

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 W. Fir Avenue, Fergus Falls, MN
Tuesday, April 7, 2009
9:15 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, April 7, 2009, at 9:16 a.m., at the Otter Tail County Government Services Center in Fergus Falls, MN, with Commissioners Roger Froemming, Vice-Chair; Doug Huebsch and Lee Rogness present. Chairman Everett Erickson and Commissioner John Lindquist were present at 9:25 a.m. due to attendance at a Personnel Committee meeting.

Approval of Agenda

Motion by Huebsch, second by Rogness, and unanimously carried to approve the Human Services Board agenda of April 7, 2009 with the following change:

Probation Director Agenda Items Canceled and
Replaced with County Ditch No. 50 Discussion

Approval of Minutes

Motion by Froemming, second by Huebsch, and unanimously carried to approve the Human Services Board meeting minutes of March 24, 2009, as presented.

Committee of the Whole Discussion

Discussion took place regarding: 1) upcoming Extension Committee meeting and relative discussion on the proposed Feedlot and Ag positions, 2) Emergency Management/Safety Director position which will be vacant in May of 2009.

County Ditch No. 50

Ditch Inspector, Randy Wasvick, reported that a cart trail on 210th Street which is used by school busses has been washed out. Orwell Township has requested permission to replace the old pipe that is rotted to fix the problem. Motion by Rogness, second by Lindquist, and unanimously carried to authorize Orwell Township to replace the same size culvert (36") under the cart way on 210th Street at the same elevation. Expenses will be paid by the Township.

Human Services Department

Legislative Update:

Human Services Director, John Dinsmore, submitted the Minnesota Association of County Social Service Administrators Legislative Update dated March 27, 2009. As the legislative session proceeds, bill proposals are continually changing and final results will not be known until the end of the session. Mr. Dinsmore briefed the Board on the MACSSA alternative proposal to the Governor's proposal which regionalizes delivery of Human Services and creates 15 regions based on population. The MACSSA proposal replaces regionalization with voluntary collaboration throughout counties based on results and performance goals rather than population.

2008 Annual Report:

Mr. Dinsmore submitted the "Otter Tail County Human Service Department 2008 Annual Report" and briefed the Board on various statistics. Mr. Dinsmore discussed a potential population and age shift in Otter Tail County over the next twenty years, increased unemployment, poverty, and cost of medical care. During CY2007, total Human Services dollars spent in Otter Tail County was reported as

\$92,891,685 compared to \$8,587,114,817 statewide. Of the \$92,891,685 spent in Otter Tail County, \$56,171,821 was spent for people on medical programs, mostly for nursing homes and elderly costs.

**Otter Tail County Proclamation
Family Child Care Provider Week
May 4th – May 8th 2009
Otter Tail County Resolution No. 2009 - 17**

Commissioner Rogness offered the following resolution:

WHEREAS, Otter Tail County has over 140 licensed family child care providers; and

WHEREAS, Otter Tail County family child care providers serve approximately 1,500 children and their families; and

WHEREAS, children are Otter Tail County's most valuable asset and resource; and

WHEREAS, the care and education of Otter Tail County's children provided by licensed family child care givers is an invaluable occupation; and

WHEREAS, many Otter Tail County families choose child care outside their own home; and

WHEREAS, licensed family child care providers are highly competent, dedicated, caring, and concerned professionals.

NOW, THEREFORE, BE IT RESOLVED, That the Otter Tail County Board of Commissioners hereby proclaim the **week of May 4th – 8th 2009**, as Licensed Family Child Care Provider Week in Otter Tail County, in honor of its many licensed family child care providers, and asks the community to join in recognizing the valuable contributions these family child care providers make to our community

Commissioner Lindquist seconded the motion to adopt the above resolution, and upon being put to a vote, the resolution was unanimously adopted.

Adopted this 7TH day of April 2009

Dated: _____

OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____

Everett P. Erickson, Human Services Board Chair

Attest: _____

Larry Krohn, Clerk

**Child Abuse Prevention Proclamation
Otter Tail County Resolution No. 200 - 18**

Commissioner Froemming offered the following resolution:

WHEREAS, child abuse prevention is a community problem and finding solutions depends on involvement among people throughout the community;

WHEREAS, the effects of child abuse are felt by whole communities and need to be addressed by the entire community.

WHEREAS, effective child abuse prevention succeeds because of partnerships created between parents, practitioners, schools, faith communities, health care organizations, law enforcement agencies, and the business community;

WHEREAS, family-serving, youth-focused prevention programs offer positive alternatives for young people and encourage parents and youth to develop strong ties to their communities;

WHEREAS, all citizens need to be more aware of child abuse and neglect and its prevention within the community, and be involved in supporting parents to raise their children in a safe, nurturing society.

NOW, THEREFORE, BE IT RESOLVED, That the Otter Tail County Board of Commissioners hereby proclaim April 2009 as Child Abuse Prevention Month in Otter Tail County, and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in efforts to prevent child abuse and neglect, thereby strengthening the communities in which we live.

Commissioner Huebsch seconded the motion to adopt the above resolution, and upon being put to a vote, the resolution was unanimously adopted.

Adopted this 7TH day of April 2009

Dated: _____

OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____

Everett P. Erickson, Human Services Board Chair

Attest: _____

Larry Krohn, Clerk

Adjournment

At 10:20 a.m., Chairman Erickson declared the meeting of the Otter Tail County Human Services Board adjourned until 9:15 a.m. on Tuesday, April 14, 2009.

Dated: _____

OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____

Everett P. Erickson, Human Services Board Chair

Attest: _____

Larry Krohn, Clerk

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, April 7, 2009, at 11:00 a.m., at the Otter Tail County Government Services Center in Fergus Falls, MN, with Commissioners Everett Erickson, Chair; Roger Froemming, Vice-Chair; John Lindquist, Doug Huebsch and Lee Rogness present.

Approval of Agenda

Motion by Rogness, second by Froemming, and unanimously carried to approve the Board of Commissioners agenda of April 7, 2009, as presented.

Approval of Minutes

Motion by Froemming, second by Lindquist, and unanimously carried to approve the Board of Commissioners meeting minutes of March 24, 2009, as mailed.

Approval to Pay Bills

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

Wetland Conservation Act Exemption Request

County Attorney, David Hauser, began discussion regarding the WCA Exemption requests of David Stock. Mr. Hauser stated facts as follows: 1) the Technical Evaluation Panel determined that there was filling done in a wetland and that it is a violation, 2) the property owner is Charles Evenson, 3) a request for Exemption was made by letter (dated February 5, 2009) from H. Morrison Kershner on behalf of his client, David Stock, 4) Land & Resource Office Administrator, Bill Kalar, wrote a letter (dated February 24, 2009) denying the Exemption request under MN Rules, 5) the decision for the WCA Exemption must be made by the Local Government Unit, which is the County Board unless the Board had delegated the authority to staff, 6) Upon delegation of that authority to staff, an Appeals process should have been established, 7) no Appeals process had been established; therefore, a decision regarding the requested WCA Exemption must be made by the County Board, 8) this was scheduled on March 31, 2009; however, the meeting was re-set to April 7, 2009 because of a blizzard, 9) the primary consideration is whether a Minnesota Statute or Rule applies, with a second Exemption request depending on the factual question of the type of wetland involved, and a third Exemption resulting from maintenance and repair of an existing drainage system.

Mr. Hauser stated that there is a pending Restoration Order from a Conservation Officer to restore this wetland. He informed the Board that their decision needs to be based on whether the Statute applies in this case or the Rule, which is more restrictive. If the Board determines that the Rule applies, then a decision is required on whether this property is a Type 1, 2, or 3 wetland. If the property is a Type 3 wetland, does the maintenance and repair of existing drainage system Exemption apply.

Attorney, Josh Heggem, spoke on behalf of H. Morrison Kershner and his client, David Stock. First, he stated their position that the statute applies rather than the rule, but if the County Board determines that the rule applies, secondly, the property is not a Type 3 wetland, in which case exemption from the WCA is appropriate. The third part is exemption for maintaining drainage systems which isn't limited to type of wetland in either the statute or the rule.

David Stock, who farms the property provided a background of activities on the property, provided maps and pictures, and stated that the property meets the requirement for an exemption because the property has been farmed more than 6 out of the last 10 years prior to January 1, 1991. He handed out pictures of Type 1, 2, & 3 wetlands along with definitions provided by the DNR. Mr. Stock stated that the property is not a Type 3 wetland and if Type 3 wetland vegetation was found in the area, it could have been brought in from spoils when the County Road 1 project was completed.

WOTSWCD Manager and Technical Evaluation Panel member, Brad Mergens stated that the Tech Panel, as well as the State Board of Water & Soil Resources, have been trained on identifying and typing wetlands and made the designation of Type 3 wetland for this property. The USDA and the NRCS also independently, found this wetland to be a Type 3. He stated findings of wetland vegetation including bulrushes, canary grass, and cattails that are indicative of Type 3 wetlands. Mr. Heggem referred the group to Mr. Kershner's letter which addresses the issue of type of wetland and maintenance of an existing drainage system. Mr. Mergens addressed the issue of where the fill was

placed in the wetland and stated that this cannot be considered maintenance of the tile area. Lengthy discussion continued.

Motion by Lindquist, second by Froemming, and carried to deny the WCA Exemptions request of David Stock based upon the findings of the Otter Tail County Technical Evaluation Panel (document dated March 30, 2009). Chairman Erickson called for a roll call vote. Motion carried as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>
Commissioner Froemming	X		
Commissioner Lindquist	X		
Commissioner Huebsch	X		
Commissioner Rogness			X
Commissioner Erickson	X		

The record consists of:

- all materials presented to the Board by Mr. Kalar and the entire file from the Land & Resource Management Office
- a letter to John Lindquist from Jennifer Frank on behalf of David Stock which states Mr. Stock's position
- the Tech Panel's proposed Findings of Fact
- pending appeal to the State Board of Water and Soil Resources
- Memo from Bill Kalar dated March 24, 2009 that went to the County Board with Technical Evaluation Panel Findings of Fact
- Letter dated April 6, 2009 to the County Board from H. Morrison Kershner
- Various maps and pictures presented at today's meeting including pictures of Type 1, 2, & 3 wetlands
- 2007 Rainfall Statistics
- Booklet consisting of timeline of activity on the farm, certifications of acres planted, letter to Mr. Johnson of the Ag Department, photographs, and affidavits.

Recess & Reconvene

At 12:43 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:01 p.m.

County Ditch No. 16

Clitherall Lake Property Owners, Jeff Stabnow, Don Davenport and Lyman Trutna, submitted a memo dated April 7, 2009, with a request to remove cattails out of Ditch No. 16 and an update of the Houston Engineering Ditch 16 Proposal for Engineering Services. After lengthy discussion, motion by Huebsch, second by Lindquist, and carried with Froemming opposed, to deny the request to do work in Ditch 16 until an Engineering Study is completed. The redetermination of benefits needs to be accepted after the Ditch Viewers re-assess issues brought up at the recent Ditch 16 Public Hearing.

Highway Project Bid Awards

S.A.P. 56-622-07

Motion by Rogness, second by Huebsch, and unanimously carried to award the CSAH 22 Overlay Project to Central Specialties Inc. of Alexandria, MN as the low bidder at the bid price of \$1,098,985.51. The bids opened at 1:00 p.m. on March 18, 2009 were as follows:

Central Specialties, Inc. Alexandria, MN	\$1,098,985.51
Mark Sand & Gravel Co. Fergus Falls, MN	\$1,168,541.85

Knife River Corp. Bemidji, MN	\$1,265,068.19
Lakes Paving Division of Strata Detroit Lakes, MN	\$1,757,221.20

C.P. 09:128CU

Motion by Froemming, second by Lindquist, and unanimously carried to award the Box Culvert Replacement project on County Highway 128 on Balmoral Creek to Sunblad Construction, Inc. of Cokato, MN as the low bidder at the bid price of \$131,729.95. The bids opened at 1:00 p.m. on March 18, 2009 were as follows:

Sunblad Construction, Inc. Cokato, MN	\$131,729.89 (corrected bid - \$131,729.95)
Midwest Contracting, LLC Marshall, MN	\$137,085.00
Mark & Brenda Construction Db a Delzer Construction Fergus Falls, MN	\$147,202.80
Riley Bros. Construction, Inc. Morris, MN	\$146,023.90 (corrected bid - \$148,023.90)
Central Specialties, Inc. Alexandria, MN	\$149,899.10

2009 Seasonal Supplies

Motion by Froemming, second by Huebsch, and unanimously carried to approve the following purchases for 2009 Seasonal Supplies:

<u>Bituminous Material</u> Flint Hills Resources, LP St. Paul, MN	\$2.4990
<u>Hot Mix Bituminous (East)</u> Central Specialties, Inc. Alexandria, MN	\$205,880.00
Mark Sand & Gravel Co. Fergus Falls, MN	\$210,000.00
Wadena Asphalt, Inc. Wadena, MN	\$175,360.00
<u>Hot Mix Bituminous (West)</u> Central Specialties, Inc. Alexandria, MN	\$154,410.00
Mark Sand & Gravel Co. Fergus Falls, MN	\$157,500.00

<u>Hot Mix Bituminous (North)</u> Central Specialties, Inc. Alexandria, MN	\$154,410.00
Lakes Paving Division of Strata Detroit Lakes, MN	\$159,000.00
Mark Sand & Gravel Co. Fergus Falls, MN	\$157,500.00
<u>Signing Materials</u> Newman Signs, Inc. Jamestown, ND	\$57,308.63
<u>Winter Sand</u> Aggregate Industries-NCR Moorhead, MN	7.87/Ton (Delivery Location –Pelican Rapids & Erhard)
<u>Culverts</u> Johnston Fargo Culvert, Inc. St. Paul, MN	State Bid – Contract #434075 03/01/05 – 02/28/2010
<u>Herbicides</u> State Bid – Contract Pending	Recommend Purchase from State Bid

Flood Damage Documentation

Highway Engineer, Rick West, submitted a memo notifying Townships and Cities that Otter Tail County has started the process of requesting State and Federal financial assistance for flood damages.

LAKE OLAF DRAWDOWN PROJECT
OTTER TAIL COUNTY RESOLUTION #2009 - 16

Upon the motion of Commissioner Froemming, seconded by Commissioner Rogness, on a unanimous vote, 5 voting for and 0 voting against, the Otter Tail County Board of Commissioners adopted the NEGATIVE EIS DECLARATION, FINDINGS OF FACT, and CONCLUSIONS OF LAW AND ORDER in the matter of the decision of the need for an Environmental Impact Statement for the Otter Tail County Highway Department proposal for construction and operation of the Lake Olaf Drawdown Project near Pelican Rapids, in Otter Tail County, Minnesota, on the 7th day of April, 2009.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Everett P. Erickson, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

Johnson Lake Project

Motion by Lindquist, second Huebsch, and unanimously carried to authorize the appropriate County Officials' signatures to execute a contract between the County of Otter Tail and Feldt Plumbing, LP of Detroit Lakes, MN to continue pumping operations for 2009 for C.P. 05:12 outlet (Johnson Lake).

Appraiser Trainee

Assessor, Bob Moe reported that the current Appraiser Trainee has received his certified MN Assessor's License and is qualified to move to the Appraiser I position.

Green Acres Law (H.F. 392)

Mr. Moe stated that Green Acres Law (H.F. 392) was signed by the Governor. He briefed the Board on the changes.

License Application

Motion by Lindquist, second by Froemming, and unanimously carried to approve the following application for license:

Clear Lake Resort
12296 27th Ave
Dalton, MN 56324

Renewal of Consumption and Display Permit

Exempt Permit

Motion by Froemming, second by Huebsch, and unanimously carried, to approve with no waiting period, the LG220 Application for Exempt Permit as submitted by the Perham Sportsman's Club for an event scheduled on Thursday, May 8, 2009 at The Cactus.

Adjournment

At 2:16 p.m., a motion was offered by Rogness, seconded by Huebsch, and unanimously carried to adjourn the Otter Tail County Board of Commissioners meeting until Tuesday, April 14, 2009.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Everett P. Erickson, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

CB/kd

WARRANTS APPROVED ON 4/07/2009 FOR PAYMENT 4/07/2009

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A-1 ENGRAVING	59.64
A'VIANDS LLC	8,348.26
AMERICAN SOLUTIONS FOR BUSINES	2,121.86
AMERICAN TOWER CORPORATION	94.91
AMERICINN	821.54
AMERICINN FERGUS FALLS	321.50
CHERI ANDERSON	59.50
SCOTT ANDERSON	44.96
BACHMAN PRINTING COMPANIES	293.42
BEYER BODY SHOP INC	90.53
RONALD BOWMAN	7.87
BRANDON COMMUNICATIONS INC	755.79
DION BREDMAN	45.00
BRIGGS CORPORATION	74.94
BR31 US BEARINGS & DRIVES	98.64
WADE BUGBEE	52.65
BUY-MOR PARTS & SERVICE LLC	39.98
CAREER TRACK	695.00
CHARTER COMMUNICATIONS	65.56
CITIZENS ADVOCATE AND VERNDALE	39.75
CODE 4 SERVICES LLC	379.50
CONVERGENT SOLUTIONS GROUP LLC	14,396.91
COOPERS TECHNOLOGY GROUP	528.85
CULLIGAN WATER CONDITIONING	10.65
DICK'S STANDARD	56.00
MICHELLE ELDIEN	69.69
ENCOVER CONTRACT SERVICES	1,226.88
MICHAEL EULL	2,177.00
FERGUS FALLS DAILY JOURNAL	156.00
FERGUS FALLS MEDICAL GROUP	3,879.71
FERGUS FALLS POLICE DEPT	379.65
CITY FERGUS FALLS	2,971.51
GALL'S INC	946.57
GIRL SCOUT TROOP 30387	250.00
GODFATHERS EXTERMINATING INC	138.66
GOOD POINTE ZOOM	1,625.75
KAREN GORENTZ	300.00
DALLAS GREWE	77.42
KATHRYN HANSON	185.50
BRUCE HAUGRUD	197.00
HEALTHCARE ENVIRONMENTAL SERVI	58.20
HIGH PLAINS TECHNOLOGY	6,698.39
HITESMAN & ASSOCIATES PA	96.00
HOMWOOD SUITES BY HILTON	445.68
HOUSTON ENGINEERING INC	1,079.25
INNOVATIVE OFFICE SOLUTIONS	5,322.03
J J KELLER & ASSOCIATES INC	1,125.87
JACKPOT JUNCTION	615.48
JK SPORTS	173.40
JILL KLUCK	61.99
DARREN KUNZ 60.00	
LAKE REGION HEALTHCARE CORP	577.22
LAKELAND MENTAL HEALTH CENTER	155.00
PAT LARUM	68.88
LAWSON PRODUCTS INC	103.74
LITTLE BEAR TOWING	330.16
LOCATORS & SUPPLIES INC	264.34

MARCO	63.70
MARCO INC ST LOUIS	225.21
WENDY METCALF	42.59
MIDWESTERN MAT RENTAL & SUPPLY	79.72
MN CO ATTORNEYS ASSOCIATION	225.00
MN DEPT OF COMMERCE	375.00
MN HUMAN SERVICES	871.08
MN SHERIFFS' ASSOCIATION	75.00
ANNE MUELLER	8.50
NAPA FERGUS FALLS	32.63
NELSON AUTO CENTER	2,596.88
NELSON BROS PRINTING	111.83
NOLO	213.18
NORTHERN SAFETY TECHNOLOGY INC	571.11
OCTAVE SYSTEMS INC	619.00
OFFICEMAX INCORPORATED	119.89
OK TIRE STORES	253.98
OTTER TAIL CO EMPLOYEES COMMIT	1,208.00
OTTER TAIL CO TREASURER	2,097.47
OTTERTAIL TRUCKING INC	5,943.60
OVERHEAD DOOR CO OF FERGUS FAL	689.36
OVERHEAD DOOR DOCTOR	50.00
PAKOR INC	1,837.00
PAT'S POLYGRAPH SERVICE LLC	500.00
PELICAN RAPIDS PRESS	76.77
PETE'S BODY SHOP & TOWING	160.00
PIONEER RIM & WHEEL CO	325.75
PITNEY BOWES	486.41
POWER PLAN	190.96
PUBLIC SAFETY CENTER INC	199.61
QUILL CORPORATION	207.02
RAPID CHEK INC	867.00
RAY'S OIL COMPANY	2,957.46
RDO EQUIPMENT CO	1,544.25
ROYAL TIRE INC	462.89
SERVICE FOOD SUPER VALU	60.70
SEWER SERVICE	80.00
PAUL SIMENGAARD	104.74
SOUTHTOWN C-STORE	964.76
SHARON SPENCER	6.79
SRF CONSULTING GROUP INC	3,580.97
STADUM PLUMBING & GRAVEL LLP	400.00
STEVE SCHIERER APPRAISALS	600.00
STEVENS SOIL & WATER CONSERVAT	6,136.00
STREICHERS	524.61
RICKY SWANBERG	7.87
HEIDI TOSO	35.15
TRANQUILITY BUILDING SERVICES	452.63
UNIFORMS UNLIMITED	2,181.17
UNIVERSITY OF MN	195.00
VICTOR LUNDEEN COMPANY	2,131.86
VISION SOLUTIONS INC	30,579.99
WHITE BANNER UNIFORM SHOP	88.00
ZACK JONES & MAGNUS	4,093.54
3RD DISTRICT SHERIFF'S ASSOCIA	50.00
<u>**** FINAL TOTAL.....</u>	<u>\$139,881.81****</u>