

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, October 9, 2001
9:30 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, October 9, 2001, at 9:30 a.m. at the Otter Tail County Courthouse with Commissioners Dennis Mosher, Chair; Bob Block, Vice-Chair; Syd Nelson, Malcolm Lee, and Roger Froemming present.

Approval of Agenda

Motion by Froemming, second by Lee, and unanimously carried to approve the Human Services Board agenda of October 9, 2001, as mailed.

Approval of Minutes

Motion by Lee, second by Nelson, and unanimously carried to approve the Human Services Board minutes of September 25, 2001, as mailed.

Otter Tail County District Court Rules Agreement

Court Service Director, Chuck Kitzman, presented an agreement that applies the Otter Tail County Personnel Rules to the probation officers. Upon signing the agreement, the Probation Officers will be at-will employees appointed by the judges under M.S. Chapter 244 and will be subject to the County Personnel Rules that govern vacation, sick leave, and other policies. Motion by Block, second by Nelson, and carried with Lee opposed, to authorize the Court Services Director to execute the Otter Tail County - District Court Personnel Rules agreement, with the Probation Officers to apply the Otter Tail County Personnel Rules that were effective February 6, 2001.

Out-of-State Conference Report

Public Health Nurse, Peggy Talsness, reported on an out-of-state conference she recently attended as a Lactation Consultant. She stated that the conference was very helpful and stressed the many advantages that result from breast feeding, both in better health for children and economic savings for families.

Battle Lake Dumpsite Update

Public Health Director, Diane Thorson, provided a report from the U.S. Department of Health and Human Services regarding the Battle Lake dumpsite. Discussion followed. Commissioners requested that Ms. Thorson forward a copy of this report to the Minnesota Pollution Control Agency.

Otter Tail Family Services Collaborative

Mr. Kitzman reported that several members of the Family Services Collaborative had met with MCIT Senior Account Manager, Sue Dahlhauser. Ms. Dahlhauser recommended that the Otter Tail Family Service Collaborative obtain liability insurance for the entity with a policy that covers the Collaborative only. Motion by Froemming, second by Block, and unanimously carried to request that the Otter Tail Family Services Collaborative obtain appropriate liability insurance coverage for the organization.

Recess & Reconvene

At 10:22 a.m., Chair Mosher declared the meeting of the Otter Tail County Human Services Board recessed until 1:00 p.m.

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, October 9, 2001, at 10:35 a.m. at the Otter Tail County Courthouse with Roger Froemming, Chair; Dennis Mosher, Vice-Chair; Syd Nelson, Malcolm Lee, and Bob Block present.

Approval of Agenda

Motion by Nelson, second by Mosher, and unanimously carried to approve the County Board agenda of October 9, 2001 with the following additions

1:30 p.m. - Thomas L. Hanson - Board of Adjustment Process
Closed Session

1:40 p.m. - Personnel Committee Meeting

Approval of Minutes

Motion by Mosher, second by Lee, and unanimously carried to approve the County Board minutes of October 2, 2001 as presented.

Military Training Request

Land & Resource Director, Bill Kalar, requested payment of military training on a calendar year used by the Army Reserves for training from October to October. An employee was paid for 13 days of military training last August and is scheduled for another two-week training from November 7 - December 7, 2001. This would put the employee over the 15 days of wages to be paid for calendar year 2001; however, the employee will not have training during calendar year 2002. Mr. Kalar requested pay for the two-week training beginning in November and to borrow from the 15 calendar days authorized for CY2002. County Attorney, David Hauser, stated that the statute authorizes 15 days of pay in any calendar year and it should be construed to meet its original purpose; therefore, any block of 365 days would meet the intent of the law. Motion by Lee, second by Block, and carried with Nelson opposed, to authorize Mr. Kalar to approve payment of the second two week training in calendar year 2001 contingent upon no training required during CY2002. If called to active military duty, payment would be based on 15 days per year.

Agreement with University of Minnesota

Motion by Mosher, second by Lee, and unanimously carried to authorize the Chair's signature to execute a Memorandum of Agreement between the University of Minnesota and County of Otter Tail for employing County Extension Educator staff.

Audit Engagement Letter

Motion by Mosher, second by Block, and unanimously carried to authorize the appropriate County officials' signatures on the Audit Engagement Letter for the year ending December 31, 2001.

Premise Permit

Otter Tail County Resolution No. 2001 – 52

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 Dent Fire Fighters Relief Association, Dent, MN, has made an application to the Gambling Control Board for a premise permit to conduct lawful gambling at the Silver Moon Lounge, in Perham 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 Dent Fire Fighters Relief Association, Dent, MN, at the Silver Moon Lounge, in Perham 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 Dent Fire Fighters Relief Association, Dent, MN, at Silver Moon Lounge, in Perham 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 Perham by sending them a copy of this resolution.

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

Adopted this 9th day of October, 2001.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, County Board Chair

Attest: _____
Larry Krohn, Clerk

**Premise Permit
Otter Tail County Resolution No. 2001 – 53**

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 Dent Fire Fighters Relief Association, Dent, MN, has made an application to the Gambling Control Board for a premise permit to conduct lawful gambling at the Galaxy Resort, in Star 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 Dent Fire Fighters Relief Association, Dent, MN, at the Galaxy Resort, in Star 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 Dent Fire Fighters Relief Association, Dent, MN, at Galaxy Resort, in Star 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 Star Lake by sending them a copy of this resolution.

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

Adopted this 9th day of October, 2001.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, County Board Chair

Attest: _____
Larry Krohn, Clerk

Personnel Rules

Motion by Lee, second by Mosher, and unanimously carried to authorize the Coordinator to exceed the Coordinator's supply budget by approximately \$600 to pay for printing expenses for the new Personnel Rules.

Purchase of Land for Wetland Mitigation

Motion by Lee, second by Froemming, and unanimously carried to purchase a 20.74 acre parcel, in the amount of \$27,999, located in the NE¼ of the NW¼ of Section 8, Twp. 133N, R43W, for wetland mitigation on S.P. 56-624-10 and future highway reconstruction involving the U. S. Fish and Wildlife Service (USFWS) properties. The property is being purchased by Otter Tail County for the USFWS with Otter Tail County having the right to sell wetland credits from this wetland bank. The USFWS will manage the property and the wetland bank. The property is being purchased from the following landowner:

Neal K. Johnson and Carolyn R. Johnson
Elizabeth, MN

Ditch Systems

Ditch Inspector, Randy Wasvick, discussed concerns regarding several different ditch systems. He reported that Ditch No. 29, located on the south side of Rush Lake in Otto Township, was cleaned out last year. Mr. Warren Larson reported a culvert in the ditch system that is starting to wash out and needs replacement. Mr. Wasvick recommended removing the culvert to leave it as an open ditch. Commissioners requested that the Ditch Inspector obtain letters of approval, from the two property owners on each side of the ditch, acquire a bid for removal of the culvert, and return to the Board with a recommendation.

Motion by Lee, second by Block and unanimously carried to authorize property owner, Blake Meland, to install a culvert to gain access to the other side of his property in Ditch System

No. 12 in Lida Township. All expenses are to be paid by the property owner and the culvert must be the appropriate size.

Property owner, Warren Svendsgaard, reported a problem with a private approach road not being accessible on Ditch System No. 59 north of Long Lake. Discussion took place. Motion by Lee, second by Mosher, and unanimously carried to notify the property owner that he may repair this private approach road at his expense.

Mr. Wasvick reported a problem with a plugged culvert in Section 20 of Inman Township. This culvert is holding water back and is a part of two ditch systems; No. 5 and No. 68. He has received many calls from property owners below this culvert who would like to have the culvert cleaned out. Discussion took place regarding the clean out process and corresponding cost. Motion by Froemming, second by Mosher, and unanimously carried to approve a clean out of the culvert and authorize installation of a culvert with all expenses to be paid out of the Ditch System No. 68 funds.

Hauler's Application

Solid Waste Director, Mike Hanan, and representatives from the Peltz Group requested authorization for the Peltz Group to obtain a Solid Waste Hauler's License. Mr. Hanan reported that the company had, on occasion, been hauling in Otter Tail County without a license. County Attorney, David Hauser, noted that all legal issues have been resolved in this matter. Motion by Nelson, second by Mosher, and unanimously carried to approve issuance of a Solid Waste Hauler's license to the Peltz Group.

Recess & Reconvene in Closed Session

At 11:35 a.m., Chair Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. At 11:40 a.m., Chair Froemming 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 Professional and Support Specialist collective bargaining units. All seated commissioners were present along with the County Coordinator, County Attorney, and Recording Secretary. At 11:55 a.m., upon conclusion of the closed session, Chair Froemming declared the meeting recessed until 1:30 p.m.

Reconvene the Human Services Board

At 1:03 p.m., Human Services Chair, Dennis Mosher, reconvened the Human Service Board meeting with Vice-Chair, Bob Block; and Commissioners Nelson and Lee present. Commissioner Roger Froemming was absent for the remainder of the meeting.

Agreement with Catholic Charities

Catholic Charities Director, John Krueger, introduced the Program Director, Steve Schmidt. They briefed the Board regarding their intensive treatment program for children. Otter Tail County is the host county for the program and they requested renewal of the agreement with a 4% rate increase. The 4% rate increase request is a result of increased rent required by the Regional Treatment Center and increase in health insurance costs for employees. Motion by Nelson, second by Block, and unanimously carried to authorize the Chair's signature to execute a host county contract between the County of Otter Tail and Catholic Charities to operate an intensive treatment program for juveniles with a 4% rate increase for CY2002.

Purchase of Service Agreement

Motion by Nelson, second by Lee, and unanimously carried to authorize the Chair's signature to execute an addendum to the Purchase of Service Agreement for waived service to persons with mental retardation or related conditions, which adds two additional homes providing this service.

Approval of Bills & Claims

Motion by Nelson, second by Lee, and unanimously carried to approve the Human Services bills and claims as presented.

Adjournment

At 1:27 p.m., Chair Mosher declared the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, October 23, 2001.

Dated: _____ OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____
Dennis Mosher, Human Services Chair

Attest: _____
Larry Krohn, Clerk

Reconvene County Board

At 1:30 p.m., Vice-Chair Mosher reconvened the Otter Tail County Board of Commissioners meeting with Chair Froemming absent and Commissioners Nelson, Lee, and Block present.

Discussion - Board of Adjustment

Property owner, Thomas L. Hanson, discussed his concerns with Board of Adjustment procedures and specific concerns regarding a denial of a variance request he had presented at the Board of Adjustment's October 4th, 2001, meeting. Lengthy discussion followed.

Approval to Pay Bills

Motion by Lee, second by Nelson and unanimously carried to approve payment of County Board bills per Attachment A of these minutes which include lodging payments as follows:

- | | |
|----------------------------|---|
| Best Western Kelly Inn | Dispatchers, Judy Siggerud & David Cossette |
| Best Western Maplewood Inn | Deputy, Scott Koennicke |

Amendment to the E-911 Agreement

Motion by Nelson, second by Lee, and unanimously carried to authorize the Chair's signature to execute an Agreement for Implementation of the 911 Telephone System between the County of Otter Tail and Lakedale Telephone Company.

Adjournment

At 2:23 p.m., Vice-Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, October 16, 2001.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, County Board Chair

Attest: _____
Larry Krohn, Clerk