

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Offices - York Mills Courtroom
Tuesday, May 21, 2002
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, May 21, 2002, at 9:30 a.m. at the New York Mills Courtroom 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 21, 2002, as mailed.

Approval of Minutes

Motion by Froemming, second by Block, and unanimously carried to approve the County Board minutes of May 14, 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.

**Resolution Authorizing Sponsorship of Trails Operated by
Otter Trail Riders
Otter Tail County Resolution No. 2002 - 36**

Commissioner Froemming offered the following and moved its adoption:

BE IT RESOLVED that Otter Tail County act as the legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for snowmobiling of snowmobile trails managed by Otter Trail Riders.

BE IT FURTHER RESOLVED that upon approval of its application by the state, Otter Tail County may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement.

BE IT FURTHER RESOLVED that Bill Kalar is authorized to sign such an agreement with the Department of Natural Resources.

BE IT FURTHER RESOLVED that Bill Kalar is hereby authorized to serve as the fiscal agent for the existing snowmobile trails operated and maintained by Otter Trail Riders.

Commissioner Mosher seconded the motion and upon being put to a vote, the above resolution was unanimously adopted.

Adopted at Fergus Falls, Minnesota, this 21st day of May, 2002.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: _____ By: _____
Larry Krohn, Clerk Dennis Mosher, County Board Chair

**Resolution Authorizing Sponsorship of a Proposed Trail Operated by
Otter Trail Riders
Otter Tail County Resolution No. 2002 - 37**

Commissioner Froemming offered the following and moved its adoption:

BE IT RESOLVED that Otter Tail County act as the legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for snowmobiling of a snowmobile trail from the City of Ottertail to the Oakwood Golf Course in Henning, MN, managed by Otter Trail Riders.

BE IT FURTHER RESOLVED that upon approval of its application by the state, Otter Tail County may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement.

BE IT FURTHER RESOLVED that Bill Kalar is authorized to sign such an agreement with the Department of Natural Resources.

BE IT FURTHER RESOLVED that Bill Kalar is hereby authorized to serve as the fiscal agent for the proposed snowmobile trail operated and maintained by Otter Trail Riders.

Commissioner Nelson seconded the motion and upon being put to a vote, the above resolution was unanimously adopted.

Adopted at Fergus Falls, Minnesota, this 21st day of May, 2002.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: _____ By: _____
Larry Krohn, Clerk Dennis Mosher, County Board Chair

Extension Update

Extension Educator, Vince Crary, updated the County Board on a new process for the Master Gardeners to answer specific questions from the public. He reported that the Dairy Diagnostics program is generating some revenue that currently goes into the County's General Revenue Fund. Mr. Crary requested that some of those funds be used for GPS equipment needed to map a research area where donkeys are being used to reduce thistles. This is a three-year research project. Lengthy discussion followed. Motion by Block, second by Froemming, and unanimously carried to provide funding generated from the Dairy Diagnostics program for GPS equipment to map the research area as described. This motion provides funding for a one-time purchase of equipment and is subject to a follow-up report to the County Board on this project.

Highway Project Update Wadena Bypass Project

Highway Engineer, Rick West, submitted a written Project Update and reviewed all current construction and design projects in process by the Highway Department. Mr. West introduced discussion regarding the Wadena By-Pass project proposed for construction in Year 2010. He presented a map of several alternatives for the project. Lengthy discussion followed. He stated that this would not be the time for the County Board to state their preferences to MnDOT regarding alignment; however, zoning related comments would be appropriate.

Ditch System No. 38

Ditch Inspector, Randy Wasvick, presented a map of Ditch System No. 38 including Branch 1 and 2. He reported that he has a request to clean branch 1, which could cause some problems downstream. He recommends cleaning the main ditch all the way to Happyjack Lake. In order to complete the clean-out, the DNR would need to be consulted because of the cattail sloughs. Another request was expressed for clean out to the south. A New York Mills city official stated that the impact in town in terms of draining out through the storm sewers would need to be researched. He stated that 1/3 to 1/2 of the town feeds this ditch area. Newton Township Chairman, Thomas Wallgren asked about the financing for a ditch clean out. Mr. Wasvick stated that County Ditch Systems are privately owned by property owners whose property puts water into that ditch system. All benefactors would be assessed for the cost. Property owner, Bob Sonnenberg, presented an aerial photo of the Ditch Systems around the City of New York Mills. Commissioners requested that Mr. Wasvick research the issue further and set a date for a public hearing at the next regular County Board meeting.

Resolution Authorizing Sponsorship of Snowmobile/Cross Country Ski Trails Operated by Henning SnoCruisers Otter Tail County Resolution No. 2002 - 38

Commissioner Froemming offered the following and moved its adoption:

BE IT RESOLVED that Otter Tail County act as the legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for maintenance of snowmobile/ski trails managed by Henning SnoCruisers.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the Henning SnoCruisers-Otter Tail County may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement.

BE IT FURTHER RESOLVED that Bill Kalar is hereby authorized to serve as the fiscal agent for the above referenced project.

Commissioner Mosher seconded the motion and upon being put to a vote, the above resolution was unanimously adopted.

Adopted at Fergus Falls, Minnesota, this 21st day of May, 2002.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: _____ By: _____
Larry Krohn, Clerk Dennis Mosher, County Board Chair

Henning Snow Cruisers Trail Agreement

Motion by Lee, second by Froemming, and unanimously carried to authorize the Chair's signature to execute an agreement between the County of Otter Tail and the Henning Snow Cruisers for maintenance of their snowmobile trail system.

Recess & Reconvene

At 11:21 a.m., Chair Mosher recessed the meeting of the Otter Tail County Board of Commissioners for a short break. The meeting was reconvened at 11:29 a.m.

Order Establishing the LPD Lake Improvement District

Assistant County Attorney, Barbara Hanson, presented two draft Orders to Establish the LPD LID. There has been discussion about whether or not to include Devils and Little Devils lakes' property owners in the LID and a petition to exclude those property owners was previously presented. The petition to ask for a referendum vote before establishing the LID did not meet the required statutory form and did not contain signatures from 26% of the property owners within this proposed district. The Order to Establish would need to be published and the LID would not be effective until 30 days after publication. The following individuals spoke in opposition of including Devils and Little Devils Lakes in the proposed Lake Improvement District: Ray Masters, Marion Gill, Ambrose Moenkedick, and Connie Dahl. Lengthy discussion took place regarding petitions and establishing boundaries.

**THE OTTER TAIL COUNTY BOARD OF COMMISSIONERS
ORDER ESTABLISHING THE OTTER TAIL COUNTY
LITTLE MCDONALD AND PAUL LAKES IMPROVEMENT DISTRICT
Otter Tail County Resolution No. 2002 - 39**

Commissioner Lee offered the following and moved its adoption:

The County Board of the County of Otter Tail, having held a public hearing in the VFW in the City of Perham, Minnesota, on the 20th day of April, 2002, having reviewed the request of the Little McDonald, Paul and Devils Lake Property Owners Associations, having considered the comments made at the public hearing, and being fully advised in the premises, makes the following Findings and Order:

FINDINGS

I.

The County Board adopted a Resolution of Intent to Establish a Lake Improvement District as Resolution No. 2002-18, dated March 19, 2002.

II.

The Department of Natural Resources and the Pollution Control Agency of the State of Minnesota were notified of the proposed Lake Improvement District.

III.

The Town Boards of Edna, Gorman and Perham Townships were given notice of the resolution and of the public hearing.

IV.

The owners of the property on Little McDonald, Kerbs, Paul, Devils and Little Devils Lakes were notified of the public hearing by mail.

V.

Notices of the public hearing were published in the Fergus Falls Daily Journal on March 29, 30 and April 3, 2002; and published in the Perham Enterprise on April 4 and April 11, 2002.

VI.

The purpose and objective of the Lake Improvement District is to provide a means by which the property owners can meet and deal with specific needs relating to water quality and water management, including high water problems.

VII.

The establishment of the Lake Improvement District is appropriate and will promote the public welfare.

VIII.

Although part of a larger drainage basin with the other lakes, Devils and Little Devils Lakes are in a separate water basin, and many of the property owners on these two lakes object to being in the proposed Lake Improvement District.

IX.

The property on Little McDonald, Paul and Kerbs Lakes will benefit by the establishment of the district.

X.

The formation of the district will not cause or contribute to long-range environmental pollution, but provide an opportunity to address environmental concerns and limit pollution.

XI.

Lake Improvement Districts are authorized by Minnesota Statutes §103B.501 through §103B.581.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The name of the proposed Lake Improvement District shall be:

Little McDonald and Paul Lakes Improvement District.

2. The boundaries of the proposed lake improvement district shall include parcels that have lake frontage on Little McDonald Lake, Paul Lake, and Kerbs Lake in Otter Tail County, but shall exclude agricultural land.

As the use of agricultural lands within the 1,000 foot boundary of the district changes to non-agricultural use, the district may, by confirming the change of use to the County Auditor and Assessor, and by notifying the owner of the property and the Administrator of the Otter Tail County Department of Land and Resource Management, include those formerly agricultural lands in the district.

3. The water and related land resource management program that may be undertaken by the district include:

- a. Develop and implement a comprehensive plan to eliminate water pollution;
- b. Receive financial assistance from and participate in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and related demonstration programs;
- c. Undertake research to determine the condition and development of the body of water included within the lake improvement district to transmit the studies of the Department of Natural Resources, the Minnesota Pollution Control Agency and other interested authorities;
- d. Make cooperative agreements with the United States or state government or other county or city governments to effectuate water and related land resource programs;
- e. Conduct programs of water improvement and conservation;
- f. Implement a water monitoring system;
- g. Serve as local sponsor for state and federal projects or grants;
- h. Regulate water surface as deemed necessary and reasonable; or
- i. Such other programs, plans, studies, developments or implementations as are allowed or permitted by law, and approved by the County Board from time to time.

4. The Otter Tail County Board delegates to the lake improvement district pursuant to Minnesota Statute §103B.551, Subd. 3, authority to:

- a. Acquire by gift or purchase, equipment, structures or control works that affects the level of waters in the district.
- b. Construct and operate water control structures, equipment or control works that are approved by the Commissioner of Natural Resources under section 103G.245.
- c. Undertake projects to change the course current or cross section of public waters that are approved by the Commissioner of Natural Resources under section 103G.245.

- d. Acquire property, equipment or other facilities, by gift or purchase to improve navigation.
 - e. Contract with a board of managers of a watershed district within the lake improvement district or the board of supervisors of a soil and water conservation district within the district for improvements under chapters 103C and 103D.
 - f. Undertake research to determine the condition and development of the body of water and the water entering it and to transmit the results of the studies to the pollution control agency and other interested authorities.
 - g. Develop and implement a comprehensive plan to eliminate water pollution.
 - h. With the specific approval of the County Board for a particular project, construct a water, sewer, or water and sewer system in the manner provided by section 444.075 or other applicable laws.
 - i. Receive financial assistance from and participate in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and related demonstration programs.
 - j. Make cooperative agreements with the United States or state government or other counties or cities to effectuate water and related land resource programs.
 - k. Maintain public beaches, public docks and other public facilities for access to the body of water.
 - l. Provide and finance a government service of the county or statutory or home rule city that is not provided throughout the county or, if the government service is provided, the service is at an increased level within the district.
 - m. Regular water surface use as provided in sections 86B.205, 103G.605 and 103G.621.
5. Funding for the lake improvement district shall be:
- a. Start-up funds will be provided from the Little McDonald Lake Association and Paul Lake Association.
 - b. Lake Improvement District activities may be funded by the levying of an ad valorem tax solely on property within the district.

No establishment or increase in the ad valorem property tax will be allowed if it affects the county levy subject to state-imposed levy limits.
 - c. Lake Improvement District activities may also be funded by assessment of costs of projects upon the benefited property within the district in the manner provided under Minnesota Statutes Chapter 429.

d. Lake Improvement District activities may also be funded by imposition of service charges on users of the Lake Improvement District services within the district (Minnesota Statute §428A.05).

6. The Director of the Otter Tail County Department of Land and Resource Management shall be responsible for supervising the programs of the Lake Improvement District.

7. The Board of Directors of the Lake Improvement District shall consist of nine members. The Board members must own property within the Lake Improvement District, and a majority of the Directors must be residents of the District. The initial Directors will be appointed to alternating terms of one, two and three years each. Thereafter, three Directors shall be elected each year to serve three-year terms. No Director may serve more than two successive complete terms. Directors may be removed by a two-thirds vote of the remaining Board members, or by a majority of the property owners present at an annual meeting. Vacancies in the Board of Directors may be filled by a majority vote of the remaining Directors, subject to approval of a majority vote of the property owners present at the next annual meeting. A Director elected to fill a vacancy shall serve the unexpired term. Representation on the Board shall include at least two members from Little McDonald Lake, two members from Paul Lake, and two members from Kerbs Lake. Property owners not present at the annual meeting may participate in the election of the District Board by absentee ballot.

8. That this Order shall be published in the official newspaper of the County, and that the effective date of the establishment of the Lake Improvement District shall be thirty (30) days after publication.

9. That a copy of the Order shall be filed with the Secretary of State, the Pollution Control Agency and the Commissioner of Natural Resources.

Commissioner Froemming seconded the motion and upon being put to a roll call vote, the above resolution was adopted as follows:

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

Adopted at Fergus Falls, Minnesota, this 21st day of May, 2002.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
 Dennis Mosher, County Board Chair

Attest: _____
 Larry Krohn, Clerk

License Application Approvals

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

Conoco Quik-Stop
Underwood Oil Inc
Highway 210 and County Road 35
Underwood, MN 56586

Off-Sale 3.2 Malt Liquor

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

Lakeland General Store
Junction of Highways 34 and 59

Off-Sale 3.2 Malt Liquor

Pelican Hills Peak, Inc.
20098 S. Pelican Dr.
Pelican Rapids, MN 56572

Tobacco

Special Assessment

Motion by Nelson, second by Froemming, and unanimously carried to levy a special assessment, in the amount of \$503.00, against parcel 53-000-99-0350-000 (tax forfeited) for cost incurred under the provision of Minnesota Statute 145A.04, Subd. 8 as certified.

Classification of Tax Forfeited Land and Request for DNR Approval Otter Tail County Resolution No. 2002 – 40

Commissioner Nelson offered the following and moved its adoption:

WHEREAS, the County Board of Commissioners of the County of Otter Tail, State of Minnesota, desires to offer for private sale the following described parcels of land that have forfeited to the State of Minnesota for non-payment of taxes:

Lot 39 Block 3 – Blowers Second Addition (on January 27, 1937 a County Auditor's Certificate of Forfeiture was issued and on January 28, 1937, the above referenced County Auditor's Certificate of Forfeiture was recorded on Page 507 Book Y of Miscellaneous) and

Lot 40 Block 3 – Blowers Second Addition (on August 24, 1943 a County Auditor's Certificate of Forfeiture was issued, and on August 24, 1943, the above referenced County Auditor's Certificate of Forfeiture was recorded on page 377 Book 3 of Miscellaneous), and

WHEREAS, said parcels of land have been considered and viewed by the County Board of Commissioners and has been classified as non-conservation lands as provided for in Minnesota Statutes 282.01, and

WHEREAS, based on certification from the City of New York Mills the highest and best use of the above described property can only be achieved by adding it to an adjoining parcel as a significant amount of the above described property lies within the road and railroad right-of-way, therefore, the property cannot be improved unless it is joined to an adjacent parcel.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby certifies that the above referenced parcels of land have been considered, visually viewed on a map and complies with the provisions of Minnesota Statutes 85.012, 92.461, 282.01, Subd. 8, and 282.018 and other statutes that require the withholding of tax-forfeited lands from sale.

BE IT FURTHER RESOLVED that the Otter Tail County Board of Commissioners, subject to the review and approval of the City of New York Mills, hereby request approval from the Minnesota Department of Natural Resources for the private sale to adjacent landowners of the above described property.

Commissioner Lee seconded the motion and upon being put to a roll call vote, the above resolution was unanimously adopted as follows:

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

Adopted at Fergus Falls, Minnesota, this 21st day of May, 2002.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
 Dennis Mosher, County Board Chair

Attest: _____
 Larry Krohn, Clerk

Performance Evaluation Summary

Motion by Lee, second by Block, and unanimously carried to approve the positive performance evaluation summary of Highway Engineer, Rick West, and place the summary in his personnel file.

Final Plats

Motion by Lee, second by Block, and unanimously carried to approve the Final Plat of Bruce & Marsha Quammen known as "Black Lab Beach", located on Franklin Lake, Section 34, Range, 42, Township 137, Lake No. 56-759.

Motion by Mosher, second by Block, and unanimously carried to approve the Final Plat of Harlan L. Nelson known as "Round Lake Beach 2nd Addition", which are backlots located on Round Lake, Section 5, Range, 40, Township 133, Lake No. 56-297.

Motion by Lee, second by Froemming, and unanimously carried to approve Registered Land Survey No. 13 owned by Charles Brasel located near Star Lake, Section 27, Range 41, Township 135, Star Lake Township.

Motion by Nelson, second by Lee, and unanimously carried to approve the Final Plat of Ero Wegscheid known as "Wegscheid Addition to Paul Lake" located on Paul Lake, Section 10, Range 40, Township 136, Lake No. 56-335 in Edna Township.

Independence Day Parade

Motion by Mosher, second by Froemming, and unanimously carried to approve a request from Karen Zell for a parade permit for the annual 4th of July parade held on the West end of Otter Tail Lake.

Military Request Clarification

Motion by Lee, second by Block, and unanimously carried to allow Kyle Westergaard payment of 15 days of military leave for training as allowed by Minnesota Statute and to adjust the year used in the calculation of the 15 days contingent upon payment not exceeding 15 days per year.

Labor Agreement

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a Collective Bargaining Agreement between the County of Otter Tail and Minnesota Teamsters Public and Law Enforcement Employees' Union, Local No. 320, representing the Nurses Unit for the period of January 1, 2002 through December 31, 2003.

Adjournment

At 12:52 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, May 28, 2002.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: _____ By: _____
Larry Krohn, Clerk Dennis Mosher, County Board Chair