

**MINUTES OF THE
 OTTER TAIL COUNTY BOARD OF COMMISSIONERS
 Government Services Center, 500 Fir Ave. W.
 Commissioners' Room
 Tuesday, February 15, 2005
 9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, February 15, 2005, at 9:30 a.m. at the Otter Tail County Government Services Center with Commissioners Bob Block; Chair, Roger Froemming; Vice-Chair, Dennis Mosher, Malcolm Lee, and Syd Nelson present.

Approval of Agenda

Motion by Mosher, second by Froemming, and unanimously carried to approve the County Board agenda of February 15, 2005, with additions as follows:

- 10:45 a.m. – Diane Thorson: Request to Fill Position
- 10:55 a.m. – Forgiveness of Penalty Request Reconsideration

Approval of Minutes

Motion by Froemming, second by Lee, and unanimously carried to approve the County Board minutes of February 8, 2005, as mailed.

Approval to Pay Bills

Motion by Nelson, second by Lee, and unanimously carried to approve payment of the County Board bills per Attachment A of the official minutes, with a lodging payment as follows:

Marriott International	Treasurer, Steve Andrews
Marriott International	Recorder, Wendy Metcalf

2005 Transfer Hauling & Leachate Hauling Bid Awards

After previously advertising for bids, Solid Waste Director, Mike Hanan, presented the following bids for transportation of solid waste and leachate:

2005 Transfer Hauling Bids:

<u>Bidder</u>	<u>Site/Bid Amount:</u>
Ballard Sanitation 30 2 nd Ave NW Pelican Rapids, MN 56572	<u>Pelican Rapids</u> MSW – Perham \$125.00 MSW – Fergus Falls \$110.00 MSW – Dakota MSW – Elk River By-Pass Dakota By-Pass Elk River Demolition – NEOT \$140.00 Additional \$1.75/mile
Denzel's Region Waste 27766 Joten Lake Road Dalton, MN 56324	<u>NEOT</u> MSW – Perham \$100.00 MSW – Fergus Falls \$195.00 MSW – Dakota \$465.50 MSW – Elk River \$460.50

By-Pass – Dakota	\$465.50
By-Pass – Elk River	\$460.50
Additional	\$2.75/loaded mile

Battle Lake

MSW – Perham	\$107.30
MSW – Fergus Falls	\$90.00
MSW – Dakota	\$282.30
MSW – Elk River	\$412.30
By-Pass – Dakota	\$282.30
By-Pass – Elk River	\$412.30
Demolition NEOT	\$90.00
Additional	\$2.75/loaded mile

Pelican Rapids

MSW – Perham	\$143.40
MSW – Fergus Falls	\$128.40
MSW – Dakota	\$318.40
MSW – Elk River	\$505.90
By-Pass – Dakota	\$318.40
By-Pass – Elk River	\$505.90
Demolition NEOT	\$90.00
Additional	\$2.75/loaded mile

Parkers Prairie

MSW	\$12.00/yard
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Steve's Sanitation
 240 6th Avenue NE
 Perham, MN 56573

NEOT

MSW – Perham	\$130.00
MSW – Fergus Falls	\$195.00
MSW – Dakota	\$513.00
MSW – Elk River	\$578.00
By-Pass – Dakota	\$513.00
By-Pass – Elk River	\$578.00
Additional	\$1.83/ mile

Henning

By-Pass – Dakota	\$538.00
By-Pass – Elk River	\$560.00
Additional	\$1.83/mile

Battle Lake

MSW – Perham	\$128.00
MSW – Fergus Falls	\$174.00
MSW – Dakota	\$513.00
MSW – Elk River	\$560.00
By-Pass – Dakota	\$513.00
By-Pass – Elk River	\$538.00
Demolition NEOT	\$130.00
Additional	\$1.83 mile

Pelican Rapids

By-Pass – Dakota	\$513.00
By-Pass – Elk River	\$538.00

Demolition – NEOT	\$130.00
Additional	\$1.83/mile

Waste Management Inc.
420 Geneva Road
Alexandria, MN 56308

<u>Henning</u>	
MSW – Perham	\$225.00
MSW – Fergus Falls	\$225.00
MSW – Dakota	\$510.00
MSW – Elk River	\$510.00
By-Pass – Dakota A	\$525.00
By-Pass – Dakota B	\$455.00
By-Pass – Elk River A`	\$525.00
By-Pass – Elk River B	\$455.00

<u>Parkers Prairie</u>	
MSW	\$10.97/yard

2005 Leachate Bids:

Fergus Power Pump 24978 225 th St. Fergus Falls, MN 56537	\$220 per load (6,000 gallons) \$.037 per gallon Fergus Fall or Perham
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Sewer Service PO Box 284 Perham, MN 56573	\$70 per load (2,800 gallons) \$.035 per gallon Perham \$540 per load (6,000 gallons) \$.09 per gallon Fergus Falls
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Olson Oil Co. 1425 West Lincoln Ave Fergus Falls, MN 56537	\$250 per load (6,500 gallons) \$.38 per gallon Perham \$280 per load (6,500 gallons) \$.04 per gallon Fergus Falls
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Motion by Mosher, second by Froemming, and unanimously carried to award the following 2005 solid waste transportation and leachate hauling bids to the low bidders as follows:

<u>Bidder</u>	<u>Site/Bid Amount:</u>
Ballard Sanitation 30 2 nd Ave NW Pelican Rapids, MN 56572	<u>Pelican Rapids</u> MSW – Perham \$125.00 MSW – Fergus Falls \$110.00
Denzel's Region Waste 27766 Joten Lake Road Dalton, MN 56324	<u>NEOT</u> MSW – Perham \$100.00 MSW – Fergus Falls \$195.00 MSW – Dakota \$465.50 MSW – Elk River \$460.50 By-Pass – Dakota \$465.50 By-Pass – Elk River \$460.50 Additional \$2.75/loaded mile

Battle Lake

MSW – Perham	\$107.30
MSW – Fergus Falls	\$90.00
MSW – Dakota	\$282.30
MSW – Elk River	\$412.30
By-Pass – Dakota	\$282.30
By-Pass – Elk River	\$412.30
Demolition NEOT	\$90.00
Additional	\$2.75/loaded mile

Pelican Rapids

By-Pass – Dakota	\$318.40
By-Pass – Elk River	\$505.90
Demolition NEOT	\$90.00
Additional	\$2.75/loaded mile

Steve's Sanitation
 240 6th Avenue NE
 Perham, MN 56573

Henning

By-Pass – Dakota	\$538.00
By-Pass – Elk River	\$560.00
Additional	\$1.83/mile

Waste Management Inc.
 420 Geneva Road
 Alexandria, MN 56308

Henning

MSW – Perham	\$225.00
MSW – Fergus Falls	\$225.00
MSW – Dakota	\$510.00
MSW – Elk River	\$510.00

Parkers Prairie

MSW	\$10/97/yard
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Fergus Power Pump
 24978 225th St.
 Fergus Falls, MN 56537

\$220 per load (6,000 gallons)
 \$.037 per gallon
 Fergus Falls or Perham

Forklift Quotations

Solid Waste Director, Mike Hanan, presented the following quotations received for a forklift used to load and unload household hazardous waste into and out of a semi-truck:

<u>Vendor</u>	<u>Quotation</u>
Clarklift	\$18,365.00
FM Forklift	\$19,200.00
RDO	\$19,883.00

Motion by Froemming, second by Lee, and unanimously carried to purchase the forklift from FM Forklift of Moorhead, MN, at a cost of \$19,200.00, because this forklift contains a desired safety feature not available on the other forklifts. This feature was recommended by the Solid Waste Director.

Detention Facility Planning

Sheriff, Brian Schlueter, reported that the second phase of the Planning of New Institutions (PONI) has been completed. A committee has been formed to assist in the planning process for additional jail space and moving forward with the committee is the next step in this planning process. The Sheriff asked the Board for authority to proceed with the process.

Motion by Mosher, second by Lee, and unanimously carried to authorize the Sheriff to move forward with meetings of the Criminal Justice Planning Advisory Committee.

Otter Tail County Sheriff's Department 2004 Year End Report

Sheriff, Brian Schlueter, and Chief Deputy, Stacy Paulseth, presented the 2004 Sheriff Department's annual report. They briefed the Board on the divisions within the department and compared crime statistics with 2003. Sheriff Schlueter stated his department took a proactive approach on drug enforcement and DWI's. Chief Deputy Paulseth stated that dispatch calls increased 10% from 2003 with a 5% increase in the detention facility.

GSC Boiler Project Award

After previously advertising for bids, Physical Plant Manager, Rick Sytsma, opened the following bids at 1:00 p.m. on Wednesday, February 2, 2005, for Project No. 0202-09, Boiler:

Plan Holders	Base Bid
J.V. Schmidt Plumbing & Heating	\$223,000
Wrigley Mechanical	\$215,800
Manning Mechanical	\$210,000
Dakota Heating & Plumbing	No Bid
Peterson Mechanical	\$201,000
Overland Mechanical Services	\$201,000
A & E Plumbing & Heating Inc.	No Bid
Grant's Mechanical	\$213,300
Knapp-Grover, Inc.	No Bid
Skalicky Plumbing, Heating, & Excavating, Inc.	\$254,740

Motion by Lee, second by Froemming, and unanimously carried to award Project No. 0202-09, Government Services Center Boiler, to Overland Mechanical Services, in the amount of \$201,000. The award is for total project completion.

Architectural Services

Motion by Lee, second by Froemming, and unanimously carried to authorize the Chairman's signature to execute an Agreement for Architectural Services for a Solid Waste Administrative Addition, Project No. 0202-08, in the amount of \$21,200.00, as recommended by the Physical Plant Manager.

Motion by Lee, second by Block, and unanimously carried to authorize the Chairman's signature to execute a Compensation Proposal for Architectural Services for the GSC Boiler Project, 0202-09, in the amount of \$15,000.00, as recommended by the Physical Plant Manager.

Credit Card Applications

Motion by Mosher, second by Nelson, and unanimously carried to authorize the issuance of an Otter Tail County Credit Card One Master Card to the following employees:

Tamara J. Friederichs	Human Services	\$ 250.00
Eric Paul Lien	Sheriff	\$1,000.00

License Application

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

Wee Villa Resort Ltd Ptsp
Fergus Falls, MN 56537

Renewal of Consumption and Display Permit

Payment Approvals/Denials

Motion by Mosher, second by Lee, and unanimously carried to approve payment to Election System and Software, in the amount of \$6,729.77, for the following:

Software License Agreement	\$1,181.00
*Hardware Support Agreement	\$5,472.00

(*For the 12 units acquired in 2000 and for the 26 units acquired in 2002)

Motion by Nelson, second by Mosher, and unanimously carried to approve payment of the following ditch related invoice:

OTC Sheriff's Dept.	County Ditch No. 38	Ditch System Assistance	\$105.00
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Motion by Nelson, second by Mosher, and unanimously carried to deny payment to the Red River Basin Commission, in the amount of \$1,000.00, for 2005 funding (\$.025 per capita).

**Classification of Tax Forfeited Land and Request for DNR Approval
Otter Tail County Board Resolution No. 2005 – 09**

Upon a motion by Nelson, second by Mosher, and unanimously carried, the Otter Tail County Board of Commissioners adopts the following resolution:

WHEREAS, The County Board of Commissioners of the County of Otter Tail, State of Minnesota, desires to convey to the City of Perham, Minnesota the following described parcel of land that has forfeited to the State of Minnesota for non-payment of taxes:

Parcel 77-000-99-0595-001
Lot 4 Block 8
Rothpletz Addition

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

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 request approval from the Minnesota Department of Natural Resources for the conveyance of the above described property to the City of Perham, Minnesota.

The question was on the adoption of the resolution, and there were 5 YEAS and 0 NAYS as follows:

County of Otter Tail Board of Commissioners	YEA	NAY	Other
Syd Nelson	X		
Malcolm Lee	X		
Dennis Mosher	X		
Roger Froemming	X		
Bob Block	X		

Adopted at Fergus Falls, Minnesota, this 15th day of February, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk

Recess & Reconvene

At 10:43 a.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. Chairman Block reconvened the meeting at 10:48 a.m.

Request to Fill Vacant Position

Public Health Director, Diane Thorson, reported that she has received a resignation, effective February 28, 2005, from one of her Public Health Nurses. She requested permission to fill this position. Motion by Mosher, second by Nelson, and unanimously carried to authorize the Public Health Director to proceed with the hiring process to replace the Public Health Nurse position resulting from resignation.

Reconsideration of Tax Penalty

Commissioner Mosher discussed a situation relative to the Graystone Lodge, owned by Karen Zell. Ms. Zell was charged a penalty of \$536.64 for the 2004 second half property taxes. Mr. Mosher stated that the check was written and mailed on time; however, the check was never received by the County. Continued discussion took place. Motion by Mosher, second by Lee, to forgive the second half tax penalty, in the amount of \$536.64, for the Graystone Lodge, as evidence shows that Ms. Zell mailed the payment on time. Chairman Block called for a vote. Motion failed with Block, Froemming, and Nelson opposed.

Planning Commission Recommendation

Preliminary Plat & Conditional Use Permit – “Hidden Acres”/LeRoy & Mary Jean Nelson & Valera E. Horak Living Trust:

Motion by Mosher, second by Froemming, and unanimously carried to approve the Preliminary Plat known as “Hidden Acres” consisting of eleven (11) single family residential lots as presented on the revised plan dated January 19, 2005, and a Conditional Use Permit to build the road to service the proposed plat with conditions as recommended by the Planning Commission. The project is located in Lot 18 of Sandy Haven Development,

together with that part of Stalker Ln vacated as proposed adjacent to said Lot 18: together with pt of GL 1, Section 32 & GL 1, Section 33 of Tordenskjold Township; Stalker Lake (56-437).

Preliminary Plat – “Elwill Beach Third Addition”/Roger Luhning:

Motion by Froemming, second by Nelson, and unanimously carried to approve the Preliminary Plat of “Elwill Beach Third Addition” consisting of one (1) lot for single family residential use as presented. The project is located in N½ NE¼ SW¼ NE¼, GL 1 & 2 ex platted ex trs, Section 5 of Girard Township; Ethel Lake (56-193).

Amendment to CUP #6168 – “Pelican River Estates” – Merell & Bernice Dalluge:

Motion by Mosher, second by Lee, and unanimously carried to approve an amendment to Conditional Use Permit #6168 to allow a cul-de-sac and not require construction of a through road; however, the dedicated road right-of-way must extend to CSAH 88. This approval is based on the revised map received by the Land & Resource Management Department on January 12, 2005. Reason for the amendment is to follow requirements of the Wetland Technical Panel relative to the Wetland Conservation Act to avoid or reduce impact to wetlands. The property is located on Pelican River (56-PR) in Section 17 of Fergus Falls Township.

Conditional Use Permit – Otter Tail County Highway Department:

Motion by Mosher, second by Lee, and unanimously carried to approve a Conditional Use Permit to raise the grade of CSAH No. 12 above the level of the lake and slough as presented. The project is located in Government Lots 1, 2 & 6, Section 8 of St. Olaf Township; Johnson Lake (56-393).

Conditional Use Permit – Daniel & Sherry Teich:

Motion by Mosher, second by Froemming, and unanimously carried to approve a Conditional Use Permit to build a driveway on the property to a building site with conditions as recommended by the Planning Commission. The project is located in Ricky's Lazy Eighty Estates Lot 8 Blk 1, Section 21 of Tordenskjold Township; Long Lake (56-428).

Approval of Final Plats

Motion by Froemming, second by Lee, and unanimously carried to approve the Final Plat of Brad and Brian Carr known as West Leaf South View located in Section 17 of Leaf Lake Township; West Leaf Lake (56-114). The plat consists of three (3) residential lots.

Land & Resource Director, Bill Kalar, and Attorney, Scott Dirks, presented a primarily non-shoreland Final Plat known as South of Sand, located in Section 36 of Scambler Township. This plat was completed in 2003 when Surveyor, Terry Lee Anderson, was a licensed surveyor. There are some measurement and directional problems with the plat. Mr. Kalar recommended that the Final Plat be approved subject to a Surveyor's Certificate of Correction of Plat to correct the errors in the plat being filed. Motion by Lee, second by Mosher, and unanimously carried to approve the Final Plat known as South of Sand located in Section 36 of Scambler Township and the Surveyor's Certificate of Correction to Plat for South of Sand (Attachment B of the official minutes) because the surveyor is no longer licensed and is not able to correct the Final Plat.

Office Support Specialist Position

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Human Services Director, to proceed with the hiring process for an Office Support Specialist position. This hiring is to replace a position that will be vacated due to a promotion to a Support Enforcement Aide position.

Bois De Sioux Watershed District Reappointment

Motion by Mosher, second by Nelson, and unanimously carried to reappoint Don Davenport to the Bois de Sioux Watershed District Board effective May 1, 2005.

Sponsorship for Viking Library System

Motion by Lee, second by Mosher, and unanimously carried to authorize Otter Tail County to sponsor membership for the Viking Library System with Minnesota Counties Insurance Trust (MCIT). The Viking Library System has approved a proposal by MCIT for their liability coverage.

**Closed to the Public
Adjournment**

At 11:30 a.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners closed to the public for the purpose of evaluating the performance of Land & Resource Director, Bill Kalar, 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.

At 12:05 p.m., upon conclusion of the closed session, Chairman Block declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, February 22, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk