

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS**
Government Services Center, 500 Fir Ave. W.
Commissioners' Room
Tuesday, June 22, 2004
9:30 a.m.

Call to Order

The Otter Tail County Human Services Board convened Tuesday, June 22, 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 Lee, second by Froemming, and unanimously carried to approve the Human Services agenda of June 22, 2004, as mailed.

Approval of Minutes

Motion by Froemming, second by Mosher, and unanimously carried to approve the Human Services Board minutes of June 8, 2004, as mailed.

REAM Grant Amendment

Chuck Kitzman, Court Services Director, submitted a copy of an executed grant amendment document, for the record, which increases the County's funding for FY2004 for the Remote Electronic Alcohol Monitoring program.

Mental Health Screening

Mr. Kitzman and Human Services Supervisor, Brad Vold, briefed the County Board regarding new mental health screening requirements effective July 1, 2004. Mr. Kitzman provided a handout explaining the MAYSI-2 standardized screening method for youth ages 12-17 that has been selected as the screening tool. The Children's Mental Health Screening Grant from the State of Minnesota for July 1, 2004 through December 31, 2004 is \$13,390 and for CY2005 is \$32,130. The Chairman directed the Court Services Director and Human Services Director to coordinate the financial details for payment of these screenings.

Reassigning Duties

Public Health Director, Diane Thorson, reported that she has met with the Personnel Committee regarding the vacant Associate Public Health Director position. She requested approval to reassign some of her financial duties to the existing Financial Manager position to allow the Director position to take over many of the Associate Director duties which requires a nursing degree. Because of the reassignment of duties, the Associate Director position will not be filled; therefore, reducing the total Public Health budget. Motion by Lee, second by Mosher, and unanimously carried to approve the reassignment of duties, as described, and to authorize the Public Health Director to follow the necessary steps for reclassification of the Financial Manager position, based upon not filling the recently vacated position of the Associate Director.

County Burial and Funeral Expenses Policy

Human Services Director, John Dinsmore, presented a revised County Funeral Policy with no change in rates; however, modifications in the process of application for burial funds and documentation of expenses. Funeral Director, Guy Olson, spoke in favor of the intent of the new policy; however, requested that the County proceed with caution regarding the modifications of the policy and review the procedures, if not working, in six months. He also expressed concerns with privacy laws. The County Attorney explained that these are simply procedures for applying for public funds and the changes are not privacy issues. Motion by Block, second by Mosher, and unanimously carried to approve the modified County Burial and Funeral Allowance Expenditure Policy as submitted.

Human Services Contracts

Motion by Froemming, second by Block, and unanimously carried to authorize the Chairman's signature to execute the following Purchase of Service Agreements for the period of July 1, 2004 to June 30, 2005 for residential services, assisted living, and adult day care services for eligible persons under AC/EW or CADI programs:

Mill Street Residence, Fergus Falls, MN
Pioneer Senior Cottages/Pioneer Retirement, Fergus Falls, MN
Pioneer Day Care, Fergus Falls, MN
Ghost Runner Errand Service, Perham, MN

Motion by Block, second by Froemming, and unanimously carried to authorize the Chairman's signature to execute a Purchase of Service Agreement between the County of Otter Tail and Linda Jesinoski for the period of July 1, 2004 to June 30, 2005 for residential, homes plus, and foster care services to eligible persons under the AC/EW, CADI, or TBI programs.

Motion by Nelson, second by Mosher, and unanimously carried to authorize the Chairman's signature to execute an Interagency Purchase of Service Contract between the County of Otter Tail, Fergus Falls Special Education Cooperative #935, and Lakeland Mental Health Center to provide special education to qualified students with disabilities.

Motion by Mosher, second by Block, and unanimously carried to authorize the Chairman's signature to execute a Purchase of Service Agreement between the County of Otter Tail and Wilkin County for the period of July 1, 2004 to December 31, 2004. The agreement provides for Otter Tail County to provide professional services for the completion of Child Protection Assessments for Wilkin County residents.

Energy Assistance Program

Mr. Dinsmore requested approval to accept federal funding for FY2005 for the Energy Assistance Program. Discussion followed regarding the role of the Community Action Council in administering this program in other counties. Motion by Froemming, second by Mosher, to authorize acceptance of federal funding for FY2005 to administer the Energy Assistance Program. Motion carried with Nelson and Lee opposed.

Approval of Human Services Bills & Claims

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

Adjournment

At 10:35 a.m., Chairman Nelson declared the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, July 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, June 22, 2004, at 11:00 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 June 22, 2004, with the following additions:

Land & Resource Director – Conditional Use Permit Extension Request

Sheriff, Brian Schlueter – Dispatch Staff Discussion

Sheriff, Brian Schlueter – Application to the National Institute of Corrections

Approval of Minutes

Motion by Lee, second by Froemming, and unanimously carried to approve the County Board minutes of June 15, 2004, as mailed.

Approval to Pay Bills

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

Planning Commission Recommendations

Conditional Use Permit – Matt & Heidi Sauer:

Motion by Nelson, second by Mosher, and unanimously carried to approve a Conditional Use Permit for a grade and fill project for a building site with conditions as recommended by the Planning Commission. The property is described as Pt GL 1 com NE cor of GL 1 S 436'...(5.20 AC) in Section 8, Rush Lake Township, Marion Lake (56-243).

Preliminary Plat & Conditional Use Permit – “Krauss Woods”/ Allan E. Mueller:

Motion by Nelson, second by Froemming, and unanimously carried to approve the Preliminary Plat known as “Krauss Woods” consisting of 2 lots for single family residential use and a Conditional Use Permit to move a portion of a road and construct a cul-de-sac to service the plat as presented on the revised map dated June 1, 2004. The property is described as E 470’ of Lot F of Gov Lot 2 ex tr (8.13 AC) & Pt SE¼ NW¼ in Section 21 of Pine Lake Township, Big Pine Lake (56-130).

Conditional Use Permit – Gaylord T. & Ann P. Gunhus:

Motion by Froemming, second by Mosher, and unanimously carried to approve a Conditional Use Permit to build a deck on the front of the home as presented. The property is described as Lot 31 of Birchwood Shores in Section 14 of Maine Township, Pickerel Lake (56-475).

Conditional Use Permit – Kirk DuLac:

Motion by Froemming, second by Block, and unanimously carried to approve a Conditional Use Permit to build a retaining wall with a condition as recommended by the Planning Commission. The property is described as Pt GL 1 com SW cor GL 1...(69 AC) in Section 29 of Amor Township; Otter Tail Lake (56-242).

Conditional Use Permit – Sunshine Villa / Steve & Sherri Halstensgaard:

Motion by Nelson, second by Mosher, and unanimously carried to approve a Conditional Use Permit to build a larger hobby building than previously approved. The property is described as GL 1 E'y of CSAH #53 (16 AC) in Section 23 of Pine Lake Township; Big Pine Lake (56-130).

Conditional Use Permit – Martin & Kimberly Anderson:

Motion by Froemming, second by Mosher, and unanimously carried to approve a Conditional Use Permit for an after-the-fact request to add fill for construction of a metal building as presented. The property is described as Lot 2, Block 1, Froslee Shores, Section 35 of Girard Township, East Battle Lake (56-138).

Conditional Use Permit – Jim Howe / Gwen Howe:

Motion by Lee, second by Block, and unanimously carried to approve a Conditional Use Permit for general earthmoving and landscaping with a condition as recommended by the Planning Commission. The property is described as Pelican Lake Park 1st Addn E½ Lot 8 & W½ Lot 9 & Vac Rd Ad and Pt GL 6 tr 400' Deep in Rear of Lots 9, 10 & E½ Lot 8 1st Addn to Pel Lk Pk in Section 5 of Dunn Township, Pelican Lake (56-786).

Conditional Use Permit – Douglas E & Ann M Etten, Gary & Susan Leitch, and Tony & Jacki LaValle:

Motion by Mosher, second by Lee, and unanimously carried to approve a Conditional Use Permit for a revised plan received by Land & Resource Management on June 1, 2004, with a condition as recommended by the Planning Commission. The property is described as Sandy Haven Development, Lot 14 & S 50' 13, and Lots 15 & 16, Section 32 of Tordenskjold Township, Stalker Lake (56-437).

Alternative Plan Request – “Big Sandy Beach” / Johnson, Hopkins & Canfield:

Motion by Nelson, second by Lee, and unanimously carried to approve the recommendation of the Planning Commission and affirm the previous County Board motion on April 20, 2004. The property is described as Jungle Shores Lots 6 – 12 & Pt of GL 9...(15.55 Ac) Section 31 of Corliss Township; Big Pine Lake (56-130).

EZ Flow

Land & Resource Director, Bill Kalar, presented a survey regarding the EZ Flow septic systems. No action was taken.

Extension Request for Conditional Use Permit

Motion by Nelson, second by Lee, and unanimously carried to approve a Conditional Use Permit extension for CUP #5644, Howard Manteuffel, Limmers Resort, on Rush Lake (56-141) to allow for modifications to be completed on cabin no. 10.

Highway Project Update

Highway Engineer, Rick West, presented the current status of the County's highway construction and design projects.

Bid Opening Approval – Henning Garage

Motion by Froemming, second by Mosher, and unanimously carried to authorize the Highway Engineer to request bids for the Henning Garage upon securing an easement from the Minnesota Department of Transportation.

Final Payment – CSAH 21 Culvert Replacement

Motion by Block, second by Mosher, and unanimously carried to approve Final Payment, in the amount of \$2,894.75, payable to Riley Bros. Construction, Inc. for completion of the CSAH 21 Culvert Replacement.

Regional Treatment Center Update

Attorney, Kent Mattson, reported that the State of Minnesota is planning to be out of the Kirkbride facility by March, 2005. He briefed the Board on the State's current plans for MI, CD, and detox facilities. BKV Group has been selected to lead master planning for reuse of the RTC campus. They will study market opportunities and explore potential use for private developers. The Master Plan Final Report will be presented in December. Master planners would like to meet with County officials to identify ideas and possible needs of the County to use a portion of the campus.

Recess & Reconvene

At 12:06 p.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.

Technology Training

GIS Coordinator, Brian Armstrong, presented handouts regarding E-Government. County Coordinator, Larry Krohn, presented a spreadsheet developed by Stearns County summarizing the different groups of people that use different databases accessed by way of a display screen. Each partner, using different sets of databases, pays a business subscription for the usage. GIS Coordinator, Sherry Leabo, briefed the Board regarding Minnesota Counties Computer Cooperative's recent vote to put the tax software currently provided by ACS out for bids. Ms. Leabo expressed concern and is not in favor of changing from an AS400 environment to a PC based system.

Discussion Regarding Cluster Development Moratorium

County Attorney, David Hauser, stated that, after review of the statute authorizing the moratorium and existing case law, it appears that the moratorium should apply to everything that doesn't have a permit yet. He stated his recommendation that the Land & Resource office consider that the moratorium is in effect for all cluster developments for which an existing permit is not in place. The purpose of the moratorium is to conduct studies and

consider whether the provisions of the existing Shoreland Management Ordinance are sufficient.

Attorney, Kris Svingen, representing the Echo Bay Project, stated that there is no disagreement on the Board's authority to pass a moratorium, only a clarification on whether it applies to projects in process such as the Echo Bay Project. He spoke in disagreement with the County Attorney's recommendation. He requested that the County Board allow the Echo Bay Project to proceed and if it is not a good project, it can be denied. Attorney for the Pelican Lake Property Owners, Tami Norgard, spoke in favor of the County Attorney's recommendation. Developers Jim Morken and Dan Passolt expressed concern regarding the money already spent on the Echo Bay Project and asked that the project be allowed to proceed and not follow the moratorium. Commissioner Mosher expressed concern in stopping a project that is in process and stated that, when he voted for the moratorium, he did not believe it would include projects in process. Planning Commission members, Dick Sha and Joe Maske, spoke in favor of reconsideration for applications for cluster developments. Motion by Lee, second by Block, to accept the County Attorney's interpretation of Resolution No. 2004-28 (Moratorium for the Creation of Cluster Developments Within Shoreland Areas of Otter Tail County) adopted on May 25, 2004. Motion carried.

Planning of New Institutions

Motion by Lee, second by Froemming, and unanimously carried to authorize the Chairman's signature to submit an application to formally request the National Institute of Corrections to conduct an on-site tour (PONI Phase I) of the Detention Facility

Work Release Services Agreement

Motion by Lee, second by Block, and unanimously carried to authorize the appropriate County officials' signatures to execute a Joint Powers Agreement between the State of Minnesota and the County of Otter Tail for the Work Release Program for FY2005.

Dispatch Position Replacement

Motion by Lee, second by Mosher, and unanimously carried to approve replacement of one full time Dispatcher position and approve hiring an additional part time Dispatcher to have an additional Dispatcher to fill the hours, not to increase hours.

Housing & Redevelopment Authority

Motion by Froemming, second by Block, and unanimously carried to reappoint Oscar Sorlie Jr. to the Otter Tail County HRA Board for the term of August 1, 2004 through August 1, 2009.

Credit Cards

Motion by Lee, second by Froemming, and unanimously carried to approve County credit cards for the following employees as requested by the Land & Resource Director:
Eric Babolian, Patrick Eckert, & Kyle Westergard

License Applications

Motion by Mosher, second by Lee, and unanimously carried to approve the following applications for licenses:

Battle View Landing

On-Sale Wine
On/Off-Sale 3.2 Malt Liquor

Approval is subject to the submission of all necessary documentation and to review by the County Attorney's office and the County Sheriff's office.

Birchwood Golf Course

On/Off-Sale 3.2 Malt Liquor

Approval is subject to review by the County Attorney's office and the County Sheriff's office.

Blue Water Restaurant and Sports Bar On-Sale Liquor and Sunday Liquor
2 a.m. Optional Closing Time

Duffers Bar and Grill

Liquor and Sunday Liquor

Approval is subject to the submission of all necessary documentation and to review by the County Attorney's office and the County Sheriff's office.

Ethel Beach

On-Sale Wine
On-Sale 3.2 Malt Liquor

Approval is subject to the submission of all necessary documentation and to review by the County Attorney's office and the County Sheriff's office.

Graystone on Otter Tail Inc.

Liquor and Sunday Liquor

Approval is subject to review by the County Attorney's office and the County Sheriff's office.

Hamburger Hollow

On-Sale Wine
On/Off-Sale 3.2 Malt Liquor

Approval is subject to the submission of all necessary documentation and to review by the County Attorney's office and the County Sheriff's office.

Heisler's Country Store, Inc.

Off-Sale 3.2 Malt Liquor

Approval is subject to review by the County Attorney's office and the County Sheriff's office.

Oakwood Golf Course

On/Off-Sale 3.2 Malt Liquor

Approval is subject to the submission of all necessary documentation and to review by the County Attorney's office and the County Sheriff's office.

Perham Oasis

Off-Sale 3.2 Malt Liquor

Approval is subject to the submission of all necessary documentation and to review by the County Attorney's office and the County Sheriff's office.

Sponsorship - MCIT

Motion by Block, second by Lee, and unanimously carried to authorize Otter Tail County to sponsor membership in the Minnesota Counties Insurance Trust for the Pine Lake Improvement District at no cost to the County.

Forgiveness of Penalty

Motion by Froemming, second by Lee, and unanimously carried to deny forgiveness of penalty, in the amount of \$55.24, for Alan Yaggie, parcel no. 25-000-04-0024-003, because the County did not make an error.

Motion by Block, second by Lee, and carried with Mosher opposed, to deny the request of Patricia Michaelson to waive a fee of \$30.00 for a stop payment check as additional financial work was required.

Recess & Reconvene

At 2:30 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 2:55 p.m.

Final Payment

Motion by Block, second by Froemming, and unanimously carried to approve Final Payment, in the amount of \$15,634.72, for ceramic tile & terrazzo work at the Government Services Center.

Bid Opening Approval

Motion by Lee, second by Block, and unanimously carried to authorize the Physical Plant Manager and Architect to proceed with request for bids for remodeling of the 505 South Court building.

Household Hazardous Waste Contracts

Motion by Nelson, second by Mosher, and unanimously carried to authorize the Chairman's signature to execute the following Household Hazardous Waste Mobile Collection contracts:
City of Perham, City of Vergas & City of New York Mills

Adjournment

At 3:08 p.m., Chairman Nelson adjourned the meeting of the Otter Tail County Board of Commissioners until 9:30 a.m. on Tuesday, June 29, 2004.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk