

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, April 22, 2003
9:30 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, April 22, 2003, at 9:30 a.m. at the Otter Tail County Courthouse with Commissioners Malcolm Lee, Chair; Syd Nelson, Vice-Chair; Roger Froemming, Dennis Mosher, and Bob Block present.

Approval of Agenda

Motion by Mosher, second by Block, and unanimously carried to approve the Human Services agenda of April 22, 2003, as mailed.

Approval of Minutes

Motion by Froemming, second by Nelson, and unanimously carried to approve the Human Services Board minutes of April 8, 2003, as mailed.

Immunization Data Update

Public Health Director, Diane Thorson, announced the week of April 21st as National Immunization Week. Statewide retrospective kindergarten surveys have been completed to identify if immunizations are up to date for children. In Otter Tail County, 80% of the kindergarten children were up to date with their immunizations at 24 months. Trinity Lutheran School at 100% and Morning Sun Christian School at 93% will be honored for their high compliance. The department will continue to work for up to date immunizations for children.

SARS Update

Ms. Thorson reported the latest data as of April 11, 2003, regarding SARS cases. There have been 2,722 cases of SARS in the world with 106 deaths. The United States has had 166 cases with no deaths. On April 4, 2003, President Bush signed an order to add SARS to the list of quarantined diseases.

Foster Care Month Proclamation

May, 2003

Otter Tail County Resolution No. 2003 - 24

Commissioner Mosher 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, and

WHEREAS, in Otter Tail County there are over 45 children and youth in foster care being provided with a safe, secure, and stable home along with the compassion and nurture of a foster family, and

WHEREAS, over 45 foster families, who open their homes and hearts to children whose families are in crisis, play a vital role helping children and families heal and reconnect and launching children into successful adulthood, and

WHEREAS, dedicated foster families frequently adopt foster children, resulting in a greater need for more foster families, and

WHEREAS, there are over 60 adults in family foster care homes, and

WHEREAS, there are 40 family foster homes for adults, who open their homes to provide a family environment to individuals with developmental disabilities, mental illness or who are elderly, and

WHEREAS, there are numerous individuals, public and private organizations who work to increase public awareness of the needs of children and adults in foster care as well as the enduring and valuable contribution of foster care providers, and the foster care system is only as good as those who choose to be a part of it,

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 **May** as **Foster Care Month** in Otter Tail County and urge all citizens to volunteer their talents and energies on behalf of children/adults in foster care, foster parents, and the professional staff working with them during this month and throughout the year.

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

Adopted this 22nd day of April, 2003.

Dated: _____ OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____
Malcolm K. Lee, Human Services Chair

Attest: _____
Larry Krohn, Clerk

Mental Health Local Advisory Committees

Fonda Knudson, Chair of the Adult Mental Health LAC and Diane Landberg, Chair of the Children's Mental Health LAC reported on activities of the committees and requested approval of the "May is Mental Health Month" proclamation.

May is Mental Health Month Proclamation May, 2003

Otter Tail County Resolution No. 2003 - 25

Commissioner Mosher offered the following and moved its adoption:

WHEREAS, the U.S. Surgeon General states that mental health is fundamental to health and indispensable to personal well-being, family and interpersonal relationships, and contributes to community and society; and

WHEREAS, the U.S. Surgeon General confirms that mental illness affects one in five Americans every year, regardless of age, gender, race, ethnicity, religion or economic status; and

WHEREAS, the U.S. Surgeon General has found that a range of treatment exists for most mental disorders and the efficacy of mental health treatments are well documented; and

WHEREAS, Otter Tail County has made a commitment to community-based systems of mental health care for all residents and has appointed Local Mental Health Advisory Committee for children and adults.

WHEREAS, the guiding principles of community mental health care have always been comprehensiveness, cost-efficiency, effective management and high-quality and consumer-responsive services, and these principles are now being adopted by private and public healthcare payers; and

WHEREAS, the National Mental Health Association, the National Council for Community Behavioral Healthcare and their national partners, the National Alliance for the Mentally Ill and their local affiliates observe Mental Health Month every May to raise awareness and understanding of mental health and illness;

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 May, 2003 **Mental Health Month** in Otter Tail County. As County Commissioners of Otter Tail County, we call upon all citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental illness and the need for appropriate and accessible services for all people with mental illness.

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

Adopted this 22nd day of April, 2003.

Dated: _____ OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____
Malcolm K. Lee, Human Services Chair

Attest: _____
Larry Krohn, Clerk

Rural MN CEP Program

Paul Hanson, representing Rural MN CEP, updated the County Board regarding their mission, programs, and funding. He presented a handout "MFIP timeline" and discussed Governor Pawlenty's 2003 proposal and how it would affect work programs currently administered by RMCEP.

Purchase of Service Agreement

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a Purchase of Service Agreement between Otter Tail County Human Services and Region IV Council on Domestic Violence (SAFE EXCHANGE) at a cost of

\$25.00 per hour. This contract is effective for the period of January 1, 2003, to December 31, 2004.

Approval of Temporary Position

Motion by Mosher, second by Lee, and unanimously carried to approve advertising and hiring a temporary Probation Officer to replace a planned leave of absence as recommended by the Court Services Director.

Bills & Claims

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

Adjournment

At 10:55 a.m., Chairman Lee declared the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, May 13, 2003.

Dated: _____ OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____
Malcolm K. Lee, Human Services Chair

Attest: _____
Larry Krohn, Clerk

Call to Order – County Board

The Otter Tail County Board of Commissioners convened Tuesday, April 22, 2003, at 11:00 a.m. at the Otter Tail County Courthouse with Malcolm Lee, Chair; Syd Nelson, Vice-Chair; Roger Froemming, Dennis Mosher, and Bob Block present.

Approval of Agenda

Motion by Nelson, second by Block, and unanimously carried to approve the County Board agenda of April 22, 2003, with the following addition:

11:45 a.m. – Highway Engineer, Rick West – Approval of Resolution

Approval of Minutes

Motion by Froemming, second by Nelson, and unanimously carried to approve the County Board minutes of April 15, 2003, as presented.

Approval to Pay Bills

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

Approval of E 9-1-1 Amendment

Motion by Mosher, second by Block, and unanimously carried to authorize the Chair's signature to execute an amendment to the contract between the County of Otter Tail and Loretel Systems for E 9-1-1 services. The County pays \$7,411.70 in non-recurring charges from the 9-1-1 tariff funds. The State pays the recurring charges.

Approval to Hire Seasonal Office Staff

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Sheriff to hire seasonal office staff through a temporary employment agency.

Approval of Change Orders for GSC Building

Motion by Block, second by Lee, and unanimously carried to approve the following change order (CO 9D.01) for the remodeling project at the Government Services Center:

Grazzini Brothers & Co.	\$36,874.90
Eagan, MN	

Motion by Nelson, second by Block, and unanimously carried to approve the following change order (CO 16A.01) for the remodeling of the Government Service Center:

Underground Contracting Services	\$13,924.45
Wahpeton, ND	

Furniture Bid Package

Physical Plant Manager, Rick Sytsma, reported that the successful bidder for line items 2A and 2B of the Furniture Package was unable to deliver the type of furniture stated in the Company's bid proposal. Mr. Sytsma recommended that the County re-advertise this portion of the bid package. Motion by Block, second by Froemming, and unanimously carried to authorize the architect to re-advertise for line items 2A and 2B of the Furniture Package for the Government Services Center.

Authorize Letter to the State Department of Administration

County Coordinator, Larry Krohn, reported that the State is offering property at the RTC location to local unit of government. He stated the County's desire to obtain a parking lot that is just beyond the GSC building and the possibility to gain some property to widen the road going in and out of the property. Discussion followed. Motion by Mosher, second by Block, and unanimously carried to authorize the County Coordinator to write a letter to the State Department of Administration to convey the County's interest in purchasing some additional property at the RTC location.

Liquor License Applications

Motion by Mosher, second by Nelson, and unanimously carried to approve the following applications for license:

Corner Store Battle Lake, MN	Off-Sale 3.2 Malt Liquor
Zorbaz on Otter Tail* Battle Lake, MN	Seasonal and Sunday Liquor
Zorbaz On Pelican Lake* Pelican Rapids, MN	Seasonal and Sunday Liquor Tobacco

*Subject to the approval of the County Attorney's Office.

Payment Approvals

Motion by Nelson, second by Froemming, and unanimously carried to approve reimbursement, in the amount of \$1,267.45, to Dead Lake Township for installation of a culvert as follows:

Peter Paul Excavating	\$953.00
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Otter Tail County Highway Department	<u>\$314.45</u>
Total	\$1,267.45

Motion by Mosher, second by Block, and unanimously carried to approve payment to Wilkin County, in the amount of \$13,581.38, for cost incurred by the Wilkin County Highway Department during the period of April 16, 2002 through December 31, 2002, for Judicial Ditch No. 2.

**Premise Permit
Otter Tail County Resolution No. 2003 – 26**

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 Perham Athletic Association, Inc., Perham, MN, has made an application to the Gambling Control Board for a premise permit to conduct lawful gambling at the Sparetime Bar and Grill, 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 Perham Athletic Association, Inc. Perham, MN, at Sparetime Bar and Grill, 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 Perham Athletic Association, Inc., Perham, MN, at the Sparetime Bar and Grill, 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 Froemming seconded the motion, and upon being put to vote, was unanimously carried.

Adopted at Fergus Falls, MN this 22nd day of April, 2003.

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. 53
Otter Tail County Resolution No. 2003 – 27**

Commissioner Nelson offered the following and moved its adoption:

WHEREAS, the County Board of Otter Tail County in 2002, acting as the County Drainage Authority, had authorized repair/maintenance to County Drainage System No. 53 totaling \$30,166.76 (including interest of \$735.77 calculated through May 31, 2003), and

WHEREAS, the Otter Tail County Board of Commissioners has approved expenditures in the amount of \$29,430.99 for the repair/maintenance of County Drainage System No. 53 as follows:

Moench Excavating	\$29,411.72
Otter Tail County Highway Dept.	<u>19.27</u>
Total (Excluding Interest)	\$29,430.99

WHEREAS, the County Board of Otter Tail County, acting as the County Drainage Authority, had on August 6, 2002 authorized the re-determination of benefits for County Drainage System No. 53, and

WHEREAS, the ditch viewer and publication costs for the re-determination of benefits totaled \$3,152.95 (including interest of \$49.17 calculated through May 31, 2003).

NOW THEREFORE, BE IT RESOLVED BY THE OTTER TAIL COUNTY BOARD OF COMMISSIONERS, acting as the County Drainage Authority, that a special assessment in the amount of \$30,166.76, be levied against the benefited properties of County Drainage System No. 53 as established on December 22, 1915, a copy of which is available in the Otter Tail County Auditor's office and dated 4/17/03, 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.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE OTTER TAIL COUNTY BOARD OF COMMISSIONERS, acting as the County Drainage Authority, that a special assessment in the amount of \$3,152.95 be levied against the benefited properties of County Drainage System No. 53 as re-determined by an order issued on April 15, 2003, 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 June 1, 2003 until December 31, 2004. 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, May 30, 2003 pay the entire assessment on such property to the County Auditor's office and, the owners of any of the benefited properties so assessed may, at any time after Friday, May 30, 2003, pay to the County Auditor's office the principal balance remaining at the end of the current payable year with prorated 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.

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

Adopted at Fergus Falls, MN this 22nd day of April, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

**Correctional Officer's Week Proclamation
Otter Tail County Resolution No. 2003 – 28**

Commissioner Mosher offered the following and moved its adoption:

WHEREAS, one week each May is officially designated as Correctional Officer's Week by the American Jail Association. This year, Correctional Officer's Week is May 4 – 10, 2003.

WHEREAS, the Sheriff's Office supports the proposition that the men and women who perform the difficult task of supervising the County's inmates deserve this recognition;

WHEREAS, the Sheriff's Office recognizes that Corrections Officers are professionals equal in status and importance to other professionals in the effective administration of justice;

THEREFORE, BE IT RESOLVED, that we, the Otter Tail County Board of Commissioners, do hereby acknowledge the week of May 4 – 10, 2003, as "Correctional Officer's Week" in Otter Tail County in honor of the dedicated professionals who supervise the County's inmate population.

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

Adopted at Fergus Falls, MN this 22nd day of April, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

**Resolution Requesting the Release of Local Bridge Program Bonding
Otter Tail County Resolution No. 2003 – 29**

Commissioner Nelson offered the following and moved its adoption:

WHEREAS, the 2002 Minnesota Legislature authorized \$45 million in State Bridge Bonding, and

WHEREAS, the Minnesota Governor's Office authorized the sale of \$30 million in State Bridge Bonding, and

WHEREAS, the \$30 million State Bridge Bonding amount will be completely used by August of 2003.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners requests the Governor to authorize the sale of the additional \$15 million in State Bridge Bonding to continue the Local Bridge Replacement Program.

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

Adopted at Fergus Falls, Minnesota, this 22nd day of April, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

Award of Right of Way Project

Highway Engineer, Rick West, received the following quotations for Project 03:35PMU, CSAH No. 35 Reconstruction, in Underwood as follows:

Anderson Land Surveying, Inc. \$ 4,960.00
Fergus Falls, MN

Lake Region Surveying \$ 5,350.00
Pelican Rapids, MN

Motion by Mosher, second by Nelson, and carried with Lee opposed, to award the Right of Way Project for CSAH No. 35 Reconstruction to Anderson Land Surveying, Inc, in the amount of \$4,960.00.

Recess & Reconvene

At 11:50 a.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:00 p.m.

Planning Commission Recommendations

Conditional Use Permit - Blue Heron Bay/R. Murray Partnership:

Land & Resource Director, Bill Kalar, introduced discussion regarding the CUP request for Blue Heron Bay on Dead Lake. Blue Heron Bay is a proposed cluster development. The proposal for this development was received last November and tabled in December for 151 dwelling units. The Planning Commission is recommending approval of a maximum of 125 units and 102 boat slips with ten conditions. In addition, the Planning Commission is recommending development of a Lake Management Plan including a Surface Water Ordinance for Dead Lake.

Chairman Lee asked how the Planning Commission arrived at 125 units? Mr. Kalar stated that a density calculation based on Shoreland Ordinance language is used to determine the number of allowable units. One hundred fifty-one units, as initially requested, is too many units based on the density calculations even with the additional real estate. The additional real estate (island & peninsula) have been acquired since the original request and is now being included as part of the development. For the Blue Heron Bay development, 139 units is the maximum number allowed under the County's Ordinance; however, the Planning Commission considered other factors and is recommending that 125 be allowed with 102 boat slips. County Attorney, David Hauser, stated that if the peninsula and island were developed in a standard manner, only 1 dwelling unit would be allowed. This is marginal land and in determining dwelling density, 125 units is not unreasonable. Commissioner Mosher expressed respect for the process of the Planning Commission and supported their recommendation.

Jim Erickson, representing the developer, submitted a request for 138 dwelling units and 116 boat slips. Mr. Erickson stated that he spoke with Bert Olson. In Mr. Olson's opinion, the 125 dwelling units recommended by the Planning Commission came from a recommendation from the Department of Natural Resources. Discussion continued.

Motion by Lee, second by Froemming, to approve a Conditional Use Permit for a maximum of 138 dwelling units and 116 boat slips with conditions as recommended by the Planning Commission. The property is described as parcels (total of 256.36 acres) located in Sections 19, 20, 29, & 30 of Dead Lake Township; Dead Lake (56-383). Chairman Lee called for a roll call vote:

Commission District 5	Block	Yea
Commission District 3	Mosher	Nay
Commission District 4	Froemming	Yea
Commission District 1	Nelson	Nay
Commission District 2	Lee	Yea

Motion carried 3-2.

Discussion took place regarding the Planning Commission's recommendation to develop a Lake Management Plan that includes a Surface Water Ordinance for Dead Lake. Motion by Nelson, second by Block, and unanimously carried to request that DNR Hydrologist,

Terry Lejcher, and Land & Resource Director, Bill Kalar, develop an outline to show the process for developing a Lake Management Plan.

CY2003 Natural Resources Block Grant

Mr. Kalar reported that the Auditor's Office has received the NRBG dollars, in the amount of \$10,699.00. Commissioners decided that the grant funding would be allocated as follows:

Local Water Plan	Soil & Water Conservation Districts	\$3,302.00
Shoreland Management	Land & Resource Office	\$2,831.00
Wetland Conservation Act	Soil & Water Conservation Districts	\$1,376.00
	Land & Resource Office	<u>\$3,190.00</u>
	Total	\$10,699.00

National Association of Counties Annual Membership

Motion by Lee, second by Froemming, and carried with Nelson opposed, to turn down membership to the National Association of Counties (NACO).

Performance Evaluation Summary

Motion by Mosher, second by Froemming, and unanimously carried to approve the positive performance evaluation summary for County Coordinator, Larry Krohn, as submitted and to direct that the summary be placed in his personnel file.

Adjournment

At 1:42 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, May 6, 2003.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Malcolm K. Lee, County Board Chair

Attest: _____

Larry Krohn, Clerk