

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, May 7, 2002
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, May 7, 2002, at 9:30 a.m. at the Otter Tail County Courthouse with Dennis Mosher, Chair; Malcolm Lee, Vice-Chair; Syd Nelson, Roger Froemming, and Bob Block present.

Approval of Agenda

Motion by Froemming, second by Nelson, and unanimously carried to approve the County Board agenda of May 7, 2002, with the following addition:

Request for Extension for Filing a Final Plat

Approval of Minutes

Motion by Block, second by Froemming, and unanimously carried to approve the County Board minutes of April 23, 2002, as presented.

Approval to Pay Bills

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

Howard Johnson Thunderbird

Communications Officers, Richard Akerman &
Dave Iverson

Ditch No. 8

Ditch Inspector, Randy Wasvick, reported a request from Dan Hendershot from Deer Creek to install a culvert in an approach in Ditch No. 8 in Section 35 of Deer Creek Township. Mr. Wasvick would like to view this area and verify the size pipe that is being installed. Motion by Froemming, second by Nelson, and unanimously carried to authorize Property Owner, Dan Hendershot, to install a culvert in an approach in Ditch No. 8 at the property owner's expense and subject to the approval of the Ditch Inspector.

Ditch No. 12

Mr. Wasvick provided a handout showing County Ditch No. 12 east of Pelican Rapids between Pelican and Lida Townships along with a letter from the townships asking to do some cleaning along their road (220th Avenue). Mr. Wasvick provided a map showing the original ditch system, which weaves back and forth along the township road. At some time, the township redid the road and the other map shows that they changed that ditch system. Discussion followed. Motion by Lee, second by Block, and unanimously carried to notify the Town Boards of Pelican and Lida Townships that this ditch is a township road ditch and, as the road authority, the township would be responsible for clean out of the ditch on the east side of 220th Avenue. Commissioner Lee asked that we send the townships the original map with a letter explaining the situation.

Request to Fill Position

GIS Coordinator and Website Development Committee Member, Sherry Leabo, requested transfer of budget dollars for a new webmaster position from the MIS Department Budget to the GIS Department Budget and to authorize submitting a job description to MAXIMUS. Motion by Lee,

second by Block, and unanimously carried to transfer the budget dollars as requested above and to authorize sending a job description for the position to MAXIMUS.

Approval of the Support Specialists Collective Bargaining Agreement

Motion by Lee, second by Mosher, and unanimously carried to approve the Labor Agreement between the Minnesota Teamsters Public and Law Enforcement Employees Union, Local No. 320, Social Services Support Specialists Unit and County of Otter Tail for the period of January 1, 2002 through December 31, 2004 subject to the approval of the County Attorney.

Tax Court Stipulation

Motion by Lee, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a Tax Court Stipulation between Jenne-O-Foods plant and the County of Otter Tail which reflects a tax court settlement for payable 2001 and 2002.

Prometheus Zoo Run

Chuck Edner presented details on the 17th Annual Prometheus Zoo Run to be held June 21, 2002 through June 23, 2002. He requested approval to hold this fundraising activity as presented. Motion by Block, second by Froemming, and unanimously carried to authorize a waiver to the Otter Tail County Exhibitions and Shows Ordinance for this event.

**Snowmobile Grant-In-Aid Trail Systems Resolution
Otter Tail County Resolution No. 2002 - 29**

Commissioner Froemming offered the following and moved its adoption:

WHEREAS, Otter Tail County has sponsored Grant-In-Aid Trail Systems in the past; and

WHEREAS, acceptance of the Grant-In-Aid Trail Systems proposed extensions are subject to the review and approval of the County Attorney;

THEREFORE, BE IT RESOLVED, that Otter Tail County shall continue to sponsor Grant-In-Aid Trail Systems as they exist for Lake Runners Trail Association and proposed extensions of Grant-In-Aid Trails with the aforementioned condition.

Commissioner Nelson seconded the motion, and upon being put to vote, was unanimously carried.

Adopted at Fergus Falls, MN, this 7th day of May, 2002.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Dennis Mosher, County Board Chair

Attest: _____
Larry Krohn, Clerk

Approval of Final Plat - Heyer's Addition to Pelican Point

Motion by Lee, second by Block, and unanimously carried to approve the final plat known as "Heyer's Addition to Pelican Point" which is a 4-lot subdivision located in Section 4 of Dunn Township, Lake No. 56-786.

Request for Extension to File a Final Plat - "Bear Lake Haven Retreat"

Motion by Nelson, second by Froemming, and unanimously carried to approve an extension for filing the final plat of Frances Rappat known as "Bear Lake Haven Retreat" located in Section 18 in Butler Township.

Closed Landfill Program

Solid Waste Director, Mike Hanan, opened discussion regarding the Closed Landfill Cleanup program. The State of Minnesota has provided us with a binding agreement. The County Attorney has reviewed the latest agreement dated 4/18/02. All changes requested by the County have been made except for one whereby the County requested that "any property owned by Otter Tail County" be removed and a description of the property at the landfill be substituted. The County Attorney stated that the change is not needed because the original language does not give the State a cause of action against any other property the County owns, it simply precludes the County to sue the State.

One other issue is that over the years, we have put money aside for long term monitoring and maintenance for acres at the Northeast Landfill. There is 1.4 million dollars for this purpose and if we choose to enter into the Closed Landfill Program, the County must give the State approximately \$590,000. If cleanup were required at the site, the State would pay for all cleanup costs over the County's payment of \$590,000. The only wells that show any potential problem are the ones next to the tank. The far wells past the demolition site do not show anything. Mr. Hanan recommended that because we never will get a chance to put the Northeast Landfill facility into the Closed Landfill Program again, the County should proceed with the appropriate documents. Motion by Lee, second by Block, and unanimously carried to enter into the Closed Landfill Program with the State of Minnesota and to approve the following resolution:

**Landfill Cleanup Act Agreement
Otter Tail County Resolution No. 2002 - 30**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, the Commissioner of the Minnesota Pollution Control Agency has the power and duty to administer and enforce the provisions of the Landfill Cleanup Act, Minn. Stat. 115B.39-115B.46 (1994) (the Act), including the authority to enter into binding agreements necessary to achieve compliance with the requirements of the Act, and

WHEREAS, Minn. Stat. 115B.40, subd. 4 requires owners or operators of qualified facilities not subject to a cleanup order to complete specified activities and enter into a binding agreement with the Commissioners before the Commissioner can issue a Notice of Compliance for the facility under Minn. Stat. 115B.40, subd. 7, and

WHEREAS, Northeast Otter Tail County Landfill is a qualified facility within the meaning of Minn. Stat. 115B.39, subd. 2(j) and is not subject to a cleanup order as that term is defined in the Act, and

WHEREAS, Otter Tail County, owner operator and permittee of the Landfill, has completed the closure activities at the Landfills, as required by Minn. Stat. 115B.40, subd. 4(a)(1).

NOW, THEREFORE, BE IT RESOLVED, that Dennis Mosher, Chairman of the County Board, is hereby authorized to sign the Northeast Otter Tail County Landfill Cleanup Agreement between the

County of Otter Tail and the Commissioner of the Minnesota Pollution Control Agency and all related documents, pursuant to Minn. Stat. 115B.39-115B.46.

Commissioner Block seconded the motion, and upon being put to vote, was unanimously carried.

Adopted at Fergus Falls, MN, this 7th day of May, 2002.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Dennis Mosher, County Board Chair

Attest: _____
Larry Krohn, Clerk

Leachate Pumping Quotes

Mr. Hanan stated that the County has a contract with the Resource Recovery Facility in Perham to accept leachate from the Northeast Landfill to use for processing water for their facility. The County requested quotations for hauling leachate and received the following quotations:

	Sewer Service	Hawes Septic Tank Pumping	Fergus Power Pump
Per Load	\$55.00	\$65.00	\$105.00
Per Gallon	\$.024	\$.028	\$.035

Motion by Lee, second by Froemming, and unanimously carried to accept the low bid from Sewer Service of \$55.00 per load and \$.024 per gallon for hauling purposes for the Northeast Landfill as recommended by the Solid Waste Director.

**Premise Permit – Frazee Lions Club
Otter Tail County Resolution No. 2002 - 31**

Commissioner Froemming offered the following and moved its adoption:

WHEREAS, the responsibility for the regulation of lawful gambling and the issuance of licenses and permits for the conduct of lawful gambling lies with the Minnesota Gambling Control Board; and

WHEREAS, the Frazee Lions Club, Frazee, MN, has made an application to the Gambling Control Board for a premise permit to conduct lawful gambling at Spankys on Rose Lake, in Hobart Township of Otter Tail County; and

WHEREAS, Minnesota Statute 349.213 provides that the Gambling Control Board may not issue a premise permit unless they receive a resolution from the Otter Tail County Board of Commissioners approving the application for a permit; and

WHEREAS, the Otter Tail County Board of Commissioners is aware of no reason to oppose the conduct of lawful gambling by the Frazee Lions Club, Frazee, MN, at Spankys on Rose Lake, in Hobart Township of Otter Tail County.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby approves the conduct of lawful gambling by the Frazee Lions Club, Frazee, MN, at

Spankys on Rose Lake in Hobart Township of Otter Tail County, provided the applicant meets all the necessary criteria for the licenses and permits as required by the Gambling Control Board.

IT IS FURTHER RESOLVED, that notice of this application and approval shall be provided to the Township of Hobart by sending them a copy of this resolution.

Commissioner Lee seconded the motion, and upon being put to vote, was unanimously carried.

Adopted at Fergus Falls, MN this 7th day of May, 2002.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Dennis Mosher, County Board Chair

Attest: _____
Larry Krohn, Clerk

Approval of Application for Exempt Permit

Motion by Nelson, second by Lee, and unanimously carried to accept, with no waiting period, the Minnesota Lawful Gambling LG220 - Application for Exempt Permit as submitted by Minnesota Finnish American Historical Society, New York Mills, MN, for an event scheduled for Sunday, August 25, 2002, at the Finn Creek Open Air Museum.

Payment Approvals

Motion by Froemming, second by Nelson, and unanimously carried, to approve payment to Ottertail Aggregate, in the amount of \$4,500.00, for 30 hours of ditching completed on County Drainage System No. 29 (Job Order Number 17818).

Motion by Block, second by Lee, and unanimously carried to approve payment to the City of Fergus Falls, in the amount of \$1,370.00, for disposal costs related to the removal of a structure from a tax forfeited parcel located at 515 West Maple in Fergus Falls, MN.

Request for Approval of License Applications

Motion by Mosher, second by Lee, and unanimously carried, to approve the following applications for license:

BPO Elks Lodge 1093 (Elks Point)
20970 Elks Point Rd
Fergus Falls, MN 56537

On-Sale Intoxicating Liquor

Subject to Township Approval, to the payment of the fee, to the submission of the required insurance papers, to the approval of the County Attorney's office and to the approval of the County Sheriff's office.

Lakeway Golf Course, Inc.
16319 Golf Course Rd
Dalton, MN 56324

Renewal of Consumption and Display Permit

Rocky's Resort
31370 Highway 108
Dent, MN 56528

Renewal of Consumption and Display Permit

Recess and Reconvene

At 11:29 a.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for a ten-minute break. The meeting was reconvened at 11:40 a.m.

Ditch No. 38

Robert Sonnenberg requested that the Board review the situation involving County Ditch No. 38. He stated that he lives on branch one of Ditch No. 38, which comes out of the east side of New York Mills and goes to Bluff Creek with branch 1 flowing west. He states that his property is the first gathering pond on branch 1 and the township has been putting culverts on top of old culverts on two township roads that appear as dams. His water is not draining and he is losing trees and agricultural land; losing a significant amount of acreage. He has met with Newton Township and they have not responded. New York Mills is planning to expand with a development of 50 acres. Mr. Sonnenberg believes they plan to pave some area and that flows into his property as well. He requested that someone from the County with expertise review the situation to make a judgment on the issue. The Ditch Inspector will research this issue and report back to the County Board at the May 21, 2002, County Board meeting.

Performance Evaluations Recessed for Lunch Break

At 11:35 a.m., Chair Mosher 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. §471.705 Subd. 1d(d). At 11:50 a.m., Chairman Mosher continued the closed meeting for the purpose of evaluating the performance of the Land & Resource Director, Bill Kalar, pursuant to M.S. §471.705 Subd. 1d(d). All five seated commissioners were present for the evaluation. A summary of performance conclusions will be provided at the next regular County Board meeting. At 12:04 p.m., the meeting was recessed for lunch break.

Reconvene Alcohol Compliance Checks

At 1:10 p.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners reconvened and, open to the public, for the remainder of the agenda items.

Chief Deputy, Mark Morris, and Officers Brian Fox and Darren Kunz, presented a video presentation of a Best Practices Program designed to reduce underage alcohol consumption. The program is modeled after the program the City of Fergus Falls has used. It would be a cooperative effort between the Sheriff's Department, businesses, and employees. The program will provide training for employees and work with the businesses throughout the County to ensure sales of alcohol are not made to underage people. The Sheriff's Department will be holding meetings throughout the County for establishments holding a liquor license to receive their input and plan to begin training employees next winter in the identification process. A two-tiered penalty system for the program may be used after input from the dealers.

LPD Lake Improvement District

Chairman Mosher stated that this meeting is for discussion and consideration to establish the Little McDonald, Paul, and Devils Lake Improvement District. A public hearing was held on April 20, 2002, for public input. Auditor, Wayne Stein, stated that he received a petition in the mail on May 1, 2002, objecting to the establishment of the proposed LID which contains 110 signatures

with an additional 9 to be sent. Mr. Stein stated that the signatures have not been verified at this time. The County Attorney stated that the petition is only requesting a negative referendum if the proposed LID is passed. Lengthy discussion took place regarding the process to be used in considering the petition. Motion by Lee, second by Nelson, to approve the Little McDonald, Paul, and Devils Lake Improvement District as proposed. Chair Mosher called for a roll call vote:

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

Motion carried 3-2. Chair Mosher stated that the LID would not go into effect until after the County Attorney has researched the issues concerning the petition.

Recess & Reconvene

At 2:21 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed until 2:30 p.m.

Discussion - Indian Lake and Ditch No. 43

Ditch Inspector, Randy Wasvick, stated that the Indian Lake water level has not gone down and has stayed about the same. He suggested that the County continue to watch the level; however, it may not be as serious as previously thought. Highway Engineer, Rick West, reported that there is an old road crossing 2,500 ft. west of the outlet of Indian Lake and it lies within the main ditch (section 3 of this ditch). He suggested using a backhoe to dig down to the old tile to establish the original elevation of the ditch. Chairman Mosher directed the Highway Engineer to bring in a backhoe to find the original elevation as presented.

Certification of Wetland Easements

Motion by Mosher, second by Lee, and unanimously carried to certify the following acquisition of lands by the U.S. Fish & Wildlife Service for waterfowl easement purposes:

Dale Thiesfeld et al
T. 131N., R. 39W., 5th P.M.
 Sections 35, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 2, North 100 feet of Lot 3.

Todd Crabtree
T. 136N., R. 42W., 5th P.M.
 Sections 25, E $\frac{1}{2}$ SE $\frac{1}{4}$

Michael Evavold et al
T. 131N., R. 40W., 5th P.M.
 Sections 32 and 33 as described:

Section 32 SE $\frac{1}{4}$ EXCEPT for that parcel described as follows: Beginning at the Southeast corner of the Southeast quarter of Section 32, Township 131, Range 40; thence North a distance of Six Hundred and sixty (660) feet; thence West a distance of Six Hundred and sixty (660) feet; thence South a distance of Six Hundred and sixty (660) feet; and thence East a distance of Six Hundred and sixty (660) feet to the point of beginning. Section 33, W $\frac{1}{2}$ SW $\frac{1}{4}$, excepting therefrom the following described tract of land, to-wit: Beginning at the Southwest corner of the SW $\frac{1}{4}$ of Section 33, Township 131, Range 40; thence North along the West line of said SW $\frac{1}{4}$ a distance of 660 feet; thence East parallel to the South line of said SW $\frac{1}{4}$ a distance of 660 feet; thence South

parallel to the West line of said SW¼ a distance of 660 feet; thence West along the South line of said SW¼ a distance of 660 feet to the point of beginning.

Bid Award - 2002 Traffic Marking

After previously advertising for bids, Highway Engineer, Rick West, opened the following bids at 1:00 p.m. on May 1, 2002, for C.P. 02:TM as follows:

Traffic Marking Services, Inc. Buffalo, MN	\$104,803.17
Interstate Road Management Alexandria, MN	\$110,686.90
AAA Striping Service Co. Rogers, MN	\$113,128.30
Swanston Equipment Companies Fargo, ND	\$115,795.20
Tri-State Striping, Inc. West Fargo, ND	\$128,087.83

Motion by Nelson, second by Froemming, and unanimously carried to award the 2002 County Wide Traffic Marking project to the low bidder, Traffic Marking Services, Inc. in the amount of \$104,803.17 as recommended by the Highway Engineer.

Approval of Final Payment - S.A.P. 56-623-09 & Etc.

Motion by Nelson, second by Lee, and unanimously carried to approve the final payment per Estimate No. 7, in the amount of \$65,902.97, payable to Central Specialties, Inc. for Bituminous Leveling & Wearing Course, Aggregate Shouldering and Topsoil on CSAH 23, 41, & 80 in Perham.

Commissioner Bob Block was absent at 3:04 p.m. to attend a Family Services Collaborative meeting.

Approval of Minutes

Motion by Lee, second by Froemming, and unanimously carried to approve the LPD LID Public Hearing minutes of April 20, 2002, as presented.

Adjournment

At 3:10 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, May 14, 2002.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Dennis Mosher, County Board Chair

Attest: _____

Larry Krohn, Clerk