

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Otter Tail County Courthouse  
Commissioners' Room, Floor 1-B  
Tuesday, August 26, 2003  
9:30 a.m.**

**Call to Order**

The Otter Tail County Human Services Board convened Tuesday, August 26, 2003, 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 August 26, 2003, with the following addition.

10:05 a.m. – Budget Discussion

**Approval of Minutes**

Motion by Froemming, second by Mosher, and unanimously carried to approve the Human Services Board minutes of August 12, 2003, as mailed.

**Local Corrections Fees**

Court Services Director, Chuck Kitzman, reported that local corrections fees will be implemented and collected from adult offenders sentenced after September 1, 2003.

**Family Planning Grant Application**

**Tobacco-free Communities in Minnesota Grant Application**

Public Health Director, Diane Thorson, requested authorization to submit a family planning grant application and a tobacco-free grant application by September 17, 2003. The Public Health Department subcontracts family services to the Otter Tail/Wadena Community Action Council. Motion by Nelson, second by Froemming, and unanimously carried to authorize Otter Tail County to submit a joint application for Family Planning Special Project Grant and an application for the Tobacco-free Communities in Minnesota Grant.

**Budget Discussion**

Commissioner Nelson reported that the Budget Committee has been meeting and stated that the budget shortfall is quite serious because of decreased state funding and decreased interest income. Further budget discussion will be scheduled at the end of the County Board agenda.

**Adjournment**

At 10:00 a.m., Chairman Lee declared the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, September 9, 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, August 26, 2003, at 10:30 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 Mosher, second by Froemming, and unanimously carried to approve the County Board agenda of August 26, 2003, with the following additions:

- 1:45 p.m. – Highway Engineer – Discussion Regarding Lake Oscar
- Human Services Bills & Claims
- Budget Discussion

### **Approval of Minutes**

Motion by Nelson, second by Block, and unanimously carried to approve the County Board minutes of August 19, 2003, with the following correction/additions in bold type:

Motion by Froemming, second by Mosher, and unanimously carried to revise the County Smoking Policy **dated February 27, 1991**, to include the following language:

- To prohibit smoking in all Otter Tail County buildings, **except highway garages**, , and
- To prohibit smoking by entrances near air intake vents, and
- To prohibit smoking in all Otter Tail County pool cars.

### **Approval to Pay Bills**

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

### **Job Opportunity Building Zones (JOBZ) Application**

City of Fergus Falls Economic Development Director, Lee Danielson, and Dennis Roers of Parkers Prairie, requested approval of a resolution for the JOBZ application. Each city is providing parcels to be included in this application with West Central Initiative acting as the lead agency.

## **Otter Tail County Commissioners Resolution to Participate and Designate Property for Tax Free Zone Designation Otter Tail County Resolution No. 2003 - 50**

Commissioner Mosher offered the following and moved its adoption:

WHEREAS, the Otter Tail County Board of Commissioners has a desire to promote economic development within the County boundaries, and

WHEREAS, the State of Minnesota through the Minnesota Department of Employment and Economic Development has created the Job Opportunity Zones to promote economic development in rural Minnesota, and

WHEREAS, Otter Tail County desires to participate in a regional application, administered and drafted by the Cities of Dalton, Fergus Falls, Henning, Parkers Prairie, Underwood and West Central Initiative, and

WHEREAS, Otter Tail County Board of Commissioners has reviewed the Job Opportunity Zone requirements and agree to provide the applicable tax exemptions for commercial and industrial qualified businesses within the designated sub-zones, and

BE IT RESOLVED, the Otter Tail County Board of Commissioners, upon careful consideration and review, hereby approve the following specified properties to be included in a regional application for a Job Opportunity Zone through the specified Cities and the West Central Initiative Fund.

| <b>Owner/Developer</b>               | <b>Parcel Number</b> | <b>Acreage</b> |
|--------------------------------------|----------------------|----------------|
| Henning:                             |                      |                |
| Industrial Park                      | 72-000-14-0003-000   |                |
| Johnson Building                     | 72-000-23-0089-001   |                |
| Dalton:                              |                      |                |
| Dalton Coop Creamery                 | 66-000-99-0061-000   | .75            |
| Daniel R Hutchinson-old Locker Plant | 66-000-99-0061-001   | .75            |
| Underwood:                           |                      |                |
| County-old Elevator                  | 80-000-99-0215-000   | 1.2            |
| City-Ball Park                       | 80-000-32-0022-001   | 4.0            |
| Parkers Prairie:                     |                      |                |
| Boyer Useful Products                | A                    | 2.5            |
| Pro-Ag                               | B                    | 2.5            |
| Industrial Park                      | C                    | 5.0            |
| Industrial Park                      | D                    | 5.0            |
| Township                             | E                    | 35.0           |
| Barrel-O-Fun                         | F                    | 5.65           |
| Daniels Food Equipment               | G                    | 1.0            |
| Fergus Falls:                        |                      |                |
| Midwest Regional Development         | 71-003-50-0195-007   | 27.59          |
| Merwin Adams                         | 71-003-50-0195-904   | 3.45           |
| Merwin Adams                         | 71-003-50-0202-005   | 40.35          |
| Aasness/Bjorgum                      | 71-003-50-0195-050   | 2.81           |
| Aasness/Bjorgum                      | 71-003-99-1519-000   | .46            |
| Aasness/Bjorgum                      | 71-003-50-0195-039   | 2.47           |
| DFA                                  | 71-003-50-0003-000   | 2.7            |
| DFA                                  | 71-003-50-0004-002   | 2.03           |
| DFA                                  | 71-003-50-0002-000   | 1.96           |
| DFA                                  | 71-003-50-0004-004   | 22.44          |
| Jason Hintermeister                  | 71-003-50-0006-000   | 7.17           |
| Fergus Falls Port Authority          | 71-003-99-0853-901   | .46            |
| Fergus Falls Port Authority          | 71-003-50-0004-006   | 2.38           |
| City of Fergus Falls                 | 71-003-50-0004-005   | 6.61           |
| Burlington Northern Railroad         | 71-001-50-0048-000   | .99            |
| State of Minnesota                   | 71-003-50-0007-000   | 77.17          |
| Thiele Technologies                  | 71-003-99-1430-006   | 1.38           |
| Daniel Larson                        | 71-003-99-1430-901   | 1.20           |
| Fergus Falls Port Authority          | 71-003-99-1430-005   | 1.33           |

|                                   |                    |       |
|-----------------------------------|--------------------|-------|
| Fergus Falls Port Authority (UPS) | 71-003-99-1430-004 | 1.32  |
| Fergus Falls Port Authority       | 71-003-99-1550-000 | 5.88  |
| Fergus Falls Port Authority       | 71-003-50-0007-008 | 1.01  |
| TNT Properties LTD                | 71-003-99-1551-000 | 10.38 |
| Robert Bunkowski                  | 26-000-32-0196-000 | 97.41 |
| Mark Thorson                      | 06-000-01-0004-003 | 18.50 |
| Mark Thorson                      | 06-000-01-0008-000 | 80.00 |
| Mark Thorson                      | 06-000-01-0009-000 | 38.61 |

BE IT FURTHER RESOLVED, the Otter Tail County Board of Commissioners encourages the Minnesota Department of Employment and Economic Development to approve the Job Opportunity Zone Application for West Central Initiative Fund.

Commissioner Block seconded the motion and upon being put to a vote, the above resolution was adopted as follows:

Yes: 5  
 No: 0  
 Absent: 0

Dated: \_\_\_\_\_

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_

Malcolm K. Lee, County Board Chair

Attest: \_\_\_\_\_

Larry Krohn, Clerk

**Bid Discussion – Pelican Rapids Transfer Station**

Solid Waste Director, Mike Hanan, discussed bids received for work at the Pelican Rapids Transfer area. The Engineer’s estimate for the project was \$205,569. Two bids were received with the lowest bid at \$471,122. Motion by Lee, second by Froemming, and unanimously carried to reject the bids received because they are significantly higher than the engineer’s estimate.

**Planning Commission Recommendations**

Conditional Use Permit – Thomas Bunkowski:

Motion by Lee, second by Nelson, and unanimously carried to approve a Conditional Use Permit to excavate on site a portion of a hill in order to prepare a building site for a 60’ x 120’ storage shed as presented. The property is described as W½ NE¼ & Pt GL 5 lying N of Hwy 4, Section 7 of Dora Township; Dora Lake (56-503).

Conditional Use Permit - Oscar Township:

Motion by Mosher, second by Block, and unanimously carried to approve a Conditional Use Permit to raise a portion of 120<sup>th</sup> Ave because of flooding as presented. The project is located 3/8’s of a mile south of County #10 on 120<sup>th</sup> Ave (426’) in Section 33 of Oscar Township; Unnamed Lake (56-1002).

Conditional Use Permit – Greenwood Lake Aire Villas:

Motion by Froemming, second by Block, and unanimously carried to approve a Conditional Use Permit to replace and/or remodel existing cabins as presented. Cabin #5 is owned by

Leslie & Bonita Rotvold, cabin #8 is owned by Charles & Shelley Compton, and cabin #12 is owned by Kenneth & Mary Miller. The property is described as Greenwood Lake Aire Villas Condo #18 Lots 5 & 31 Blk 1, Lots 8, 28 & 29 Blk 1 and Lots 12 & 33 Blk 1, Section 29 of Otter Tail Township; Otter Tail Lake (56-242).

Conditional Use Permit – Red Lantern Resort/Darryl & Terry Enerson:

Motion by Froemming, second by Nelson, and unanimously carried to approve a Conditional Use Permit to remove and rebuild an existing resort store as presented. The property is described as W 50' Lot 13, all Lot 14 & all Lot 15 Shirley Beach & Lot C N of Lots 12, 13, 14 & 15 & Shirley Beach Resurvey Reserve 1 & 2 & 2 WLY 50' Lot 13 & all Lot 14, Section 22 of Amor Township; Otter Tail Lake (56-242).

Conditional Use Permit – Parkers Prairie Township:

Motion by Froemming, second by Nelson, and unanimously carried to approve a Conditional Use Permit to widen a portion of Parkers Road as presented with work authorized until November 1, 2003. The project is located 250' north of 118<sup>th</sup> St., then ½ mile south of 118<sup>th</sup> St. on Parkers Road, Section 28 of Parkers Prairie Township; Lake Adley (56-31) and Unnamed Lake (56-33).

Conditional Use Permit – Parkers Prairie Township:

Motion by Froemming, second by Nelson, and unanimously carried to approve a Conditional Use Permit to widen a portion of Resser Road as presented with work authorized until November 1, 2003. The project is located on 600' of Resser Road, located between Besser Lake & Wetlands on north side of road, Section 17 of Parkers Prairie Township; Besser Lake (56-27), Mud Lake (56-26).

Conditional Use Permit – Mel Stoltz:

Motion by Lee, second by Mosher, and unanimously carried to approve a Conditional Use Permit to add topsoil for a lawn with conditions as recommended by the Planning Commission. The property is described as Lot 10 lying N & E of Hwy 41, Section 9 of Star Lake Township; Star Lake (56-385).

Conditional Use Permit – Chris Mickman:

Motion by Mosher, second by Block, and unanimously carried to deny a Conditional Use Permit for an After-the-Fact request for a commercial use as recommended by the Planning Commission. The property is described as Lot 11 (Island) together with easements, Section 2 of St. Olaf Township; Long Lake (56-390).

**Recess & Reconvene**

At 11:15 a.m., Chair Lee declared the meeting of the Otter Tail County Board of Commissioners recessed. The meeting was reconvened at 1:00 p.m.

**Forgiveness of Penalty Request**

Treasurer, Steve Andrews, presented a forgiveness of penalty request for John Beckman for the first half taxes for this year. He provided information that the check had been sent; however, the County did not receive the check. Motion by Nelson, second by Froemming, and unanimously carried to deny the request for forgiveness of penalty, in the amount of \$5.20, for property owned by John Beckman because the County did not make an error.

### **Tobacco Retail License Violation Hearing**

At 1:05 p.m., Chairman Lee opened a hearing under the Otter Tail County Tobacco Ordinance. The County Attorney stated that a citation has been issued to Scott Schake at Don's Service located in Elizabeth, MN. This is the third violation and the administrative penalty that applies is a \$500 fine and authority to sell tobacco would be suspended for 30 days. Mr. Schake is present to admit the violation; however, he would like to be heard before the Board enters disposition in this matter. Also present was Marion Kershner from the Otter Tail County Department of Public Health who administers the ordinance.

Scott Schake stated that he is prepared to pay the administrative fee and presented a proposal for corrective action. He stated that the company has a training program and the employee involved in the error has signed an employee agreement that he is aware and agrees not to sell tobacco or alcohol to person's underage. Ms. Kershner from the Public Health Department reported that training is given to determine age by looking at licenses and spoke in favor of the 30-day suspension. Motion by Lee, second by Mosher, and unanimously carried to require payment of the \$500 administrative fee and a 30-day suspension for license to sell tobacco, with the suspension stayed until December 31, 2003, during which time, Mr. Schake will conduct internal audits as presented, and the Otter Tail County Public Health Department will complete two more compliance checks as well. If any checks fail, the 30-day suspension will be put in place at that time.

### **Speed Zone Study Request A segment of CSAH No. 41 Otter Tail County Resolution No. 2003 - 51**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, the Silent Lakes Association have requested that the County of Otter Tail take such action as may be necessary in order to pursue a reduced speed limit on the segment of County State Aid Highway No. 41 between West and East Silent Lakes, which currently is posted at an advisory of 45 mph, AND,

WHEREAS, the County of Otter Tail believes that a speed zone reduction would be beneficial in this area.

NOW, THEREFORE, BE IT RESOLVED, that Otter Tail County does hereby request that this area be studied by the Minnesota Department of Transportation to determine the need for a reduced speed zone, if any.

BE IT ALSO RESOLVED, that Minnesota Department of Transportation proceed with establishing a legal speed zone if the findings of the traffic study are supportive.

Commissioner Mosher seconded the motion and upon being put to a vote, the above resolution was adopted unanimously.

Adopted at Fergus Falls, Minnesota, this 26<sup>th</sup> day of August, 2003.

Dated: \_\_\_\_\_

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_

Malcolm K. Lee, County Board Chair

Attest: \_\_\_\_\_

Larry Krohn, Clerk

### **Judicial Ditch No. 2**

Highway Engineer, Rick West, recently met with Wilkin County officials regarding Judicial Ditch No. 2. Mr. West stated that the counties are working together with Judicial Ditch No. 2 in an attempt to lower Oscar Lake which would then allow pumping into Oscar Lake from Lien Lake which affects Highway 10. Discussion followed. Motion by Lee, second by Mosher, and unanimously carried to authorize the Otter Tail County Highway Department to petition the Judicial Ditch No. 2 Board for an outlet for Oscar Lake.

### **Proposed Salt/Sand Storage Building**

Motion by Block, second by Mosher, and unanimously carried to authorize the Highway Department to proceed with the proposed recommendation to build a salt/sand facility at the New York Mills Highway Garage with bid opening date scheduled on September 17, 2003.

### **Human Services Contracts**

Motion by Nelson, second by Mosher, and unanimously carried to authorize the Chair's signature to execute the following Purchase of Service Agreement renewals for the period of July 1, 2003 through June 30, 2004.

|  |                           |
|--|---------------------------|
| Lake Region Healthcare – Mill Street Residence<br>Fergus Falls | Assisted Living Services  |
| Our Home Your Home – Jody Lohse<br>Henning                     | Assisted Living Services  |
| Greater Staples Hospital & Home Care<br>Staples                | Home Health Care Services |
| Care 2000 home Health Care Services<br>Fergus Falls            | Home Health Care Services |
| Tender Heart Home Care<br>New York Mills                       | Home Health Care Services |
| CK Home Health Care<br>Rothsay                                 | Home Health Care Services |
| Vikingland Home Health, Inc.<br>Alexandria                     | Home Health Care Services |
| New Dimensions Home Health Care, Inc.<br>Fergus Falls          | Home Health Care Services |
| Lake Region Health Care Corporation<br>Fergus Falls            | Home Health Care Services |

Motion by Nelson, second by Mosher, and unanimously carried to authorize the Chair's signature to execute a Purchase of Service Agreement between Otter Tail County and Larry Kempenich, Rich's E.O.T. Homes Inc., Perham, MN, for Rule 42 Residential services for developmentally disabled. The contract is for the period of September 1, 2003 through December 31, 2003.

Commissioner Froemming absent at 2:00 p.m.

#### **Vehicle Policy Modification**

Motion by Lee, second by Block, and unanimously carried to revert back to the County vehicle policy prior to July 1, 2003, for the Human Services Agency. The Use and Coordination of Agency Vehicles policy approved by Board action on June 24, 2003, is not effective.

#### **Bill & Claims**

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

#### **Budget Discussion**

Human Services Accounting Supervisor, Leon Anderson, presented Human Services expected revenues and expenditures for CY2004. Lengthy discussion followed regarding next year's budget for the Human Services area and the County as a whole.

#### **Radio Messages**

Motion by Nelson, second by Block, and unanimously carried to approve five 30-second messages on KBRF AM, KJ-Country, KPRW-Perham, and KJJK AM, September 3<sup>rd</sup> through September 5<sup>th</sup> and September 8<sup>th</sup> through September 11<sup>th</sup>. This will be a total of 140 messages at a cost of \$1,214.50.

#### **Adjournment**

At 3:15 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, September 2, 2003.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Malcolm K. Lee, County Board Chair

Attest: \_\_\_\_\_  
Larry Krohn, Clerk