

**MINUTES OF THE  
 OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
 Otter Tail County Courthouse  
 Commissioners' Room, Floor 1-B  
 Tuesday, November 6, 2001  
 9:30 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, November 6, 2001, at 9:31 a.m. at the Otter Tail County Courthouse with Roger Froemming, Chair; Dennis Mosher, Vice-Chair; Syd Nelson, Malcolm Lee, and Bob Block present.

**Approval of Agenda**

Motion by Lee, second by Block, and unanimously carried to approve the County Board agenda of November 6, 2001, with the following additions:

Randy Wasvick - Ditch System No. 19  
 Chief Deputy, Mark Morris at 11:00 a.m. - E-911 Letter  
 Closed Session - Labor Negotiations

**Approval of Minutes**

Motion by Nelson, second by Mosher, and unanimously carried to approve the October 23, 2001, County Board minutes as presented.

**Homestead Credit Request**

Father Will Ovsak stated that he owns property on the southwest corner of Jewett Lake that he purchased in 1975 and had homestead credit until it was removed when he resided in Breckenridge. More recently, he has made Jewett Lake his permanent residence and applied for homestead credit. The application was denied because he spends the majority of his time in Drayton, ND, where he is a Priest. Father Ovsak stated that he is a resident of Minnesota and is appealing to receive homestead credit at his residence on Jewett Lake. Assessor, Bob Moe, stated that the primary issue is occupancy and there are other similar cases although each case has its own circumstances. Normally, primary residence is considered the residence where the person spends most of their time. Discussion followed. Motion by Lee, second by Mosher, to approve homestead credit for Father Will Ovsak for parcel no. 22-000-99-0410-000, his residence on Jewett Lake. Chair Froemming called for a roll call vote:

Commission District 5	Block	Nay
Commission District 2	Lee	Yea
Commission District 1	Nelson	Yea
Commission District 4	Froemming	Yea
Commission District 3	Mosher	Yea

Motion carried.

**Conditional Use Permit Extension**

Motion by Froemming, second by Lee, and unanimously carried to extend Conditional Use Permit No. 5663 for Loren Kalpin et al on Lake Adley (56-31) to November 24, 2002.

### **Approval of Final Plats**

Motion by Froemming, second by Nelson, and unanimously carried to approve the Final Plat of Milt Paulson known as Belmont Pointe located in Section 31, Range 39, Township 132, Nidaros Township.

Motion by Lee, second by Mosher, and unanimously carried to approve the Final Plat of James Allaire et al known as Park View located in Section 5, Range 42, Township 135, Lake Lida.

Motion by Mosher, second by Lee, and unanimously carried to approve the Final Plat of Harlan Nelson known as Round Lake Beach First Addition located in Section 5, Range 40, Township 133, Everts Township.

### **Approval of Tobacco License**

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

Michelle Green  
Sparetime Bar and Grill  
43521 425<sup>th</sup> St.  
PO Box 1787  
Perham, MN

Tobacco

### **Approval of Training for Motor Vehicle Office**

Motion by Mosher, second by Lee, and unanimously carried to approve attendance by the Motor Vehicle office staff for training available Monday, November 19, 2001, at the Minnesota Truck Center in Mendota Heights and to authorize closure of the office on November 19<sup>th</sup> to allow for the training.

### **Temporary Snowmobile Trail Easement**

Motion by Nelson, second by Block, and unanimously carried to approve the granting of the following Temporary Snowmobile Trail Easement:

This Snowmobile Trail Easement is granted this 6th day of November 2001, by the Otter Tail County Auditor, under the provision of Minnesota Statute 282.04, Subdivision 4, to the Otter Trail Riders Snowmobile Club, for the purpose of establishing and maintaining a temporary seasonal use snowmobile trail across the following described tax forfeited property situated in the County of Otter Tail, State of Minnesota, to wit:

The East Half of the Southwest Quarter Except the West 10 Rods of the North 16 Rods, all in Section 34 of Township 136 Range 40 – (79 Acres).

That the Otter Tail County Auditor, per the provision of Minnesota Statute 282.04, Subdivision 4, in receipt of \$1.00, hereby grants an easement, for a period not to extend past December 31, 2002, over and across the above described tax forfeited property as shown on the attached drawing subject to the following conditions:

1. Upon a 90-day written notice this easement shall terminate and will be cancelled by a resolution of the Otter Tail County Board of Commissioners if,
  - a.) at any time the easement conflicts with any public use of the property,
  - b.) at any time the Otter Trail Riders Snowmobile Club should cease to exist,



**Market Price for the Solid Waste Management Tax  
Otter Tail County Resolution No. 2001 - 57**

Commissioner Nelson introduced the following resolution and moved its adoption:

WHEREAS, the solid waste management tax requires political subdivisions to identify by resolution a market price if the political subdivision:

Subsidizes the cost of service at a facility.

WHEREAS, the political subdivision will be liable for the solid waste management tax based only on the market price amount identified through this resolution.

WHEREAS, the market price is identified in state statutes as the "lowest price available in the area".

WHEREAS, Otter Tail County has performed research to identify the lowest price available in this area;

THEREFORE, the County of Otter Tail declares a market price of \$48.00 per ton for a facility, based on a tipping fee amount of \$48.00 per ton at Fergus Falls Resource Recovery Facility and an additional transportation cost or \$0 per ton.

Adopted this 6th day of November, 2001.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Roger Froemming, County Board Chair

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

**Used Can Crusher**

Motion by Nelson, second by Mosher, and unanimously carried to authorize the Solid Waste Director to sell a used can crusher to NAFF Enterprises in Downers Grove, IL, for \$2,000 and to authorize the Solid Waste Director to sign the agreement between the entities regarding this sale. The can crusher will be delivered to Amazon Paint at a cost of \$125 and NAFF Enterprises will pick the equipment up at that location.

**Approval to Pay Bills**

Motion by Nelson, second by Mosher, and unanimously carried to approve payment of County Board bills per Attachment A of these minutes which include the following lodging payments:

Best Western Maplewood Inn  
Cragun's  
Doubletree Hotel  
Ruttter's

Deputy Sheriff, Scott Koennicke  
HHW Program Manager, David Stadum  
Fraud Investigator, Al Anderson  
Detention Facility Administrator, Gary Waskosky  
Detention Facility Asst. Administrator, Al Keller  
Detention Officers, Jill Kluck, Jack Dawkins,  
Richard Akerman, and Anne Mueller  
Safety & Emergency Services Director, Sheldon Holm

### **Pine Lakes Improvement District**

Motion by Nelson, second by Lee, and unanimously carried to affirm the previous motion to approve the Re-establishment of the Pine Lakes Improvement District.

### **Closed to the Public**

At 10:26 a.m., Chair Froemming declared the meeting of the Otter Tail County Board of Commissioners closed to the public for purposes of discussing labor negotiation strategies relative to the Human Services Professional and Support Specialist collective bargaining units. All seated commissioners were present along with the County Coordinator, County Attorney, and Recording Secretary. At 10:40 a.m., upon conclusion of the closed session, Chair Froemming declared the meeting open to the public for the remaining agenda items.

### **Approval of Final Payment - C.P. 99:Salt Storage Building**

Motion by Lee, second by Mosher, and unanimously carried to approve Final Payment, in the amount of \$49,582 per purchase order no. 60889, to Greystone Construction Company in Shakopee, MN, for the salt storage building roof trusses and fabric.

### **Ditch Systems**

#### Ditch System No. 29:

Ditch Inspector, Randy Wasvick, reported that permission has been received from the two landowners involved to remove a culvert that leads into Rush Lake in Ditch System No. 29 and a bid of \$800 was received to do the work. Motion by Nelson, second by Mosher, and unanimously carried to authorize the Ditch Inspector to proceed with removal of this culvert in Ditch System No. 29 for an approximate cost of \$800.

#### Ditch System No. 63:

Mr. Wasvick reported that he has received an estimate to repair a large hole in a field in Ditch System No. 63 and that some additional holes in the system also exist on an adjoining landowner's property. The total cost to repair all of these holes is based on an hourly charge plus materials and estimated not to exceed \$5,000. Motion by Lee, second by Block, and unanimously carried to authorize the Ditch Inspector to proceed with repair of the holes as described in Ditch System No. 63 on an hourly basis plus materials estimated not to exceed \$5,000. Otter Tail County will loan the money to the ditch system to be paid back by assessment to property owners at an interest rate as established by M.S. 278.08 and used for tax court judgments.

Mr. Wasvick reported that Ted Hegseth rents property on a ditch system and there is a slough that drains into a wildlife property that he has problems keeping cleaned out. He has requested permission to tile into the ditch system rather than have an open ditch. Motion by Lee, second by Nelson, and unanimously carried to authorize tile work in this open ditch as long as the tile maintains the designed capacity of the system and all cost of the work is paid by the landowner with no cost to Otter Tail County.

#### Ditch System No. 19:

Mr. Wasvick stated that the township and property owners are requesting that a culvert be placed under a township road north of Horsehead Lake which will drain water to a culvert under C.R. 138 and then into Ditch System No. 19. In order to install a culvert, there must be an application to enter into the Ditch System and a redetermination of benefits would need to be completed. Discussion took place regarding the high water of Horsehead Lake causing problems on C.R. 42, installing a culvert with a valve before benefits are redetermined, the possibility of the township

road being washed out if a culvert is not installed this fall, a need for clean out of the culvert under C.R. 138 and a need to install a culvert under a driveway in order for the system to flow. DNR Hydrologist, Terry Lejcher, stated that the Ordinary High Water Level (OHWL) has not been established on Horsehead Lake; however, it will be established next week. No action can be taken until the OHWL is established. He expressed concern regarding placement of the proper size culvert and pipe, etc. to be sure the ditch has capacity to hold the flow. Rodney Peterson, Kenny Noah, and Shorty Kingston spoke in favor of placing a culvert in this location and entering the ditch system. The OHWL will be established on Horsehead Lake, a petition from the township and an application to enter the ditch system is required, and the Ditch Inspector will return to the Board next week.

**Approval of Enhanced 911 Letter**

Motion by Froemming, second by Block, and unanimously carried to authorize the Chair's signature to approve a letter addressed to the Minnesota Public Utilities Commission regarding QWEST Communication's reluctance to follow the accepted NENA rules relative to Enhanced 911 services.

**Adjournment**

At 11:47 a.m., a motion was offered by Block and seconded by Froemming, to adjourn the meeting of the Otter Tail County Board of Commissioners until Tuesday, November 13, 2001. Motion carried.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Roger Froemming, County Board Chair

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