

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Government Services Center, 500 Fir Ave. W.  
Commissioners' Room  
Tuesday, March 23, 2004  
9:30 a.m.**

**Call to Order**

The Otter Tail County Human Services Board convened Tuesday, March 23, 2004, at 9:31 a.m. at the Otter Tail County Government Services Center with Commissioners Syd Nelson, Chair; Bob Block, Vice-Chair; Roger Froemming, Dennis Mosher, and Malcolm Lee present.

**Approval of Agenda**

Motion by Mosher, second by Lee, and unanimously carried to approve the Human Services agenda of March 23, 2004, as mailed.

**Approval of Minutes**

Motion by Mosher, second by Froemming, and unanimously carried to approve the Human Services Board minutes of March 9, 2004, as presented.

**Listening Ear Crisis Center**

Listening Ear Crisis Center advocates Sherrie Obright and Leona Ulrich presented a Proclamation for Sexual Assault Awareness Month and Crime Victims' Rights Week. Sexual Assault is a nationwide concern, as well as a concern in Otter Tail County.

**Otter Tail County Proclamation  
Crime Victim's Rights Week  
Sexual Assault Awareness Month  
Otter Tail County Resolution No. 2004 - 15**

Commissioner Block offered the following and moved its adoption:

WHEREAS, we as a Nation recognize crime victims' suffering, struggles and loss, and value them as our family members and friends, neighbors and co-workers who have been harmed by crime; and

WHEREAS, we as individuals and communities value core rights for crime victims that allow them to participate in justice processes with rights to information, protection, restitution, and to be heard; and

WHEREAS, we value the critical assistance and services that provide for crime victims' basic needs, such as fair treatment, dignity, respect and information, and the life essentials, such as safe housing, food, support for their children, transportation, counseling, and medical services; and

WHEREAS, we value those among us who work on behalf of crime victims to not only improve rights, services and treatment of victims of crime, but to also build a better and more just community and country; and

WHEREAS, we value our right to be free from violence, to be safe in our homes and to live in peace in our communities; and

WHEREAS, America as a Nation values liberty and justice for *all*, including efforts to protect, enhance and expand crime victims' rights and services; and

WHEREAS, America has joined together annually for the past 24 years to recognize the needs and rights of crime victims and survivors; *therefore, be it*

RESOLVED, that Otter Tail County Commissioners proclaim the week of April 18 to 24, 2004 to be Otter Tail County Crime Victims' Rights Week and the month of April to be Otter Tail County Sexual Assault Awareness Month, and honors crime victims and those who serve them during this week and throughout the year; *and be it further*

RESOLVED, that as individuals, as communities and as a nation, we continue to value crime victims and survivors, and to value justice in our nation that includes and involves crime victims; *and be it further*

RESOLVED, that a suitably prepared copy of this proclamation be presented to Listening Ear Crisis Center on March 23, 2004.

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

Adopted and signed this 23<sup>rd</sup> day of March 2004.

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

By: \_\_\_\_\_  
Sydney Nelson, County Board Chair

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

### **West Central Regional Juvenile Center**

Court Services Director, Chuck Kitzman, provided notification and agenda for the West Central Regional Juvenile Center Advisory Board meeting to be held on Thursday, April 1, 2004, at 10:00 a.m. Mr. Kitzman reviewed Yearly reports for 2002 and 2003 for WCRJC and made comparisons. Total number of residents for 2003 in Secure Detention was 558 compared to 537 in 2002. The average number of residents per day for 2003 was 15.13 compared to 14.56 in 2002. The average length of stay was 9.9 days for both years. Per diems for 2004 were set at \$158.00 for member counties and \$173.00 for non-member counties for Secure Detention.

### **Contract Agreement With MN Department of Health Tuberculosis Funds**

Motion by Mosher, second by Froemming, and unanimously carried, to authorize the Chair's signature on a Grant Project Agreement between the Minnesota Department of Health and Otter Tail County Public Health for health screening and follow-up services for tuberculosis

and for foreign born persons. Total compensation and reimbursement shall not exceed \$1,153.00.

**MN Department of Health Assurance and Agreement  
for Local Public Health Act Funding**

Motion by Block, second by Mosher, and unanimously carried to authorize the Chair's signature on MN Department of Health Assurances and Agreements for Local Public Health Act Funding. This agreement assures that local Public Health Act funding will be used in accordance with the terms outlined in the Community Health Board's Master Grant Contract effective January 1, 2004 – December 31, 2008.

**Legislative Update**

Public Health Director, Diane Thorson, reported that on the MN Emergency Health Powers Act, civil trial lawyers are trying to eliminate liability for volunteers. Ms. Thorson also reported on the proposed Meth Bill and has been following the Clean Indoor Air Act and stated that this is just a start of a several year process.

**Fraud & Collections Investigation Annual Report**

Investigator/Collection Unit Supervisor, Al Anderson; Fraud Prevention Investigator, Sandra Holo; Collections Officer, Susan Ulschmid; and Case Aide, LeeAnn Sudbeck, gave a report of the Fraud Prevention Statistics for 2003. The Collections and Investigation Unit received 128 FPI referrals in 2003, with 125 referrals completed. Cases included unreported assets/income, household compositions, child care hours, and residence. Total FPI savings and overpayments for 2003 was \$92,375. Annual reports for 2001, 2002, and 2003 for Out of Home Placement Fees and Detoxification Fees were discussed.

**Amendment to Contract  
Productive Alternatives**

Human Services Director, John Dinsmore, reported that some of the numbers were incorrect on a Contract with Productive Alternatives and requested approval for an Amendment. Motion by Lee, second by Froemming, and unanimously carried, to amend the Purchase of Service Agreement between Otter Tail County Department of Human Services and Productive Alternatives for sheltered employment and follow-up service as follows

Day Activity Center and Supported Employment:

	<u>Current</u>	<u>Amended Contract</u>
Full Day	\$51.17	\$52.78
Partial Day	\$38.38	\$39.58
Transportation	\$10.00	\$9.90

**Bills & Claims**

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

**Recess and Adjournment**

At 10:45 a.m., Chairman Nelson declared the meeting of the Otter Tail County Human Services Board recessed for a Personnel Committee Meeting. At 11:01 a.m., upon completion of the Personnel Committee Meeting, Chairman Nelson declared the meeting of

the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, April 13, 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 23, 2004, at 11:02 a.m. at the Otter Tail County Government Services Center with Commissioners Sydney 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 County Board agenda of March 23, 2004, with the following additions:

Blue Heron Bay CUP Findings  
Judicial Ditch No. 2

### **Approval of Minutes**

Motion by Mosher, second by Lee, and unanimously carried to approve the County Board minutes of March 16, 2004, as mailed.

### **Correction to March 9, 2004, County Board Minutes**

Motion by Mosher, second by Lee, and unanimously carried to approve the following correction to the March 9, 2004, County Board Minutes:

Under the section of Sheriff Department Recommendations:

The Sheriff's Department budget was reduced this year as two additional deputy positions were not approved.

The sentence should read as follows:

The Sheriff's Department proposed budget was reduced this year as two additional deputy positions were not approved.

### **Approval to Pay Bills**

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

Grand View Lodge                      Veterans Services Director, Jourdan Sullivan  
Veterans Service Officer, Tom Figliuzzi  
Veterans Service Officer, Bernie Gamber

### **Approval of Final Plats**

Motion by Nelson, second by Mosher, and unanimously carried to approval the Final Plat of Ronald E. Goodman known as "Oak Ridge Estates Third Addition" on Wimer Lake (56-355) located in Section 10, Township 137 North, Range 40.

Motion by Nelson, second by Froemming, and unanimously carried to approve the Final Plat of Ronald E. Goodman and Barbara A. Goodman known as "Nebraska Beach Second Addition" on Wimer Lake (56-355) located in Section 10, Township 137 North, Range 40 , Hobart Township.

Motion by Mosher, second by Block, and unanimously carried to approve the Final Plat of Phillip J. Nelson and Eloise A. Nelson, known as Nelson's Subdivision on Stalker Lake (56-437) located in Section 35, Township 132, Range 41, Tordenskjold Township.

Motion by Froemming, second by Lee, and unanimously carried to approve the Final Plat of Loren W. Hoyhtya and Diane M. Hoyhtya and Steven J. Stelter and LuAnn F. Stelter known as "Loren Addition" on East Leaf Lake (56-116) located in Section 26, Township 13, Range 38, Leaf Lake Township.

Motion by Mosher, second by Froemming, and unanimously carried to approve the Final Plat of Belgaard Family Enterprises, LLP, known as "Bluegill Bay Estates" on Sewell Lake (56-408) located in Section 23, Township 131, Range 41, St. Olaf Township.

#### **EZflow Update**

Land & Resource Director, Bill Kalar, presented a letter he had received from the Minnesota Pollution Control Agency concerning the use of EZflow polystyrene aggregate bundles as drainfield medium in Minnesota. Commissioners requested that Mr. Kalar contact Mike Volrath, Representative from EZflow, to do a presentation at a future County Board meeting.

#### **Blue Heron Bay CUP Findings**

County Attorney, David Hauser, provided a copy of the Findings of Fact regarding April 22, 2003 Action Granting Conditional Use Permit for Blue Heron Bay Project. Motion by Lee, second by Froemming, and carried by a 4-1 vote, with Mosher opposed, to adopt the Findings of Fact regarding April 22, 2003 Action Granting Conditional Use Permit for Blue Heron Bay Project. After further discussion, Commissioner Mosher changed his vote, and motion carried unanimously. (A signed copy of the Findings of Fact is attached to the official County Board Minutes as Attachment B).

#### **MnDOT Detour Agreement**

#### **CSAH 96 in Pelican Rapids**

#### **Otter Tail County Resolution No. 2004 - 16**

Commissioner Lee offered the following and moved its adoption:

IT IS RESOLVED THAT Otter Tail County enter into MnDOT Agreement No. 86167 with the Sate of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use of County State Aid Highway No. 21 and County State Aid Highway No. 28 as a detour route during the bituminous mill and overlay, slope repair, guardrail and turn lane construction and other associated construction to be performed upon, along and adjacent to Trunk Highway No. 59 from Dump Road in Erhard to 500 feet North of County State Aid Highway 9 in Pelican Rapids under State Project No. 5617-28 and No. 5618-23 (T.H. 59=030) and State Project No. 5625-13 (T.H.108=206).

IT IS FURTHER RESOLVED that the County Board Chair and the County Board Clerk are authorized to execute the Agreement and any amendments to the Agreement.

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

Adopted this 23<sup>rd</sup> day of March 2004.

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

By: \_\_\_\_\_  
Sydney Nelson, County Board Chair

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

### **Phelps Mill Foundation Repairs**

Highway Engineer, Rick West, provided a Preliminary Report from Barr Engineering regarding the Phelps Mill Foundation repairs. The report indicates that the foundation and basement floor are in poor condition. The building was constructed in 1889. The poor conditions are caused by the age and the moist environment – it hangs over the river. Barr Engineering recommended the closure of the building until some type of repairs were completed. This could be a public safety issue and access by the public should not be allowed. The estimated cost for repairs are as follows:

Temporary repairs (shoring jacks)	\$ 26,000.00
Permanent Repairs	\$313,475.00

The temporary repairs would have a life of one year, but could be extended to three years by monitoring and adjusting the jacks as necessary. Motion by Froemming, second by Mosher, and upon being put to vote, carried with Lee opposed, to approve the temporary repairs for the Phelps Mill foundation for the estimated cost of \$26,000.

### **Seasonal Employees – Highway Department**

Motion by Lee, second by Froemming, and unanimously carried to authorize the Highway Engineer to hire seasonal employees for the upcoming construction season, which would include Engineering and Sign Shop.

### **Approval of Licenses**

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

Cozy Cove Resort 38811 Cozy Cove Road Dent, MN 56528 (renewal)	On/Off-Sale 3.2 Malt Liquor
---	-----------------------------

Olson Tire and Oil Inc. PO Box 244 Ottetail, MN 56571 (new application)	Tobacco
--	---------

Peak Supper Club, The  
43517 County Highway 38  
Clitherall, MN 56524-9564  
(renewal)

Renewal of Consumption & Display Permit

Stalker Lake Golf Course, LLC  
16319 Golf Course Road  
Dalton, MN 56324  
(renewal)

ON/Off-Sale 3.2 Malt Liquor  
(May-June 2004)  
(July 1, 2004 through June 30, 2005)

**Payment Approval**

Motion by Nelson, second by Block, and unanimously carried, to approve the following expenditure:

Association of Minnesota Counties	\$11,400.00
*Preparation of County Cost Allocation Plan	

**Judicial Ditch No. 2**

Ditch Inspector, Randy Wasvick, briefed the County Board regarding Judicial Ditch No. 2. Commissioner Mosher requested Mr. Wasvick to return to the County Board in two weeks for further discussion.

**Western Area City County Cooperative**

Western Area City County Cooperative Executive Director, Laurie Mullen, requested that Otter Tail County reconsider their membership with WACCO. Ms. Mullen stated that WACCO sponsors public forums that County employees attend, such as Meth Lab Education. Meth is devastating our future. Its use causes domestic violence and child neglect. Motion by Mosher, second by Froemming, and carried by a 3 to 2 vote, with Block and Lee opposed, to approve membership for CY2004 with Western Area City County Cooperative and payment of membership dues in the amount of \$5,000.

**Final Payment Approval**

Motion by Lee, second by Block, and unanimously carried to approve final payment to DOW Acoustics of Detroit Lakes, MN, for completion of acoustical ceilings at the Government Services Center for Project No. 0202 in the amount of \$8,979.99.

**Wetland Easements**

Motion by Froemming, second by Lee, and unanimously carried to certify the following acquisition of land by the U.S. Fish & Wildlife Service for waterfowl purposes:

Timothy P. Cullen

T.131 N., R. 39 W., 5<sup>th</sup> P.M.  
Section 30, NW $\frac{1}{4}$ NE $\frac{1}{4}$

Marjorie Brockopp

T.131 N., R. 38 W., 5<sup>th</sup> P.M.  
Section 10, SW $\frac{1}{4}$

Eldon Linscheid

T. 134 N., R. 42 W., 5<sup>th</sup> P.M.  
Section 15

**Recess and Reconvene**

At 12:06 a.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:05 p.m.

**Closed to the Public**  
**Meeting Reconvened in Open Session**

At 1:05 p.m. Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners closed to the public for discussion for potential litigation involving the Perham Solid Waste Burner, as authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Present were all five seated Commissioners, the County Attorney, County Coordinator, Solid Waste Director, and Recording Secretary. At 1:34 p.m., Chairman Nelson declared the meeting opened to the public to consider the remaining agenda items.

**Presentation of "Years of Service Awards"**

The Employees' Committee presented "Years of Service Awards" to dedicated County employees completing 5, 10, 15, 20, 25, 30, 35, and 40 years of service. Eighty-two employees received service awards this year.

**Lake Improvement Districts**

County Attorney, David Hauser, presented Amendments to the Lake Improvement Districts. Motion by Block, second by Mosher, and unanimously carried to authorize the appropriate County officials signatures on the following Amendments:

**THE OTTER TAIL COUNTY BOARD OF COMMISSIONERS**  
**ORDER AMENDING THE**  
**ORDER ESTABLISHING THE OTTER TAIL COUNTY**  
**LITTLE McDONALD AND PAUL LAKES IMPROVEMENT DISTRICT**

The Otter Tail County Board of Commissioners, having held a public hearing on August 5, 2003, to consider a proposed amendment to the Order Establishing the Little McDonald and Paul Lakes Improvement District, which was dated June 18, 2002, and finding that the Order did not include a provision for absentee voting by members as indicated in Minnesota Statute 103B.571, Subd. 3(b), makes the following Order:

**ORDER**

IT IS HEREBY ORDERED that the Order Establishing the Otter Tail County LPD Lake Improvement District be, and hereby is, amended to include the following language at the end of paragraph seven of said Order:

Unless otherwise required by law, the District shall, and is hereby authorized to, promulgate and implement an absentee ballot procedure for the election of directors at the District's annual meeting.

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

By \_\_\_\_\_  
Sydney Nelson, County Board Chair

ATTEST:

\_\_\_\_\_  
Larry Krohn, Clerk of the Board

**THE OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
ORDER AMENDING THE  
AMENDED ORDER ESTABLISHING THE OTTER TAIL COUNTY  
PELICAN GROUP OF LAKES IMPROVEMENT DISTRICT**

The Otter Tail County Board of Commissioners, having held a public hearing on August 5, 2003, to consider a proposed amendment to the Amended Order Establishing the Pelican Group of Lakes Improvement District, which was dated December 27, 2001, and finding that the Order did not include a provision for absentee voting by members as indicated in Minnesota Statute 103B.571, Subd. 3(b), makes the following Order:

ORDER

IT IS HEREBY ORDERED that the Amended Order Establishing the Pelican Group of Lakes Improvement District be, and hereby is, amended to include the following language at the end of paragraph 25.f. of said Order:

Unless otherwise required by law, the District shall, and is hereby authorized to, promulgate and implement an absentee ballot procedure for the election of directors at the District's annual meeting.

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

By \_\_\_\_\_  
Sydney Nelson, County Board Chair

ATTEST:

\_\_\_\_\_  
Larry Krohn, Clerk of the Board

**THE OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
ORDER AMENDING THE  
ORDER RE-ESTABLISHING THE OTTER TAIL COUNTY  
PINE LAKES IMPROVEMENT DISTRICT**

The Otter Tail County Board of Commissioners, having held a public hearing on August 5, 2003, to consider a proposed amendment to the Order Re-Establishing the Pine Lakes Improvement District, which was dated October 15, 2001, and finding that the Order

did not include a provision for absentee voting by members as indicated in Minnesota Statute 103B.571, Subd. 3(b), makes the following Order:

ORDER

IT IS HEREBY ORDERED that the Order Establishing the Otter Tail County Pine Lakes Improvement District be, and hereby is, amended to include the following language at the end of paragraph five of said Order:

Unless otherwise required by law, the District shall, and is hereby authorized to, promulgate and implement an absentee ballot procedure for the election of directors at the District's annual meeting.

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

By \_\_\_\_\_  
Sydney Nelson, County Board Chair

ATTEST:

\_\_\_\_\_  
Larry Krohn, Clerk of the Board

**THE OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
ORDER AMENDING THE  
ORDER ESTABLISHING THE OTTER TAIL COUNTY  
SOUTH TURTLE LAKE IMPROVEMENT DISTRICT**

The Otter Tail County Board of Commissioners, having held a public hearing on August 5, 2003, to consider a proposed amendment to the Order Establishing the South Turtle Lake Improvement District, which was dated October 16, 2001, and finding that the Order did not include a provision for absentee voting by members as indicated in Minnesota Statute 103B.571, Subd. 3(b), makes the following Order:

ORDER

IT IS HEREBY ORDERED that the Order Establishing the Otter Tail County South Turtle Lake Improvement District be, and hereby is, amended to include the following language at the end of paragraph five of said Order:

Unless otherwise required by law, the District shall, and is hereby authorized to, promulgate and implement an absentee ballot procedure for the election of directors at the District's annual meeting.

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

By \_\_\_\_\_  
Sydney Nelson, County Board Chair

ATTEST:

\_\_\_\_\_  
Larry Krohn, Clerk of the Board

**Adjournment**

At 1:58 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, April 6, 2004.

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

By: \_\_\_\_\_  
Sydney Nelson, County Board Chair

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

CB/ab