

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
515 W. Fir Avenue, Fergus Falls, MN
Tuesday, June 15, 2010
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, June 15, 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 Rogness, second by Lindquist, and unanimously carried to approve the Board of Commissioners agenda of June 15, 2010, with the following additions:

Request for Approval of WIC Contract
Concordia College SBCD Support Letter
Wilkin County Watershed District Request

Approval of Minutes

Motion by Lindquist, second by Erickson, and unanimously carried to approve the Board of Commissioners meeting minutes of June 8, 2010 as mailed.

Approval to Pay Bills

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

Public Meeting – Jennie-O Turkey Store

At 9:35 a.m., Chairman Froemming opened a public meeting for comment(s) regarding a permit request from Jennie-O Turkeys to construct a new barn and increase their animal units at their Lone Pine farm located in Dane Prairie Township. County Attorney, David Hauser, stated that this public hearing is held on behalf of the Minnesota Pollution Control Agency. The MPCA is responsible for issuing the permit. One positive comment was offered from Dane Prairie Township official, John Marks, in favor of the proposed expansion. Commissioner Rogness stated encouragement for agriculture and economic growth in the County. No other comment, either at this public meeting or in writing previous to the meeting, was received. Chairman Froemming closed the public meeting at 9:38 a.m.

Forgiveness of Penalty Request

Treasurer, Steve Andrews, presented a request on behalf of Sara Frederick for forgiveness of penalty in the amount of \$49.88. Motion by Erickson, second by Lindquist, and unanimously carried to deny the forgiveness of penalty request, in the amount of \$49.88, for the following parcels because the late payment was not caused by County error: (Parcel Nos. 25-000-99-0355-000 & 25-000-01-0006-005).

Noxious Weed Appeal Committee

Motion by Lindquist, second by Rogness, and unanimously carried to appoint Eldor Kugler and Richard Carlin to the Noxious Weed Appeal Committee as recommended by the Weed Inspector.

Drainage System No. 63 Public Meeting

Motion by Rogness, second by Erickson, and unanimously carried to set the public informational meeting for Ditch No. 63 at 7:00 p.m. on Tuesday, June 29, 2010, at the Government Services Center in Fergus Falls.

Recess & Reconvene

At 10:00 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for a Highway Committee meeting.

Closed to the Public

At 10:25 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, County Coordinator and Board Secretary.

Safety Recommendation

At 10:38 a.m., upon conclusion of the closed session, Chairman Froemming declared the Board of Commissioners' meeting open to the public. Highway Engineer, Rick West, submitted a safety review document regarding the CSAH 34, CH 125 and 410th Ave Intersection located west of the City of Perham. Mr. West reported six crashes at this intersection from 1999 through 2008. It was mentioned that two more accidents have occurred at this intersection recently. Motion by Huebsch, second by Rogness, and unanimously carried to approve the Highway Engineer's recommendation to 1) install and maintain 48" "Stop" sign on 410th Ave, 2) install and maintain new style "Stop Ahead" sign and traffic marking on 410th Ave (with Township approval) and 3) if there is continued problems at this intersection after these improvements are made, the Highway Engineer may recommend moving to the next level.

Transfer of Energy Efficiency Credits

Physical Plant Manager, Rick Sytsma, presented a request from Architect, David Shultz, to consider the transfer of available energy tax credits. He stated that the Energy Policy Act of 2005 enables the owner of a commercial building to apply for certain energy tax credits if they meet strict criteria. The building in Ottertail City meets the criteria; however, Otter Tail County is not eligible to claim the credits. The same Energy Policy Tax Act allows the owner of a publicly owned building to transfer that credit to the designer of the building. There would be no cost to the County and would allow reward to the primary designer of the building. Mr. Sytsma stated that Otter Tail Power gave the County energy tax credits before the building was constructed and the County has benefited from a good building with reduced annual energy costs in comparison with other County buildings. Commissioners requested more information.

License Applications

Motion by Erickson, second by Lindquist, and unanimously carried to approve the following applications for license:

Birchwood Golf Course
19711 430th St
PO Box 432
Pelican Rapids, MN 56572

On/Off Sale 3.2 Malt Liquor License

Lida Greens
22950 State Highway 108
PO Box 501
Pelican Rapids, MN 56572

On Sale 3.2 Malt Liquor

The Pelican
44086 US Highway 59
Pelican Rapids, MN 56572

On-Sale Liquor and Sunday Liquor

Stalker Lake Golf Course
15786 Golf Course Road
Dalton, MN 56324

On-Sale Liquor and Sunday Liquor

All licenses are subject to the approval of the County Attorney's office and the Sheriff's office.

Election Requirements

Motion by Huebsch, second by Rogness, and unanimously carried to establish compensation for members of the Absentee Ballot Board at \$9.00 per hour and to reimburse travel at \$0.50 per mile. The motion also appoints the following individuals as Election Judges to serve on the Absentee Ballot Board for the August 10, 2010, State Primary Election and the November 2, 2010, State General Election:

Dennis Bogen	Lynn Brand	Luann Canepa
Joanne Larson	Mary S. Moe	Valerie Nelson
Virginia Portmann	Richard Portmann	Karen Prischmann
Twila Rudd		

Resolution to Approve a Recommendation to the Minnesota Department of Human Services Regarding the Provision of Prepaid Medical Assistance Program (PMAP) and MinnesotaCare (MNCare) Managed Health Care Services in Otter Tail County Otter Tail County Resolution No. 2010 - 34

Commissioner Rogness offered the following and moved for its adoption:

WHEREAS, the Minnesota Department of Human Services published a Request for Proposals on the March 29, 2010 Minnesota State Register to provide managed health care services (PMAP and MNCare) to eligible residents of Otter Tail County;

WHEREAS, this published Request for Proposals invited proposals for seven Minnesota counties including Becker, Clay, Wilkin, Otter Tail, LeSueur, Nicollet and Rice Counties;

WHEREAS, the Minnesota non-profit managed health organizations known as Blue Cross Blue Shield/Blue Plus, Medica and UCare submitted proposals to provide managed health care services to eligible residents of Otter Tail County;

WHEREAS, these three managed care organizations have been providing PMAP and MNCare and specialized managed health insurance coverage to eligible Otter Tail County residents for over 10 years and as of March 2010 serve 2,092 residents who receive MNCare, 3,384 residents under the age of 65 who receive PMAP, and 923 residents who are elderly and/or disabled who receive specialized managed health care coverage;

WHEREAS, the Minnesota Department of Human Services has requested County evaluations and recommendations regarding the managed care organization proposals;

WHEREAS, representatives of the Otter Tail County Human Services Department and the Otter Tail County Public Health Department reviewed and evaluated the proposals;

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners recommends that the Minnesota Department of Human Services contract with Blue Cross Blue Shield, Medica and UCare to provide managed health care services via PMAP and MNCare to eligible persons in Otter Tail County.

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

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

Planning Commission Recommendations

Conditional Use Permit – Barbara Boock et al %Ernest Sandahl:

Land & Resource Director, Bill Kalar, stated that this CUP request is for a proposed driveway and the Planning Commission recommended approval and stated reasons for the approval in the June 9, 2010 Planning Commission minutes.

Barbara Boock stated that other parties filed this CUP application without her consent and the request is for adding materials to an existing driveway. She spoke in opposition to the request because there is not an easement, the project does not include scraping or installation of culverts where there are wetlands, the property is being divided by plat, there has not been a survey of the property, or an evaluation of storm water runoff for wetland and artesian flowage.

County Attorney, David Hauser, agreed that Barbara Boock did not want her name on the CUP application. The other family members who also have ownership in the property are requesting this grade and fill permit. He stated that the County Board must consider whether or not to allow this grade and fill project. Discussion took place regarding the water flowage and possible need for installation of culvert(s) on this proposed driveway. Mr. Kalar explained that the requirements of the Wetland Conservation Act will need to be followed even if a CUP is granted. Attorney, Chad Felstul, indicated that the property is not being subdivided by plat. There are two parcels that will be divided; one is 55 acres and the other 14.2 acres.

Motion by Huebsch, second by Erickson, to approve a Conditional Use Permit for a grade and fill project for an existing driveway as presented and recommended by the Planning Commission. The property is described as SE $\frac{1}{4}$ SW $\frac{1}{4}$ and Lot 4 (71.16 AC), Section 18 of Folden Township; Unnamed Lakes (56-135), NE & (56-101), NE. Chairman Froemming called for a roll call vote:

<u>Board of County Commissioners</u>	<u>YEA</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Leland R. Rogness	X			
Douglas A. Huebsch	X			
Everett P. Erickson	X			
John Lindquist	X			
Roger Froemming		X		

Motion carried.

Conditional Use Permit – Barrie & Peggy Meissner:

Motion by Huebsch, second by Froemming, and unanimously carried to approve a Conditional Use Permit to install a wind generator with conditions as recommended by the Planning Commission. The property is described as GL 7 & SW $\frac{1}{4}$ SE $\frac{1}{4}$ (66.25 AC), Section 36 of Dora Township; Pine Lake (56-384), NE & Star Lake (56-385), GD.

Conditional Use Permit – Ricky & Tami Leitch/"Tami's Country Curl":

Motion by Lindquist, second by Erickson, and unanimously carried to approve a Conditional Use Permit for a business named "Tami's Country Curl" with a condition as recommended by the Planning Commission. The property is described as Part E $\frac{1}{2}$ SW $\frac{1}{4}$ (22.33 AC), Section 13 of Dane Prairie Township; Unnamed Lake (56-630), NE.

Conditional Use Permit – Amor Township:

Motion by Froemming, second by Lindquist, and unanimously carried to approve a Conditional Use Permit to replace two existing culverts with conditions as recommended by the Planning Commission. The property is located at Pt of Eldorado Beach Rd adj to Shirley Beach, Section 22 of Amor Township; Otter Tail Lake (56-242), GD.

Conditional Use Permit – Joseph Lawson & Bev Honkola:

Motion by Erickson, second by Rogness, and unanimously carried to approve an after-the-fact Conditional Use Permit for various topographical and grade & fill work as presented except for the following condition: Instead of constructing a retaining wall for cut area #1 to the bluff, the applicant may construct a rock riprap wall around the building pad with the plan for the riprap subject to approval by the Land & Resource Department. Erosion control measures must be installed immediately. The project is located on Tract C all Lot 6 Blk 1 & pt Lot 7 Blk 1 and 1/10th Int in Outlot A Lake Hills Ranch Estate parcel #1911 & 1912 not to be split, Section 01 of Dunn Township; Little Pelican (56-761), RD.

Conditional Use Permit – Otter Tail County Highway Department:

Motion by Huebsch, second by Erickson, and unanimously carried to approve a Conditional Use Permit for a drainage project to drain into Opperman Lake as part of the County Highway 88 project with conditions as recommended by the Planning Commission. The project is located at County Highway 27 adjacent to GL 4, Section 26 of Fergus Falls Township; Opperman Lake (56-865), GD.

Conditional Use Permit – Trondhjem Township:

Motion by Lindquist, second by Erickson, and unanimously carried to approve a Conditional Use Permit for a Hovland Lake drainage improvement project with conditions as recommended by the Planning Commission. The project is located in the SE $\frac{1}{4}$ Section 25 of Trondhjem Township & SW $\frac{1}{4}$, Section 30 & 32 of Erhards Grove Township; Hovland Lake (56-1014), NE & Knobel Lake (56-910), NE and Unnamed Lake (56-911), NE.

Closed Session for Performance Evaluation

At 11:35 a.m., Chair Froemming declared the meeting of the Otter Tail County Board of Commissioners closed to the public for the purpose of evaluating the performance of Solid Waste Director, Mike Hanan, 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.

Support Letter

At 11:55 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners opened to the public. County Attorney, David Hauser, presented a request for a letter of support for Concordia College to become a regional Minnesota School of Business for the West Central Region. Motion by Rogness, second by Froemming, and unanimously carried to approve the letter of support. Concordia College is responding to a grant request for proposals from the Minnesota Economic Development office for entrepreneurship and small business.

Conferences

Motion by Huebsch, second by Rogness, and unanimously carried to authorize the appropriate County officials' attendance at the Water Management Summit for local governments on Monday, July 12, 2010 in St. Cloud.

Motion by Erickson, second by Lindquist, and unanimously carried to authorize Commissioners Huebsch, Rogness, and Lindquist to attend the West Central Minnesota Renewable Energy Road Tour on July 29 & 30, 2010. The tour will present a unique opportunity to experience a broad mix of community-scale renewable energy systems.

WIC Grant Project Agreement

Motion by Erickson, second by Lindquist, and unanimously carried to authorize the appropriate County officials' signatures to sign the WIC Grant Project Agreement between the Minnesota Department of Health and County of Otter Tail for the period of January 1, 2011 through December 31, 2015. Otter Tail County will continue to administer the WIC Program currently in place with federal funds.

Recess & Reconvene

At 12:06 p.m., 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.

Proposed Upper Red Lower Otter Tail Watershed District

SWCD Manager, Brad Mergens, provided copies of the proposed Establishment Petition, from Wilkin County, for the Upper Red Lower Otter Tail Watershed District. Wilkin County notified Otter Tail County that they plan to send the petition to the State Board of Water and Soil Resources (BWSR) and asked that Otter Tail County provide four names for potential Watershed District board members. Concern was expressed regarding the short timeline to provide names. Mr. Mergens suggested several people who live in the proposed Watershed District and are not government officials. Motion by Rogness, second by Huebsch, and unanimously carried to appoint Commissioners Lindquist and Rogness to meet with Mr. Mergens to recommend four names as Otter Tail County representatives for the proposed Upper Red Lower Otter Tail Watershed District petition.

Closed to the Public

At 1:23 p.m., a motion was offered by Lindquist, seconded by Rogness, and unanimously carried to close the Board of Commissioners' meeting to the public for purposes of discussing labor negotiation strategies relative to the Human Services Social Workers and Support Specialist collective bargaining unions. Present were all five seated commissioners, County Coordinator, County Attorney, and Board Secretary. The closed session was completed at 1:26 p.m.

Adjournment

At 1:28 p.m., Chairman Froemming adjourned the meeting of the Otter Tail County Board of Commissioners until Tuesday, June 29, 2010.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Roger Froemming, Board of Commissioners Chair

Attest: _____

Larry Krohn, Clerk

CB/kd

approved minutes

WARRANTS APPROVED ON 6/15/2010 FOR PAYMENT 6/15/2010

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A & S TRAINING	2,955.00
A-1 LOCK & KEY LLC	201.93
A'VIANDS LLC	5,033.22
ABG MAINTENANCE INC	171.00
AMERICAN INSTITUTIONAL SUPPLY	79.33
AMERICAN TOWER CORPORATION	98.71
ARVIG COMMUNICATION SYSTEMS	200.00
BRUCE ASFELD	150.00
AT&T MOBILITY	851.81
AUTO VALUE FERGUS FALLS	638.79
AUTO VALUE WADENA	26.58
BALLARD SANITATION INC	795.00
JOHN BARTHEL	229.99
BATTLE LAKE AUTO PARTS	94.52
BATTLE LAKE STANDARD	9.37
BEN HOLZER UNLIMITED	58.24
BOB'S STANDARD BULK SERVICE	95.39
BOUND TREE MEDICAL LLC	65.25
BRADSHAW & BRYANT PLLC	131.25
BRANDBORG LAW OFFICE	300.00
BRANDON COMMUNICATIONS INC	75.34
BRAUN INTERTEC CORPORATION	1,388.00
BRAUN VENDING INC	28.37
BROCK WHITE COMPANY	617.14
BUGBEE'S LOCKSMITH	6.00
KAREN CANNELL	14.27
CARR'S LAKE COUNTRY SUPERMARKE	29.54
CATCO PARTS AND SERVICE	23.37
CDW GOVERNMENT INC	3,651.15
CENTRAL STATES WIRE PRODUCTS I	2,620.58
CERTIFIED AUTO REPAIR	404.70
CHARTER COMMUNICATIONS	68.36
RYAN CHESHIRE	55.27
CIT TECHNOLOGY FIN SERV INC	190.53
CITIZENS ADVOCATE	27.00
CO OP SERVICES INC	81.81
CODE 4 SERVICES LLC	231.00
COLLEGE WAY AUTO INC	30.94
COMMISSIONER OF TRANSPORTATION	408.91
COMPUTER INFORMATION SYSTEMS	2,400.00
COOPERS TECHNOLOGY GROUP	692.18
CULLIGAN	27.46
CULLIGAN WATER COND	84.28
D & T VENTURES LLC	739.00
DACOTAH PAPER COMPANY	378.55
DAN'S TOWING & REPAIR	91.91
DENZEL'S REGION WASTE INC	62.41
DETROIT LAKES OVERHEAD DOOR SE	135.00
DICK'S STANDARD	73.69
KATHY DOMHOLT	20.49
EAST OTTER TAIL FOCUS	716.10
GARRETT EASTWOOD	10.00
EVERGREEN EQUIPMENT INC	115.29
EXCEL PLASTICS LLC	181.69
FARNAM'S GENUINE PARTS INC	688.08
FARNAM'S GENUINE PARTS INC PR	9.55
FASTENAL COMPANY	26.05
FERGUS FALLS DAILY JOURNAL	3,468.85
FERGUS FALLS POLICE DEPT	394.56

FERGUS POWER PUMP INC	3,740.00
FIRE FIGHTER & DETECT ALARM	310.00
FIRST LUTHERAN CHURCH	3,159.00
FOUR SEASON PROPERTY CARE INC	2,495.00
FRAZEE FORUM INC	153.75
FSH COMMUNICATIONS LLC	64.13
GALL'S INC	24.46
GERALD N EVENSON INC	214.81
KAREN GORENTZ	300.00
GRAINGER INC	1.27
PATRICK GRIFFIN	40.98
HAWES SEPTIC TANK PUMPING	75.00
HENNING HARDWARE	196.22
CRYSTAL HERMAN	148.50
HIGH PLAINS TECHNOLOGY	787.33
HILLTOP LUMBER INC	24.54
GERALD HOLO	10.00
SANDY HOLO	163.00
THE HOME SHOP	302.46
HOOTS SPORTS	22.98
HOTSY EQUIPMENT OF MN	80.99
INNOVATIVE OFFICE SOLUTIONS	60.92
JAY JENSEN	300.00
JONES AND MAGNUS ATTORNEYS AT	2,782.50
KELLY SERVICES INC	350.00
L & L FABRICATION & STEEL CO	930.88
L & L SERVICE	183.49
SAMANTHA LAHMAN	525.00
LAKE REGION DENTAL CENTER	167.00
LAKE REGION HEALTHCARE CORP	6,484.00
LAKELAND MENTAL HEALTH CENTER	4,061.00
LAKES RADIO	347.00
LAKEWAY MARKET LLC	348.16
LARRY OTT INC TRUCK SERVICE	1,490.00
LAWSON PRODUCTS INC	435.75
MARCO	59.67
MARKS FLEET SUPPLY INC	2.43
MATHISON COMPANY	431.44
MERICKEL LUMBER	26.45
MERIGEN MEDICAL	323.31
MIDWEST PRINTING CO	94.05
MN ATTORNEY GENERAL'S OFFICE	261.30
MN MOTOR COMPANY	175.35
MN OFFICE OF ENTERPRISE TECHNO	1,200.00
ROBERT MOE	17.15
MOORE MEDICAL LLC	650.50
ELDON MOREY PHD	225.00
NAPA FERGUS FALLS	59.09
NAPA OF PERHAM	410.89
NATURES GARDEN WORLD	420.12
NELSON AUTO CENTER	1,895.53
NETWORK CENTER COMMUNICATIONS	775.00
CITY NEW YORK MILLS	125.00
NORTH CENTRAL INC	365.51
NORTHLAND COMM & TECH COLLEGE	450.00
NORTHSTAR TECHNOLOGY GROUP INC	17,496.00
O'REILLY AUTOMOTIVE INC	21.36
OFFICE DEPOT	55.17
OTTER TAIL CO EMPLOYEES COMMIT	40.00
OTTER TAIL CO PUBLIC HEALTH	273.73

OTTER TAIL FAMILY SERVICES COL	300.00
OTTERTAIL BAKERY	15.27
OTTERTAIL TRUCKING INC	11,659.00
OUTDOOR RENOVATIONS LANDSCAPE	1,474.05
OVERHEAD DOOR CO OF FERGUS FAL	120.00
OVERLAND MECHANICAL SERVICES	17.37
PAGE ANALYTICAL SERVICES INC	5,430.00
PELICAN RAPIDS PRESS	170.50
PEPSIAMERICAS	310.75
PERHAM ACE HARDWARE	23.24
CITY PERHAM	139,908.24
PETE'S AMOCO	191.67
PETER'S LAWN SERVICE	160.31
PINE PLAZA TV APPLIANCE	105.78
POWER PLAN	627.18
PRAXAIR DISTRIBUTION INC	358.57
PREMIUM WATERS INC	31.84
HENRY PRICE	418.30
PRO SWEEP INC	400.00
PRO-WEST & ASSOCIATES INC	45.00
PROFORMA	1,142.38
PROTECTION SYSTEMS INC	320.63
QUILL CORPORATION	176.55
RDO EQUIPMENT CO FARGO	284.23
RDO TRUCK CENTERS	227.95
RENEWABLE RESOURCE CONSULTANTS	18,900.00
REVIEW ENTERPRISES INC	1,863.57
ALLISON RIESTENBERG	800.00
CHERI SCHULTZ	40.00
SCOTT HOFLAND CONSTRUCTION INC	8,175.00
SERVICE FOOD SUPER VALU	172.94
SEWER SERVICE	260.00
SOUTHTOWN C-STORE	190.78
STANDARD PARTS OF WADENA	83.39
STATE INDUSTRIAL PRODUCTS	138.38
STEINS INC	242.77
STEVE'S SANITATION INC	3,213.80
STRAND HARDWARE & RADIO SHACK	130.43
STRATEGIC EQUIPMENT AND SUPPLY	253.77
STREICHERS	479.86
STRINGER BUSINESS SYSTEMS INC	73.28
SUPER SEPTIC & EXCAVATION	77.19
SURVEYMONKEY.COM	200.00
SWANSTON EQUIPMENT CORP	273.15
THIS WEEKS SHOPPING NEWS	746.20
THYSSEN KRUPP ELEVATOR CORPORA	1,644.15
TITAN ACCESS ACCOUNT	775.53
TOOL CRIB OF THE NORTH	253.32
TRAIL KING INDUSTRIES INC	200.01
VERGAS HARDWARE	36.96
VERGAS 66 GAS & CONVENIENCE IN	230.57
VICTOR LUNDEEN COMPANY	58.84
WALLWORK TRUCK CENTER	1,262.11
WASTE MANAGEMENT	635.53
WELLER FAMILY DETROIT LAKES	70.19
<u>**** FINAL TOTAL.....</u>	<u>\$294,487.50 ****</u>