

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 Fir Avenue W., Fergus Falls, MN
Tuesday, September 20, 2005
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, September 20, 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, Syd Nelson, and Malcolm Lee present.

Approval of Agenda

Motion by Froemming, second by Mosher, and unanimously carried to approve the County Board agenda of September 20, 2005, with the following additions:

10:05 a.m. – Add Budget Committee Meeting
Proposed Family Medical Leave Act Amendments

Approval of Minutes

Motion by Mosher, second by Froemming, and unanimously carried to approve the County Board minutes of September 13, 2005, with the following correction:

September 13, 2005, Board of Commissioners' Minutes, Page 9, Under the Heading "Request for Forgiveness of Penalty" the motion was not unanimous, Commissioner Nelson was opposed.

Clarification for Audit Documentation Purposes

Discussion took place regarding the per diem and mileage for the Criminal Justice Planning Advisory Committee. The County Attorney's opinion is that retroactive payments are authorized back to the original motion on August 24, 2004.

County Ditch No. 37

Ditch Inspector, Randy Wasvick, reported that there is old clay tile in the branch of Ditch No. 37 that is located in the City of Underwood. The ditch is running slowly; however, the water has receded since last week. He reported an approximate cost of \$30,000 to \$40,000 to repair this area. The reason it would cost so much is because of the need to dig up streets, etc. The County Attorney stated that there is a theoretical responsibility to keep this open. Discussion took place regarding the wetlands and what the benefits would be to open this ditch. The Chairman requested that the Ditch Inspector talk with City of Underwood officials regarding this area of Ditch No. 37 and return to the County Board meeting in two weeks.

Approval to Pay Bills

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

Arrowwood Resort GIS Coordinator, Sherran Leabo & Web Developer, Scott Backstrom

County Road Ditch – CSAH No. 18

Motion by Mosher, second by Lee, and unanimously carried to approve an Application for Cleaning of a County Road Ditch on CSAH No. 18, in Section 16, Twp 133N, R41W in Sverdrup Township.

CSAH No. 1 Project

The Highway Engineer reported that the CSAH No. 1 Project will be delayed until spring with a completion date requirement of July 15, 2006.

Recess & Reconvene

At 10:16 a.m., Chairman Block recessed the meeting of the Otter Tail County Board of Commissioners for a Budget Committee meeting. The meeting was reconvened at 11:00 a.m.

Planning Commission Recommendations

Conditional Use Permit – Lyle & Beverly Krueger:

Motion by Nelson, second by Mosher, and unanimously carried to deny, as recommended by the Planning Commission, an after-the-fact Conditional Use Permit to bring in 30-40 yards of material to clear an area for parking a motor home. The property is described as Lot 7, Blk 1, Bixby Acres, Section 33 of Dead Lake Township; Indian Lake (56-327).

Preliminary Plat – “Wayne Lee’s Royal Oaks Estates”/Wayne & Gloria Lee:

Motion by Froemming, second by Lee, and unanimously carried to approve the Preliminary Plat known as “Wayne Lee’s Royal Oaks Estates” consisting of 33 lots, for single family residences as presented. The property is described as NW¼ ex tracts, Section 33 of Parkers Prairie Township; Non-Shoreland.

Preliminary Plat – “Tree Line Acres”/Sands of Star Lake, Inc:

Motion by Lee, second by Froemming, and unanimously carried to approve the Preliminary Plat known as “Tree Line Acres” consisting of 6 lots for single family residential lots and 1 non-residential backlot, with conditions as recommended by the Planning Commission. The property is described as Pt of GL 4..., Section 12 of Star Lake Township; Star Lake (56-385).

Preliminary Plat – “West Battle Hills First Addition”/Sam C. Lykken & Lorraine V. Lykken:

Motion by Mosher, second by Lee, to deny the Preliminary Plat known as “West Battle Hills First Addition” consisting of 9 single family residential lots, as recommended by the Planning Commission. Discussion followed. Land & Resource Director, Bill Kalar, provided a handout from the West Battle Lake Lakeshore Association opposed to the lack of protective safeguards in the proposed project for West Battle Lake and its “protected waters”. Applicant, Rich Jibben, stated that his plan meets or exceeds ordinance requirements as set forth in the ordinances and he felt that the runoff issues were adequately addressed as requested from the previous Planning Commission meeting. He stated that he felt the plat should have been approved. Dan Skinner of Moore Engineering stated that the Planning Commission had received a storm water runoff plan. Planning Commission member, Joe Maske, stated the reasons he felt the plat should have been recommended for approval by the Planning Commission. Land & Resource Director, Bill Kalar, reviewed some of the Planning Commission’s concerns. One concern was that the Planning Commission was looking for a long term drainage plan not just a construction drainage plan. The majority of the Planning Commission felt the previous issues were not adequately addressed.

Clair Prody spoke on behalf of the West Battle Lake Association and in favor of the vegetated buffer strip because the lagoon from the lake is only 250' away from the development. Dan Davenport from Clitherall Township stated that a culvert would be installed in place of the one that isn't working for runoff issues and spoke against building another road because of the expense. He also stated that the township has an ordinance for development beyond 1,000' of the lake. Neighbor, Manley Dillerud, expressed concerns about what may change with the rest of the acreage owned by the developer in this area and concerns with the high nitrate problem in the area. Jan Krenz expressed a concern that this area is developed right because it is very delicate land and also, was in favor of a back road being built behind the proposed lots.

Upon completion of discussion, Chairman Block called for a vote on the motion to deny the plat. Motion carried 3-2 with Block and Nelson opposed. The property is described as Pt GL 1 & 2 & SW¼ NE¼, Section 1 of Clitherall Township; West Battle Lake (56-239).

Preliminary Plat – “Lindemann Addition” /Scott & Christie Lindemann:

Motion by Nelson, second by Lee, and unanimously carried to approve a Preliminary Plat known as “Lindemann Addition” consisting of 1 lot for seasonal family cluster use and 1 lot for single family residential use, with a condition as recommended by the Planning Commission. The property is described as Sublot 2 of Government Lot 4, Section 23 of Rush Lake Township; Rush Lake (56-141).

Conditional Use Permit – Scott & Christie Lindemann:

Motion by Nelson, second by Froemming, and unanimously carried to approve a Conditional Use Permit to sub-divide Lindy's Lakeview Resort into 2 lots with conditions as recommended by the Planning Commission. The property is described as Sublot 2 of GL 4, Section 23 of Rush Lake Township; Rush Lake (56-141).

Snowmobile Grant Requests

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chairman's signature to execute the following Snowmobile Grant requests for 2006:

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

Approval of Extension Request

Motion by Lee, second by Mosher, and unanimously carried to authorize an extension request, until October 28, 2005, for the filing date of the Final Plat known as Pelican River Estates in Section 17 of Fergus Falls Township.

Reclassification Approval

Motion by Mosher, second by Nelson, and unanimously carried to approve a reclassification, effective August 1, 2005, based on the significant changes in duties of the position of Human Services Fiscal Officer, No. 2415-B, with a grade change from 11 to 12.

Amendment to the Personnel Rules

In accordance with provision 1.10 of the Personnel Rules, the County Board adopted a motion on September 20, 2005 amending those rules. This notice is being distributed to Department Heads and is to be posted on bulletin boards for a period of two weeks.

Article 9.50, Family and Medical Leave Act (FMLA) Policy is amended to read as follows:

3. Intermittent or Reduced Leave:
 - 2.a: For Birth or Placement for Adoption or Foster Care: An employee may not take FMLA leave intermittently or on a reduced leave schedule for birth or placement for adoption or foster care of a child.

6. Affect On Other Benefits:
 - a. Sick Leave and Vacation: Employees must use all pre-FMLA accrued sick leave, if the reason for leave qualifies for the use of sick leave under the appropriate personnel policy or union contract, and all pre-FMLA accumulated vacation (except for one week of vacation) during their FMLA leave. FMLA leave may not exceed twelve (12) weeks each calendar year. Sick leave and vacation shall not accrue during an unpaid leave of absence.

Premise Permit
Otter Tail County Resolution No. 2005 – 59

Commissioner Nelson 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 Dent Firefighters Relief Association, Dent, MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at the Galaxy Resort, located at 39578 County Highway 41 in Star 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 the Dent Firefighters Relief Association, Dent, MN, at the Galaxy Resort, located at 39578 County Highway 41 in Star 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 Dent Firefighter Relief Association, Dent, MN, at the Galaxy Resort, located at 39578 County Highway 41 in Star 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 Star Lake by sending them a copy of this resolution.

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

Adopted and signed this 20th day of September 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Bob Block, County Board Chair

Attest: _____
Larry Krohn, Clerk

Premise Permit
Otter Tail County Resolution No. 2005 – 60

Commissioner Nelson 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 Dent Firefighters Relief Association, Dent, MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at the Silver Moon Lounge, located at 1117 W Main St in Perham 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 Dent Firefighters Relief Association, Dent, MN, at the Silver Moon Lounge, located at 1117 W Main St in Perham 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 Dent Firefighter Relief Association, Dent, MN, at the Silver Moon Lounge, located at 1117 W Main St in Perham 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 Perham by sending them a copy of this resolution.

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

Adopted and signed this 20th day of September 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Bob Block, County Board Chair

Attest: _____
Larry Krohn, Clerk

West Central Initiative Study

Motion by Mosher, second by Nelson, and unanimously carried to approve a demographic study to document the number of residents there are in Otter Tail County during the summer season(s). The study will be completed and paid for by West Central Initiative, with an estimated cost of \$2,500.

Adjournment

At 12:12 p.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, September 27, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk

CB/kd

9/20/2005
11:16:07

OTTER TAIL COUNTY AUDITOR
PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56
WARRANTS FOR PUBLICATION PAGE 1

IFD66

WARRANTS APPROVED ON 9/20/2005 FOR PAYMENT 9/20/2005

VENDOR NAME	AMOUNT
A-1 LOCK AND KEY	7.46
ACS	500.00
ARROWWOOD RESORT & CONFERENCE	352.02
ATD AMERICAN CO	203.67
AUTO VALUE FERGUS FALLS	80.56
BATTLE LAKE MOTOR PATROL ASSN	37.50
BECKER CO HIGHWAY DEPT	646,474.10
BLES1-EVANS COMPANY	30.32
BLUESTONE TECHNOLOGIES INC	195.20
BLUFFTON OIL COMPANY	2,453.76
BOB BARKER COMPANY INC	138.50
ARDELL BOLLES	36.35
BOUND TREE MEDICAL LLC	21.70
BYTWARE INC	3,294.00
KAREN CANNELL	6.90
CARQUEST AUTO PARTS	8.28
CHECKERS	27.97
CHS FERGUS FALLS EAST AGRONOMY	31.81
CO OP SERVICES INC	76.78
COOPERS TECHNOLOGY GROUP	174.70
CULLIGAN WATER COND	68.90
DACOTAH PAPER COMPANY	503.64
DAKOTA WOOD GRINDING INC	21,994.50
JOEL DULSKI	231.01
FARNAM'S GENUINE PARTS INC	10.91
FERGUS ELECTRIC	399.30
FERGUS TIRE CENTER	15.00
G & K SERVICES	2,430.66
GENERAL PARTS INC	62.17
GODFATHERS EXTERMINATING INC	317.88
GOPHER STATE ONE CALL	25.65
GOVERNMENT MANAGEMENT GROUP	430.00
GR GRAPHICS INC ST LOUIS	200.16
GRAHAM REFRIGERATION	490.89
GRAINGER INC	155.52
HARLES TREE SERVICE	10.73
HEDAHL'S HEADQUARTERS	50.09
HEISLERS COUNTRY OIL	1,526.51
HENNING HARDWARE	15.28
CITY HENNING	74.41
HENRY'S FOODS INC	1,167.95
SANDY HOLO	204.81
INFORMATION SYSTEMS CORP	68.63
INSIGHT PUBLIC SECTOR	1,106.10
INTERSTATE INC	308.84
KELLY SERVICES INC	2,028.04
LAKELAND MENTAL HEALTH CENTER	744.00
LARRY OTT INC TRUCK SERVICE	500.00
LEROY MOTORSPORTS	367.77

9/20/2005
11:16:07

OTTER TAIL COUNTY AUDITOR
PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66
WARRANTS FOR PUBLICATION PAGE 2

WARRANTS APPROVED ON 9/20/2005 FOR PAYMENT 9/20/2005

VENDOR NAME	AMOUNT
LIGHT RETURNS RECYCLING	209.35
LYNK3 TECHNOLOGIES INC	189.00
M-R SIGN COMPANY INC.	3,971.16
MAAO	1,300.00
MARK SAND & GRAVEL CO	37,441.48
WENDY METCALF	188.85
MFIA	100.00
MID-CENTRAL EQUIPMENT INC	36.90
MIDWESTERN MAT RENTAL & SUPPLY	12.19
MN MOTOR COMPANY	75.00
NELSON DODGE GMC	277.22
NEW YORK MILLS HERALD	212.60
NORTH UNION TEXACO	111.87
NORTHWEST DIVERS	74.73
OLSON OIL CO INC	2,370.88
ONE CALL LOCATORS LTD	228.12
OTTER TAIL CO TREASURER	64.00
PARK REGION CO OP	1,916.46
PENROSE OIL COMPANY	1,305.86
PEPSIAMERICAS	48.75
PERHAM CO OP CREAMERY	4,178.10
PERHAM CONOCO	38.70
CITY PERHAM	78,818.10
PETE'S AMOCO	1,503.86
PREMIUM WATERS INC	41.03
R & D SAFETY INC	449.07
RED RIVER STATE BANK	25.00
RELIABLE OFFICE SUPPLIES	91.81
RUBNER WELDING & EQUIPMENT	21.30
SHESHUNOFF INFORMATION SERVICE	270.95
SOPHOS	900.00
SOUTHTOWN C-STORE	35.60
STEINS INC	2,050.71
STEVE'S SANITATION INC	1,108.28
SYNERGY GRAPHICS INC	121.36
TOOL CRIB OF THE NORTH	76.93
SUSAN ULSCHMID	511.19
VALLEY SOFT WATER	11.50
VIKING COCA-COLA	212.50
VOSS LIGHTING	178.92
WASTE MANAGEMENT	20,693.41
SHARON WICKLUND	271.35

FINAL TOTAL..... \$851,405.02
