

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS**
Government Services Center, Commissioners' Room
500 W. Fir Avenue, Fergus Falls, MN
Tuesday, July 15, 2008
9:30 a.m.

Call to Order

The Otter Tail County Human Services Board convened Tuesday, July 15, 2008, at 9:34 a.m. at the Otter Tail County Government Services Center with Commissioners Syd Nelson, Chair; Everett Erickson, Vice-Chair; Bob Block, Roger Froemming and Dennis Mosher present.

Approval of Agenda

Motion by Froemming, second by Mosher, and unanimously carried to approve the Human Services Board agenda of July 15, 2008, with the following change:

Human Services Labor Management Committee Update – Postponed

Approval of Minutes

Motion by Block, second by Froemming, and unanimously carried to approve the Human Services Board minutes of June 24, 2008, as presented.

Public Health Department

MDH Master Grant Contract:

Motion by Block, second by Froemming, and unanimously carried to authorize the appropriate County officials' signatures to execute the Minnesota Department of Health Master Grant Contract for Community Health Boards between MDH and Otter Tail County for the period of January 1, 2009 through December 31, 2013. The contract states the terms and conditions for Public Health grant programs.

Emergency Preparedness & Pandemic Flu:

Motion by Block, second by Erickson, and unanimously carried to authorize the appropriate County officials' signatures to execute a Grant Project Agreement Amendment between the MDH and Otter Tail County which authorizes an extension for unspent grant funds for emergency preparedness from August 9, 2008 to October 31, 2008.

Environmental Specialty:

Public Health Director, Diane Thorson, reported that there have been an increasing number of environmental issues, i.e. mold problems, in Otter Tail County. She requested authority to hire a Sanitarian from Douglas County when specific environmental issues need to be investigated. Motion by Block, second by Froemming, and unanimously carried to authorize the Public Health Director to contract for Sanitarian time, at the rate of \$29.39 per hour plus mileage, from Douglas County. This motion is applicable until December 31, 2008, at which time the use of the Sanitarian time shall be re-evaluated by the Board of Commissioners.

Safe Communities Grant:

Ms. Thorson reported that the Public Health Department has received the Safe Communities Grant from the Minnesota Office of Traffic Safety, in the amount of \$22,000.00 with \$7,000.00 allocated for time spent with traffic issues related to alcohol abuse, seat belt usage, and impaired drivers.

Human Services Department

Quarterly Fiscal Report:

Human Services Director, John Dinsmore, presented the Human Services fiscal report through June 30, 2008. He reviewed areas where expenses will likely exceed what has been budgeted including chemical dependency, sex offender hold orders, and public defender expenses.

Human Services Contracts:

Motion by Froemming, second by Erickson, and unanimously carried to authorize the appropriate County officials' signatures to renew the following Human Services Contracts:

Agency	Program	Effective Date	Targeted Population	Funding Source
Mill Street Residence Fergus Falls	Residential Services/ Assisted Living	Contract Period 07-01-08 through 06-30-09	Elderly	The total amount to be paid for such purchased services shall not exceed the OTC approved Rate
Nelson House New York Mills	Residential Services/ Assisted Living	Contract Period 07-01-08 through 06-30-09	Elderly	The total amount to be paid for such purchased services shall not exceed the OTC approved Rate
Our Home Your Home, Henning	Residential Services/ Assisted Living	Contract Period 07-01-08 through 06-30-09	Elderly	The total amount to be paid for such purchased services shall not exceed the OTC approved Rate
Valkommen-Hem Inn Fergus Falls	Residential Services/ Assisted Living	Contract Period 07-01-08 through 06-30-09	Elderly	The total amount to be paid for such purchased services shall not exceed the OTC approved Rate
Tender Hearts Home Care, New York Mills	Residential Services/ Assisted Living	Contract Period 07-01-08 through 06-30-09	Elderly	The total amount to be paid for such purchased services shall not exceed the OTC approved Rate
New Dimensions Home Health Care, Inc., Fergus Falls	Assisted Living	Contract Period 07-01-08 through 06-30-09	Elderly`	The total amount to be paid for such purchased services shall not exceed the OTC approved Rate
Lakewood Health System Home Care & Hospice, Staples	Assisted Living	Contract Period 07-01-08 through 06-30-09	Elderly`	The total amount to be paid for such purchased services shall not exceed the OTC approved Rate
Vikingland Home Health, Inc., Alexandria	Assisted Living	Contract Period 07-01-08 through 06-30-09	Elderly`	The total amount to be paid for such purchased services shall not exceed the OTC approved Rate
Coleen Houge Underwood	Residential Services/Home Plus/Foster Care Services	Contract Period 07-01-08 through 06-30-09	Elderly and/or Disabled	AC/EW/CADI or TBI Waivered Funds
MN Department of Commerce and County of Otter Tail	Home Energy Assistance Services	Contract Period 10-01-08 through 09-30-09	OTC Low Income Residents	State of Minnesota

Foster Care Licensing:

The Human Services Director provided a proposal (draft) for an Otter Tail County Human Services Foster Care Licensing and Background Study Fee Policy. He requested that commissioners review the policy and discussion regarding approval and implementation will take place at the next regular Human Services meeting.

OTTER TAIL COUNTY RESOLUTION #2008-48

WHEREAS, since the State takeover of the Court system, the State has provided Court-appointed counsel in Children in Need of Protection or Services (CHIPS) and Termination of Parental Rights (TPR) cases; and

WHEREAS, due to recent budgetary cuts by the State, the Public Defenders Office is declining to represent parties in CHIPS and TPR proceedings, other than children over ten years of age; and

WHEREAS, the County budgeted no funds in 2008 for such appointments; and

WHEREAS, the Court may well order the County to pay for such appointments, and the County recognizes that it is necessary that such appointments need to be made in appropriate cases; and

WHEREAS, the County is prepared to amend its 2008 budget to allow for the payment for some contract attorneys to provide the services; and

WHEREAS, this constitutes one of a number of cost shifts from the State to the counties without commensurate funding, and is being implemented at the same time that the State is placing levy limits on the counties' ability to fund such costs; and

WHEREAS, the County does not concede that it has a legal obligation to fund these Court-appointed attorneys, but is willing to do so on a temporary, interim basis, to meet the needs of citizens which the State is failing to provide.

NOW, THEREFORE, IT IS HEREBY RESOLVED that Otter Tail County will authorize an additional \$25,000.00 for 2008 to be used to obtain contract attorneys to provide representation in appropriate CHIPS and TPR cases.

BE IT FURTHER RESOLVED that while Otter Tail County is willing to work with the Courts to provide for the funding of Court-appointed counsel in CHIPS and TPR cases, it does so without acknowledging its legal obligation to do so, and will continue to cooperate with the Courts on a temporary interim basis.

The above resolution came before the Otter Tail County Board of Commissioners on the 15th day of July 2008, upon the motion of Commissioner Mosher, seconded by Commissioner Erickson and passed upon a 5-0 vote.

OTTER TAIL COUNTY

By _____
Sydney Nelson, Chairman
Board of Commissioners

ATTEST:

Larry Krohn, Clerk

Memorandum of Understanding

Motion by Froemming, second by Block, and unanimously carried to authorize the Chairman's signature to execute the Otter Tail County Family Dependency Treatment Court Memorandum of Understanding which identifies the responsibilities of each party as they relate to the appointment of attorneys representing parents involved in Child in Need of Protection and Services and Termination of Parental rights. The MOU will be effective from July 15, 2008 through December 31, 2008.

Approval to Pay Bills & Claims

Motion by Erickson, second by Block, and unanimously carried to approve payment of the Human Services bills and claims as presented.

Adjournment

At 10:29 a.m., Chairman Nelson declared the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, July 29, 2008.

Dated: _____ OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____
Syd Nelson, Human Services Board Chair

Attest: _____
Larry Krohn, Clerk

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, July 15, 2008, at 11:00 a.m., at the Otter Tail County Government Services Center with Commissioners Syd Nelson, Chair; Everett Erickson, Vice-Chair, Bob Block, Roger Froemming, and Dennis Mosher present.

Approval of Agenda

Motion by Froemming, second by Mosher, and unanimously carried to approve the County Board agenda of July 15, 2008, with the following additions:

HRA Board Appointment
August 19, 2008, BOC Meeting Location
Auditor's Agenda Items

Approval of Minutes

Motion by Block, second by Erickson, and unanimously carried to approve the County Board minutes of July 8, 2008, as presented.

Approval to Pay Bills

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

Planning Commission Recommendations

Conditional Use Permit – David & Deanna Kollar:

Motion by Mosher, second by Froemming, and unanimously carried to approve a Conditional Use Permit to erect a Wind Turbine as presented. The property is described as SW1/4 NW1/4 ex tr & Lot 1 ex ry (46.26 AC), Section 18 of Dane Prairie Township; Chautauqua Lake (56-780), NE.

Conditional Use Permit – Norman L. & Jocelyn L. Westby:

Motion by Erickson, second by Block, and unanimously carried to approve a Conditional Use Permit to operate an adult group home as presented. The property is described as Lot 3 & that pt of Lot 4, Crystal Hills 1st Addition & pt of Tract 23 ... Crystal Hills 7th Addn (1.20 AC) parcels #1174-002 & #630 not to be split, Section 2 of Lida Township; Crystal Lake (56-749), RD.

Preliminary Plat – “Pelican Point First Addition”/Pelican Point Association:

Motion by Erickson, second by Mosher, and unanimously carried to approve the Preliminary Plat entitled “Pelican Point First Addition” with conditions as recommended by the Planning Commission. The property is described as Easterly Lots 6 & 7, the westerly Lots 3 – 7, Lots 8 – 35 & pt of Lot 36, Blk 2 Pelican Point & pt of Lot 6, 7 & 8, Section 4 of Dunn Township; Pelican Lake (56-786), GD.

Preliminary Plat & Conditional Use Permit – “Deutsch Addition”/Katheryn E. Deutsch Trust:

Motion by Mosher, second by Froemming and unanimously carried to approve the Preliminary Plat entitled “Deutsch Addition” and a Conditional Use Permit for construction of the road as presented in the revised plan dated June 3, 2008, and subject to conditions as recommended by the Planning Commission. The project is located at the NW1/4 SW1/4 & GL 4 ex trs (Doc #1029747), Section 11 of Clitherall Township; Clitherall Lake (56-238), RD.

Conditional Use Permit – “Elmer’s Texas Bar-B-Que”/Matmar Properties, LLP:

Motion by Froemming, second by Erickson, and unanimously carried to approve a Conditional Use Permit to add a facility to accommodate special occasions/parties with a condition as recommended by the Planning Commission. The property is described as Pt NW1/4 NW1/4, (4.67 AC), Section 6 of Girard Township; Blanche Creek (56-TR), Tributary.

Conditional Use Permit Modification – Kevin & Mick Moore, Swan Lake:

Motion by Mosher, second by Block, and unanimously carried to approve a modification to the CUP application for Kevin & Mick Moore to revise the condition that all surface water runoff to the lake is “slowed” rather than diverted and to include that the Land & Resource Management office must approve the revised plan as recommended by the Planning Commission. The property is located on Swan Lake (56-781).

HRA Appointment

Motion by Mosher, second by Block, and unanimously carried to appoint Scott Rocholl, Underwood, MN, to the Fergus Falls Housing and Redevelopment Association effective August 1, 2008 to take the place of Nelvin Thormodson.

Board of Commissioners’ Meeting Location Changed

Motion by Froemming, second by Erickson, and unanimously carried to change the location of the Board of Commissioners meeting on August 19, 2008, from the Government Services Center in Fergus Falls to the Courtroom in the New York Mills county offices. This change is being made to facilitate commissioners’ attendance to the New York Mills employee picnic.

Recess

At 11:30 a.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners recessed for a committee meeting and lunch break.

Reconvene

At 1:16 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners reconvened for the remainder of the agenda items.

UNMANNED AERIAL VEHICLE
Otter Tail County Resolution No. 2008 - 49

WHEREAS, the County of Otter Tail could use a mobile camera flying with orthorectified photography technology for many applications including addressing, ditch assessments, help in computerization of records, parceling, assistance in matters to protect the loss of life, and data research; and

WHEREAS, the County of Otter Tail contacted the regional Federal Aviation Administration (FAA) in 2006 and received information that an Unmanned Aerial Vehicle (U.A.V.) described as weighing 6 lbs with a wingspan of 8 ft. and consisting of balsa/foam construction similar to remote control hobby planes, could be flown in Otter Tail County; and

WHEREAS, the County of Otter Tail, after receipt of said information, purchased a U.A.V; and

WHEREAS, the County of Otter Tail has hired Crop Cam to provide the needed training to operate such a U.A.V; and

WHEREAS, the County of Otter Tail has established the Missions of the U.A.V. Program; and

WHEREAS, the County of Otter Tail has established the Medical requirements for flying the U.A.V; and

WHEREAS, the County of Otter Tail has determined the Airworthiness of said U.A.V; and determined the continuing Airworthiness program for said U.A.V; and

WHEREAS, the County of Otter Tail has determined the Pilot and Observer Qualifications for said U.A.V; and

WHEREAS, it is assumed that all public aircraft comply with processes and policies established by the public entity.

NOW, THEREFORE, BE IT RESOLVED, that the County of Otter Tail adopts the U.A.V. Missions, Operating Pilot and Observation Training & Qualifications, Medical Requirements, Airworthiness Guidelines, Continuing Airworthiness programs and procedures as presented by the G.I.S. Department in charge of the U.A.V. operations in Otter Tail County.

The above resolution came before the Otter Tail County Board of Commissioners on the 15th day of July 2008, upon the motion of Commissioner Block, seconded by Commissioner Erickson, and passed upon a 5 – 0 vote.

OTTER TAIL COUNTY

By _____
Syd Nelson, Chairman
Board of Commissioners

ATTEST:

Larry Krohn, Clerk

Commissioner Froemming left the meeting at 1:25 p.m. to attend a Highway road meeting and returned at 2:30 p.m.

Wind Energy Project Update

Project Resources Corporation President, Paul White, and other company officials briefed the Board regarding the Lakeswind Project. This is a wind energy project with turbines located in the northwest part of Otter Tail County, Clay County and Becker County.

Feedlot Program Delegation Discussion

MPCA Feedlot Unit Supervisor, Mark Jacobs, and Detroit Lakes Feedlot Officer, Mike Sharp, submitted a handout entitled Otter Tail County Feedlot Delegation dated 7/15/08. Mr. Jacobs reviewed the funding available from the State if the County becomes a feedlot delegated county. The grant would be based on the number of funding-eligible feedlots in Otter Tail County and the County

must match their feedlot grant with in-kind/cash funds that are, at a minimum, 70% of the base grant award. Lengthy discussion took place regarding required work plans and the registration and permitting process. WOTSWCD Director, Brad Mergens, asked about flexibility in the annual work plans and required timelines if there are issues that need to be resolved on a farm. Mr. Sharp stated that 7% inspections per year is a minimum program requirement; however, education is encouraged and the CFO would be encouraged to work with the farmer in resolving issues. Workload and the number of feedlot officers and/or support staff that would be needed were discussed. Ag Advisory Committee members encouraged the County to move forward with a local program and cited reasons why Otter Tail County would benefit. Motion by Block, second by Erickson and carried, with Mosher abstaining, to pursue Otter Tail County Feedlot Program Delegation by reviewing 7020 rules, determining which department the program should be placed in, and determine if the budget can be provided under the current levy limit laws.

Tornado Emergencies

GSC Employee, Joyce Thompson, read a letter for the record regarding the failure of an adequate emergency warning system at the Government Services Center. Commissioners directed the Executive Safety Steering Committee to address the concerns.

Certificate of Substantial Completion

Motion by Erickson, second by Block, and unanimously carried to approve the Certificate of Substantial Completion for the Ottertail Operations Center, Project No. 0603.

Payment Approvals

Motion by Block, second by Erickson, and unanimously carried to approve payment, in the amount of \$2,053.32, from the construction fund for the following Ottertail Operations Center expenditure:

Insight Invoice No. 1100037059 Dated 06/27/2008 Two InFocus Work Big IN35-DLP Projects

Motion by Erickson, second by Mosher, and unanimously carried to approve payment, in the amount of \$54,092, from the construction fund for the following Ottertail Operation Center expenditure:

MARCO Invoice No. INV226455 Dated 06/26/2008 Security System (Equipment and Labor)

Motion by Block, second by Froemming, and unanimously carried to approve payment, in the amount of \$5,600.00, from the Capital Improvement Fund and to approve payment, in the amount of \$1,216.00, from the construction fund to Shultz and Associates, LTD for the following:

Invoice No. 2099	Dated 06/27/2008	0603 Ottertail Operations Center	
		- Construction Administration	\$3,100.00
		- LEED Administration	\$2,500.00
Invoice No. 2108	Dated 06/27/2008	0804 OTC Courthouse Planning	<u>\$1,216.00</u>
		Total	<u>\$6,816.00</u>

Motion by Froemming, second by Block, and unanimously carried to approve payment, in the amount of \$89,236.20, from the construction fund to Comstock Construction, Inc. of Fergus Falls, for the Ottertail Operations Center as detailed in Payment Request No. 13.

Motion by Mosher, second by Erickson, and unanimously carried to approve payment, in the amount of \$30,167.00, from the construction fund to Pro Landscapers, LLC. for landscaping at the Ottertail Operations Center.

Motion by Erickson, second by Froemming, and unanimously carried to approve payment, in the amount of \$15,507.00, from the Capital Improvement Fund to Comstock Construction, Inc. of Fergus Falls for the following expenditure:

Contract F26409	Concrete Replacement @ 505 Court Street	\$15,507.00
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License Application

Vergas 1 Stop
32021 County Highway No. 4
Vergas, MN
(Subject to the approval of the County Attorney and County Sheriff.)

Tobacco
Off-Sale 3.2 Malt Liquor

Adjournment

At 3:22 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, July 22, 2008.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Syd Nelson, Board of Commissioners Chair

Attest: _____

Larry Krohn, Clerk

CB/kd

WARRANTS APPROVED ON 7/15/2008 FOR PAYMENT

VENDOR NAME	AMOUNT
BATTLE LAKE AUTO PARTS	142.02
BRAUN VENDING INC	27.44
CANADIAN PACIFIC RAILWAY COMPA	1,019.50
CONSTRUCTION BULLETIN	209.00
CULLIGAN WATER COND	52.37
CULLIGAN WATER CONDITIONING	10.65
EVERGREEN EQUIPMENT INC	1,820.16
EVERTS LUMBER CO	559.04
FARMERS CO OP OIL ASSN	1,633.98
FARNAM'S GENUINE PARTS INC	308.10
FERGUS TIRE CENTER	108.25
HEDAHL'S HEADQUARTERS	4.13
HENNING AUTO PARTS INC	152.62
HENNING HARDWARE	69.23
HOUSTON ENGINEERING INC	12,528.75
KRIS ENGINEERING INC	1,452.72
LAKEWAY MARKET LLC	1,779.36
LOCATORS & SUPPLIES INC	732.12
M-R SIGN COMPANY INC.	480.40
MARCO	676.00
MN MOTOR COMPANY	905.02
MN STATE AUDITOR	5,130.50
NAPA OF PERHAM	33.50
NAPA STANDARD PARTS OF WADENA	195.46
NELSON AUTO CENTER	1,112.63
OTTER TAIL CO TREASURER	925.75
PARK REGION CO OP	87.54
PENROSE OIL COMPANY	1,380.59
PERHAM CO OP CREAMERY	739.30
PRO AG FARMERS CO OP	2,443.65
RILEY BROS CONSTRUCTION INC	9,339.45
RIVER BEND INDUSTRIES	198.02
RON JENSEN ELECTRIC	2,883.16
SIGELMAN STEEL & RECYCLING INC	48.35
STRAND HARDWARE & RADIO SHACK	122.68
SWANSTON EQUIPMENT CORP	4,452.02
TRUCK BODIES & EQUIP INTERNATI	385,133.84
UAP DISTRIBUTION INC	33,412.64
VERGAS ACE HARDWARE	85.96
VERGAS 66	1,771.04
WALLWORK TRUCK CENTER	148.14

FINAL TOTAL..... \$474,315.08 ***