

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

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, July 1, 2003, at 9:35 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 County Board agenda of July 1, 2003, with the following additions:

9:50 a.m. – Highway Engineer – Hwy 19 & CR 144 Project
11:20 a.m. – Personnel Director – Notice of MCIT Dividend

Approval of Minutes

Motion by Mosher, second by Block, and unanimously carried to approve the County Board minutes of June 24, 2003, as presented.

Approval to Pay Bills

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

Human Services Contract Amendments

Due to state legislative action, a motion was offered by Nelson, seconded by Froemming, and unanimously carried to authorize the Chairman's signature to execute the following contract amendments effective July 1, 2003:

Purchase of Service Agreement between the County of Otter Tail and Rural Minnesota Concentrated Employment Program Local Services Unit, which modifies the Minnesota Family Investment Program with an increased work-first focus.

Purchase of Service Agreements between the County of Otter Tail and providers who deliver the following services are amended to reflect a 1% rate reduction effective July 1, 2003, due to the 2003 Minnesota legislative changes.

- Home and Community Based Waivered Services for Persons with Mental Retardation or Related Conditions
- Home and Community Based Waivered Services for the Elderly
- Waivered Services under Community Alternatives for Disabled Individuals
- Community Alternative Care Waivered Services
- Traumatic Brain Injury Services
- Day Training and Habilitation Services for Adults with Mental Retardation and Related Conditions
- Alternative Care Services
- Elderly Waiver Services

Appraiser Trainee Position

Motion by Mosher, second by Block, and unanimously carried to authorize the Assessor to proceed with the hiring process to fill the position of Appraiser Trainee.

S.A.P. 56-619-10 & Etc.

Highway Engineer, Rick West, provided copies of correspondence that has occurred between the Highway Department and Mark Sand & Gravel Company regarding an overlay project on County Roads 19 and 144. Mr. West reported that there are liquidated damages assessed to Mark Sand and Gravel Company relative to this project in the amount of \$86,250. The Highway Committee met and determined that a lesser amount (\$42,500) would be offered for liquidated damages. Mr. West stated that Mark Thorson, owner of Mark Sand and Gravel thinks that \$20,000 is the highest dollar amount that should be assessed. The completion date of the project was September 15, 2002, and work on the project didn't begin until October. Advertisements for bids along with expected start and finish dates are included in the bid package information.

Zorbaz on Pelican Lake

Cole Hanson, owner of Zorbaz on Pelican Lake, discussed his situation regarding his application to extend his establishment's closing time to 2 a.m. Last week the County Board formally denied the application; however, County Attorney, David Hauser, reported that the County does not have the authority to deny the application unless the County's intent was to adopt a countywide ordinance prohibiting the 2 a.m. closing time. In order to regulate outside of the times governed by the state, the County needs a separate ordinance, which would require notice of intent and a public hearing. Mr. Hanson cited his reason for requesting a 2 a.m. closing is to compete with his competitors nearby that are in Becker County and are staying open until 2 a.m. Commissioner Mosher expressed concern regarding the application fee of \$500 per establishment, which was supposed to go directly to law enforcement. Concerns were expressed about the State passing the paperwork through the counties rather than dealing with this application process directly. Motion by Block, second by Lee, to authorize the County Auditor to sign the application of Zorbaz on Pelican Lake to extend the establishment's closing time to 2 a.m. Chair Lee called for a roll call vote:

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

Motion carried.

Otter Tail County HRA Board Reappointment

Motion by Mosher, second by Froemming, and unanimously carried to reappoint Nelvin Thormodson to the Otter Tail County HRA Board for the term of August 1, 2003 through August 1, 2008.

Liquor License Applications

Motion by Mosher, second by Block, and unanimously carried to approve the following applications for license, subject to compliance with all licensing requirements:

Bluewater Restaurant & Sports Bar Pelican Rapids, MN 56572	Tobacco
Chase's Ethel Beach Resort & Rest. Battle Lake, MN 56515	Renewal of Consumption & Display Permit (Set-up)
Lakeway Golf Course Dalton, MN 56324	On/Off-Sale 3.2 Malt Liquor
Lenny's Dining and Dancing Underwood, MN 56586	Tobacco
Silver Dollar Bar and Grill Elizabeth, MN 56533	Tobacco

Household Hazardous Waste Management Program Contracts

Motion by Froemming, second by Block, and unanimously carried to authorize the Chair's signature to extend the Household Hazardous Waste Management Program contracts between the County of Otter Tail and Traverse, Grant, and Wilkin counties for the remainder of CY2003.

Bid Award for Cell Construction for Ash Disposal

After advertising for bids, Solid Waste Director, Mike Hanan, opened the following bids for Cell Construction at the Northeast Landfill for ash disposal:

Belair Excavating	\$604,604.00
Kern & Tabery	\$430,142.00

Mr. Hanan reported the engineer's estimate at \$415,547.00 and he recommended award to Kern & Tabery as the lowest bidder. Motion by Froemming, second by Block, and unanimously carried to award the bid of Kern & Tabery, in the amount of \$430,142.00 for construction of an ash monocell at the Northeast Landfill.

Perham Resource Recovery Facility

Mr. Hanan provided a timeline handout reviewing the background of the Perham Resource Recovery Facility. He reported on a recent Committee meeting. Discussion took place regarding a projection of a \$400,000 deficit by year-end. Lengthy discussion continued regarding the facility's 2003 budget. Mr. Hanan stated that the counties that have signed agreements to haul waste to the incinerator are recommending that an outside engineer be hired to assess the complete operations of the facility. Motion by Froemming, second by Block, and carried with Mosher opposed, to hire HDR and authorize an expenditure of approximately \$20,000, which is Otter Tail County's share for an engineering study for the Perham Resource Recovery Facility.

Minnesota Counties Insurance Trust Dividends

Human Resource Director, Karen Lundin, presented the 2003 Dividend Notice from MCIT informing the County that a dividend of \$270,874 is forecasted for workers' compensation and property/casualty insurance. The dividend is based upon positive claims performance in CY2002 and is to be received by Otter Tail County in November of 2003.

Conditional Use Permit #6037

Land & Resource Director, Bill Kalar, reported that the Girard Town Board is requesting to change the alignment on the eastern end of Lake Ethel Road, which would be a change from what was previously approved under CUP #6037. Mr. Kalar reported that Girard Township Engineer, Jeff Stabnow, has spoken with owners of property in the area and there will be some land transfers completed to facilitate this deviation from the current road. Discussion took place. Motion by Mosher, second by Froemming, and carried with Lee opposed, to amend Conditional Use Permit #6037 such that it would allow the road to be realigned as shown on the letter dated June 26, 2003, and as requested by the Girard Town Board.

Final Plats

Motion by Lee, second by Mosher, and unanimously carried to approve the Final Plat known as "Zavoral's Lookout" consisting of four (4) backlots located in Section 36 of Candor Township near Moon Lake (56-523)

Motion by Froemming, second by Nelson, and unanimously carried to approve the Final Plat known as "Ohana Point" consisting of four (4) lake lots located in Section 21 of Leaf Lake Township on West Leaf Lake (56-114).

Recess

At 11:23 a.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break.

**Closed to the Public - Performance Evaluation
Adjournment**

At 11:28 a.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners closed to the public for the purpose of evaluating the performance of MIS Director, Tim Brand, pursuant to M.S. Chapter 13D.05 Subd. 3. All five seated commissioners were present for the evaluation. A summary of performance conclusions will be provided at the next regular County Board meeting. At 11:45 a.m., upon conclusion of the performance evaluation, Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, July 8, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk