

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 W. Fir Avenue, Fergus Falls, MN
Tuesday, October 27, 2009
9:15 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, October 27, 2009, at 9:15 a.m., at the Otter Tail County Government Services Center in Fergus Falls, MN, with Commissioners Everett Erickson, Chair; Roger Froemming, Vice-Chair; John Lindquist, Doug Huebsch and Lee Rogness present.

Approval of Agenda

Motion by Froemming, second by Huebsch, and unanimously carried to approve the Human Services Board agenda of October 27, 2009 as mailed.

Approval of Minutes

Motion by Lindquist, second by Froemming, and unanimously carried to approve the Human Services Board minutes of October 13, 2009, as mailed.

West Central Regional Juvenile Center

Probation Director, Chuck Kitman submitted a packet of information from a recent WCRJC Advisory Committee Meeting. The packet included; 1) revenue and expense information for 2009 with a projected deficit of \$251,535.68, 2) 2010 proposed budget based on 18 beds per day, 3) average usage for 2009 broken down per County with a total of 14.25 beds per day, 4) Otter Tail County's Out of Home Placement budget for 2009 and, 5) a proposed resolution and Cooperative Agreement for the operation of the treatment facility. Lengthy discussion followed regarding the current deficit, budget method, and a proposed agreement that allows member counties to choose to become non-members by paying the per diem rather than commit to the purchase of an average number of beds annually. Mr. Kitman stated that WCRJC Director, Barry Steen will attend the next Human Services Board meeting and request approval of a resolution and Cooperative Agreement which would change governance of the facility.

Public Health Department

Motion by Rogness, second by Lindquist, and unanimously carried to authorize the appropriate County officials' signatures to execute an agreement between the County of Otter Tail and the State of Minnesota Colleges and Universities to provide college locations for mass immunizations in an emergency.

Motion by Huebsch, second by Froemming, and unanimously carried to authorize the Chairman's signature to execute a grant agreement between the County of Otter Tail and Minnesota Department of Health to provide funding to the County for perinatal hepatitis B follow-up and site visits to private clinics to insure proper storing and recording of vaccines.

Public Health Director, Diane Thorson briefed the Board regarding the flu mist, flu vaccine, target population and scheduled clinics.

Long Term Care Report

Human Services Supervisor, Deb Sjostrom and staff presented a handout entitled "Long Term Care Service Overview" (October 2009). The document contained an explanation of the Elderly Waiver (EW), Alternative Care (AC), Community Alternatives of Disabled Individuals (CADI), and Consumer Directed Community Supports (CDCS) programs. Otter Tail County data was also provided for each program and discussion took place with commissioners regarding needs for many senior citizens and income eligibility.

**ADOPTION MONTH
NOVEMBER 2009**

Otter Tail County Resolution No. 2009 - 53

Commissioner Froemming offered the following and moved its adoption:

WHEREAS, the family, serving as the primary source of love, identity, self-esteem and support, is the very foundation of our communities, our state, and our Country.

WHEREAS, adoption gives children who have been orphaned, abandoned, or abused a precious second chance at happiness; a chance to love and be loved and to reach their full potential in a secure, supportive environment.

WHEREAS, there were 1,574 children under State guardianship, many waiting to be adopted into a family. Of the 1,574 children, 650 were waiting for an adoptive family.

WHEREAS, in 2006 there was an average of 636 children waiting for an adoptive family, on any given day, in the State of Minnesota. The increase of 100 children, since 2005, of children waiting for adoptive homes is a testimony to the need to place adoption services as a priority in Otter Tail County, and throughout the State of Minnesota.

WHEREAS, the majority of the families seeking children for adoption are pursuing the adoption of younger children. In 2007, of the children waiting to be adopted in the State of Minnesota, 38% were 12-18 years old; 25% were 6-11 years old; 37% were under 6 years old. 58% are siblings that need to be adopted together. 21% have been chronically neglected or abused. 51% have been diagnosed with a psychological or medical disability.

WHEREAS, there is a continued need for an increased number of families in the State of Minnesota and in Otter Tail County who will adopt older children with special needs.

WHEREAS, both the public and private sectors are working together as a "team" to find adoptive homes for the children throughout the Counties and the State of Minnesota.

NOW, THEREFORE, we, The Otter Tail County Human Services Board, by virtue of the authority vested in us as County Commissioners of Otter Tail County, do hereby proclaim November as **ADOPTION MONTH** in Otter Tail County. In honor of this event, we encourage community agencies, religious organizations, businesses and others to celebrate adoption, honor families that grow through adoption, further an awareness of the changes and issues in adoption, and focus attention on those children who live in the shadow of an uncertain future while they await permanent families.

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

Adopted this 27th day of October, 2009.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Everett P. Erickson, Human Services Board Chair

Attest: _____

Larry Krohn, Clerk

Human Services Contract Approval

Motion by Lindquist, second by Rogness, and unanimously carried to authorize the Chairman's signature to execute the following Human Services contracts:

Agency	Program	Effective Date	Targeted Population	Funding Source
A Place to Belong (Addendum)	Social Club	10/01/09 through 12/31/09	CSP – Adults with Serious & Persistent Mental Illness	BCOW MH Initiative
Steve & Deneise Synsteliem	Residential Services/ Home Plus/Foster Care Services	11/01/09 through 06/30/10	Elderly & Disabled	Per State Rate AC/EW/CADI or TBI Waivered Funds
Land of the Dancing Sky MOU (WCAAA)	Transition to Housing with services consultation	10/01/09 through 12/31/09	Elderly & Disabled	LTCC State Funding

Approval to Pay Bills & Claims

Motion by Lindquist, second by Rogness, and unanimously carried to approve payment of the Human Services bills and claims as presented.

Adjournment

At 10:31 a.m., Chairman Erickson declared the meeting of the Otter Tail County Human Services Board adjourned until 9:15 a.m. on Tuesday, November 10, 2009.

Dated: _____

OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____

Everett P. Erickson, Human Services Board Chair

Attest: _____

Larry Krohn, Clerk

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, October 27, 2009, at 10:45 a.m., at the Otter Tail County Government Services Center in Fergus Falls, MN, with Commissioners Everett Erickson, Chair; Roger Froemming, Vice-Chair; John Lindquist, Doug Huebsch and Lee Rogness present.

Approval of Agenda

Motion by Rogness, second by Huebsch, and unanimously carried to approve the Board of Commissioners agenda of October 27, 2009 with the following changes:

1:10 p.m. - Closed Session with Attorney, Mike Weaver – Postponed
1:10 p.m. – Closed Session for Attorney-Client Privilege and Labor Negotiation Strategies

Approval of Minutes

Motion by Froemming, second by Lindquist, and unanimously carried to approve the Board of Commissioners minutes of October 20, 2009, as mailed.

Approval to Pay Bills

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

Fergus Falls South Demolition Landfill

Solid Waste Director, Mike Hanan submitted copies of several letters from John Helland as a follow-up to the Fergus Falls South Demolition Public Hearing. One major issue discussed was the proximity to the expansion varying in distance from 120' to about 200' off of Oak Street. A comparison to other cities was not possible as generally, cities do not own demolition sites. Consequently, many demolition sites are located outside of city limits. Discussion took place regarding expectations of a green area which would create a buffer for the residents and how the proposed expansion could reflect on the community with its proximity to the interstate. Discussion on this topic will continue at the next County Board meeting.

MnDOT Grant Transportation Project

City of Henning Mayor, Jim Hermanson requested that the County act as a sponsor for a Transportation Enhancement Project and he briefed the Board on plans for a cultural museum.

RESOLUTION OF SUPPORT FROM SPONSORING AGENCY

Otter Tail County Resolution No. 2009 - 54

Commissioner Froemming offered the following and moved its adoption:

BE IT RESOLVED: that Otter Tail County act as sponsor for a "Transportation Enhancements" project identified as the **Henning Transportation Museum** 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, County Engineer, is hereby authorized to act as agent on behalf of this applicant.

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

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Everett P. Erickson, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

RESOLUTION OF AGREEMENT TO MAINTAIN FACILITY
Otter Tail County Resolution No. 2009 - 55

Commissioner Froemming offered the following and moved its adoption:

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 to 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 the **Henning Transportation Museum**.

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.

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

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Everett P. Erickson, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

Drainage System #21

Motion by Rogness, second by Huebsch, and unanimously carried to approve a culvert replacement in County Ditch #21 that crosses Highway 18 to the east of the Highway 35 & 18 intersection.

Bike/Pedestrian Trail Project

Motion by Lindquist, second by Huebsch, and unanimously carried to support the City of Battle Lake's grant application for the Battle Lake to Glendalough Bike/Pedestrian Trail project.

Detention Officer Replacement

Motion by Huebsch, second by Lindquist, and unanimously carried to authorize replacement of a full time Detention Officer position because the Department of Corrections recommends a standard staffing level for detention facilities.

Prairie Wind Energy, LLC Project

Prairie Wind Energy President, Terry Carlson, along with other members of his business and people from Parkers Prairie met with the Board to address issues brought up at a previous County Board meeting. Prairie Wind Energy, LLC is proposing operation of a 40-turbine wind farm north of Parkers Prairie. Mr. Carlson noted that his company is completing its due diligence for this project. Mr. Carlson submitted a document regarding this specific project along with various informational attachments.

Commissioner Rogness questioned the impact for agriculture as it relates to aerial spraying. Mr. Carlson focused on use of non-productive land which leads to financial gain for the landowner. Agronomist, Dell Glasner, an independent crop consultant in Parkers Prairie since 1985, discussed other options for spraying potatoes including ground spraying. Discussion took place regarding the potential to move the geographic footprint for the project. Mr. Carlson cited problems with moving it to a suggested location – a nearby hill. Problems included the trees, the lake below the hill, and the proximity to the power grid on Highway 29.

Discussion occurred regarding appropriate setbacks from residences/neighbors. Mr. Carlson explained that the federal government regulates setback and this wind project meets or exceeds the current setback regulations in the Grant County ordinance.

With continuing questions regarding aerial spraying, Dell Glasner offered that potatoes are planted every three years rotated with corn and beets which are generally sprayed with a ground rig. He offered that pilots who are currently spraying around towers need to talk with other pilots. To alleviate some concerns, the towers could be stopped and blades turned when specific wind speeds allow for aerial spraying.

Applications for the Prairie Wind Energy LLC project have been submitted to the following agencies. These applications then go to the Public Utilities Commission:

U.S. Fish & Wildlife, Army Corp of Engineers, Minnesota DNR, National Preservation Society, Natural Resource Conservation Service, and Agricultural Stabilization and Conservation Service

Prairie Wind Energy Board member, John Ihle, stated that the permitting process is organized through the Minnesota State legislature under the control of the MPCA. The MPCA addresses issues such as erosion control, noise pollution and road crossing permits. The road crossing permits are not needed until construction. The project was started three years ago; however, various studies are completed as the project progresses.

Mr. Ihle stated that Nordic 2.5 megawatt turbines have been selected for the project. Nordic has installed thousands of these worldwide and they complete noise testing at different distances away from the turbines. No turbine will be located without complying with state law. State law is a noise level not to exceed 50 decibels. Project owners stated that they are trying to mitigate any problems in the future putting this project together.

City/County Joint Meeting

At 11:59 a.m. Chairman Erickson opened the City/County joint meeting regarding space for law enforcement. County Facilities' Manager, Rick Sytsma explained the space needs of the Sheriff's Department and the City Police Department as well as the master plan for the current footprint at the Courthouse. The City Police Department will remain in the Courthouse for the short term. Various options were suggested for long term space needs.

duCharme Case

At 1:16 p.m., upon conclusion of the City/County Joint meeting, County Attorney, David Hauser, reported that Pierre duCharme and Mary duCharme have appealed the decision of the Board of Commissioners as it relates to a Public Hearing held on September 15, 2009, wherein a Conditional Use Permit was denied.

Closed to the Public

At 1:23 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners closed to the public to discuss litigation in the matter of foreclosure proceedings relative to the Ethanol Plant. The closed session is authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Present were all five seated Commissioners, County Attorney, County Coordinator and Board Secretary.

Closed to the Public

At 1:35 p.m. Chairman Erickson 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 bargaining units whose contracts end December 31, 2009. Present were all five seated commissioners, the County Attorney, County Coordinator, and Board Secretary. At 2:32 p.m., upon conclusion of the closed session, Chairman Erickson declared the meeting opened to the public for the remainder of the agenda items.

Land & Resource Department

Shoreland Management Ordinance:

At 2:39 p.m., Chairman Erickson declared the meeting of the Board of Commissioners opened to the public. Land & Resource Director, Bill Kalar, provided a packet of information and briefed the Board regarding the history of the regulation that prohibits property owners from storing their recreational camping units on a standard lake lot. Otter Tail County restricts a single family residential lot to 1 dwelling unit with the exception of a tent no more than 100 sq. feet in size. Enforcement by complaint was discussed. Mr. Kalar recommended a change to the Shoreland Management Ordinance to allow 1 permanent dwelling and 1 RCU on a standard sized lot conditioned upon complying with setback, impervious surface, and sanitation requirements. Site Permit required for each. Motion by Huebsch, second by Rogness, and carried with Froemming opposed, to pursue a change in the Shoreland Management Ordinance (SMO) as it relates to recreational camping units.

Sanitation Code:

Mr. Kalar provided a Sanitation Code update. The State adopted new rules in 2008 and Otter Tail County has two years to adopt compliance rules based on the State's 2008 rules. Because there are some issues with the 2008 rules, the State may revise those rules in the summer of 2010. This situation requires the County to go through extra work and expense to update compliance rules twice in one year and is confusing for septic system installers. The Board directed the County Attorney to contact legislators to introduce a law the first week of the session on this issue. Mr. Kalar is proposing that staff review the new rules and provide a proposal. A Public Hearing would be required in January and the proposal be submitted to the Minnesota Pollution Control Agency in February of 2010.

Citizen Concern:

Mr. Kalar discussed a letter dated September 21, 2009 from Thomas C. Franklin in regards to a road access issue. After a briefing on the situation, it was determined that the County does not have authority regarding the road access. Mr. Kalar will respond by letter to Mr. Franklin explaining the County's position.

Insurance Renewal

Motion by Erickson, second by Rogness, and carried with Froemming opposed, to approve the 2010 Otter Tail County Benefit Plans as submitted with the same insurance carriers as in 2009. The Pre-tax Premium Reimbursement Flexible Spending Account will not be added to the benefit package at this time, as recommended by the majority of the Insurance Committee.

Adjournment

At 3:46 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, November 3, 2009.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Everett P. Erickson, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

CB/kd

approved minutes

WARRANTS APPROVED ON 10/27/2009 FOR PAYMENT 10/27/2009

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A-1 LOCK & KEY LLC	138.33
A'VIANDS LLC	5,693.47
APPLELAND LAW ENFORCEMENT	373.04
JANE BAUMGARTNER	44.39
BOUND TREE MEDICAL LLC	186.35
BRAUN INTERTEC CORPORATION	16,722.11
BRIGGS CORPORATION	182.44
BUY-MOR PARTS & SERVICE LLC	11.46
CALL ONE INC	192.87
CAPRA'S SPORTING GOODS	935.17
CBCINNOVIS INC	12.25
CENTRAL LAKES COLLEGE	450.00
CERTIFIED AUTO REPAIR	3.76
CHARTER COMMUNICATIONS	68.35
CIT TECHNOLOGY FIN SERV INC	190.53
GORDON CLINE	209.94
COMMISSIONER OF TRANSPORTATION	1,384.10
COOPERS TECHNOLOGY GROUP	98.73
DAN'S TOWING & REPAIR	200.93
LAWRENCE DEAL	12,336.00
KATHY DOMHOLT	11.75
EVERGREEN EQUIPMENT INC	10,204.09
FOTH & VAN DYKE	5,781.25
MISSY FUNKHOUSER	45.62
G & K SERVICES	1,088.87
GALL'S INC	378.48
GENERAL IRRIGATION & DEWATERIN	2,081.12
MYRON GRAFF	2.13
WESLEY HALBAKKEN	4,356.00
HENNING AUTO PARTS INC	107.98
HOUSTON ENGINEERING INC	12,456.25
INNOVATIVE OFFICE SOLUTIONS	105.19
JILL JACKSON	15.20
KELLY SERVICES INC	350.00
LAKE REGION DENTAL CENTER	563.00
LAKES COUNTRY SERVICE CO OP	165.66
LARRY OTT INC TRUCK SERVICE	625.00
LAW ENFORCEMENT TRAINING SERVI	840.00
LAWSON PRODUCTS INC	332.69
LOCATORS & SUPPLIES INC	153.69
M-R SIGN COMPANY INC.	664.37
MACQUEEN EQUIPMENT INC	1,488.08
MARCO INC ST LOUIS	232.06
MIDWEST PRINTING CO	267.19
MN CO INSURANCE TRUST	35.00
MN DEPT OF COMMERCE	225.00
MN FALL MAINTENANCE EXPO	50.00
MN STATE AUDITOR	3,718.00
CLIFFORD MOEN	4,320.00
MOORE MEDICAL LLC	226.03
NAPA FERGUS FALLS	31.36
NELSON BROS PRINTING	184.94
OFFICE DEPOT	111.77
OLYMPIC SALES INC	134.00
OTIS ELEVATOR CO	113.04
OTTER TAIL CO TREASURER	1,194.13

OTTERTAIL TRUCKING INC	5,490.00
PAULSON LAND CO	750.00
PERHAM CO OP CREAMERY	1,649.11
PERHAM MEMORIAL HOSPITAL & HOM	15.00
PRAIRIE IMPLEMENT INC	113.97
PROACTION UNIFORMS	79.99
QUARTERMASTER	88.14
QUILL CORPORATION	595.94
THE RAZOR BLADE COMPANY	122.50
RDO EQUIPMENT CO	103,166.44
RDO EQUIPMENT CO FARGO	691.06
SERVICE FOOD SUPER VALU	73.13
KEVIN SONSTEBO	76.03
STEINS INC	3,017.87
STREICHERS	1,420.98
TOM AVANT PAINTING	4,000.00
TRI STAR RECYCLING	11,703.04
ULTEIG ENGINEERS	24,122.77
UNIFORMS UNLIMITED	878.23
UNIVERSITY OF MN	270.00
VIKING COCA-COLA	220.16
WEST GOVERNMENT SERVICES	84.70
WEST PAYMENT CENTER	649.87
<u>****FINAL TOTAL.....</u>	<u>\$251,372.09****</u>

approved minutes