

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, 500 Fir Ave W.
Commissioners' Room
Tuesday, March 9, 2004
9:30 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, March 9, 2004, at 9:30 a.m. at the Otter Tail County Government Services Center with Commissioners Syd Nelson Chair; Bob Block, Vice-Chair; Dennis Mosher, Roger Froemming, and Malcolm Lee present.

Approval of Agenda

Motion by Froemming, second by Block, and unanimously carried to approve the Human Services agenda of March 9, 2004, with the following addition:

10:25 a.m. - Closed Session for Labor Negotiations

Approval of Minutes

Motion by Froemming, second by Block, and unanimously carried to approve the Human Services Board minutes of February 24, 2004, as mailed.

Court Services Advisory Board

Court Services Director, Chuck Kitzman, briefed the commissioners on a recent Court Services Advisory Board meeting. The Advisory Board discussed various corrections' programs and a possible Advisory Board tour to one of the two Forestry Camps in rural Minnesota.

Temporary Hold Attendant

Motion by Mosher, second by Froemming, and unanimously carried to approve reactivation or re-hire of a former Temporary Hold Attendant. This position is an intermittent, on-call position.

Mass Dispensing Clinic Plan

Public Health Director, Diane Thorson, discussed potential sites/locations for mass dispensing (medication or shots) in a worst case scenario disaster. Ms. Thorson will explore the possibility of using the Government Services Center building as a potential site based on state guidelines.

Public Health in America

Ms. Thorson provided copies of a handout entitled Public Health in America, Healthy People in Healthy Communities. This document defines the proposed responsibilities of local public health agencies in Minnesota.

Emergency and Community Health Outreach Contract

Ms. Thorson requested approval to commit \$1,250 from the Emergency Preparedness Grant to use an existing network of local public television stations to reach ethnically diverse audiences to broadcast messages in an emergency situation. The project is organized through the Emergency and Community Health Outreach (ECHO) collaborative involving

local public health agencies, the state health department, and private grants. The fiscal agent for the project is the Association of Minnesota Counties (AMC). Motion by Lee, second by Froemming, and unanimously carried to approve the Emergency and Community Health Outreach Contract as described.

Human Services Contract Renewals

Motion by Mosher, second by Block, and unanimously carried to authorize the Chair's signature to execute a host County Contract between Otter Tail County Department of Human Services and Lakeland Mental Health Center, Inc. for the period of January 1, 2004 through December 31, 2004. The contract allows Adult Mental Health services through the Crisis Responder Program serving Becker, Clay, Otter Tail and Wilkin counties, with a maximum expenditure of \$65,594.

Motion by Froemming, second by Block, and unanimously carried to authorize the Chair's signature to execute a Host County Contract between Otter Tail County Department of Human Services and Moorhead Public Housing for the period of January 1, 2004 through December 31, 2004. The contract allows Adult Mental Health Services for transitional housing through the Bridge Housing Support Program, with a maximum expenditure of \$65,579.

Motion by Block, second by Mosher, and unanimously carried to authorize the Chair's signature to execute a Host County Contract between Otter Tail County Social Services and Peaceful Solutions for the period of January 1, 2004 through December 31, 2004. The contract allows family group decision making services to children in out-of-home care at a cost of \$50 per hour.

Letter of Intent for Development of a Faith Based Halfway House

Motion by Mosher, second by Nelson, and unanimously carried to approve a Letter of Intent, to be sent to the Minnesota Department of Human Services, for development of a faith based halfway house and treatment program in Otter Tail County.

Workforce Reduction Planning

Human Services Director, John Dinsmore, presented Reassignment and Workforce Reduction Planning Guidelines for the Human Services Department. He reviewed elimination of two positions and resulting reorganization that has occurred.

Bills & Claims

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

Recess

Closed to the Public

At 10:29 a.m., Chairman Nelson declared the meeting of the Otter Tail County Human Services Board recessed for a short break. At 10:32 a.m., Chairman Nelson 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 Public Health Nursing Unit. Present were Commissioners Nelson, Block, Mosher, Froemming, and Lee, the County Attorney, County Coordinator, Board Secretary and Public Health Director.

Approval of Proposed Settlement

At 10:47 a.m, Chairman Nelson declared the meeting of the Otter Tail County Human Services Board opened to the public and called for a motion to approve the proposed Public Health Nursing Unit Collective Bargaining Agreement for CY2004. Motion by Lee, second by Mosher, and unanimously carried to approve the most recent proposed Collective Bargaining Agreement for the Public Health Nursing Unit effective January 1, 2004.

Adjournment

At 10:52 a.m., Chairman Nelson declared the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, March 23, 2004.

Dated: _____ OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____
Sydney Nelson, Human Services Board Chair

Attest: _____
Larry Krohn, Clerk

Call to Order – County Board

The Otter Tail County Board of Commissioners convened Tuesday, March 9, 2004, at 11:00 a.m. at the Otter Tail County Government Services Center with Sydney Nelson, Chair; Bob Block, Vice-Chair; Dennis Mosher, Roger Froemming, and Malcolm Lee present.

Approval of Agenda

Motion by Mosher, second by Froemming, and unanimously carried to approve the County Board agenda of March 9, 2004, with the following additions:

- Phelps Mill Project
- Closed Session for Pending Litigation
- 11:35 a.m. – Attorney Robert Russell

Approval of Minutes

Motion by Froemming, second by Block, and unanimously carried to approve the County Board minutes of March 2, 2004, as mailed.

Approval to Pay Bills

Motion by Mosher, second by Froemming, and unanimously carried to approve payment of County Board bills per Attachment A of these minutes, with the following lodging payments:

- | | |
|-----------------------|---|
| Shooting Star Casino | Detention Facility Administrator, Richard Akerman |
| | Detention Facility Asst. Administrator, Al Keller |
| Mariott International | Recorder, Wendy Metcalf |
| | Treasurer, Steve Andrews |

Premise Permit

Otter Tail County Resolution No. 2004 – 10

Commissioner Lee 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 Ottertail Lions Club, Ottertail MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at Amor Rumors, located at 30932 Larson Rd in Amor 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 Ottertail Lions Club, Ottertail, MN, at the Amor Rumors, located at 30935 Larson Rd in Amor 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 Ottertail Lions Club, Ottertail, MN, at Amor Rumors, located at 30932 Larson Rd in Amor 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 Amor by sending them a copy of this resolution.

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

Adopted and signed this 9th day of March 2004.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

Premise Permit
Otter Tail County Resolution No. 2004 – 11

Commissioner Lee 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 Lions Club, Perham MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at the Sparetime Bar & Grill, located at 43521 425th St 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 Lions Club, Perham MN, at the Sparetime Bar & Grill, located at 43521 425th St 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 Perham Lions Club, Perham, MN, at the Sparetime Bar & Grill, located at 43521 425th St 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 Froemming seconded the motion, and upon being put to a vote, was unanimously carried.

Adopted and signed this 9th day of March 2004.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Sydney Nelson, County Board Chair

Attest: _____

Larry Krohn, Clerk

Premise Permit
Otter Tail County Resolution No. 2004 – 12

Commissioner Lee 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 Lions Club, Perham MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at Hamburger Hollow, located at 43077 County Highway 53 in Pine 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 Perham Lions Club, Perham MN, at Hamburger Hollow, located at 43077 County Highway 53 in Pine 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 Perham Lions Club, Perham, MN, at Hamburger Hollow, located at 43077 County Highway 53 in Pine 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 Pine Lake by sending them a copy of this resolution.

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

Adopted and signed this 9th day of March 2004.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

Premise Permit
Otter Tail County Resolution No. 2004 – 13

Commissioner Lee 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 Lions Club, Perham MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at Doug and Mary's, located at 30626 Edgewater Dr in Leaf 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 Perham Lions Club, Perham MN, at Doug & Mary's, located at 30626 Edgewater Dr in Leaf 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 Perham Lions Club, Perham, MN, at Doug & Mary's, located at 30626 Edgewater Dr in Leaf 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 Leaf Lake by sending them a copy of this resolution.

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

Adopted and signed this 9th day of March 2004.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

Premise Permit
Otter Tail County Resolution No. 2004 – 14

Commissioner Lee 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 Lions Club, Perham MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at Zorbaz on Little Pine Lake, located at 45738 County Highway 51 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 Lions Club, Perham MN, at Zorbaz on Little Pine Lake, located at 45738 County Highway 51 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 Perham Lions Club, Perham, MN, at Zorbaz on Little Pine Lake, located at 45738 County Highway 51 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 Froemming seconded the motion, and upon being put to a vote, was unanimously carried.

Adopted and signed this 9th day of March 2004.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Sydney Nelson, County Board Chair

Attest: _____

Larry Krohn, Clerk

Demolition of Building

Motion by Nelson, second by Mosher, and unanimously carried to authorize the demolition of an old cattle barn (Perham Coop Shipping Association) located on parcel # 77-000-99-0251-00, Part of Block C, Luce's Addition.

Liquor License Application

Motion by Lee, second by Nelson and unanimously carried to approve the following application for license:

Gail Suko
Ye Olde School House
24028 Emery Drive
Erhard, MN 56534

Renewal of Consumption & Display Permit

Audit Engagement Letter

Motion by Lee, second by Mosher and unanimously carried, to authorize the following signatures on the audit engagement letter for the year ended December 31, 2003:

Chair of Board of County Commissioners
County Auditor and County Coordinator

Phelps Mill Discussion

Commissioner Mosher requested the Board's opinion regarding the Phelps Mill Project. Commissioners recognize the beauty and wealth of Phelps Mill and care about the park, although repair of the mill will depend upon the Engineering Study, which is not complete at this time.

2004 Seasonal Supplies

After previously advertising for bids, Highway Engineer, Rick West, opened the following bids for 2004 Seasonal supplies at 1:00 p.m. on March 3, 2004:

	<u>Engineer's Est.</u>	<u>Bid Amount</u>
<u>Bituminous Material</u>		
Koch Materials Company West Fargo, ND	\$1.15/gal.	\$.9692/gal.
Murphy Oil USA, Inc. Superior, WI 54880	\$1.15/gal	\$.9693/gal.
<u>Hot Mix Bituminous (East)</u>		
Central Specialties, Inc. Alexandria, MN	\$63,000.00	\$53,001.20

Mark Sand & Gravel Company Fergus Falls, MN	\$63,000.00	\$54,401.20
Wadena Asphalt, Inc. Wadena, MN	\$63,000.00	\$53,241.20
<u>Hot Mix Bituminous (West)</u> Central Specialties, Inc. Alexandria, MN	\$63,000.00	\$53,001.20
Mark Sand & Gravel Company Fergus Falls, MN	\$63,000.00	\$54,401.20
<u>Hot Mix Bituminous (North)</u> Mark Sand & Gravel Company Fergus Falls, MN	\$63,000.00	\$54,401.20
<u>Signing Materials</u> Newman Signs, Inc. Jamestown, ND	\$114,881.55	\$110,887.31
Lyle Signs Eden Prairie, MN	\$114,881.55	\$113,321.54
M-R Sign Company Fergus Falls, MN	\$114,881.55	\$115,332.26
<u>Culverts</u> Johnston Fargo Culvert, Inc. St. Paul, MN	State Bid – Contract #428105 Contract Extended form 2003	
<u>Herbicides</u> UAP Timberland Kasota, MN	State Bid – Contract #427847 Contract Extended from 2004	

Motion by Froemming, second by Lee, and unanimously carried to award the 2004 Seasonal Supplies as follows:

<u>Bituminous Material</u> Koch Materials Company West Fargo, ND	\$1.15/gal.	\$.9692/gal.
<u>Hot Mix Bituminous (East)</u> Central Specialties, Inc. Alexandria, MN	\$63,000.00	\$53,001.20
Mark Sand & Gravel Company Fergus Falls, MN	\$63,000.00	\$54,401.20

Wadena Asphalt, Inc. Wadena, MN	\$63,000.00	\$53,241.20
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Selection of vendor would be made based on the bid price and the haul distance from vendor's plant to our work sites. Total quantity purchased will be approximately 2000 tons.

Hot Mix Bituminous (West)

Central Specialties, Inc. Alexandria, MN	\$63,000.00	\$53,001.20
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Mark Sand & Gravel Company Fergus Falls, MN	\$63,000.00	\$54,401.20
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Selection of vendor would be made based on the bid price and the haul distance from vendor's plant to our work sites. Total quantity purchased will be approximately 2000 tons.

Hot Mix Bituminous (North)

Mark Sand & Gravel Company Fergus Falls, MN	\$63,000.00	\$54,401.20
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Signing Materials

Newman Signs, Inc. Jamestown, ND	\$114,881.55	\$110,887.31
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Culverts

Johnston Fargo Culvert, Inc. St. Paul, MN	State Bid – Contract #428105 Contract Extended form 2003
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Herbicides

UAP Timberland Kasota, MN	State Bid – Contract #427847 Contract Extended from 2004
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Blue Heron Bay Court Decisions

Attorney Robert Russell, representing the developer for the proposed Blue Heron Bay Development, updated the Board on a decision regarding the Environmental Impact Statement made by District Court. The Dead Lake Association challenged the County regarding two other issues and those decisions will be released today.

Recess & Reconvene

At 11:38 a.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:00 p.m.

Minnesota County Biological Survey

Tim Whitfeld, Ecologist and Biologist with the Minnesota Department of Natural Resources (DNR) updated the County Board on a biological survey that has been in operation since 1987. The objectives identified for this survey were to focus on particular sites for native habitat and rare plant and/or animal species. Otter Tail County's survey is in progress and will be completed by the end of this summer. When completed, the information will be delivered to the County's GIS Department where the data could be used to prepare maps and evaluations and may assist in development planning for the County.

Closed to the Public
Meeting Reconvened in Open Session

At 1:35 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners closed to the public to discuss threatened litigation as authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Pending litigation is relative to Johnson vs. Bengsten vs Otter Tail County. Present were all five seated Commissioners, the County Attorney, County Coordinator, Land & Resource Director, and Board Secretary. At 2:49 p.m., Chairman Nelson declared the meeting opened to the public to consider the remaining agenda items.

Sheriff Department Recommendations

Sheriff, Brian Schlueter and Detention Facility Administrator, Richard Akerman, reviewed several requests with the County Board.

Motion by Mosher, second by Block, and unanimously carried to replace a full time Detention Officer position because of a termination. The full time position is required in order to continue to comply with the minimum staffing requirements of the Minnesota Department of Corrections (DOC).

Motion by Froemming, second by Lee, and unanimously carried to authorize the development of a new Detention Officer eligibility list. Available part time Correction Officers ensure minimal overtime usage.

Motion by Lee, second by Block, and unanimously carried to authorize the Detention Facility Administrator to hire a temporary Detention Officer (already trained) until part time positions are filled.

Motion by Mosher, second by Froemming, and unanimously carried to authorize purchase of four (4) Ford Crown Victoria Police Vehicles from Superior Ford in Plymouth, MN, in the amount of \$81,532. The police vehicles are purchased through the state bid pricing.

Motion by Mosher, second by Lee, to authorize the Sheriff to hire a full time deputy which will be a replacement because of an expected retirement, and consequently, to establish a new eligibility list for the position of Deputy Sheriff. This motion was offered because public safety is a top priority and funding will be saved by replacing a senior position with a junior position. The Sheriff's Department budget was reduced this year as two additional deputy positions were not approved. Motion carried unanimously.

Motion by Lee, second by Block, and unanimously carried to authorize the Sheriff to hire a temporary, part time deputy using unexpended, budgeted funds from an unpaid leave of absence. This part time position will minimize the need for overtime during the busy summer months and when vacations are taken.

Extension Request – “Jamie Lind Shores”

Motion by Nelson, second by Lee, and unanimously carried to approve an extension to file the Final Plat known as “Jamie Lind Shores” located in Edna Township on Big McDonald Lake (56-386) from April 15, 2004 to September 15, 2004, as requested by Scott Dirks.

Employees' Committee By-Laws

Motion by Froemming, second by Nelson, and unanimously carried to approve modified by-laws for the Otter Tail County Employees' Committee to reflect changes in the organization.

**Closed to the Public
Adjournment**

At 2:26 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners closed to the public for the purpose of evaluating the performance of Land & Resource Director, Bill Kalar, 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.

Upon conclusion of the Performance Evaluation, at 2:50 p.m., Chairman Nelson adjourned the meeting of the Otter Tail County Board of Commissioners until 9:30 a.m. on Tuesday, March 16, 2004.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

CB/kd