

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Government Services Center, Commissioners' Room  
500 W. Fir Avenue, Fergus Falls, MN  
September 29, 2009  
9:15 a.m.**

**Call to Order**

The Otter Tail County Human Services Board convened Tuesday, September 29, 2009, at 9:15 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 Froemming, second by Lindquist, and unanimously carried to approve the Human Services Board agenda of September 29, 2009 as mailed.

**Approval of Minutes**

Motion by Lindquist, second by Huebsch, and unanimously carried to approve the Human Services Board minutes of September 15, 2009 as presented.

**West Central Regional Juvenile Center Cooperative Agreement**

Probation Director, Chuck Kitzman, submitted a document entitled "Second Amended Cooperative Agreement for the Construction & Operation of the Clay County Secure Juvenile Detention and Treatment Facility". Lengthy discussion took place regarding the various proposed changes throughout the document. Mr. Kitzman reported that Clay County is requesting approval of the proposed language contained in Section 15.01 of the Agreement. The other proposed changes will be discussed at an Advisory Board meeting before the end of the year. Motion by Rogness, second by Huebsch, and unanimously carried to approve the language contained in Section 15.01 of the Second Amendment of the Cooperative Agreement governing the operations of the WCRJC.

**Public Health Contracts**

Public Health Director, Diane Thorson, requested approval of an Emergency Health Preparedness contract related to management of H1N1 response and clinics. Motion by Rogness, second by Huebsch, and unanimously carried to authorize the appropriate County Officials' signatures to execute the Public Health Emergency Response (PEHR I/II) Grant Agreement between the State of Minnesota and the County of Otter Tail. Ms. Thorson reported the additional funding for Otter Tail County approved through this contract as \$47,159.00.

Motion by Lindquist, second by Huebsch, and unanimously carried to authorize the Chairman's signature to execute the "Local Public Health Act Funding 2010 Assurances and Agreements" between the State of Minnesota Department of Health and the County of Otter Tail. The agreement assures that local public health act funding will be used in accordance with the terms outlined in the Community Health Board's master grant contract effective January 1, 2009 through December 31, 2013.

**Local Advisory Committee**

Adult Mental Health Local Advisory Committee Co-Chairperson, Fonda Knudson, presented a new member request. The by-laws for the LAC require approval of the committee and the County Board for new members. Motion by Froemming, second by Huebsch, and unanimously carried to appoint Renee Doll to the Otter Tail County Adult MH Local Advisory Council as a consumer and family member representing the east side of the County.

**Mental Illness Awareness Week**

Co-Chair Fonda Knudson, reported on MI Awareness Week nationwide October 4<sup>th</sup> through October 10<sup>th</sup> and the corresponding events throughout the week including a candlelight vigil at the courthouse.

**2010-2011 Adult Mental Health Plan Review**

Human Services Supervisor Jodi Wentland, presented an application submitted by Otter Tail County, as the fiscal host, on behalf of the BCOW (Becker, Clay, Otter Tail, & Wilkin counties) Adult Mental Health Initiative. Motion by Huebsch, second by Froemming, and unanimously carried to authorize the application for the biennial Mental Health Plan for the purpose of outlining the use of grant funding and other revenue sources to develop and administer community based adult mental health services. The proposed expenditure for 2010-2011 for the Adult MH Initiative, Crisis Services and Community Support Program (CSP) is \$2,708,723.00.

**Human Services Contract Approval**

Motion by Huebsch, second by Froemming, and unanimously carried to authorize the Chairman's signature to execute the following Human Services contracts:

Agency	Program	Effective Date	Targeted Population	Funding Source
LMHC/Perham School District #549	Interagency Special Education Program (Day Treatment Program)	07/01/09 through 06/30/10	Children	Annual \$158,031 – 44.2% School District, 55% OTC (\$88,181.30) – funding from MA and OTC
Perham Memorial Home Care	Residential Services/ Assisted Living	07/01/09 through 06/30/11	Elderly	Total for purchased services shall not exceed the OTC approved rate
All Tidy	Residential Services/ Assisted Living	07/01/09 through 06/30/10	Elderly	Total for purchased services shall not exceed the OTC approved rate
U-Care	Health Program/ Case Management	07/01/09 through 06/30/10	Elderly	Funding from Health Care Programs/Plans

**Seasonal Staff for Energy Assistance**

Motion by Rogness, second by Lindquist, and unanimously carried to authorize two seasonal (approximately 9 month) positions in the Energy Assistance Program for the 2009-2010 season in the same manner as has been approved in past years.

**Memorandum of Understanding**

Human Services Director, John Dinsmore, presented a MOU Purchase of Service Agreement for Otter Tail County to provide foster care licensing services for Becker County. Motion by Rogness, second by Huebsch, and unanimously carried to approve the Becker County & Otter Tail County POS Agreement to provide corporate foster care licensing to use as a model to evaluate the concept and effectiveness of regional shared positions. The re-licensing of 35 corporate foster homes would result in an annual reimbursement of \$12,570.00 at a proposed rate of \$80 per hour.

**Approval to Pay Bills & Claims**

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

**Adjournment**

At 10:32 a.m., Chairman Erickson declared the meeting of the Otter Tail County Human Services Board adjourned until 9:15 a.m. on Tuesday, October 13, 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, September 29, 2009, at 10:46 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 Froemming, second by Rogness, and unanimously carried to approve the Board of Commissioners agenda of September 29, 2009 with the following addition:

Request for Approval of Quit Claim Deed to Transfer Property from County to Township

**Approval of Minutes**

Motion by Huebsch, second by Lindquist, and unanimously carried to approve the Board of Commissioners meeting minutes of September 22, 2009, as presented.

**Approval to Pay Bills**

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

**Quit-Claim Deed**

Motion by Huebsch, second by Rogness, and unanimously carried to authorize the Chairman's signature to execute a Quit-Claim Deed to transfer the following property from Otter Tail County to Dead Lake Township:

A strip of land four rods wide, over and across Government Lot Four (4) of Section Seven (7), Township One Hundred Thirty-five (135) north of Range Forty (40) west and particularly described by metes and bounds, as follows, to-wit: Beginning at the center of the public highway running north and south along the lakeshore on the east side of said Government Lot Four (4) and 250 feet north of the south section line of said Section Seven (7); thence due east 500 feet; thence east 15 degrees north 400 feet to the center of culvert and the same being also center of county road; said strip of land to be four (4) rods wide, and to be used by the said party of the second part for a public highway.

**RESOLUTION**

**TRANSFER of PROPERTY to MnDNR  
CSAH 83 at ELBOW LAKE PUBLIC ACCESS  
Everts Township in Otter Tail County, Minnesota**

Otter Tail County Resolution No. 2009 - 48

Upon a motion by Lindquist, seconded by Rogness, and unanimously carried, the following resolution was adopted:

WHEREAS: as a part of the reconstruction of County State Aid Highway 83, Otter Tail County acquired property adjacent to both the public access on Elbow Lake and the new alignment of County State Aid Highway 83 with the intent of transferring the property to the State of Minnesota for the expansion of the public access while retaining necessary right of way interest; and

WHEREAS: the property is identified as 0.70 acres by survey in the form of a 100' wide strip adjacent to the northerly line and a variable width strip adjacent to the southerly line of the existing public access; and

WHEREAS: upon transfer to the State of Minnesota, the property is intended to be permanently attached to the existing public access property identified as OTC PIN# 25000290182001; and

WHEREAS: Otter Tail County will retain only the right of way interest in that part of OTC PIN# 25000290182001 shown as Parcel 16 on OTTER TAIL COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 18.

NOW, THEREFORE, BE IT RESOLVED, that the ownership of the above described strips of property is hereby approved to be transferred to the State of Minnesota, Department of Natural Resources.

Dated at Fergus Falls, Minnesota, this 29<sup>th</sup> day of September, 2009.

Dated: \_\_\_\_\_

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Everett P. Erickson, Board of Commissioners Chair

Attest: \_\_\_\_\_  
Larry Krohn, Clerk

#### **CSAH No. 67 in New York Mills**

Motion by Rogness, second by Froemming, and unanimously carried to authorize the appropriate County Officials' signatures to execute an "Agreement for Repair and Replacement of County State Aid Highway No. 67", S.A.P. 56-667-32, to repair and replace street, sidewalks and utilities from the south limits of New York Mills to CSAH #84 (0.84 miles).

#### **Lake Olaf Drawdown Project Update**

Highway Engineer, Rick West, briefed the Board on the Lake Olaf Drawdown Project – HEI Project No. 5197-003.

#### **Planning Commission Recommendations**

##### **Conditional Use Permit – Thomas & Georgette Wegscheid:**

Land & Resource Director, Bill Kalar, stated that the County Board tabled this request at their July 14, 2009 meeting and requested further discussion regarding wind towers in shoreland areas. The Planning Commission discussed criteria that could be used when considering wind towers within the shoreland area in addition to the 16 items in the SMO as follows: 1) wind towers should be limited to residential use, 2) setback from lotlines, shore impact zone and right of ways should be height of tower plus 10', and 3) request should include a Decommissioning Plan. County Board members discussed the location of the proposed wind tower on the Wegscheid property and noted that the farmer located to the north has no objection to the tower.

Motion by Huebsch, second by Froemming, and carried with Erickson opposed, to approve a Conditional Use Permit to erect a wind turbine as submitted with a condition that if the wind turbine is no longer operating, the property owners are responsible for removing the tower/turbine. The property is described as Lot 1 Blk 3 Juniper Hills, Section 1 of Dead Lake Township; Marion Lake (56-243), Parcel No. 14-000-99-0511-000.

**Conditional Use Permit – Daniel F. & Betty L. Strang:**

Motion by Huebsch, second by Froemming, and carried with Erickson opposed, to approve a Conditional Use Permit to erect a wind turbine as submitted with a condition that if the wind turbine is no longer operating, the property owners are responsible for removing the tower/turbine. The property is described as part of Birchwood Subdivision, Section 11 of Edna Township; Moenkedick Lake (56-336) NE.

**Final Plat – “Hidden Shores Addition”**

Motion by Erickson, second by Huebsch, and unanimously carried to approve the Final Plat known as “Hidden Shores Addition” consisting of eight (8) residential lake lots located in Section 31, Twp 137, R. 43, Scambler Township; Grove Lake (56-952).

**City of Fergus Falls South Demolition Landfill Permit Request**

Solid Waste Director, Mike Hanan, provided information to the Board regarding a License Application received by the County from the City of Fergus Falls to construct and operate a demolition landfill south of the existing landfill. Motion by Rogness, second by Huebsch, and unanimously carried to establish a Public Hearing for the licensing of the City of Fergus Falls proposed South Demolition Landfill at 11:30 a.m. on October 13, 2009 at the Otter Tail County Government Services Center in Fergus Falls.

**Hook Truck Purchase**

After Request for Proposals were completed, Mr. Hanan, recommended purchase of a 50,000 lb. Hook Truck for the Fergus Falls Transfer Station at a purchase price of \$104,850.00. Mr. Hanan reported a budgeted amount for the Hook Truck of \$133,000.00.

**Staffing at Transfer Stations**

Motion by Lindquist, second by Rogness, and unanimously carried to authorize hiring two 24-hour per week employees and one 8-hour per week employee to replace a full time resignation at the Henning Transfer Station. Commissioner Rogness suggested that the hours of operation at the landfills on Saturday afternoons could be reduced.

**Closed to the Public**

At 12:05 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners closed to the public to discuss pending litigation regarding the Ethanol Plant foreclosure proceedings. The closed session is authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Present were all five seated Commissioners, County Attorney, County Coordinator, and Board Secretary.

**Recess & Reconvene**

At 12:08 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:00 p.m. with Commissioners Erickson, Froemming, Lindquist and Huebsch present. Commissioner Rogness was present at 1:10 p.m.

**ADOPTION AND IMPLEMENTATION AFTER BWSR APPROVAL**  
**Otter Tail County Resolution No. 2009 – 49**

Commissioner Lindquist offered the following and moved its adoption:

WHEREAS, the Otter Tail County Board of Commissioners has been notified by the Minnesota Board of Water and Soil Resources that the Otter Tail County Comprehensive Local Water Management Plan has been approved according to Minnesota Statutes Chapter 103B.301:

NOW, THEREFORE BE IT RESOLVED, the Otter Tail County Board of Commissioners hereby adopts and will begin implementation of its approved comprehensive water plan.

BE IT FURTHER RESOLVED, after the adoption of the local comprehensive water management plan, the Otter Tail County Board shall amend existing water and related land resources plans and official controls as necessary to conform them to the applicable and approved comprehensive water plan.

BE IT FURTHER RESOLVED, after the adoption of the local comprehensive water management plan, Otter Tail County shall notify local units of government within the County of the adoption of the plan or amendments to the plan. The local units of government are required to submit existing water and related land resources plans and official controls within 90 days to the County Board for review.

BE IT FURTHER RESOLVED, Within 180 days, the Otter Tail County Board shall review the submitted plans and official controls and identify any inconsistencies between the local plans and official controls, and local comprehensive water management plan. The Otter Tail County Board shall specify applicable and necessary measures to bring local plans and official controls into conformance with local comprehensive water management plan.

BE IT FURTHER RESOLVED, if a local unit of government disagrees with any changes to its plan, the local unit has 60 days after receiving the county's recommendations to appeal the recommendations to the Board of Water and Soil Resources.

BE IT FURTHER RESOLVED, after receiving the recommendations for the Otter Tail County Board, or a resolution of an appeal, a local unit of government has 180 days to initiate revisions to its plan or official controls. The new or revised plans and official controls must be submitted to the Otter Tail County Board for review and recommendations.

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

Adopted this 29<sup>TH</sup> day of September, 2009.

Dated: \_\_\_\_\_

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: \_\_\_\_\_  
Larry Krohn, Clerk

By: \_\_\_\_\_  
Everett P. Erickson, Board of Commissioners Chair

**Closed to the Public**

At 1:10 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners closed to the public to discuss pending litigation regarding the Ethanol Plant foreclosure proceedings. The closed session is authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Present were all five seated Commissioners, County Attorney, County Coordinator, Board Secretary, and Attorney Mike Weaver.

**Recess & Reconvene**

Upon completion of the closed session, at 2:22 p.m., Chairman Erickson recessed the Otter Tail County Board of Commissioners' meeting for a Building Committee meeting. The Board of Commissioners' meeting was reconvened at 2:41 p.m.

**Correction to the September 15, 2009 BOC Minutes**

Motion by Lindquist, second by Rogness, and unanimously carried to correct the September 15, 2009 Board of Commissioners' minutes to include the following action which was inadvertently omitted:

Motion was offered, seconded and unanimously carried to set the Budget and Levy Hearing at 7:00 p.m. on Tuesday, December 1, 2009.

**Ethanol Plant Foreclosure Proceedings**

Motion by Huebsch, second by Rogness, and unanimously carried to hire Attorney Mike Weaver from Lindquist & Venum to represent Otter Tail County in foreclosure action and negotiations relative to the Ethanol Plant.

**Adjournment**

Upon conclusion of the closed session, at 3:08 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, October 6, 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 9/29/2009 FOR PAYMENT 9/29/2009**

<b><u>VENDOR NAME</u></b>	<b><u>AMOUNT</u></b>
A 1 WAYNE'S TOWING	264.00
A-1 ENGRAVING	66.00
CYNDI ABBOTT	30.23
APACHE GROUP OF MINNESOTA	382.88
AUTO GLASS SPECIALISTS INC	242.42
BLUFFTON OIL COMPANY	1,819.55
BOB'S STANDARD BULK SERVICE	89.22
BRAUN INTERTEC CORPORATION	5,982.25
CHEMSEARCH	355.45
COMMISSIONER OF TRANSPORTATION	4,687.91
COOPERS TECHNOLOGY GROUP	114.46
CRAGUNS LODGE AND CONFERENCE C	438.01
D & T VENTURES LLC	3,239.00
DEX EAST	15.72
E & J PRESS	42.75
FORCE AMERICA	486.85
FRAZEE ELECTRIC INC	192.00
FRONTIER POWERSPORTS	10,200.15
G & K SERVICES	1,136.49
GODFATHERS EXTERMINATING INC	123.98
GRAINGER INC	788.74
MIKE HANAN	154.00
HEWLETT PACKARD COMPANY	27,001.87
HIGH PLAINS TECHNOLOGY	687.21
HILLTOP LUMBER INC	50.72
JK SPORTS	364.99
KEEPRS INC CY'S UNIFORMS	10.67
KELLY SERVICES INC	1,391.68
LARRY OTT INC TRUCK SERVICE	625.00
LARRY'S SUPERMARKET	85.25
DEAN LARSON	149.99
DONALD LARSON	171.38
JULIE LEITCH	37.26
LITTLE BEAR TOWING	208.41
LOCATORS & SUPPLIES INC	217.01
M-R SIGN COMPANY INC.	52.90
MARCO INC ST LOUIS	232.06
MATTHEW BENDER & COMPANY INC	415.94
MN DEPT OF HEALTH	250.00
MN DEPT OF TRANSPORTATION	125.00
SUSAN NELSON	63.99
NORTHERN PLUMBING SUPPLY	390.22
NORTON PRINTING	48.09
OFFICEMAX INCORPORATED	69.12
OTIS ELEVATOR CO	113.04
OTTER TAIL CO TREASURER	3,362.34
OTTERTAIL TRUCKING INC	6,980.00
PEPSIAMERICAS	774.49
PETE'S BODY SHOP & TOWING	281.09
PINE PLAZA TV APPLIANCE	81.18
PITNEY BOWES	1,435.00
PRAIRIE IMPLEMENT INC	21.35
PRECISION MOUNTING TECHNOLOGIE	716.88
PRODUCTIVE ALTERNATIVES INC	83.76
QUALIFICATION TARGETS	72.76
RDO EQUIPMENT CO FARGO	568.16
RELIABLE OFFICE SUPPLIES	185.42
THE RENTAL STORE	171.00

KYLE SORKNESS	178.00
SRF CONSULTING GROUP INC	6,241.12
STEINS INC	1,516.85
TNT REPAIR INC	198.82
TRANQUILITY BUILDING SERVICES	452.63
TRI STAR RECYCLING	3,189.41
TRITECH FORENSICS	155.40
TROSDAHL BODY WORKS	4,865.43
ULTEIG ENGINEERS	242.00
VICTOR LUNDEEN COMPANY	543.79
VICTORY CORPS	495.29
WELLER OIL CO	215.60
WEST PAYMENT CENTER	2,830.18
<u>**** FINAL TOTAL.....</u>	<u>\$99,471.81 ****</u>

approved minutes