

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS**
Government Services Center, 500 Fir Ave. W.
Commissioners' Room
Tuesday, March 1, 2005
9:30 a.m.

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, March 1, 2005, at 9:30 a.m. at the Otter Tail County Government Services Center with Commissioners Bob Block; Chair, Roger Froemming; Vice-Chair, Dennis Mosher, Malcolm Lee, and Syd Nelson present.

Approval of Agenda

Motion by Mosher, second by Nelson, and unanimously carried to approve the County Board agenda of March 1, 2005, with additions as follows:

10:50 a.m. – Request for Approval of Premise Permits
Human Services Director, Personnel Committee

Approval of Minutes

Motion by Froemming, second by Mosher, and unanimously carried to approve the County Board minutes of February 22, 2005, as mailed.

Approval to Pay Bills

Motion by Nelson, second by Lee, and unanimously carried to approve payment of the County Board bills per Attachment A of the official minutes, which includes the following lodging payment as follows:

Shooting Star

Detention Center Administrator, Richard Akerman
Detention Center Asst. Administrator, Al Keller

Request to Remove a Condition on CUP #6092

Viking Valley Hunt Club Owners, Les & Bette Bensch, provided a handout summarizing the timetable of events relative to the Conditional Use Permit issued in 1988 for their Shooting and Hunting Club. Mr. Bensch explained that the Conditional Use Permit process was completed; however, when the permit process reached the County Commissioners meeting, two additional requirements were added to the permit. Mr. Bensch stated that the non-transferability condition is causing a problem because he is unable to sell the property. His opinion is that the condition is outside of County law and goes beyond the authority of the County. Discussion took place regarding the need for a Conditional Use Permit because the Hunting Lodge is outside of 1,000' of the lake(s). Mr. Bensch stated that other businesses in the area have not been required to obtain a Conditional Use Permit. He stated that Condition No. 4 on the CUP was added by resolution of the County Commissioners and requested that it be removed by resolution or motion. County Attorney, David Hauser, provided his legal opinion that the Hunt Club is a commercial use and requires a Conditional Use Permit to operate. He recommended that a condition on an existing permit not be taken off by motion of the County Board because the public would not have notice of the action and an opportunity to give their opinions. Chairman Block requested further research on this issue and requested that the item be placed on the agenda of the next regular County Board meeting.

Board of Review Schedule

Assessor, Bob Moe, handed out the Board of Review schedules to the County Board. Mr. Moe stated that April 4th is the first meeting and they run through May 12th, with the County Board of Equalization scheduled in June. He noted that ag land values will increase because of the sales ratio.

Approval of Final Plats

Motion by Lee, second by Mosher, and unanimously carried to approve the Final Plat of Michael Vipond known as *Interlaken*, located in Section 22 of Dunn Township; Elbow Lake (56-774) and Franklin Lake (56-759).

Motion by Nelson, second by Lee, and unanimously carried to approve the Final Plat of Don Tomlinson known as *Tomlinson Oaks*, consisting of three backlots, located in Section 31 of Corliss Township on Little Pine Lake (56-142).

Security Cameras

Physical Plant Manager, Rick Sytsma, and MIS Director, Tim Brand, discussed the current capabilities of the camera surveillance system in the Government Services Center and the cost to add cameras. Motion by Lee, second by Nelson, and unanimously carried to authorize security cameras in the GSC building at an approximate cost of \$1,000 per camera.

Change Order Requests – Project No. 0202-6

Motion by Lee, second by Block, and unanimously carried to approve Change Order No. MC #3, for Manning Mechanical of Fargo, ND, in the amount \$6,761.00, for remodeling at the 505 South Court building.

Motion by Lee, second by Mosher, and unanimously carried to approve Change Order No. TC #1, for G & R Controls of West Fargo, ND, in the amount of \$13,100.00, which will allow temperature control to be networked and controlled from the office in the Government Services Center.

Vending Machine Report

Mr. Sytsma provided a vending machine report for period ending December 31, 2004, and reported net income of \$2,305.39, which will be used for depreciation.

Premise Permit

Otter Tail County Resolution No. 2005 - 13

Commissioner Froemming 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 Lenny's Dining and Dancing, located at 30255 Phelps Mill Road in Maine 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 Lenny's Dining and Dancing, located at 30255 Phelps Mill Road in Maine 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 Lenny's Dining and Dancing, located at 30255 Phelps Mill Road in Maine 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 IF FURTHER RESOLVED, that notice of this application and approval shall be provided to the Township of Maine by sending them a copy of this resolution.

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

Adopted at Fergus Falls, Minnesota, this 1st day of March, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk

Premise Permit
Otter Tail County Resolution No. 2005 - 14

Commissioner Froemming 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 the Sparetime Bar & Grill, located at 43521 Fort Thunder Road 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 Ottertail Lions Club, Ottertail, MN, at the Sparetime Bar & Grill located at 43521 Fort Thunder Road 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 Ottertail Lions Club, Ottertail, MN, at the Sparetime Bar & Grill, located at 43521 Fort Thunder Road 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 IF 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 Lee seconded the motion, and upon being put to a vote, was unanimously carried.

Adopted at Fergus Falls, Minnesota, this 1st day of March, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk

Law Enforcement Collective Bargaining Agreements

Motion by Nelson, second by Mosher, and unanimously carried to authorize the Chairman's signature to execute the following Collective Bargaining Agreements between the County of Otter Tail and the Minnesota Teamsters Public and Law Enforcement Employees' Union, Local #320, for the period of January 1, 2005 through December 31, 2007:

Sheriff's Department Essential Non-Licensed Jailer/Dispatchers
Sheriff's Department Essential Deputies Unit
Sheriff's Department Essential Supervisory Unit

Post Employment Health Plan

County Coordinator, Larry Krohn, presented an updated draft of the non-union post employment health plan which is consistent with the PEHP language in several of the Collective Bargaining Agreements. A separate Elected Officials Post Employment Health Plan policy was also submitted for review. Mr. Krohn will e-mail the draft non-union PEHP to Department Heads and return to the Board for final approval.

Performance Evaluation Summary

Motion by Froemming, second by Mosher, and unanimously carried to approve the positive Performance Evaluation Summary of Solid Waste Director, Mike Hanan, as presented, and to direct that the summary be placed in his personnel file.

Area Transportation Partnership Committee

Motion by Mosher, second by Froemming, and unanimously carried to appoint Commissioner, Malcolm Lee, to the Area Transportation Partnership Committee.

Adjournment

At 11:17 a.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, March 8, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk

CB/kd

