

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Government Services Center, Commissioners' Room  
500 W. Fir Avenue, Fergus Falls, MN  
Tuesday, December 2, 2008  
9:30 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, December 2, 2008, at 9:30 a.m., at the Otter Tail County Government Services Center in Fergus Falls, MN, with Commissioners Syd Nelson, Chair; Everett Erickson, Vice-Chair; Bob Block, Roger Froemming, and Dennis Mosher present.

**Approval of Agenda**

Motion by Froemming, second by Mosher, and unanimously carried to approve the Board of Commissioners agenda of December 2, 2008, as presented.

**Approval of Minutes**

Motion by Mosher, second by Block, and unanimously carried to approve the Board of Commissioners meeting minutes of November 25, 2008, as presented.

**Approval to Pay Bills**

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

**Allied Radio Matrix for Emergency Response (ARMER)**

Lieutenant, Mark Englund and Sheriff, Brian Schlueter, provided an educational session regarding Federal Communications Commission regulations which require the migration to 12.5 narrow banding KHz technology by January 1, 2013. GeoComm Communications Consultant, Lex Rutter, presented a power point regarding four options to become compliant and the corresponding estimated cost of each option. Other representatives from local fire departments, ambulance services and the State of Minnesota spoke about the new requirements. Board members approved the following resolution:

**RESOLUTION ADOPTING A PLAN  
FOR  
PUBLIC SAFETY COMMUNICATION WITHIN OTTER TAIL COUNTY  
Otter Tail County Resolution No. 2008 - 65**

WHEREAS, it is a basic responsibility of the County to provide for the health and welfare of its citizens; and

WHEREAS, the Federal Communications Commission (FCC) has issued regulations which require the replacement of wideband Land Mobile Radio (LMR) systems operating in the Very High Frequency (VHF) and Ultra High Frequency (UHF) spectrum by 2013; and

WHEREAS, public safety agencies throughout the country, including public safety agencies within Otter Tail County, have relied upon wideband LMR systems to provide vital public safety communications for law enforcement, fire, emergency medical services, public works, disaster response and other vital government services; and

WHEREAS, the County has worked with the Central Minnesota Regional Radio Board (CMRRB), of which it is a participating member, to complete a comprehensive assessment of public safety communication within the County; and

WHEREAS, the County has been presented with a public safety communication assessment (hereinafter "Assessment") conducted by Geo-Comm, Incorporated, which included an assessment of the alternatives that exist for the County to replace the public safety communication infrastructure within the County.

NOW, THEREFORE, BE IT RESOLVED the Otter Tail County Board of Commissioners hereby accepts the Assessment as an accurate assessment of public safety communication needs within the County and of the alternatives that reasonably exist to replace the public safety communication infrastructure within the County, and be it further;

RESOLVED, that the Otter Tail County Board of Commissioners adopt the Allied Radio Matrix for Emergency Response (ARMER) participation alternative specified in the Assessment as the most appropriate and best option for the County to replace the public safety communication infrastructure within the county, and be it further;

RESOLVED, that the Otter Tail County Sheriff (hereinafter "Sheriff") is instructed to develop a participation plan (hereinafter "Plan") for the migration of and participation of all county and local governments and public safety agencies located and operating within the County to the ARMER public safety communication system, and be it further;

RESOLVED, that the Plan developed by the Sheriff shall include and provide for a proposed budgets for the integration of public safety agencies to the ARMER public safety communication system, for competitive bids documents and proposals for local enhancements or improvements required for county participation and proposed contracts for equipment and services necessary to complete the integration of public safety agencies to the ARMER public safety communication system, and be it further;

RESOLVED, the Assessment providing the basis of this action shall be submitted to the CMRRB with a recommendation that the Assessment be incorporated into the CMRRB regional public safety communication plan and that the Sheriff is authorized to submit the Assessment and the Plan to the CMRRB, to the Minnesota Departments of Transportation and Public Safety and to the Statewide Radio Board, as may be necessary to gain final approval for the County participation in the ARMER public safety communication system as provided for in the Plan.

Motion by Commissioner Mosher, seconded by Commissioner Froemming

READ AND PASSED this 2<sup>nd</sup> day of December, 2008.

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

By: \_\_\_\_\_  
Syd Nelson, Board of Commissioners Chair

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

**Recess & Reconvene**

At 10:54 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 10:57 a.m.

**Public Hearing – Pioneer Home Senior Housing and Health Care Project Financing**

Pursuant to due call and notice thereof, a regular meeting of the County Board of the County of Otter Tail, Minnesota, was duly called and held at the County Courthouse on Tuesday, the 2nd day of December, 2008 at 11 o'clock A.M., for the purpose in part of adopting a resolution approving the issuance of a revenue Note by the Housing and Redevelopment Authority in and for Otter Tail County, Minnesota (the "HRA") to finance and refinance a health care development project.

The following Commissioners were present:

Commissioners Nelson, Erickson, Mosher, Froemming, and Block

and the following were absent: None

The Board then proceeded to consider and discuss the Resolution, after which member Bob Block moved its adoption; and upon motion for the adoption of the following resolution was duly seconded by member Dennis Mosher and, after a full discussion thereof and upon vote being taken thereon, the following voted in favor thereof:

Commissioners Nelson, Erickson, Mosher, Froemming, and Block

and the following voted against the same: None

Whereupon said resolution was declared duly passed and adopted.

**RESOLUTION APPROVING THE ISSUANCE OF A  
HEALTH CARE REVENUE NOTE (PIONEER HOME PROJECT)  
BY THE HOUSING AND REDEVELOPMENT AUTHORITY  
IN AND FOR OTTER TAIL COUNTY, MINNESOTA  
Resolution No. 2008 - 66**

WHEREAS,

1. On December 2, 2008, the Housing and Redevelopment Authority in and for Otter Tail County, Minnesota (the "HRA") adopted a Resolution authorizing the issuance of a health care revenue Note in the maximum aggregate principal amount of \$10,000,000 (the "Note") to assist in financing and refinancing existing debt of Pioneer Home Incorporated, (the "Borrower") incurred in connection with (i) acquiring, constructing and equipping a 105-bed nursing home to be located at 1131 Mabelle Avenue South in the City of Fergus Falls, Minnesota (the "City") (former Lutheran Social Services site); (ii) refinancing outstanding indebtedness of the Borrower incurred to finance the following: (a) acquiring, constructing and equipping an 18-unit, 8,500 square foot Alzheimer facility located at 1305 and 1307 Mabelle Avenue South in the City; (b) acquiring, constructing and equipping an 18-unit, 8,500 square foot Alzheimer facility, to be located at 1315 and 1317 Mabelle Avenue South in the City; (c) acquiring, constructing and equipping a 16-unit, 7,600 square foot Alzheimer facility, 1325 and 1327 Mabelle Avenue South in the City; (d) constructing capital improvements to the 110-bed skilled nursing facility located at 1006 South Sheridan Street in the City; and (iii) funding necessary reserves and financing various expenditures incurred in connection with the issuance of revenue obligations. The Project will be owned and operated by the Borrower.

2. The Board has been advised that Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and the Treasury Regulations promulgated thereunder require that prior to the issuance of the Note, the "applicable elected representative" of the governmental unit issuing the Note approve the issuance of the Note subsequent to a public hearing.

3. The Board is the "applicable elected representative" for purposes of the Code.

4. The HRA held a public hearing on the issuance of the Note on December 2, 2008, and following the public hearing approved the issuance of the Note.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Otter Tail County that, in accordance with the requirements of the Code, the Board hereby approves the Project and issuance of the Note by the HRA for the purposes described above.

Adopted by the Board on December 2, 2008.

Attest: \_\_\_\_\_  
By \_\_\_\_\_  
Chair

\_\_\_\_\_  
Clerk

#### **Fergus Falls Transfer Station**

Solid Waste Director, Mike Hanan, updated the Board on the Fergus Falls Transfer Station building project. Previously, the general contractor had received an extension for the completion of the building from October 14, 2008 to December 4, 2008. Mr. Hanan reported that the extended date will not be met and one of the biggest issues is lack of blacktopping, which won't be completed until spring. Mr. Hanan requested authority from the Board to negotiate with the general contractor as there will be costs associated with the delay and there are liquidated damages in the construction contract. The County Board, by consensus, requested that Mr. Hanan proceed with discussions and return to the Board on December 23<sup>rd</sup> in a closed session.

#### **Undue Hardship Overview**

Human Services Director, John Dinsmore, and Human Services Supervisor, Barb Dohrer, provided a handout with information on how Undue Hardship requests relative to Minnesota Health Care Programs are handled, citing the Minnesota Statutes and rules that apply, and information about Assets and Lien and Estate Recovery. Lengthy discussion took place regarding a specific case with extenuating circumstances regarding the value of the property which is the asset being considered. Motion by Froemming, second by Block, to reaffirm the previous decisions of the Human Services Department to deny the Hardship Waiver request based on statutory and policy manual criteria. Motion failed 2 – 3 with Mosher, Erickson, and Nelson opposed. Commissioners stated that the Human Services Department is doing a good job with these types of requests but this is an unusual circumstance. They requested that Mr. Dinsmore meet with the Assessor for additional research and return to the Board on December 16, 2008.

**Payment Approval**

Motion by Froemming, second by Block, and unanimously carried to approve payment, in the amount of \$125.00, to Lake Region Healthcare Corporation for medical examination services for Case No. 08017747 as provided under the provision of Minnesota Statute 609.35.

**Otter Tail Ag Enterprises**

Motion by Erickson, second by Mosher, and unanimously carried to authorize the Chairman's signature to execute an agreement between the County of Otter Tail and Otter Tail Ag Enterprises as submitted by the County Attorney.

**Web Enabled Payroll**

Motion by Block, second by Erickson and carried, with Froemming and Mosher opposed, to authorize the Chair's signature on a Web Services Agreement with D & T Ventures for the development and installation of a Web Enabled Payroll – Employee Self Service Module with the costs as follows:

One Time Implementation	\$2,500.00
Monthly Maintenance Fee	\$ 275.00

**Final Payment – S.A.P. 056-600-021**

Motion by Erickson, second by Mosher, and unanimously carried to approve Final Estimate No. 5, in the amount of \$14,590.71, payable to Mark Sand & Gravel Co. for completion of Bituminous Tight Blade and Wear Courses work, Maplewood State Park.

**RESOLUTION ACCEPTING RESPONSIBILITY AS THE SPONSORING AGENCY**

**Otter Tail County Resolution No. 2008 - 67**

**BE IT RESOLVED THAT:** Otter Tail County act as sponsoring agency for a "Transportation Enhancements" project identified as **Battle Lake to Glendalough Interconnection Trail** and acknowledges herewith that it is willing to be the project sponsor; knowing full well that such sponsorship includes a willingness to secure and guarantee the local share of costs associated with this project and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations.

**BE IT FURTHER RESOLVED THAT:** Richard K. West, P.E., County Engineer is hereby authorized to act as agent on behalf of this applicant.

Motion by Commissioner Froemming, seconded by Commissioner Erickson, and unanimously carried and adopted this 2nd day of December, 2008.

Dated: \_\_\_\_\_

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_

Syd Nelson, Board of Commissioners Chair

Attest: \_\_\_\_\_

Larry Krohn, Clerk

**AGREEMENT TO MAINTAIN FACILITY**  
Otter Tail County Resolution No. 2008 - 68

**WHEREAS:** The Federal Highway Administration (FHWA) requires that states agree to operate and maintain facilities constructed with federal transportation funds for the useful life of the improvement and not change the use of right of way acquired without prior approval from the FHWA; and

**WHEREAS:** Transportation enhancement projects receive federal funding from the Surface Transportation Program (STP) of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); and

**WHEREAS:** the Minnesota Department of Transportation (Mn/DOT) has determined that for projects implemented with transportation enhancement funds, this requirement should be applied to the project sponsor; and

**WHEREAS:** Otter Tail County is the project sponsor for the transportation enhancement project identified as **Battle Lake to Glendalough Interconnection Trail**.

**THEREFORE BE IT RESOLVED THAT:** the Project Sponsor hereby agrees to assume full responsibility for the operation and maintenance of property and facilities related to the aforementioned transportation enhancement project.

Motion by Commissioner Froemming, seconded by Commissioner Erickson, and unanimously carried and adopted this 2nd day of December, 2008.

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

By: \_\_\_\_\_  
Syd Nelson, Board of Commissioners Chair

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

**Fort Juelson Agreement**

Motion by Mosher, second by Block, and unanimously carried to authorize the Chairman's signature to execute an Agreement between the County of Otter Tail and Stanley Rudsenske as presented by the County Attorney. The agreement will provide for the donation of land known as the Fort Juelson site.

**Closed to the Public – Labor Negotiation Strategies**

At 12:42 p.m., Chairman Nelson 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 Government Services Technical Union. Present were all five seated Commissioners, County Attorney, County Coordinator and Board Secretary.

**Adjournment**

At 12:58 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, December 16, 2008.

Dated: \_\_\_\_\_

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_

Syd Nelson, Board of Commissioners Chair

Attest: \_\_\_\_\_

Larry Krohn, Clerk

CB/kd

approved minutes



**WARRANTS APPROVED ON 12/02/2008 FOR PAYMENT 12/02/2008**

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A'VIANDS LLC	3,962.37
RICHARD AKERMAN	33.93
API GDS	503.65
BRIGGS CORPORATION	181.50
CENTRAL STATES WIRE PRODUCTS I	3,455.27
CERTIFIED AUTO REPAIR	390.67
CHARTER COMMUNICATIONS	65.55
COMMISSIONER OF TRANSPORTATION	16,230.85
COMPUTER INFORMATION SYSTEMS	17,000.00
DACOTAH PAPER COMPANY	232.71
ELECTION SYSTEMS & SOFTWARE IN	498.42
ENVIROTECH SERVICES INC	13,118.77
CITY FERGUS FALLS	4,818.93
FOTH & VAN DYKE	14,795.20
FRAZEE FORUM INC	43.20
GALL'S INC	471.41
JARED GREFSRUD	6,128.02
HOUSTON ENGINEERING INC	907.50
ID AMERICA	181.05
INNOVATIVE OFFICE SOLUTIONS	199.28
RODNEY JENSEN	188.27
K.I.D.LEASING	256.44
KELLY SERVICES INC	259.36
LANDWEHR CONSTRUCTION INC	739.00
LARRY OTT INC TRUCK SERVICE	1,525.00
MARCO	401.95
MARCO INC FARGO	225.21
MID STATE SERVICES	25.00
MIDWEST TESTING LABORATORY	788.50
MIDWESTERN MAT RENTAL & SUPPLY	143.67
MINNKOTA	29.00
MN OFFICE OF ENTERPRISE TECHNO	1,200.00
NORTHLAND COLLEGE	900.00
NOVA FIRE PROTECTION	436.00
OFFICEMAX INCORPORATED	128.45
OTTER TAIL CO EMPLOYEES COMMIT	5.00
OTTER TAIL CO TREASURER	439.45
OTTERTAIL TRUCKING INC	7,086.30
OVERHEAD DOOR CO OF FERGUS FAL	336.58
PACE ANALYTICAL SERVICES INC	3,009.00
PAMIDA INC 008	8.82
PELICAN RAPIDS PRESS	261.00
PITNEY BOWES	1,008.00
PRODUCTIVE ALTERNATIVES INC	78.60
RDO TRUCK CENTERS	89.64
RELIABLE OFFICE SUPPLIES	190.48
REVIEW ENTERPRISES INC	70.40
RICK LEITCH BACKHOE SRVC & PJ	412.50
RILEY BROS CONSTRUCTION INC	491.55
ROTHSAY FARMERS CO OP	41.43
VICKI SCHWANKE	63.82
TRIMIN SYSTEMS INC	2,431.20
JO WEATHERLY	1,123.02
<u>WHITE BANNER UNIFORM SHOP</u>	<u>198.50</u>
<u>**** FINAL TOTAL.....</u>	<u>\$107,809.42 ****</u>