

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
515 W. Fir Avenue, Fergus Falls, MN
Tuesday, May 4, 2010
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, May 4, 2010, at 9:30 a.m., at the Otter Tail County Government Services Center in Fergus Falls, MN, with Commissioners, Roger Froemming, Chair; John Lindquist, Vice-Chair; Everett Erickson, Doug Huebsch and Lee Rogness present.

Approval of Agenda

Motion by Erickson, second by Rogness, and unanimously carried to approve the Board of Commissioners agenda of May 4, 2010 with the following additions:

Master Gardener Program Update
Closed Session for Attorney-Client Privilege Regarding the Ethanol Plant
Ditch No. 16 Briefing

Approval of Minutes

Motion by Huebsch, second by Lindquist, and unanimously carried to approve the Board of Commissioners meeting minutes of April 27, 2010 as mailed.

Approval to Pay Bills

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

Drug Court Month

DWI and Family Court Program Coordinator, Tria Mann, briefed the Board on the Otter Tail County Drug Court Program. She discussed the past two years, the intensity of the programs, and pointed out successes in both programs. Numerous agencies were represented by employees working with the program who reiterated the long term benefits of positive system change for families in comparison with the traditional court methods. Ms. Mann reminded the Board that Drug Court generally meets the first three Fridays of each month and invited them to an upcoming educational session.

**PROCLAMATION
In Support of
"DRUG COURT MONTH"
Otter Tail County Resolution No. 2010 – 30**

Commissioner Erickson offered the following and moved its adoption:

- WHEREAS, Drug Courts are the most effective tool for reducing substance abuse and crime in our criminal justice system; and
- WHEREAS, for the past twenty-one years Drug Courts have been restoring lives, reuniting families and making communities across this nation safer; and
- WHEREAS, Drug Courts provide focus and leadership for community-wide partnerships, bringing together public safety and public health professionals in the fight against drug abuse and criminality; and

WHEREAS, results of more than 100 programs evaluations and at least four meta-analytic studies have yielded definitive evidence that Drug Courts are demonstratively effective and significantly improve substance-abuse treatment outcomes, substantially reduce drug abuse and crime, and do so at less expense than any other justice strategy; and

WHEREAS, over 27,000 judges, prosecutors, defense attorneys, substance abuse and rehabilitation professionals, law enforcement and community supervision personnel, researchers and educators, national and community leaders, and others dedicated to Drug Courts and similar types of treatment programs are healing families and communities across the country; and

WHEREAS, the Drug Court movement has grown from the 12 original Drug Courts in 1994 to over 2,400 operational Drug Courts; and

WHEREAS, Otter Tail County has joined in the support of "Drug Courts" by their continued support of the DWI Court since March 2008 and the Family Dependency Treatment Court since July 2008; and

WHEREAS, Thursday, May 20, 2010 marks *National Drug Court Commencement Day*, which celebrates the promise of recovery and restored hope to Drug Court graduates and their families.

THEREFORE, BE IT RESOLVED, that Otter Tail County declares that a "Drug Court Month" be established during the Month of May, 2010, recognizing the practitioners and participants who make drug courts work and the significant contributions that Drug Courts have made, and continue to make, in reducing drug usage and crime.

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

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Attest: _____ Roger Froemming, Board of Commissioners Chair

Larry Krohn, Clerk

Federal Boat and Water Grant

Motion by Huebsch, second by Erickson, and unanimously carried to authorize the Chairman's signature to execute the Federal Boating Safety Supplement Grant Agreement (CFDA #97.012) between the State of Minnesota DNR and County of Otter Tail for Fiscal Year 2010. These grant dollars, in the amount of \$8,000.00, are for extra water patrol hours in Otter Tail County. The Sheriff and Chief Deputy reported on two grant applications for their department; one for water patrol equipment and the other for video cameras in patrol cars.

Recess & Reconvene

At 9:55 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for a Personnel Committee meeting. The Board meeting was reconvened at 10:06 a.m. with Commissioners Froemming, Erickson, Huebsch, and Rogness present.

License Application

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

Ten Mile Lake Resort, Inc.
12303 County Highway 35
Dalton, MN 56324

On/Off-Sale 3.2 Malt Liquor
On-Sale Wine

Subject to approval of the County Sheriff's Office and the County Attorney's Office.

Payment Approvals

Motion by Rogness, second by Huebsch, and unanimously carried to approve payment, in the amount of \$1,500.00, to Hildi Inc., for GASB 45 actuarial valuation services provided through March 31, 2010.

Motion by Rogness, second by Huebsch, and unanimously carried to approve payment, in the amount of \$13,161.25, to Lindquist & Vennum PLLP for services provided through March 31, 2010 for the Otter Tail Ag Enterprises, LLC Chapter 11 Bankruptcy claim.

Otter Tail County Taxing Authority

Auditor, Wayne Stein submitted a handout indicating the taxing entities within Otter Tail County and a list of pay 2010 special levies. He reviewed the statutory language regarding levy limitation and special levies. Commissioner Lindquist was present at 10:15 a.m.

Bid Award – S.A.P. 56-601-53 & Etc.

Motion by Rogness, second by Huebsch, and unanimously carried to award Overlay Projects on CSAH 1, CSAH 3 and CSAH 88 to the low bidder, Mark Sand & Gravel Co. of Fergus Falls, MN in the amount of \$2,024,594.22, as recommended by the Highway Engineer. Motion by Huebsch, second by Erickson, and unanimously carried to authorize Engineering Technician, Dave Sillerud, to use a County vehicle for commuting to work on CSAH 3 under S.A.P. 56-601-53. This is authorized with County Board approval under Personnel Rules, Section 8.35(I)(3).

Highway Contracts

Motion by Erickson, second by Huebsch, and unanimously carried to authorize the Chairman's signature to execute the following Highway Contracts for the 2010 seasonal supply of hot mix bituminous material:

Mark Sand & Gravel Co.
Fergus Falls, MN

Seasonal Supply of Hot Mix Bituminous Material
North and West Otter Tail County

CSAH 72 Archaeological Survey

Motion by Lindquist, second by Erickson, and unanimously carried to approve a Professional and Technical Services Contract (Phase I Archaeological Survey & Possible Phase II Evaluations) between the State MnDOT and Mississippi Valley Archaeology Center, La Crosse, WI, and the County of Otter Tail for the CSAH 72 Bridge Replacement Project. The County's cost for the archaeological work is 20% estimated at \$2,800.00.

Public Access Improvement on Elbow Lake

Motion by Erickson, second by Huebsch, and unanimously carried to authorize the Chairman's signature to execute Amendment No. 1 to Contract No. B28243(B37800) which extends the original agreement for one year regarding CSAH 83 north of Battle Lake to improve the public access on Elbow Lake.

Recess & Reconvene

At 10:50 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The Board meeting was reconvened at 10:55 a.m.

Drainage Ditch No. 16

County Attorney, David Hauser referred to the upcoming Ditch No. 16 Public Informational meeting scheduled Friday, May 7, 2010. Mr. Hauser stated that there are no decisions to be made at the informational meeting. He discussed the Engineer's findings in relation to hydrological capacity and noted that a construction design estimate will be required. A formal Public Hearing will also be required after a cost estimate is available.

4-H & Master Gardener Update

4-H Coordinators, Tammy Nordick and Janet Malone, submitted documents entitled "May 2010 4-H Clover Update" and "University of Minnesota Public and Private Support for 4-H Youth Development". They updated the Board on various traditional and non-traditional 4-H activities. Discussion took place regarding the long term benefits of teaching children decision making skills, civic engagement and community service.

Master Gardener, Reba Gilliland, presented a handout entitled "Otter Tail County Master Gardener Program". Otter Tail County's program includes 91 Master Gardeners who receive training to facilitate outreach to the community in best practices and stewardship in horticulture and the environment. The handout reported 4,625 volunteer hours to residents in the County.

Closed to the Public

At 11:28 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners closed to the public to discuss litigation in the matter of foreclosure proceedings relative to the Ethanol Plant. The closed session is authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Present were all five seated commissioners, County Attorney, and Board Secretary. At 11:44 a.m., the meeting was recessed for several committee meetings. At 12:30 p.m., Chairman Froemming continued the closed session relative to the foreclosure proceedings of the Ethanol Plant with all commissioners present.

Adjournment

At 1:14 p.m., Chairman Froemming adjourned the meeting of the Otter Tail County Board of Commissioners until Tuesday, May 11, 2010.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

WARRANTS APPROVED ON 5/04/2010 FOR PAYMENT 5/04/2010

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A'VIANDS LLC	5,377.96
ATCO INTERNATIONAL	760.00
BECKLUND OIL CO	2,213.66
TERRY BENNETT	18.65
BEST WESTERN KELLY INN	79.79
ROBERT BOWERS	450.00
MARSHA BOWMAN	157.03
BRIGGS CORPORATION	219.43
BROCK WHITE COMPANY	23.65
CITY BAKERY	59.88
CODE 4 SERVICES LLC	222.00
COLLEGE WAY AUTO INC	33.80
CONCEPT FINANCIAL GROUP	228.06
COOPERS TECHNOLOGY GROUP	840.99
MARK ELLENSON	18.65
FARGO GLASS AND PAINT CO	273.65
FASTENAL COMPANY	106.90
BRENT FLODEN	118.98
GALL'S INC	149.56
HONEYWELL	467.00
HOUSTON ENGINEERING INC	164.00
INFORMATION SYSTEMS CORP	103.51
INNOVATIVE OFFICE SOLUTIONS	1,022.40
ISSUETRAK INC	600.00
JOHNSTON FARGO CULVERT INC	278.73
KELLY SERVICES INC	350.00
LAKE REGION HEALTHCARE CORP	650.00
LAKES COUNTRY SERVICE CO OP	70.00
LARRY OTT INC TRUCK SERVICE	625.00
M-R SIGN COMPANY INC.	6,231.20
MARK AND BRENDA CONSTRUCTION I	166.00
MIDWESTERN MAT RENTAL & SUPPLY	164.47
MN ASSOC OF CO ADMINISTRATORS	210.00
ANNE MUELLER	13.51
NELSON AUTO CENTER	28,473.02
NIEMELA AUTO REPAIR & TOWING	534.42
OFFICE DEPOT	116.47
OFFICEMAX INCORPORATED	59.85
OLSEN COMPANIES	272.10
OTIS ELEVATOR CO	113.04
OTTER TAIL CO EMPLOYEES COMMIT	18.00
OTTER TAIL CO TREASURER	706.21
OTTERTAIL BAKERY	64.20
OTTERTAIL TRUCKING INC	6,049.00
PELICAN RAPIDS PRESS	127.68
PRIORITY DISPATCH	39.00
PRO SWEEP INC	1,675.00
PRODUCTIVE ALTERNATIVES INC	69.24
PROTECTIVE SAFETY SYSTEMS LLC	1,100.00
REED BUSINESS INFORMATION	1,446.48
REVIEW ENTERPRISES INC	28.00
CHERI SCHULTZ	7.47
SCHWAAB INC	38.99
SERVICE FOOD SUPER VALU	19.24
SPRINT	559.86
STATE INDUSTRIAL PRODUCTS	260.14

STEVE SCHIERER APPRAISALS	300.00
JAMES STEWART	32.94
STREICHERS	39.51
SWANSTON EQUIPMENT CORP	1,026.42
TNT REPAIR INC	197.64
TRIMIN SYSTEMS INC	290.98
ULTEIG ENGINEERS	691.00
UNIVERSITY OF MN PRINTING SERV	270.40
TERRY VAN DYKE DVM	125.00
VARITECH INDUSTRIES	3,693.93
VOSS LIGHTING	392.27
WHITE BANNER UNIFORM SHOP	72.00
<u>**** FINAL TOTAL.....</u>	<u>\$71,377.96 ****</u>

approved minutes