

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS**
Government Services Center, 500 Fir Ave. W.
Commissioners' Room
Tuesday, October 5, 2004
9:30 a.m.

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, October 5, 2004, at 9:30 a.m. at the Otter Tail County Government Services Center with Commissioners Syd Nelson, Chair; Bob Block, Vice-Chair; Roger Froemming, Dennis Mosher, and Malcolm Lee present.

Approval of Agenda

Motion by Froemming, second by Mosher, and unanimously carried to approve the County Board agenda of October 5, 2004, with the following additions:

Land & Resource Director, Bill Kalar – Information Regarding Committee Volunteers
Discussion – Pomme de Terre River Basin Grant Application

Approval of Minutes

Motion by Froemming, second by Block, and unanimously carried to approve the County Board minutes of September 28, 2004, as mailed.

Correction to September 21, 2004, County Board Minutes

Motion by Lee, second by Mosher, and unanimously carried to approve a correction to the September 21, 2004, County Board minutes on page 4 under the heading of Conditional Use Permit – Viola Barrett % Nancy Ouderkirk as follows:

Motion currently reads: “Motion by Nelson, second by Mosher, and unanimously carried to approve an after-the-fact Conditional Use Permit to construct a driveway with a condition as recommended by the Planning Commission.”

Motion is amended to read: “Motion by Nelson, second by Mosher, and unanimously carried to approve an after-the-fact Conditional Use Permit to allow additional fill material to remain on-site with a condition as recommended by the Planning Commission.”

Approval to Pay Bills

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

Holiday Inn Duluth

Assessor, Robert Moe

Public Hearing for Grant Application

At 9:35 a.m., Chairman Nelson opened the Public Hearing to take citizen input and comments for a proposed application for Minnesota Small Cities Development Grant Funds and Lead Hazard Control Grant Funds. The grant funds will be used to provide loans and grants to low and moderate-income households to make necessary repairs to their homes. Dennis Christianson from the Fergus Fall/Otter Tail County Housing and Redevelopment Authority provided handouts and information regarding the proposed application. Discussion followed. Public Health Director, Diane Thorson, spoke in favor of the proposed grant, which

will target households that show the presence of lead-based paint and are occupied by families with children under 6 years of age. No one from the public was present for comments. No written comments were received.

SCDG FOR HOUSING REHABILITATION
Otter Tail County Resolution No. 2004 – 48

Commissioner Froemming offered the following and moved its adoption:

BE IT RESOLVED by the County Board of Otter Tail County that Otter Tail County act as the legal sponsor for the project contained in the Small Cities Development Application and the Lead Hazard Control Application to be submitted on November 1, 2004, and that the County Board Chairman and The County Coordinator are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of Otter Tail County.

BE IT FURTHER RESOLVED that Otter Tail County has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate construction, operation, maintenance, and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that Otter Tail County has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest, or other unlawful or corrupt practice.

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 Otter Tail County certifies that it will comply with all applicable laws and regulations as stated in all contract agreements and described in the Compliances Section of the Small Cities Development Application.

NOW, THEREFORE, BE IT RESOLVED that the Board Chairman and the County Coordinator are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project on behalf of the applicant.

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

Adopted at Fergus Falls, Minnesota, this 5th day of October, 2004.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

Pomme de Terre River Basin

Motion by Block, second by Lee, and unanimously carried to support the Pomme de Terre River Association Joint Powers Board grant application to the Minnesota Pollution Control

Agency (MPCA) and authorize Commissioner Dennis Mosher to sign on behalf of Otter Tail County. The grant application does not require a dollar match from the counties.

Rental Lease – University of Minnesota Extension Service

Motion by Lee, second by Block, and unanimously carried to authorize the Chairman's signature to execute a rental lease agreement between the County of Otter Tail and the University of Minnesota Extension Service at 223 West Cavour, Fergus Falls, for the period of January 1, 2004 through June 30, 2005.

Viking Library System Service Agreement

Viking Library Director, Peg Werner, presented a language change in the Viking Library System Agreement and requested approval. Motion by Mosher, second by Froemming, and unanimously carried to authorize the Chair's signature to execute the amended 2003 Viking Library System Agreement as presented.

Right of Way Easement

Motion by Lee, second by Mosher, and unanimously carried to authorize Right of Way Easement No. W.O. No. 102540 from the County of Otter Tail to the Otter Tail Corporation, a Minnesota Corporation of Fergus Falls, MN.

Final Plat Extension Request

Motion by Lee, second by Mosher, and unanimously carried to approve a 90-day extension for filing the Final Plat known as "Herb's Ridge" located in Section 29 of Hobart Township on Long Lake (56-388).

Snowmobile Trail Agreements

Motion by Lee, second by Froemming, and unanimously carried to authorize the Snowmobile Trail Sponsorship Agreements for funding of maintenance of snowmobile trails from the Minnesota Department of Natural Resources (DNR) as follows:

Lake Runners Trail Association (LRTA) Snowmobile Trail	\$18,434.00
Prairie Snow Drifters Snowmobile Trail	\$2,873.00
Otter Country Trail Association (OCTA) Snowmobile Trail	\$29,685.00
Otter Trail Riders Snowmobile Trail	\$34,713.00
Henning Sno Cruisers Snowmobile Trail	\$5,985.00

Cluster Development Moratorium Committee Volunteers

Land & Resource Director, Bill Kalar, provided information for the Cluster Development Moratorium Committee including a list of volunteers who wish to serve on this committee.

Ditch No. 11

Ditch Inspector, Randy Wasvick, reported that the County Ditch No. 11 meeting held last week was very well attended and most property owners would like the ditch cleaned. He reported that Terry Lejcher of the DNR gave approval to proceed as long as the ditch does not affect protected waters. He also mentioned that there is a beaver dam that needs to be removed; however, there are no dollars in this ditch fund. Discussion took place regarding the need to start assessments for all County ditches. Motion by Mosher, second by Lee, and unanimously carried to proceed with County Ditch No. 11 repair.

Ditch No. 38

Mr. Wasvick provided copies of two quotations for clean-out of County Ditch No. 38. Lengthy discussion followed regarding the proposed cleanout. Several property owners spoke in opposition of the cleanout. Mr. Wasvick will contact more contractors and request additional quotations before making a recommendation for clean out of the ditch.

**Classification of Tax Forfeited Land and Request for DNR Approval
Otter Tail County Board Resolution No. 2004 – 49**

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:

Parcel 14-000-02-0022-000
Section 2, Township 135, Range 40
West 51.4' of E 994.1' (Along the South Line of Lot 4 and North Line of RY)
Part of Government Lot 2, 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 Dead Lake Township, the highest and best use of the above described property can only be achieved by adding it to an adjoining parcel as the parcel is grossly substandard by the standards of the Otter Tail County Shoreland Management Ordinance (approximately 50' of frontage and 18,800 square feet of area), and the usability and value of one of the adjoining properties will be enhanced by the addition of this parcel, and

WHEREAS, the private sale of this property will also result in the elimination of a nonconforming sewage system and the demolition of any non-useable structures.

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 FURTHER RESOLVED That the Otter Tail County Board of Commissioners hereby requests approval from the Minnesota Department of Natural Resources for the private sale to adjacent landowners of the above described property.

Commissioner Mosher seconded the motion, and upon being put to a vote, was carried as follows:

County of Otter Tail Board of Commissioners	<u>YEA</u>	<u>NAY</u>	<u>OTHER</u>
Syd Nelson	X		
Malcolm Lee	X		
Dennis Mosher	X		
Roger Froemming	X		
Bob Block	X		

Adopted at Fergus Falls, Minnesota, this 5TH day of October, 2004.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

Payment Correction

Motion by Mosher, second by Lee, and unanimously carried to approve the following change to the August 10, 2004 minutes:

Eddie Bernhardson Otter Tail/Wilkin Judicial Ditch No 2 \$283.13 Should Be \$363.13

PREMISE PERMIT Otter Tail County Resolution No. 2004 – 50

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, T.I.P. Inc, Ottertail Chapter, MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at the Playtime Sports Bar and Grill, located at 43974 390th St. in Rush Lake 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 T.I.P. Inc, Ottertail Chapter, MN, at the Playtime Sports Bar and Grill, located at 43974 390th St. in Rush Lake 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 T.I.P. Inc, Ottertail Chapter, MN, at the Playtime Sports Bar and Grill, located at 43974 390th St. in Rush Lake 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 Rush Lake by sending them a copy of this resolution.

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

Adopted and signed this 5th day of October 2004.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

Special Assessment

Motion by Mosher, second by Lee, and unanimously carried to certify the following special assessment:

Parcel Number 52000290205001
Legal Description:
Section 29, Township 136, Range 38
SW¼ NW¼ S OF U.S. #10
Disposal Cost - \$7,719.42
5 Years Beginning with Payable Year 2005 (6% Interest)

Recess & Reconvene

At 11:00 a.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 11:05 a.m.

Highway Design Agreement

Motion by Nelson, second by Block, and unanimously carried to authorize the Chairman's signature to execute an agreement between the County of Otter Tail and Braun Intertec for pavement designs on CSAH 67 from CSAH 84 to Highway 10 and Highway 10 to CSAH 56, New York Mills, MN. The design cost for this project is \$1,500.

Adjournment

At 11:31 a.m., Chairman Nelson adjourned the meeting of the Otter Tail County Board of Commissioners until Tuesday, October 12, 2004.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk