

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 Fir Avenue W., Fergus Falls, MN
Tuesday, June 27, 2006
9:30 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, June 27, 2006, at 9:31 a.m., at the Otter Tail County Government Services Center with Chairman, Roger Froemming and Commissioners Bob Block and Syd Nelson present. Vice-Chair, Dennis Mosher and Commissioner Malcolm Lee were present at 9:33 a.m.

Approval of Agenda

Motion by Froemming, second by Nelson, and unanimously carried to approve the Human Services Board agenda of June 27, 2006, as mailed.

Approval of Minutes

Motion by Froemming, second by Nelson, and unanimously carried to approve the Human Services Board minutes of June 13, 2006, as mailed.

Tobacco Polling Results

Public Health Director, Diane Thorson, introduced the topic of exposure to second hand smoke. She stated that 1,267 people are affected in Otter Tail County because they work in environments that allow smoking. Ms. Thorson explained that the Public Health Department has not spent local taxpayer dollars on education and advertisements regarding the affects of second hand smoke. The funding has been provided from the Minnesota Department of Health, Tobacco Free Communities Grant. Otter Tail County's portion of this grant was \$67,771.00. The advertising portion of that grant, spent primarily in Otter Tail County was reported at approximately \$25,000.00. The MPAAT grant, in the amount of \$71,503.00, provided \$26,400.00 for advertising purposes. Ms. Thorson introduced Dr. Richard Rathge, Professor at NDSU and Director of the North Dakota State Data Center. The Data Center collected information from registered voters in Otter Tail County on their attitudes and perceptions regarding second hand smoke and perceptions of policies. A "Briefing Points" handout dated June 2006 was provided as well as the "2006 Secondhand Smoke Survey of Registered Voters in Otter Tail County, Minnesota". Dr. Rathge reviewed the survey and shared the findings and outcomes with the Board. Specific data for each commission district was also provided. According to the survey, nearly 87% of registered voters would support passing a smoke free ordinance. One member of the public spoke in favor of the County passing a smoke free ordinance. Chairman Froemming thanked the public for attending the meeting.

Human Services Contracts

Human Services Supervisor, Deb Sjostrom, requested approval of residential services, foster care, assisted living, and home health care contracts, for the period of July 1, 2006 through June 30, 2007, with rates remaining the same as the previous year, except for a COLA effective October of 2006. Motion by Nelson, second by Mosher, and unanimously carried to approve the following Human Services renewal contracts as recommended:

Residential Services/Home Plus/Foster Care Services to eligible persons receiving services under AC/EW or CADI or Traumatic Brain Injury Services:

Rich & Diane Armstrong
Charlotte Haberer (Garrett Lee House)
Gerald & Joy Synsteliien
SigridLinda Tweeton (Maplewood Hearth)
Diane Bauer & Randy Bond
Karen & Myron Ingrebretson
Luan Peterson
Bob & Vicki Long

Nancy Diiro
Mary Soland (Elizabeth's Country Breeze)
Stan & Karen Synsteliien
Deane Williams
Louis & Sonja Gunkel
Coleen Houge
Pauline & Charles Haugen
Deborah & Gregg Erickson

Residential Services/Assisted Living to eligible persons receiving services under AC/EW or CADI programs:

Pioneer Senior Cottages/Pioneer Retirement
CK Home Health Care

Tender Heart Home Care
Autumn Manor

Provide Adult Day Care Services to eligible persons receiving services under AC/EW, CADI or TBI programs:

Pioneer Day Care

Home Health Care Services to eligible persons under AC/EW, CAC and CADI, TBIW and MR/RC Waiver programs when those services are part of the Individual Plan of Care:

New Dimensions Home Health Care
Lake Region Health Care Corporation
Care 2000 Home Health Care Services

Vikingland Home Health Care
Lakewood Health System Home Care/Hospice
(aka Greater Staples Hospital and Home Care)

Homemaker Services, Chore Services, & Transportation Services:

Ghost Runner Errand Service

Bills & Claims

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

Affirmative Action Plan

Motion by Block, second by Mosher, and unanimously carried to adopt the Affirmative Action Plan sponsored by the Department of Human Services, which is the Merit System Human Rights EEOC Guidelines.

Adjournment

At 10:27 a.m., Chairman Froemming declared the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, July 11, 2006.

Dated: _____

OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____

Roger Froemming, Human Services Board Chair

Attest: _____

Larry Krohn, Clerk

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, June 27, 2006, at 10:48 a.m., at the Otter Tail County Government Services Center with Commissioners Roger Froemming, Chair; Dennis Mosher, Vice-Chair; Bob Block, Syd Nelson, and Malcolm Lee present.

Approval of Agenda

Motion by Block, second by Mosher, and unanimously carried to approve the County Board agenda of June 27, 2006, as presented.

Approval of Minutes

Motion by Nelson, second by Lee, and unanimously carried to approve the County Board minutes of June 20, 2006, as mailed.

Approval to Pay Bills

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

Purchase of John Deere Tractor & Loader

Motion by Nelson to approve purchase of a John Deere Tractor & Loader as requested by the Highway Engineer. Motion died for lack of a second. Commissioners requested that the Highway Engineer take the request to the Capital Improvement Committee and then return to the County Board for approval.

Storm Water System Assessment Procedure

Motion by Block, second by Mosher, and unanimously carried to authorize the Ditch Inspector and other appropriate County officials to proceed with the determination of the benefited area and the benefits for purposes of an assessment for the South Turtle Lake storm water system by appointing the following Ditch Viewers at a compensation amount of \$80 per day and paid lunch and mileage expenses:

Eldor Kugler, Richard Carlund, & Howard Goese

Engineering Study

Highway Engineer, Rick West, briefed the County Board regarding flooding of a portion of County Road #18 because of Crooked Lake. Discussion took place regarding the possibility of petitioning for an outlet into County Ditch #21 and the potential for improvements to the ditch. Motion by Mosher, second by Lee, and unanimously carried to authorize the Highway Engineer to proceed with obtaining an Engineering Study to determine capacity and a potential plan for an outlet to join County Ditch #21 from Crooked Lake.

Planning Commission Recommendations

Conditional Use Permit – Old Town Townhouses/James & Janet Eitzen:

Motion by Mosher, second by Froemming, and unanimously carried to approve a Conditional Use Permit to approve additions to a duplex in this cluster development and reduce the original approval from 3 duplexes to 1 duplex with conditions as recommended by the Planning Commission. The property is described as Old Town Townhouses Community #26, Unit 1 & Int in Common Elements, Section 12 of Clitherall Township; Clitherall Lake (56-238).

Conditional Use Permit – Joey & Rochelle Wadeson:

Motion by Lee, second by Block, and unanimously carried to approve an After-The-Fact Conditional Use Permit to fill under a cement pad as presented. The property is described as Pt of GL 5 (19 Acres) Section 9 of Dora Township; East Spirit Lake (56-501).

Conditional Use Permit – Lida Township/Otter Tail County Highway Department:

Motion by Lee, second by Nelson, and unanimously carried to approve a Conditional Use Permit for a Lida Township road project for Tri-Lake Estates Drive according to the revised plans received June 21, 2006, and with conditions as recommended by the Planning Commission. The property is described as Lot 1 Block 1 Tri-Lakes Estates First Addition (borrow area) & Tri-Lake Estates Drive, Section 9 & 10 of Lida Township; Lake Lida (56-747).

Conditional Use Permit – Karen Zell-Verhelst/Tom Verhelst (Graystone) & Jay Stroh:

Land & Resource Director, Bill Kalar, stated that this request is for operation of a Dinner Cruise Boat from the Graystone location. He stated that, after lengthy discussion, and several motions, the business was approved with several conditions. Planning Commission member, Rod Boyer, stated that he did not vote to recommend approval of the Cruise Boat because he felt the motions were too loose and the corner at the Graystone is congested already and felt adding this was a safety issue. Planning Commission member, Joe Maske, expressed concern with too many motions by the Planning Commission. He stated that if a motion doesn't pass, the request should be recommended for a denial. County Attorney, David Hauser, expressed concern with condition #3 that states that the Applicant file an Application for a marked crosswalk; the language does not indicate that there must be a marked crosswalk and #4 that requires a safety assessment with no language that the recommendations of the assessment must be implemented. Mr. Hauser stated that the safety assessment should be provided before the CUP request is approved. His opinion is that this request should be denied or tabled until the information is received. Motion by Block, second by Froemming, with Mosher abstaining, to table this CUP request to review an assessment of safety concerns relative to the potential automobile and pedestrian congestion at this location/intersection by the County Highway Engineer. This CUP request is scheduled for reconsideration at 11:00 a.m. on Tuesday, July 11, 2006.

Conditional Use Permit – Fresonke Brothers, LLC/Bradley Dean:

Motion by Nelson, second by Lee, and unanimously carried to approve a Conditional Use Permit for operation of a Well Drilling Business with a condition as recommended by the Planning Commission. The property is described as Lot 3 ex part N & E Co Road #17 & ex part N Co. Road #35 (33.39 AC) Section 3 of Dead Lake Township; Bolton Lake (56-318).

Conditional Use Permit – Theodore D. Bergeron:

Motion by Froemming, second by Block, and unanimously carried to approve a Conditional Use Permit to build 2 roads with a condition as recommended by the Planning Commission. The property is described as Pt GL 3 & 4 ... (47 Acres) Section 30 of Edna Township; Big McDonald Lake (56-386).

Final Plats

Motion by Nelson, second by Lee, and unanimously carried to approve the Common Interest Community (CIC) #41 of Rick C. Heinle and Laura Heinle known as "Pleasureland Estates", which is a 20 unit cluster development; GL 3, Section 23, Township 135N, Range 39, Rush Lake Township; Rush Lake (56-141).

Motion by Froemming, second by Lee, and unanimously carried to approve the Final Plat of Wayne E. Lee and Gloria O. Lee known as "Wayne Lee's Royal Oaks Estates"; N½ NW¼ of Section 33, Township 131N, Range 37W, Parkers Prairie Township; non-shoreland.

Motion by Froemming, second by Mosher, and unanimously carried to approve the Final Plat known as "Sunnybend First Addition", which is a 1 lot subdivision in section 36 of Maine Township; Otter Tail River.

Closed to the Public

At 11:52 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners closed to the public for the purpose of evaluating the performance of Physical Plant Manger, Rick Sytsma, 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.

Recess & Reconvene

At 12:15 p.m., upon conclusion of the performance evaluation, Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:02 p.m.

Draft Environmental Impact Statement for Blue Heron Bay

Land & Resource Director, Bill Kalar, presented a revised Executive Summary for the Draft EIS for Blue Heron Bay dated June 27, 2006. He also submitted the Draft Environmental Impact Statement for Blue Heron Bay on Dead Lake dated June 2006. Steve Menden, Wenck and Associates Consultant, presented a power point presentation to brief the County Board on the Draft EIS.

RESOLUTION NO. 2006 - 50

OTTER TAIL COUNTY STATE OF MINNESOTA

Commissioner Nelson offered the following and moved its adoption:

A RESOLUTION ADOPTING RELEASE OF THE BLUE HERON BAY DEVELOPMENT – DEAD LAKE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) FOR PUBLIC COMMENT

WHEREAS, Otter Tail County has prepared a Draft Environmental Impact Statement (Draft EIS) for a proposed residential development (Project) on a 257-acre parcel consisting of a large peninsula, a small peninsula and an island located on Dead Lake in Otter Tail County, MN. Blue Heron Bay Land Company LLC (Developer) proposes to build a residential development on the parcel in Dead Lake Township. The project is located in Otter Tail County, Dead Lake Township in Sections 19, 20, 29, 30, Township 135N Range 40W. (Project Area); and

WHEREAS, Otter Tail County is the Responsible Governmental Unit (RGU) for review and decision making relative to the proposed Project under Minnesota Rules Chapter 4410.2000, Subp. 3B; and

WHEREAS, On April 1, 2003, the Otter Tail County Board of Commissioners formally adopted and signed a negative determination as to the need for completing an EIS. On February 1, 2005, the Minnesota Court of appeals remanded the matter back to the County for preparation of an EIS. The Otter Tail County Board of Commissioners issued a draft scoping decision document (County Board Resolution #2005-53), pursuant to Minnesota Rule 4410.2000, subp. 3B. The availability of the draft environmental impact statement will be noticed in the Environmental Quality Board (EQB) Monitor on July 3, 2006, for a 30-day comment period. The county will hold a public meeting on August 1, 2006, with comments received through August 15, 2006; and

WHEREAS, technical analyses and preparation of a DEIS document has been completed consistent with the requirements of the Final Scoping Decision Document.

NOW, THEREFORE, BE IT RESOLVED, by the Otter Tail County Board of the State of Minnesota:

1. Accepts the DEIS for release for public review and comment.
2. Authorizes release of a "Notice of DEIS for Public Review" relating to the Blue Heron Bay – Dead Lake Development, for publication in the EQB Monitor and through local press releases.
3. Authorizes holding a public information meeting to provide an opportunity for the public to obtain information on the DEIS and to provide comments on the project and DEIS findings.

Commissioner Lee seconded the motion, and upon being put to vote, the above resolution was adopted on a unanimous vote.

Duly adopted this 27th day of June, 2006, in Fergus Falls, Minnesota.

Otter Tail County Board of Commissioners
Otter Tail County, Minnesota

ATTEST:

/s/
Larry Krohn
County Board Clerk

/s/
Roger Froemming
Otter Tail County Board Chair

Commissioner Bob Block was absent at 2:02 p.m.

Wind Energy Project

John Ihle, Plain States Energy, submitted information regarding a wind project, owned by Minnesota residents, that would be constructed partially in Otter Tail County. He requested a letter of support from the Board.

Support for a Wind Project
Otter Tail County Resolution No. 2006 - 52

Commissioner Nelson offered the following and moved its adoption:

WHEREAS, agriculture and energy are a major and integral part of Otter Tail County's and State of Minnesota's economic security, and

WHEREAS, the Minnesota State Legislature has directed electric utility's providing service in Minnesota to facilitate locally owned wind energy projects, and

WHEREAS, Otter Tail County recognizes that wind energy projects can and should play a larger role in providing energy through locally generated wind projects, and

WHEREAS, Otter Tail County wind projects will contribute economically to Otter Tail County by way of property tax payments, land lease payments, local ownership and ancillary benefits, and

WHEREAS, localized wind energy projects support economic development, and

WHEREAS, wind energy development within the State lessens the State of Minnesota's dependence on the importation of electricity from North Dakota and Manitoba, and

WHEREAS, wind energy projects mitigate pollution generated by fossil fuel, and

WHEREAS, the mitigation of pollution supports recreational activities such as fishing, hunting, and other outdoor activities, and

WHEREAS, PlainStates Energy has proposed a project consisting of 30 MW of wind generated electricity, and

WHEREAS, the wind project will sell the wind generated electricity to Minnesota Power, and

WHEREAS, the wind project is currently known as the Bear Creek Wind Energy Project, and

WHEREAS, the project is located primarily in Woodside and Oak Valley Townships in Otter Tail County.

BE IT RESOLVED, that Otter Tail County Board of Commissioners go publicly on record supporting the wind project in Otter Tail County, being developed by Plain States Energy.

Commissioner Lee seconded the motion, and upon being put to vote, the above resolution was adopted on a unanimous vote.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

Barlow Settlement Agreement

Solid Waste Director, Mike Hanan, discussed the settlement agreement with the Barlow Group relative to the Perham Resource Recovery Facility. He presented a letter explaining the situation. Mr. Hanan will draft a letter to the City of Perham and return to the County Board at the next regular meeting.

Human Services Budget & Staffing Discussion

Human Services Director, John Dinsmore, and Supervisor, Brad Vold, presented preliminary 2007 Human Services Budget figures and requested permission to fill a vacant Human Services Child Protection Social Worker position as a full-time, regular position, instead of the previously approved temporary position. Motion by Nelson, second by Mosher, and unanimously carried to authorize the Human Services Director to hire a full time, regular Child Protection Social Worker in place of the previously approved temporary position.

Reclassification Approved

Motion by Lee, second by Mosher, and unanimously carried to authorize reclassification of the following positions in the Sheriff's Department: Civil Process/Accounts Technician, Administrative Assistant/Office Manager, Records Supervisor, Records Technician/Receptionist, and Records Technician/Legal Processing.

License Applications

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

| | |
|---|---|
| Steven Heidenson Battle View Landing Henning, MN 56551 | On-Sale Wine On/Off-Sale 3.2 Malt Liquor |
| *Big Pine Lodge 43606 Mosquito Heights Road Perham, MN 56573 | Consumption and Display Permit On-Off-Sale 3.2 Malt Liquor |
| Birchwood Golf Course 19711 430 th St Pelican Rapids, MN | On/Off-Sale 3.2 Malt Liquor |
| *Madsen's Resort Battle Lake, MN 56515 | On/Off Sale 3.2 Malt Liquor |
| Nanson, Inc. Elmer's Authentic Texas BarBQ Battle Lake, MN 56515 | On-Sale Liquor and Sunday Liquor |
| **Lynn J. Johnson Vacation Land Resort Battle Lake, MN 56515 | On/Off-Sale 3.2 Malt Liquor |

*Subject to the approval of the County Attorney's office, the County Sheriff's office, and the submission of the required application and fees.

**Subject to the approval of the County Attorney's office, the County Sheriff's office, and the submission of the required application.

Credit Card Application

Motion by Mosher, second by Froemming, and unanimously carried to approve the following application for an Otter Tail County Credit Card:

Jody Lynn Dahlen Human Services \$500.00 Limit

Adjournment

At 3:09 p.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Wednesday, July 5, 2006.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

CB/kd

6/27/2006
 12:04:39

OTTER TAIL COUNTY AUDITOR
 PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66
 WARRANTS FOR PUBLICATION PAGE 1

WARRANTS APPROVED ON 6/27/2006 FOR PAYMENT 6/27/2006

| VENDOR NAME | AMOUNT |
|--------------------------------|----------|
| A'VIANDS LLC | 5,190.79 |
| ADVANCED BAR CODE SOLUTIONS IN | 270.11 |
| ALL CREATURES VET HOSPITAL | 591.75 |
| AMERICAN INSTITUTIONAL SUPPLY | 159.95 |
| AMERICAN SOLUTIONS FOR BUSINES | 462.00 |
| APPLIED CONCEPTS INC | 199.00 |
| AUTO VALUE FERGUS FALLS | 16.66 |
| BARRETT EMS TRAINING | 1,775.00 |
| BEXAR CO FORENSIC SCIENCE CENT | 1,298.00 |
| BOB BARKER COMPANY INC | 96.68 |
| BOUND TREE MEDICAL LLC | 55.98 |
| BRANDON COMMUNICATIONS INC | 747.95 |
| BRIGGS CORPORATION | 60.34 |
| CITIZENS ADVOCATE | 144.00 |
| CLEMENT COMMUNICATIONS INC | 305.81 |
| COOPERS TECHNOLOGY GROUP | 63.57 |
| DACOTAH PAPER COMPANY | 73.71 |
| DENZEL'S REGION WASTE INC | 170.82 |
| DEX MEDIA EAST | 19.40 |
| DISABLED AMERICAN VETERANS CHA | 100.00 |
| FERGUS ELECTRIC | 791.93 |
| FERGUS FALLS MEDICAL GROUP | 5,807.30 |
| CITY FERGUS FALLS | 3,682.43 |
| FERGUS TIRE CENTER | 15.00 |
| FERRELLGAS | 164.01 |
| GODFATHERS EXTERMINATING INC | 122.48 |
| GR GRAPHICS INC ST LOUIS | 217.64 |
| HALL GMC INC | 932.62 |
| HEDAHL'S HEADQUARTERS | 5.40 |
| STEVE HENDRICKX | 40.00 |
| INSIGHT PUBLIC SECTOR | 42.00 |
| KELLY SERVICES INC | 1,434.48 |
| LAKE REGION HEALTHCARE CORP | 743.35 |
| LARRY OTT INC TRUCK SERVICE | 315.00 |
| LAWSON PRODUCTS INC | 119.29 |
| ERIC LIEN | 5.93 |
| MID-CENTRAL EQUIPMENT INC | 26.03 |
| MN CO INSURANCE TRUST | 365.00 |
| MN MOTOR COMPANY | 479.21 |
| MN STATE BAR ASSOCIATION | 649.00 |
| MN WEIGHTS AND MEASURES | 45.00 |
| MODU FORM INC | 473.73 |
| NORTHSTAR TECHNOLOGY GROUP INC | 1,523.02 |
| NORTHWEST DIVERS | 49.32 |
| OFFICEMAX CONTRACT INC | 8.03 |
| ORANGE TREE EMPLOYMENT SCREENI | 96.00 |
| OTTER TAIL CO TREASURER | 275.00 |
| OTTERTAIL TRUCKING INC | 6,667.40 |
| PAMIDA PHARMACY | 7,081.74 |

6/27/2006 12:04:39 OTTER TAIL COUNTY AUDITOR
PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66
WARRANTS FOR PUBLICATION PAGE 2

WARRANTS APPROVED ON 6/27/2006 FOR PAYMENT 6/27/2006

| VENDOR NAME | AMOUNT |
|--------------------------------|-----------|
| PERHAM MEMORIAL HOSPITAL & HOM | 30.00 |
| PITNEY BOWES | 161.85 |
| RICK LEITCH BACKHOE SRVC & PJ | 1,596.50 |
| ROYAL TIRE INC | 25.20 |
| STREICHERS | 766.80 |
| TASER INTERNATIONAL | 160.00 |
| TOUTGES SANITATION | 49.14 |
| TRANQUILITY BUILDING SERVICES | 452.63 |
| TRI STAR RECYCLING | 3,591.00 |
| VICTOR LUNDEEN COMPANY | 284.83 |
| WACCO | 500.00 |
| THE WALL STREET JOURNAL | 468.00 |
| WALLWORK TRUCK CENTER | 2,556.00 |
| WALTERS PHOTOGRAPHY | 36.93 |
| WENCK ASSOCIATES INC | 12,435.02 |
| WEST PAYMENT CENTER | 2,081.95 |
| WESTBY LAWN CARE | 100.00 |
| SHARON WICKLUND | 44.51 |
| ZIEGLER INC | 7,156.80 |
| 4-H PLAT BOOK PROJECT | 1,675.00 |

**** FINAL TOTAL..... \$78,151.02 ****