

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, December 31, 2002
9:30 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, December 31, 2002, at 9:30 a.m. at the Otter Tail County Courthouse with Commissioners Malcolm Lee, Chair; Syd Nelson, Vice-Chair; Dennis Mosher, Roger Froemming, and Bob Block present.

Approval of Agenda

Motion by Nelson, second by Froemming, and unanimously carried to approve the Human Services agenda of December 31, 2002, with the following requested deletion from the agenda:

9:30 – 9:40 a.m. Court Services Director: Chuck Kitzman
Miscellaneous

Approval of Minutes

Motion by Mosher, second by Nelson, and unanimously carried to approve the Human Services Board minutes of December 17, 2002, as mailed.

Approval of Contract - Minnesota Department of Health

Motion by Block, second by Mosher, and unanimously carried to authorize the Chair's signature to execute a contract with the Minnesota Department of Health for Perinatal Hepatitis B Follow-up and Immunization Practices Improvement, as presented by the Public Health Director, Diane Thorson.

Child & Teen Checkup Outreach Project Approval

The Public Health Director informed the Board the Child & Teen Checkup Outreach Project has been approved by the Department of Human Services. This project will include \$2,500 for Lutheran Social Services Pelican Rapids Outreach Program to assist Otter Tail County with reaching non-English speaking families with children on Medical Assistance.

Personnel Update

The Public Health Director reported she was unable to fill the full-time vacancy for Public Health Nurse (created through retirement) with individuals on the current PHN eligibility list. Thorson reported that applicants rejected the job offers based on salary and job insecurity due to identified State budget projected shortfalls. She indicated that recruitment ads are expected to run (again) early in 2003 for this position. She noted that the position requires the nurse to have their bachelor's degree in nursing. In the interim, a temporary position has been offered and an individual will start effective January 13. She noted that the temporary individual would also be eligible to be considered, along with other potential applicants, for the regular full-time position.

Approval of Human Services Contracts

Motion by Froemming, second by Nelson, and unanimously carried to authorize the Chair's signature to execute a contract renewal for the Purchase of Service Agreement with Otter Tail County Department of Human Services and McCornell Court Assisted Living –

St. Williams Annex, Parkers Prairie, MN for CY2003 as presented by the Human Services Director, John Dinsmore, and Human Services Supervisor, Tom Jensen.

Motion by Froemming, second by Nelson, and unanimously carried to authorized the Chair's signature to execute a contract for renewal of Purchases of Service Agreement for Waivered Services to Persons with Mental Retardation or Related Conditions between Otter Tail County Department of Human Services and Lutheran Social Services for CY2003.

Motion by Froemming, second by Block, and unanimously carried to authorize the Chair's signature to execute a Consolidated Chemical Dependency Treatment Fund Agreement between the County of Otter Tail and Lakeland Mental Health Center, Inc. for CY2003.

Motion by Froemming, second by Block, and unanimously carried to authorize the Chair's signature to execute renewal of a Purchase of Service Agreement for Outpatient Mental Health Services between Otter Tail County Human Services and Lakeland Mental Health Center, Inc. for CY2003.

Motion by Mosher, second by Block, and unanimously carried to authorize the Chair's signature to execute renewal of a Purchase of Service Agreement to provide child protection assessment services between Otter Tail County Social Services and Wilkin County Family Services for CY2003.

Approval of Bills and Claims

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

Adjournment

At 10:06 a.m., the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, January 14, 2003.

Dated: _____ OTTER TAIL COUNTY HUMAN SERVICES BOARD

Attest: _____
Larry Krohn, Clerk

By: _____
Malcolm K. Lee, Human Services Chair

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, December 31, 2002, at 11:02 a.m. at the Otter Tail County Courthouse with Dennis Mosher, Chair; Malcolm Lee, Vice-Chair; Syd Nelson, Roger Froemming, and Bob Block present.

Approval of Agenda

Motion by Malcolm Lee, second by Roger Froemming, and unanimously carried to approve the County Board agenda of December 31, 2002, with the following additions:

- | | |
|---------------------------|--|
| 1:30 p.m. - Rick Sytsma | Request for Approval of Change Order to All Building Corporation |
| | Request for Approval of Change Order to Mark Sand & Gravel |
| 1:45 p.m. - Bob Block | Area Agency on Aging |
| 1:55 p.m. - Dennis Mosher | Board of Adjustment Item |

Approval of Minutes

Motion by Roger Froemming, second by Bob Block, and unanimously carried to approve the County Board minutes of December 24, 2002 with the following revision:

Current Motion Reads as Follows:

Motion by Lee, second by Block, and unanimously carried to approve the granting of a Temporary Snowmobile Trail Easement located as follows:

The East Half of the Southwest Quarter Except the West 10 Rods of the North 16 Rods, all in Section 34 of Township 136 Range 40 – (79 Acres).

Motion is Revised to Read as Follows:

Motion by Lee, second by Block, and unanimously carried to approve the granting of a Temporary Snowmobile Trail Easement for the Otter Trail Riders Snowmobile Club located as follows:

The East Half of the Southwest Quarter Except the West 10 Rods of the North 16 Rods, all in Section 34 of Township 136 Range 40 – (79 Acres).

Approval to Pay Bills

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

Prairie Point Subdivision

Bill Kalar, Land and Resource Director, presented the Prairie Point Subdivision Plat on Wall Lake for discussion. Bill Kalar discussed the following with the County Commissioners:

- The Planning Commission recommended that there be 5 common lake accesses between the nine lots due to the lakeshore aquatic issues.
- Surveyor suggested putting restrictive covenants on the proposed lots.
- Discussed creating a restrictive covenant, which could only be enforced by the Prairie Point property owners to replace showing the common accesses on the final plat.
- In the past, some final plats have shown common lake accesses. One of these final plats (Black Lab Beach) was approved May of 2002.
- The County Board would accept either written language designating the common accesses or actually drawing the accesses on the final plat.

Motion by Malcolm Lee, second by Sydney Nelson and unanimously carried to approve the Planning Commissions' recommendations including the 5 common lake accesses between the nine lots.

County Ditch Assessments

Motion by Dennis Mosher, second by Malcolm Lee, and unanimously carried, to approve payment to the Wilkin County Treasurer, in the amount of \$26,065.84, for expenses incurred on Otter Tail/Wilkin Judicial Drainage System No. 2 during the time period of October 2, 2001 through December 31, 2001.

Motion by Dennis Mosher, second by Malcolm Lee, and unanimously carried, to approve a six percent inter-fund loan, in the amount of \$39,954.60, from the General Revenue Fund and to approve advances from the Taxes and Penalties fund, in the amount of \$4,985.74 to the following County Drainage System accounts:

Otter Tail/Wilkin Judicial Drainage System No. 2 account:

From Taxes and Penalties Fund (Advance on Settlement)	\$1,942.02
From General Fund (inter fund loan at 6%)	\$8,502.73

Otter Tail County Drainage System 4 From Taxes and Penalties Fund (Advance on Settlement)	\$2,864.04
Otter Tail County Drainage System 12 From General Fund (inter fund loan at 6%)	\$ 420.00
Otter Tail County Drainage System 29: From Taxes and Penalties Fund (Advance on Settlement)	\$ 179.68
From General Fund (inter fund loan at 6%)	\$ 958.80
Otter Tail County Drainage System 38 From General Fund (inter fund loan at 6%)	\$ 92.10
Otter Tail County Drainage System 52 From General Fund (inter fund loan at 6%)	\$ 549.98
Otter Tail County Drainage System 53 From General Fund (inter fund loan at 6%)	\$29,430.99

**Resolution Adopting Assessment Order for
Otter Tail-Wilkin Judicial Drainage System No. 2
Otter Tail County Resolution No. 2002 - 69**

The Otter Tail County Board of Commissioners unanimously adopts the following resolution:

WHEREAS, Thomas Richels, Wilkin County Highway Engineer, has informed the Otter Tail County Auditor's office that in addition to the expenditure described in Otter Tail County Resolution No. 2001-67 an additional portion of the Otter Tail-Wilkin Judicial Drainage Systems No. 2 has been repaired/maintained in 2002, and

WHEREAS, the benefited properties located within Otter Tail County are responsible for 47.05% of the total repair/maintenance expenditures incurred on the Otter Tail-Wilkin Judicial Drainage System No. 2 and,

WHEREAS, in 1999, 2000, 2001 and 2002 a total of \$62,615.33 has been billed to and/or paid by Otter Tail County for the repair/maintenance of Otter Tail-Wilkin Judicial Drainage System No. 2, leaving a deficit cash balance, in the Otter Tail/Wilkin Judicial Drainage System No. 2 account, as of December 31, 2002, of \$10,444.75, and

WHEREAS, Thomas Richels, Wilkin County Highway Engineer, has advised the Otter Tail County Auditor's office that the Otter Tail County benefited properties share for the additional work completed, in 2002, for the repair/maintenance of Otter Tail/Wilkin Judicial Drainage System No. 2 will be approximately \$15,000 (has not yet been billed by Otter Tail County), and

WHEREAS, previously levied assessments and collections to date are insufficient to cover in full both the cash deficit and the additional work completed in 2002.

NOW THEREFORE, BE IT RESOLVED BY THE OTTER TAIL COUNTY BOARD OF COMMISSIONERS, that a special assessment in the amount of \$18,500, be levied against the benefited properties located within Otter Tail County for the repair/maintenance of Otter Tail-Wilkin Judicial Drainage System No. 2, a copy of which is attached hereto and made a

part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed repair/maintenance in the amount of the assessment levied against it.

BE IT FURTHER RESOLVED, that such assessments shall be payable in equal annual installments extending over a period of 5 years. To the first installment shall be added interest, at a rate of 6%, on the entire assessment from the date of this resolution until December 31, 2003. To each subsequent installment when due shall be added interest, at a rate of 6%, for one year on the unpaid balance.

BE IT ADDITIONALLY RESOLVED, that the owners of any of the benefited properties so assessed may, on or before Friday, February 7, 2003 pay the entire assessment on such property to the County Auditor's office without interest and, the owners of any of the benefited properties so assessed may, at any time after Friday, February 7, 2003, pay to the County Auditor's office the principal balance remaining at the end of the current payable year without interest so long as the payment is received on or before November 15, of the current payable year. Payments received after November 15 of the current payable year shall accrued interest on the principal balance remaining, at a rate of 6%, through December 31 of the next succeeding year.

Adopted this 31st day of December, 2002.

Dated: _____

Otter Tail County Board of Commissioners

By: _____

Malcolm K. Lee, County Board Chair

Attest: _____

Larry Krohn, Clerk

**Resolution Adopting Assessment Order for County Drainage System No. 29
Otter Tail County Resolution No. 2002 - 70**

The Otter Tail County Board of Commissioners' unanimously adopts the following resolution:

WHEREAS, the County Board of Otter Tail County, acting as the County Drainage Authority, had authorized minor repairs/maintenance to County Drainage System No. 29 in 2002, and

WHEREAS, the Otter Tail County Board of Commissioners has approved expenditures in the amount of \$4,500 for the repair/maintenance of County Drainage System No. 29 as follows:

Ottertail Aggregate

\$4,500.00

NOW THEREFORE, BE IT RESOLVED BY THE OTTER TAIL COUNTY BOARD OF COMMISSIONERS, that a special assessment in the amount of \$4,500, be levied against the benefited properties of County Drainage System No. 29, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the repair/maintenance in the amount of the assessment levied against it.

BE IT FURTHER RESOLVED, that such assessments shall be payable in equal annual installments extending over a period of 6 years. To the first installment shall be added

interest, at a rate of 6%, on the entire assessment from the date of this resolution until December 31, 2003. To each subsequent installment when due shall be added interest, at a rate of 6% for one year on the unpaid balance.

BE IT ADDITIONALLY RESOLVED, that the owners of any of the benefited properties so assessed may, on or before Friday, February 7, 2003 pay the entire assessment on such property to the County Auditor's office without interest and, the owners of any of the benefited properties so assessed may, at any time after Friday, February 7, 2003, pay to the County Auditor's office the principal balance remaining at the end of the current payable year without interest so long as the payment is received on or before November 15, of the current payable year. Payments received after November 15 of the current payable year shall accrue interest on the principal balance remaining, at a rate of 6%, through December 31 of the next succeeding year.

Adopted this 31st day of December, 2002.

Dated: _____ Otter Tail County Board of Commissioners

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

Motion by Dennis Mosher, second by Malcolm Lee, and unanimously carried, to authorize the following annual County Drainage system repair/maintenance assessments for payable year 2003:

County Drainage Ditch No. 04	\$ 500.00
County Drainage Ditch No. 05	\$ 500.00
County Drainage Ditch No. 12	\$ 500.00 (New)
County Drainage Ditch No. 21 (Original Board Action of December 23, 1996 - \$500.00)	\$1,500.00
County Drainage Ditch No. 29	\$ 500.00
County Drainage Ditch No. 37 (Original Board Action of September 23, 1997 - \$500.00)	\$2,500.00
County Drainage Ditch No. 38	\$ 500.00 (New)
County Drainage Ditch No. 52	\$ 600.00 (New)
County Drainage Ditch No. 63 (Original Board Action February 15, 2000 - \$500.00)	\$1,000.00

Tobacco Licenses

Motion by Roger Froemming, second by Malcolm Lee, and unanimously carried, to approve the following applications for license:

Bonnie and Clydes 105 E Main Ave Clitherall, MN 56524	Tobacco
Don's Service 102 West Broadway Elizabeth, MN	Tobacco

Erhard Village Store
Erhard Gas and Grocery
US Highway 59 – PO Box 116
Erhard, MN 56534
Tobacco

Tank-N-Yummies, LLC
245 N Hwy 78 – PO Box 273
Ottertail, MN 56571
Tobacco

Wagon Wheel Grocery
101 Main St. – PO Box 75
Richville, MN 56576
Tobacco

**CY2003 Pocket Gopher Bounty Resolution
Otter Tail County Resolution No. 2002 - 71**

Upon motion made by Malcolm Lee, seconded by Bob Block, and unanimously carried, the following resolution was adopted:

RESOLVED by the Board of County Commissioners of Otter Tail County, Minnesota, that

The sum of thirty cents (\$.30) be paid out of the General Revenue Fund of Otter Tail County for every pocket gopher killed in said County during the year 2003 in cases where the township in which the pocket gophers were so killed shall provide for the payment of at least an additional bounty of forty cents (\$.40) for each pocket gopher so killed.

RESOLVED further that said payment of such County shall be made by the County Auditor upon certificates executed by the Chairman and/or Clerk of the Town Board of said Township setting forth that the township had issued and delivered to each claimant a payment for at least seventy cents (\$.70) for each pocket gopher so killed.

Adopted at Fergus Falls, MN this 31st day of December 2002.

Dated: _____ Otter Tail County Board of Commissioners

By _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

**CY2003 Tax Forfeited Land Sale Apportionment
Otter Tail County Resolution No. 2002 - 72**

Upon motion made by Bob Block, seconded by Sydney Nelson and unanimously carried, the following resolution was adopted:

RESOLVED by the Board of County Commissioners of Otter Tail County, Minnesota, that

WHEREAS, it is provided in Minn. Stat. 282.05 for the apportionment of proceeds from the sale of tax forfeited lands, and

WHEREAS, the County Auditor shall apportion the tax sale proceeds to the taxing district pursuant to Minn. Stat. 282.08 and

WHEREAS, Minn. Stat. 282.08 (4) (b) provides that the County Board may set aside 20% of the proceeds remaining after the value of public improvements, special assessments, and bond issues levied on the property have been paid, for acquisition and maintenance of county parks and recreational areas, and

WHEREAS, Otter Tail County has a park and recreational area, which would benefit by such an apportionment.

NOW, THEREFORE, BE IT RESOLVED, that the County Auditor retain 20% of the proceeds from the sale of tax forfeited lands for acquisition and maintenance of parks and recreational areas from the proceeds to be disbursed according to law.

Adopted at Fergus Falls, MN this 31st day of December 2002.

Dated: _____

Otter Tail County Board of Commissioners

By _____

Malcolm K. Lee, County Board Chair

Attest: _____

Larry Krohn, Clerk

Establish Delinquent Publication Costs

Motion by Sydney Nelson, seconded by Malcolm Lee, and unanimously carried to set the cost assessed to delinquent real estate parcels, that are published in the Delinquent Tax List, at \$29.00 per parcel.

Establish Board of Equalization Dates

Motion by Sydney Nelson, seconded by Roger Froemming, and unanimously carried, to convene the County Board of Equalization on Monday, June 16, 2003, at 9:00 a.m. and to reconvene the County Board of Equalization for final action on Friday, June 27, 2003, (Minn. Stat. 274.14).

Recess & Reconvene

At 12:05 p.m., Chair Mosher declared the Otter Tail County Board of Commissioners meeting recessed for a lunch break. The meeting was reconvened at 1:14 p.m.

Homestead Denial Form

Robert Moe, County Assessor, reviewed his department's new Homestead Denial Form with the County Commissioners. From this point forward, Robert Moe will review all Homestead Denial Forms.

Response to Goettsch Letter

Robert Moe, County Assessor, reviewed with County Commissioners the explanation of why the Goettsch Homestead Application was denied. The County Board of Commissions appreciated how Mr. Moe handled the situation and thanked him for what a good job he is doing.

4-H Program Coordinator Positions

Steve Handegaard, Extension Educator, presented the following information regarding the 4-H Program Coordinator positions. June of 2002, the Extension Office hired two 4-H

Program Coordinators on a temporary six-month basis. Both of those positions were terminated on December 1, 2002. Mr. Handegaard requested the County Board of Commissioners to approve two new full-time 4-H Program Coordinator positions; one position to cover East Otter Tail County and the other to cover West Otter Tail County. The two individuals would become University of Minnesota employees. The University of Minnesota would bill Otter Tail County for 30% of the Program Coordinators' benefits.

Motion by Sydney Nelson, seconded by Roger Froemming, and unanimously carried, for Steve Handegaard to move ahead with advertising for one full-time East Otter Tail Program Coordinator and one West Otter Tail County Program Coordinator position.

Change Orders

Rick Sytsma, Physical Plant Manager, presented two change orders for approval:

All Building Corporation Contract

Original Contract Sum		\$373,700.00
Change Order		\$91,145.00
Saw Cutting Concrete Slab	\$3,564.00	
Concrete Topping-Wings A,C	\$82,713.00	
Demo Old Elevators	\$4,868.00	
New Contract Sum		\$464,845.00

Mark's Sand and Gravel

Original Contract Sum		\$492,000
Change Order		\$46,148.45
Water Line Modifications	\$8,689.80	
New 6" Water Line to Frost Depth	\$12,474.00	
New Sewer Line and Structures	\$18,957.75	
12" Storm Line Revisions	\$5,406.87	
Foundation Drain	\$620.03	
New Contract Sum		\$538,148.45

Motion by Bob Block, seconded by Roger Froemming, and unanimously carried, to approve the All Building Corporation's change order in the amount of \$91,145.00.

Motion by Sydney Nelson, seconded by Bob Block, and unanimously carried, to approve the Mark's Sand and Gravel change order in the amount of \$46,148.45.

Area Agency on Aging

Bob Block presented Area Agency on Aging updates. The state has mandated to encourage, the Area Agency on Aging Collaborative to join with other counties. Mr. Block stated that Region One has scheduled a meeting on January 16, 2003 in Moorhead, Minnesota; and that Bob needs the other Commissioner's support to represent Otter Tail County.

Motion by Roger Froemming, seconded by Dennis Mosher, and unanimously carried, to authorize Commissioner Block to represent Otter Tail County at the Region One meeting in Moorhead, Minnesota on January 16, 2003.

Attorney Pay Scale

David Hauser, County Attorney, proposed that attorney wages be based on a percentage of District Court Judges' salaries. Mr. Hauser stated that under the current pay system, the attorney wages have not kept pace with other counties and in fact, our entry wage was the lowest of all the counties used for the county's market study. The county has used a percentage of the Judges' salaries in the past. The Personnel Committee has approved Mr. Hauser's request. Dennis Mosher pointed out that this pay scale would put us in the market January 1, 2003.

Salary Ranges									
County Attorney	80-100% of Judge's								
Assistant I	55-75%								
Assistant II	40-60%								
Years	1	2	3	4	5	6	7	8	9
Co. Atty.	80%	82.5%	85%	87.5%	90%	92.5%	95%	97.5%	100%
Assistant I	55%	57.5%	60%	62.5%	65%	67.5%	70%	72.5%	75%
Assistant II	40%	42.5%	45%	47.5%	50%	52.5%	55%	57.5%	60%

Motion by Dennis Mosher, seconded by Sydney Nelson, and unanimously carried, to approve the Attorneys' Pay Scale as listed above.

AFSCME Highway Maintenance Labor Agreement

Motion by Roger Froemming, seconded by Sydney Nelson, and unanimously carried, to approve the AFSCME Labor Agreement for the Highway Maintenance Union effective January 1, 2003.

Reclassification Request

MAXIMUS has recommended that the position #2403, Fiscal Supervisor I, Human Services Department, be reclassified from Grade 18 to Grade 19 effective June 1, 2002. MAXIMUS' recommendation includes a job title change to Director of Business Management I.

Motion by Bob Block, second by Roger Froemming, and unanimously carried, to approve the recommendation as presented.

County Board Meeting Minutes Correction

Motion by Roger Froemming, second by Bob Block, and unanimously carried, to correct the Otter Tail County Board of Commissioners' Board Minutes, dated 12/12/02, to reflect the following correction under Building Temperature Controls Bid Award from \$136,903.00 to \$166.800.

Amendment to Delta Dental Group Contract

Motion by Roger Froemming, second by Bob Block, and unanimously carried, to amend the Delta Dental plan description to increase the annual maximum amount payable by Delta Dental from \$500 to \$750 per person, per year.

Snowmobile Enforcement Grants

Motion by Bob Block, second by Roger Froemming, and unanimously carried, to approve the Snowmobile Enforcement Grants in the amount of \$4,748.07 and to authorize the signature of the Chairman to execute the grant contract between the State of Minnesota DNR and the Otter Tail County Sheriff's Department.

Correspondence Acknowledged

Chairman, Dennis Mosher, discussed correspondence he received regarding a Board of Adjustment decision.

Adjournment

At 2:07 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, January 7, 2003.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: _____

By: _____

Larry Krohn, Clerk

Malcolm K. Lee, County Board Chair