authority. Mr. Kalar provided an example of Indian Lake where a Surface Water Use Ordinance was adopted to limit motors to electric motors only. County Attorney, David Hauser, informed the Board that a moratorium can be implemented when planning to amend an ordinance or change zoning in some manner. Moratoriums are subject to challenge and are not required on potential review of a zoning system. Mr. Hauser discussed several other concerns relative to language in the draft resolution. Discussion continued regarding the potential need for a public meeting on the moratorium issue, additional workload for the Land & Resource Office, and the fact that studies could move forward without a moratorium. Motion by Erickson, second by Froemming, to deny the proposed Moratorium for the Creation of Cluster Developments & Subdivisions as presented by the DLA, and to encourage the DLA to further study the need for a Lake Water Management plan and other zoning studies for natural environment lakes over 5,000 acres in size, with a proposed time frame for completion to be November 1, 2007. Motion carried unanimously.

Approval of County Credit Card

Motion by Nelson, second by Erickson, and unanimously carried to approve an Otter Tail County Credit Card for Assistant County Attorney, Chris A. Stuber, at a \$1,000.00 limit.

Approval of Capital Expenditure Fund Payments

Motion by Block, second by Erickson, and unanimously carried to approve the following payments from the Capital Expenditure Fund:

Midwest Testing Laboratory, Inc.	Ottertail Operations Center	\$4,300.00
Shultz & Associates	Project 0603 Ottertail Operations Center	13,950.00
Shultz & Associates	Project 0536 OTC Study Retainer	480.00

RESOLUTION

Joint Powers Agreement between Otter Tail County and the MN DNR
Central Lakes Trail Maintenance
Otter Tail County Resolution No. 2007 - 09

Commissioner Mosher offered the following and moved its adoption:

WHEREAS, pursuant to Minnesota Statutes 84.026 and 471.59, subd. 10, the State is empowered to engage such assistance as deemed necessary and the State is in need of routine maintenance services on the Central Lakes Trail in Otter Tail County, AND

WHEREAS, Otter Tail County is agreeable to provide the routine maintenance services as described in the Joint Powers Agreement for an annual rate of \$1,100.00 per mile.

BE IT RESOLVED, that Otter Tail County will provide the maintenance services as per the Joint Powers Agreement expiring June 30, 2007, at the annual rate of \$1,100.00 per mile on the Central Lakes Trail.

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 MN Commissioner of Natural Resources prescribing the terms and conditions of same Joint Powers Agreement for the routine maintenance of the Central Lakes Trail expiring June 30, 2007.

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

Adopted this 30th day of January, 2007

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Dennis R. Mosher, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

Final Payment – S.A.P. 56-611-15

Motion by Mosher, second by Erickson, and unanimously carried to approve Final Payment, per Estimate No. 3, in the amount of \$82,139.93, payable to the Wilkin County Highway Department for completion of aggregate work for S.A.P. 56-611-15.

Recess & Reconvene

At 11:15 a.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 11:21 a.m.

Proposed Chemical Dependency Treatment Facility Update

Attorney, Kent Mattson, briefed the Board on the proposed location of the State CD Treatment Facility. The current proposed location is near the Bigwood Events Center across from the West Central Initiative building. He stated that the price has not been fixed for this tract, soil testing needs to be completed, wetland issues must be considered, and total costs must be in-line with the project budget. The County would finance this project with the State reimbursing the County for all costs with pay-off in fifteen years. Discussion took place regarding County risk and agreements that would be required. By consensus, the Board agreed that the County should move forward with earnest money to purchase the tract of land as described by Mr. Mattson and develop a corresponding lease agreement.

Closed to the Public

At 11:46 a.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners closed to the public for the purpose of evaluating the performance of Human Services Director, John Dinsmore, 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 conclusion of the Performance Evaluation, at 12:05 p.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break and committee meetings. The meeting was reconvened in open session at 1:39 p.m.

Rental Property Discussion

Physical Plant Manager, Rick Sytsma, reported that he has been contacted by a business interested in renting some space at the County-owned building on Cavour Avenue. Lengthy discussion took place regarding the space available, the cost to reconfigure the space specific for the tenant, and other future County uses for the building. Consensus of the Board was not to rent the available space at the Cavour Avenue building unless it could be rented in its present condition/configuration on a month-to-month basis, with no remodeling expenses for the County.

Closed to the Public

At 1:50 p.m., Chairman Mosher 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 Collective Bargaining Unit that includes the Treasurer, Assessor, Recorder, Auditor and Land & Resource offices, and the Collective Bargaining Unit for the Building Maintenance Group. Present were all five seated Commissioners (with Commissioner Block absent at 2:30 p.m.), the County Attorney, County Coordinator, Recording Secretary, Backup Recording Secretary, Treasurer, Auditor, Assessor, Land & Resource Director and Physical Plant Manager.

Adjournment

Upon conclusion of the closed session at 2:48 p.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, February 6, 2007.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Dennis R. Mosher, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

WARRANTS APPROVED ON 1/30/2007 FOR PAYMENT 1/30/2007

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A'VIANDS LLC	6,550.10
ACS	1,063.65
AMERICINN FERGUS FALLS	129.22
APPLE TIME INC	1,340.80
BRIAN ARMSTRONG	211.91
ASSOCIATED BAG COMPANY	88.45
ATSSA	380.00
AUTO VALUE FERGUS FALLS	6.49
JOHN BARTHEL	45.99
BATTLE LAKE AUTO PARTS	15.02
BATTLE LAKE STANDARD	83.95
BCA-BTS	450.00
BOUND TREE MEDICAL LLC	306.76
BRANDON COMMUNICATIONS INC	182.39
BRETZ HARDWARE	2.97
BRIGGS CORPORATION	77.60
C G PROPERTIES	1,066.20
CHECKERS	3.37
CITICORP VENDOR FINANCE INC	189.86
COMMISSIONER OF TRANSPORTATION	353.04
CONTINUING EDUCATION	1,000.00
COOPERS TECHNOLOGY GROUP	42.79
COUNTRY INN & SUITES	383.40
DACOTAH PAPER COMPANY	237.18
JONATHAN DANNER	45.77
DIVERSION AUTO	82.29
DNL WELDING & MFG	175.00
KATHY DOMHOLT	41.83
CHUCK EHRENBERG	195.85
EMERGENCY TRAINING ASSOCIATES	190.00
F M FORKLIFT SALES & SERVICE I	1,931.56
FERGUS FALLS MEDICAL GROUP	3,028.00
FERGUS FALLS POLICE DEPT	1,731.44
CITY FERGUS FALLS	12,481.55
FERRELLGAS	150.23
FLOOR TO CEILING STORE	5,505.83
FOTH & VAN DYKE	10,038.78
FRONTIER PRECISION INC	45.90
GALL'S INC	106.94
GATOR H20	27.50
GOODIN COMPANY	287.27
GR GRAPHICS INC FARGO	144.10
GRAINGER INC	295.20
PATRICK GRIFFIN	16.80
HEDAHL'S HEADQUARTERS	27.15
HENNEPIN CO SHERIFF	49.00
HENRY'S FOODS INC	811.16
INNOVATIVE OFFICE SOLUTIONS	4,451.14
INSIGHT PUBLIC SECTOR	384.52
JC ELECTRIC INC	204.61
JK SPORTS	145.00
JOHNSTONE SUPPLY	139.28
KEEPRS INC CY'S UNIFORMS	368.60
KELLY SERVICES INC	2,519.74
KIM KNUTSON	48.05
KOEP'S CLITHERALL CORNER	583.07
LAKELAND MENTAL HEALTH CENTER	384.00
LAKES COUNTRY SERVICE CO OP	196.00
LARRY OTT INC TRUCK SERVICE	840.00
LITTLE FALLS MACHINE INC	1,802.73
LOCATORS & SUPPLIES INC	249.21
MACPZA	100.00

MARK SAND & GRAVEL CO	39,673.03
MARTIN'S PAINTING & MORE	1,225.00
MATTHEW BENDER & COMPANY INC	250.30
MCCC MI 33	148.30
MIDWESTERN MAT RENTAL & SUPPLY	69.60
MINNKOTA	58.00
MN CO ATTORNEYS ASSOCIATION	3,408.00
MN CO INSURANCE TRUST	2,500.00
MN DNR WATERS	101.00
MN MOTOR COMPANY	29.13
MN PESTICIDE INFO & EDUCATION	2,700.00
MN PIE	135.00
MN SCIA 50.00	
MN VIEWERS ASSOCIATION	100.00
MOORE MEDICAL LLC	149.58
ELDON MOREY PHD	365.00
NACO	1,143.00
NARDINI FIRE EQUIPMENT	159.00
NELSON BROS PRINTING	359.84
NELSON FORD LINCOLN MERCURY IN	787.81
BETTY NORMAN	16,979.00
ONE CALL LOCATORS LTD	11.50
OTIS ELEVATOR CO	96.25
OTTER TAIL CO PUBLIC HEALTH	128.00
OTTER TAIL POWER COMPANY	327.22
OTTER TAIL TELCOM	2,184.86
OTTERTAIL TRUCKING INC	5,548.80
OVERLAND MECHANICAL SERVICES	12,288.71
PAMIDA PHARMACY	7,501.99
PERHAM MEMORIAL HOSPITAL & HOM	15.00
PINE PLAZA TV APPLIANCE & CAMP	230.04
PITNEY BOWES	225.74
PRODUCTIVE ALTERNATIVES INC	101.70
QUILL CORPORATION	124.51
REED BUSINESS INFORMATION	201.40
RINGDAHL AMBULANCE SERVICE	777.75
CHERI SCHULTZ	37.00
DOROTHY SCOTT	77.02
SHERWIN WILLIAMS	22.59
SIMPLEXGRINNELL LP	90.53
SOUTH MILL SERVICE	10.81
STEINS INC	2,145.55
STRAND ACE HARDWARE	21.28
STREICHERS	249.95
TEEMARK CORPORATION	260.96
TRANQUILITY BUILDING SERVICES	452.63
ULTEIG ENGINEERS	132.00
UNIFORMS UNLIMITED	1,406.05
VICTOR LUNDEEN COMPANY	5.05
VISUAL GOV SOLUTIONS LLC	160.50
WADENA CO AUDITOR TREASURER	1,226.02
WADENA PIONEER JOURNAL	43.60
RANDY WASVICK	75.00
WELDING SUPPLIES & FIRE EQUIPM	17.51
WEST PAYMENT CENTER	1,257.27
WEST TOOL & DESIGN INC	25.00
RICHARD WEST	34.16
WHITE BANNER UNIFORM SHOP	180.99
WILKIN CO SHERIFF	275.00
XEROX CORPORATION	30.30
3RD DISTRICT SHERIFF'S ASSOCIA	50.00
**** FINAL TOTAL.....	\$172,477.07 ****