

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 W. Fir Avenue, Fergus Falls, MN
Tuesday, March 9, 2010
9:30 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, March 9, 2010, at 9:30 a.m., at the Otter Tail County Government Services Center in Fergus Falls, MN, with Commissioners Roger Froemming, Chair; John Lindquist, Vice-Chair; Everett Erickson, Doug Huebsch and Lee Rogness present.

Approval of Agenda

Motion by Erickson, second by Rogness, and unanimously carried to approve the Human Services Board agenda of March 9, 2010 as mailed.

Approval of Minutes

Motion by Rogness, second by Froemming, and unanimously carried to approve the Human Services Board minutes of February 23, 2010 as presented.

Local Corrections Fees for Probation Department

Probation Director, Chuck Kitzman presented information regarding local supervision fees for his department. Corrections fees are allowed by Minnesota Statute 244.18. Mr. Kitzman submitted a recommendation (dated 02/26/10) for increased adult and juvenile supervision fees along with additional fees when a positive urinalysis test occurs. Mr. Kitzman stated that these fees have not been increased for at least three years. There is a Waiver Application that may be completed if an offender does not have the ability to pay. Mr. Kitzman reports an 84.21% current collection rate. Discussion took place regarding raising these fees a small amount each year and, in the future, consider a system similar to a sliding fee scale. Motion by Huebsch, second by Rogness, and unanimously carried to approve the adult and juvenile Otter Tail County Probation Supervision Fees as submitted.

Discussion - Reorganization Options

Public Health Director, Diane Thorson presented some concepts for restructuring and reorganization to pursue with other local public health agencies and internal departments. Board members provided feedback to consider where existing partnerships currently exist as the Public Health Department explores options.

Dog Bite Hearing

Chairman Froemming opened the floor for a Dog Bite Hearing at 10:08 a.m. Assistant County Attorney, Kurt Mortenson explained that the Otter Tail County Animal Health and Control Ordinance requires a hearing be held when a dog inflicts bodily harm in two or more occasions. In this case, the dog, Sadie, owned by Donny Lannes, in an earlier determination by the Board of Commissioners, found that the dog was potentially dangerous. Proper notice was completed for today's hearing. Mr. Mortenson administered an Oath for giving testimony to all persons planning to speak at this hearing.

Public Health Director, Diane Thorson reported that this hearing is for a third bite incident. She related how the third bite happened and expressed concerns about safety, the possibility of substantial bodily harm in the future, and concern for children that could be involved. She directed the Board to Minnesota Statutes 347.50 – 347.52 for direction relating to potentially dangerous dogs and dangerous dogs.

Mr. Mortenson stated that the dog (Sadie) was previously found to be a potentially dangerous dog. If the Board finds the dog to be a dangerous dog, then the statute requires some response which the Public Health Director has outlined in her recommendations. He stated that to make a finding of a dangerous dog, the Board would need to find, that on this third occasion, the dog aggressively bites someone else. Finding of a third bite standing alone, is likely not sufficient.

The following is a summary of testimony given regarding Sadie:

Dog Owner, Donny Lannes:

- the cops talked and played with the dog and stated that the dog is not vicious
- discussion took place about the dog being kept in a separate room when guests are present which was a requirement from the previous dog bite hearing

Friend of Mr. Lannes, Tammy Pruden:

- explained how the 2nd incident (bite) happened and stated that it was provoked and not the dog's fault
- the 3rd incident (bite) was her fault because she let the dog out of the bedroom to play with her and didn't think anything would happen

Daughter of Mr. Lannes, Jessica Lannes:

- stressed that Sadie is not a harmful dog and provides companionship for her Dad which is very important

Sister of Mr. Lannes, Karen Hamann:

- explained that she is Donny's caretaker since his health problems
- explained how the bites occurred

Commissioners discussed the situation. The dog would need to be euthanized or follow the requirements of M.S. 347.52 which was provided to Mr. Lannes by the Public Health Director. Mr. Mortenson requested that copies of the Public Health file be made part of the record for this hearing. Motion by Lindquist, second by Erickson, and unanimously carried to conclude that the dog, Sadie, owned by Donny Lannes is a dangerous dog as defined under M.S. 347.50 Subd. 3 (3) and will either be euthanized or all requirements of M.S. 347.52 regarding a dangerous dog must be followed.

Approval to Pay Bills & Claims

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

Human Services Funding Discussion

Human Services Director, John Dinsmore discussed the current issues with General Assistance Medical Care (GAMC) which provides medical care to Minnesota residents with the lowest income levels. Proposed reductions in funding for other services were also discussed.

Adjournment

At 10:48 a.m., Chairman Froemming declared the meeting of the Otter Tail County Human Services Board adjourned until Tuesday, March 23, 2010.

Dated: _____

OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____

Roger Froemming, Human Services Board Chair

Attest: _____

Larry Krohn, Clerk

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, March 9, 2010, at 11:00 a.m. at the Otter Tail County Government Services Center in Fergus Falls, MN, with Commissioners Roger Froemming, Chair; John Lindquist, Vice-Chair; Everett Erickson, Doug Huebsch and Lee Rogness present.

Approval of Agenda

Motion by Rogness, second by Lindquist, and unanimously carried to approve the Board of Commissioners agenda of March 9, 2010 with the following additions:

- Master Subscriber Agreement for Exchange of Electronic Information
- Canceled the Closed Session for Labor Negotiation Strategies
- Sheriff's Department Annual Report

Approval of Minutes

Motion by Huebsch, second by Erickson, and unanimously carried to approve the Board of Commissioners minutes of March 2, 2010 as mailed.

Approval to Pay Bills

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

Assessor's Office Update

Assessor, Bob Moe submitted the schedule for Boards of Review during April and May of 2010. He explained the tax appeal process. Mr. Moe updated the Board regarding assistance for property owners affected by the Green Acres law and/or the new Rural Preserve Program. Discussion followed regarding the conservation plans that will be required as part of the Rural Preserve Program. The Soil and Water Conservation District (SWCD) will be working with property owners on the conservation plans. The first deadline for the plan is May 1, 2011.

Recess & Reconvene

At 11:17 a.m., Chairman Froemming recessed the Board of Commissioners' meeting for a Personnel Committee meeting and lunch break. The meeting was reconvened at 1:02 p.m.

Solid Waste Hauler's License

Motion by Rogness, second by Lindquist, and unanimously carried to approve the 2010 Solid Waste Hauler's license application for Waste Management for their locations hauling out of Wahpeton, ND and Alexandria, MN.

City of Fergus Falls South Demolition Landfill License

Motion by Lindquist, second by Rogness, and unanimously carried to require a \$5,000 bond from the City of Fergus Falls for the operation of the South Demolition Landfill as authorized under the Otter Tail County Solid Waste Ordinance, Section 5.06.

Motion by Rogness, second by Erickson, and unanimously carried to set the expiration date for the license for the City of Fergus Falls South Demolition Landfill on December 31, 2014.

Motion by Lindquist, second by Huebsch, and unanimously carried to establish a license fee of \$500 for the South Demolition Landfill for the five-year permit.

Commissioners thanked the City of Fergus Falls for handling the concerns of the community during the permitting process of the landfill and expressed a desire to move forward with more recycling and a re-use center to extend the life of landfills.

Solid Waste Department Staffing

Solid Waste Director, Mike Hanan reported that he has met with the Personnel Committee several times regarding staffing. He provided handouts showing the current staffing at the various transfer stations, landfills and recycling facilities. There are currently five vacant positions which create some issues because some of the landfills require that two employees are present at all times.

Motion by Huebsch, second by Erickson, and unanimously carried to temporarily move an Operator to Truck Driver position, temporarily move a Recycling Worker to Operator position, and hire a temporary, seasonal person for the Recycling Worker position during the summer months (May through September). During this time the employee moving from the Recycling Worker to Operator position will be paid out of classification at the higher grade level.

Mr. Hanan stated that one of his Recycling Operators is retiring. He briefed the Board on an alternate plan that would not require hiring for this position at this time. Motion by Huebsch, second by Erickson, and unanimously carried to authorize the Solid Waste Director to hire an additional Recycling Worker for the summer months (May through September) in lieu of replacing the Recycling Operator position.

Motion by Lindquist, second by Huebsch, and unanimously carried to authorize hiring a temporary employee(s) to replace a vacancy effective April 30, 2010 at the Northeast Transfer Station. It is anticipated that modifications to temporary hiring will be possible within six months as a plan modifying the current hiring freeze is addressed.

Motion by Lindquist, second by Erickson, and unanimously carried to approve a temporary position at the Battle Lake Transfer Station.

Grant Agreement

Motion by Erickson, second by Froemming, and unanimously carried to authorize the Chairman's signature to execute a Grant Contract between the State Commissioner of Public Safety and the County of Otter Tail for the period of October 1, 2009 to September 30, 2010. The grant obligation of the State will not exceed \$9,000 to be used for speed control enforcement.

Sheriff's Department Annual Report

Sheriff, Brian Schlueter presented his department's annual report entitled "2009 Year End Report – Protecting a Great County". He briefed the Board regarding the new training facility, jail population, fatalities and Narcotics Division accomplishments.

Phase IA Archaeological Surveys

Motion by Rogness, second by Erickson, and unanimously carried to award the following projects to the low bidder, Trefoil Cultural & Environmental Heritage of Sauk Rapids, MN:

CSAH 9 Reconstruction (Phase 1-South) (not to exceed) \$1,120.00
S.A.P. 56-609-03

CSAH 50 Reconstruction (not to exceed) \$600.00
S.A.P. 56-650-07

Lake Olaf Drawdown Project

Motion by Erickson, second by Lindquist, and unanimously carried to authorize the Chairman's signature to execute a Contract for water level control between the County of Otter Tail and Landwehr Construction, Inc. of St. Cloud, MN. This Contract is for the Lake Olaf Drawdown Project, S.A.P. 56-630-10, and approval of the contract is contingent upon the approval of the County Attorney.

Other Highway Department Items

Highway Engineer, Rick West updated the Board on spring weight restrictions, approach/culvert permits, and Lake Iverson.

Parkers Prairie Radio Site Contract

Motion by Huebsch, second by Rogness, and unanimously carried to authorize the Chairman's signature to execute a Contract Proposal for Professional Services (contract no. 114-10) between the County of Otter Tail and Anderson Land Surveying, Inc. of Fergus Falls. The land survey is needed to obtain a legal land description for the Parkers Prairie Radio Site at a cost of \$1,760.00 to be paid out of the Radio Fund.

800 Megahertz Communication System

Lieutenant, Mark Englund briefed the Board regarding a grant that is available through Homeland Security, in the amount of \$27,800, which needs to be spent by March 30, 2010. Mr. Englund explained that the County needs control stations that are mobile radios that will be installed in the dispatch center. Each control station is dedicated to one of the new ARMER tower sites for interoperability backup in case the main radio console goes down. The communications center could still talk to each site with this equipment. Otter Tail County has seven sites. The State will purchase three radio control stations; however, two of those stations are dedicated for certain channels that would be for interim operability while counties are coming on to the communications system. The third state purchased control station will likely be dedicated to the Fergus Falls tower. Mr. Englund requested authority to purchase six radio control stations. Motion by Lindquist, second by Huebsch, and unanimously carried to authorize the Sheriff's Department to purchase six radio control stations for backup to the main radio console at a cost of \$3,000 to \$4,000 each. This cost will be paid out of the Capital Improvement Fund and when the grant is received from Homeland Security, the dollars will be reimbursed to that Fund.

Applications for Exempt Permit

Motion by Erickson, second by Lindquist, and unanimously carried to approve, with no waiting period, the LG220 Application for Exempt Permit as follows:

Fergus Falls Chapter of Ducks Unlimited
Ten Mile Lake Resort and Steak House
12303 County Highway 35

Saturday, April 17, 2010

Minnesota Rodeo Association
Red Horse Ranch Arena
22671 County Highway 10

Saturday, September 18, 2010

Payment Approval

Motion by Rogness, second by Froemming, and unanimously carried to approve payment, in the amount of \$50.00, to Lake Region Healthcare for services provided under the provision of Minnesota Statute 609.35.

OTTER TAIL COUNTY RESOLUTION #2010 - 18

Master Subscriber Agreement for Minnesota Court Data Services

WHEREAS, departments and offices of Otter Tail County have need to access Court Data Services and provide information to Court Data Services; and

WHEREAS, Otter Tail County wishes to enter into the Master Subscriber Agreement for Minnesota Court Data Services with the State of Minnesota.

BE IT HEREBY RESOLVED that the Chairman of the Otter Tail County Board of Commissioners is authorized to enter into the Master Subscriber Agreement for Minnesota Court Data Services.

Adoption of the foregoing resolution was moved by Erickson, seconded by Rogness, on the 9th day of March, 2010, and was passed on a unanimous vote.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

Adjournment

At 2:12 p.m., Chairman Froemming adjourned the meeting of the Otter Tail County Board of Commissioners until Tuesday, March 16, 2010.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

WARRANTS APPROVED ON 3/09/2010 FOR PAYMENT 3/09/2010

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A-1 ENGRAVING	182.80
JANICE AABERG	54.31
ATLANTIC SIGNAL LLC	560.00
BARRETT EMS TRAINING	540.00
BECKLUND OIL CO	408.38
BLACK HILLS AMMUNITION	797.50
HEATHER BRANDBORG	106.00
BRAUN VENDING INC	28.37
BRETZ HARDWARE	19.43
BRIGGS CORPORATION	185.56
JAN BROOBERG	140.00
KAREN CANNELL	26.12
CARR'S LAKE COUNTRY SUPERMARKE	463.71
CATCO PARTS AND SERVICE	157.18
CDW GOVERNMENT INC	12,292.13
CHARTER COMMUNICATIONS	68.35
CITIZENS ADVOCATE AND VERNDALE	29.75
COMPUTER PROFESSIONALS UNLIMIT	3,928.45
COOPERS TECHNOLOGY GROUP	449.63
CULLIGAN WATER CONDITIONING	10.69
DAKOTA PRINTERS LLC	57.70
CHUCK EHRENBERG	195.37
ELECTION SYSTEMS & SOFTWARE IN	1,283.62
ELECTRIC PLUS	15.00
FARGO GLASS AND PAINT CO	930.65
FARMERS CO OP OIL ASSN	1,434.41
FERGUS FALLS DAILY JOURNAL	4,876.48
CITY FERGUS FALLS	24,207.32
FERGUS TIRE CENTER	23.50
FIRST LUTHERAN CHURCH	3,159.00
FORCE AMERICA	50.99
FREMONT INDUSTRIES INC	349.70
GALL'S INC	533.38
GENERAL PARTS LLC	122.75
GOODIN COMPANY	1,455.05
GRAINGER INC	474.00
PATRICK GRIFFIN	33.18
MARY HAUGRUD	407.00
HEALTHCARE ENVIRONMENTAL SERVI	29.10
HENRY'S FOODS INC	1,597.97
HILLTOP LUMBER INC	220.15
HSBC BUSINESS SOLUTIONS	17.11
INNOVATIVE OFFICE SOLUTIONS	4,529.74
J C'S GENERAL STORE	16.02
EDWARD JENSON	4,745.25
JOHN JENSON	3,681.50
BRIAN JOHNSON	592.00
CHARLES JOHNSON	222.00
K.I.D.LEASING	256.44
KELLY SERVICES INC	630.00
JILL KLUCK	37.98
BRYON KOCH	832.50
KOEP'S CLITHERALL CORNER	1,228.38
LAKE REGION HEALTHCARE CORP	1,320.61
LARRY OTT INC TRUCK SERVICE	250.00
PAT LARUM	119.56
LOCATORS & SUPPLIES INC	454.03

OTC Board of Commissioners' Minutes
 March 9, 2010
 Attachment A, Page 2

MARCO	59.67
MARCO INC ST LOUIS	469.12
MARTY FARMS INC	200.00
FILICITY MARTY	1,748.25
MINN KOTA COMMUNICATIONS INC	163.54
MN CO ATTORNEYS ASSOCIATION	42.22
MN MOTOR COMPANY	439.21
MN POLLUTION CONTROL AGENCY	15.00
MSANI	100.00
NELSON BROS PRINTING	184.94
PAUL NELSON	2,824.90
STEVEN NELSON	12,365.00
NETWORK CENTER COMMUNICATIONS	215.00
NORTHSTAR TECHNOLOGY GROUP INC	3,919.80
NORTHWEST IRON FIREMEN INC	58.59
NTOA	1,370.00
OFFICEMAX INCORPORATED	576.91
RICHARD OLSON	3,232.60
OTIS ELEVATOR CO	113.04
OTTER TAIL CO EMPLOYEES COMMIT	84.00
OTTER TAIL TELCOM	269.45
OTTERTAIL TRUCKING INC	4,270.00
OVERLAND MECHANICAL SERVICES	569.39
PACE ANALYTICAL SERVICES INC	389.00
PELICAN RAPIDS PRESS	81.38
PEPSIAMERICAS	197.75
PETE'S AMOCO	3,184.19
PETE'S BODY SHOP & TOWING	2,877.60
PITNEY BOWES	826.02
PRODUCTIVE ALTERNATIVES INC	82.46
PSYCHOLOGY SRVCS OF SOUTHERN M	1,250.00
RECONROBOTICS INC	5,150.00
ROYAL TIRE INC	3,544.75
SAFARILAND LLC	249.99
SEH	1,526.39
SEWER SERVICE	240.00
JUDY SIGGERUD	47.00
PAUL SIMENGAARD	95.96
SOUTH MILL SERVICE	34.29
SOUTHTOWN C-STORE	1,748.26
STEINS INC	2,120.99
PAM STOVER	145.38
STREICHERS	4,904.97
SUPER SEPTIC & EXCAVATION	77.19
THYSSEN KRUPP ELEVATOR CORPORA	1,644.15
HORST TRUESTEDT	9,999.25
U.S.BANK	48.00
UPPER MISSISSIPPI MENTAL HEALT	35.00
US BANK	550.00
VICTOR LUNDEEN COMPANY	20.18
VIKING COCA-COLA	220.16
WELLS ROAD GRADING	2,275.00
WEST GOVERNMENT SERVICES	84.70
XEROX CORPORATION	168.42
ZIEGLER INC	574.57
**** FINAL TOTAL.....	<u>\$158,521.43****</u>