

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 Fir Avenue W., Fergus Falls, MN
Tuesday, June 19, 2007
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, June 19, 2007, at 9:30 a.m. at the Otter Tail County Government Services Center with Commissioners Dennis Mosher, Chair; Syd Nelson, Vice-Chair; Bob Block, Roger Froemming, and Everett Erickson present.

Approval of Agenda

Motion by Froemming, second by Nelson, and unanimously carried to approve the County Board Agenda of June 19, 2007, with the following addition:

1:45 p.m. - Request for Approval of the 22nd Annual Prometheus Zoo Run Benefit

Approval of Minutes

Motion by Nelson, second by Block, and unanimously carried to approve the County Board Minutes of June 12, 2007, as mailed.

Approval to Pay Bills

Motion by Erickson, second by Froemming, and unanimously carried to approve payment of the County Board bills per Attachment A of these minutes.

Forgiveness of Penalty Requests

Treasurer, Steve Andrews, presented a request for forgiveness of penalty for Ellend J. Palmer (Parcel No. 17-000-99-0527-000) in the amount of \$36.64. Mr. Palmer thought that he had two checks in one envelope; one check was received by the Otter Tail County Treasurer's Department and the other check was not. Mr. Andrews explained that the procedure in his office involves a double check of all envelopes; therefore, throwing a check away is not likely. Motion by Erickson, second by Block, and unanimously carried to deny the request for forgiveness of penalty by E.J. Palmer, in the amount of \$36.64, because the County did not make an error to cause the late payment.

Mr. Andrews presented a letter from Environmental Control Systems, Inc. of Pelican Rapids, MN. The letter requested forgiveness of tax penalty because the tax statement was mailed to the previous owner and because the property (parcel no. 76-200-99-6009-000) is in a Job Opportunity Building Zone and there was confusion as to whether or not the property was exempt. It appeared, from the letter, that the individual called the County and was told that the property was tax exempt. Motion by Block, second by Erickson, and unanimously carried to forgive the penalty of \$1,255.52, for Environmental Control Systems, Inc. for Parcel No. 76-200-99-6009-000 because there was confusion by the County as to whether or not the tax was owed.

South Turtle Lake Storm Water Sewer System District

Highway Engineer, Rick West, briefed the Board regarding the right of way easement needed from the Gerhardsons for the South Turtle Lake project. Mr. West stated that negotiations are in process with the Gerhardson's legal counsel. County Attorney, David Hauser, stated that the law provides for a 60-day period of time for negotiations. Condemnation proceedings could not take place until approximately July 1, 2007. Mr. Hauser requested approval of a resolution that documents statutes that authorize the project and the condemnation process.

OTTER TAIL COUNTY RESOLUTION #2007 - 48

Upon the motion of Mosher, seconded by Erickson, and a unanimous vote, the Otter Tail County Board of Commissioners adopted the following resolution on June 19, 2007:

RESOLUTION AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR A STORM WATER SYSTEM

WHEREAS, Otter Tail County has proposed the construction of a storm water system pursuant to Minnesota Statute § 444.075 for the disposal of storm water collected in North and South Turtle Lakes as a result of excessive rainfall for several years; and

WHEREAS, Minnesota Statute § 444.075, Subd. 1a, authorizes condemnation; and

WHEREAS, the project consists of a control structure and a drainage tile from South Turtle Lake in Tordenskjold Township; and

WHEREAS, in addition to existing easements, certain land and interest therein are required to construct the project; and

WHEREAS, the land and interest therein, which are needed to construct the project, are described as follows:

A 50.00 foot wide easement for permanent drainage purposes over, under and across Government Lot 2 of Section 1, Township 132 North, Range 41 West of the 5TH Principal Meridian. The center line of said easement is described as follows:

Commencing at the southeast corner of said Section 1; thence on a bearing of South 87 degrees 56 minutes 19 seconds West along the south line of said Section 1, a distance of 1316.57 feet to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 1; thence North 0 degrees 10 minutes 58 seconds West along the west line of said Southeast Quarter of the Southeast Quarter, a distance of 1320.39 to the Northwest corner of said Southeast Quarter of the Southeast Quarter; thence South 87 degrees 55 minutes 15 seconds West along the south line of said Government Lot 2 a distance of 80.00 feet; thence North 30 degrees 17 minutes 29 seconds West a distance of 48.63 feet to the point of beginning of the center line to be described; thence North 13 degrees 47 minutes 47 seconds East a distance of 412.60 feet; thence North 21 degrees 12 minutes 03 seconds East a distance of 100.07 feet more or less, and said center line there terminating.

Containing 0.59 acres, more or less

Together with a 20.00 foot wide access easement over, under and across that part of the westerly 66.00 feet of said Southeast Quarter of the Southeast Quarter lying northerly of the northerly right of way line of State Trunk Highway No. 210.

Containing 0.56 acres, more or less

And together with a 20.00 foot wide access easement over, under and across a 66.00 foot strip of said Government Lot 2. Said strip lies westerly of the following described line:

Commencing at the southeast corner of said Section 1; thence on a bearing of South 87 degrees 56 minutes 19 seconds West along the south line of said Section 1, a distance of 1316.57 feet to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 1; thence North 0 degrees 10 minutes 58 seconds West along the west line of said Southeast Quarter of the Southeast Quarter, a distance of 1320.39 to the Northwest corner of said Southeast Quarter of the Southeast Quarter; thence North 87 degrees 55 minutes 15 seconds East along the south line of said Government Lot 2 a distance of 66.04 to the point of beginning of the line to be described; thence North 0 degrees 10 minutes 58 seconds West a distance of 65.34 feet; thence North 4 degrees 26 minutes 23 seconds West a distance of 408 feet more or less to the southeasterly side line of the above described permanent drainage easement and there terminating.

Containing 0.21 acres, more or less.

The above-described property belonging to Beverly Gerhardson in Section 1 of Tordenskjold Township; and

WHEREAS, because water is rising in South Turtle Lake that puts property at risk, the Otter Tail County Board of Commissioners desires to begin construction of the project in 2007; and

WHEREAS, to begin the project in 2007, the County will require title and possession of the easements prior to the filing of an award by the court-appointed commissioners, pursuant to the provisions of Minnesota Statute § 117.042.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby authorizes the County Highway Engineer to proceed to acquire the above-mentioned easement in accordance with Minnesota Statutes.

BE IT FURTHER RESOLVED that the Otter Tail County Board of Commissioners hereby authorizes the acquisition of the easement that cannot be successfully acquired through negotiation by eminent domain and to take title and possession thereto prior to the filing of an award by the court-appointed commissioners, pursuant to Minnesota Statutes Chapter 117 and including § 117.042.

BE IT FURTHER RESOLVED that the Otter Tail County Board of Commissioners hereby requests that the Otter Tail County Attorney file the necessary petition therefore, and to prosecute such action to a successful conclusion, or until it is abandoned, dismissed or terminated by the County or the Court.

Adopted this 19th day of June, 2007.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Attest: _____

Dennis R. Mosher, Board of Commissioners Chair

Larry Krohn, Clerk

Final Payment – CP 06:35 NOR LK

Motion by Mosher, second by Block, and unanimously carried to authorize Final Payment per PO No. 65981, in the amount of \$1,057.18, payable to Mark Sand & Gravel Co. for work completed on CSAH 35 by Norway Lake, Inslope Restoration & Riprap.

Perham Highway Garage

Mr. West discussed the potential sale of the Perham Highway Garage to the City of Perham. The City of Perham has agreed to a purchase price of \$125,000 for the property. The City has also requested acquisition of the property in 2007; however, the County will need heated storage for one snowplow truck in Perham, which could be arranged in the City of Perham garage area. Lengthy discussion took place. A contract may be needed to document the terms and conditions of the sale.

Proposed Legislation

Mr. West provided an article from the NACO County News regarding a new proposal to revise the 1972 Clean Water Act. Legislation is being pursued regarding flooding regulations. The bill removes the word “navigable” from the definition of “waters of the U.S.” which would have a major impact for anyone dealing with water in the scope of construction and expands the need for federal permits and compliance with federal regulations.

Payment Approved

Motion by Block, second by Froemming, and unanimously carried to approve payment, in the amount of \$90,000.00, to Young & Associates Architects LTD for services provided for the proposed 60-bed Chemical Dependency Health Center.

Liquor License Applications

Motion by Froemming, second by Erickson, and unanimously carried to approve the following applications for license:

BPO Elks #1093
Fergus Falls, MN

Temporary On-Sale Liquor
Sunday, June 24, 2007

Corner Store
Battle Lake, MN

Off-Sale 3.2 Malt Liquor

Elmer's Texas Barb-B-Que* Battle Lake, MN	On-Sale Liquor and Sunday
Galaxy Resort* Dent, MN	On-Sale Liquor, Sunday Liquor and Off-Sale 3.2 Malt Liquor License
Graystone on Otter Tail Inc. Graystone on Otter Tail Battle Lake, MN	On-Sale Liquor and Sunday Liquor
New York Mills Lions Club New York Mills, MN	Temporary On-Sale 3.2 Malt Liquor (Dates: June 22 and June 23)
Rolling Hills Golf Course Pelican Rapids, MN	On/Off-Sale 3.2 Malt Liquor
Stalker Lake Golf Course LLC Stalker Lake Club House Dalton, MN	On-Sale Liquor and Sunday Liquor
Underwood Oil Inc.** Underwood Quick-Stop Underwood, MN	Off-Sale 3.2 Malt Liquor

*Subject to the submission of the appropriate application and forms, insurance certificate, township approval, approval of the County Attorney and Sheriff's Departments, and the remittance of appropriate fees.

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

Payment Approval

Motion by Erickson, second by Block, and unanimously carried to approve payment to Cooper's Technology Group for the following:

- Invoice No. 159972 - \$ 1,006.43 (Recover Plywood Radiators Covers – Court Admin.)
- Invoice No. 160176 - \$17,525.80 (Panel System Furniture – Court Admin.)
- Invoice No. 160860 - \$ 7,705.49 (Panel System Furniture, 3rd Floor Law Clerk Area)
- Invoice No. 164938 - \$ 210.00 (Furniture Installation)
- Invoice No. 165085 - \$ 2,660.80 (Furniture for Conference Rooms – Court Admin.)

800 Megahertz Radio Study

Sheriff, Brian Schlueter, presented the pricing structure for a Radio Communications Study for the entire County to provide the facts and figures regarding the current radio systems capabilities and requirements for participation in the statewide 800MHz trunked radio system. Motion by Nelson, second by Erickson, and unanimously carried to approve a Radio Communications Study to be conducted by GeoComm at a cost of \$24,750.00 to be paid from the Otter Tail County General Fund as recommended by the Sheriff.

Transfer of Tractor/Loader

Motion by Erickson, second by Block, and unanimously carried to authorize the transfer of a 1989 Case IH Model 885 Tractor/Loader (serial number B027397) from the Otter Tail County Highway Department to the OTC Sheriff's Office for use in the STS Program.

**Resolution Authorizing Execution of Grant Agreement
Otter Tail County Resolution No. 2007 – 48**

Upon the motion of Nelson, seconded by Block, and a unanimous vote, the Otter Tail County Board of Commissioners adopted the following resolution on June 19, 2007:

Be It Resolved, that Otter Tail County Sheriff Department requests the Otter Tail County Public Health Department to enter into a grant agreement with the Division of Traffic Safety in the Minnesota Department of Public Safety for the project entitled **“Safe Communities”** during the period **from October 1, 2007, through September 30, 2008.**

Diane Thorson is hereby authorized to execute such grant agreements as are necessary to implement the project on behalf of Otter Tail County Public Health.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Attest: _____ Dennis R. Mosher, Board of Commissioners Chair

Larry Krohn, Clerk

Recess & Reconvene

At 10:43 a.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 10:46 a.m.

Bid Award – Henning Demolition Debris Landfill

After previously advertising for bids, the Solid Waste Director opened the following bids on June 6, 2007:

Contractor	Lump Sum <u>Option A</u>	Lump Sum <u>Option B</u>	Lump Sum <u>Option A-On Site Burn</u>	Lump Sum <u>Option B-On Site Burn</u>
Minnerath Const. Inc.	\$195,037.34	\$126,932.34	\$189,087.34	\$115,312.34
Blombeck Const. Inc.	416,982.82	173,664.31	402,522.82	132,164.31
Dennis Drewes, Inc.	384,610.00	190,450.10	361,790.00	143,970.10
Kern and Tabery, Inc.	305,994.80	168,779.80	299,474.80	155,499.80
Barry Const. of FF	299,889.62	202,794.62	288,479.62	179,554.62
Central Specialties, Inc.	583,576.33	227,934.62	560,756.33	181,454.62
Hough, Inc. of DL	333,142.30	215,126.80	324,642.30	200,126.80

Motion by Froemming, second by Erickson, and unanimously carried to award the bid for Phase 3 Cell Construction at the Henning Demolition Debris Landfill to Minnerath Construction, Inc., at a bid price of \$195,037.34 under Lump Sum Option A which requires the contractor to move the dirt off site.

Fergus Falls Transfer Station

County Attorney, David Hauser, stated that the plaintiffs in the proposed Transfer Station dispute moved to have their case dismissed. The MPCA Citizen's Board is scheduled to consider the issuance of the MPCA Construction and Operating Permit the end of July.

Personnel Board of Appeals

Motion by Nelson, second by Froemming, and unanimously carried to reappoint Ed Thompson to the Otter Tail County Personnel Board of Appeals for a three year term effective January 1, 2007.

Planning Commission Recommendations

Conditional Use Permit – Tom Falk:

Motion by Erickson, second by Block, and unanimously carried to accept withdrawal of a Conditional Use Permit application, as recommended by the Planning Commission and requested by applicant, Tom Falk. The property is described as Pt NW1/4 NW1/4 bg NW cor Sec 12, (6 Acres), Section 12 of Dora Township; Sybil Lake (56-387), RD.

Conditional Use Permit – Virginia J. Kruger:

Motion by Froemming, second by Nelson, and unanimously carried to approve a Conditional Use Permit to build a roadway as presented. The property is described as Parcel B (48.95 AC) pt GL 6, Section 19 of Amor Township & pt GL's 10 & 11, Section 24 of Maine Township; Twin Lake (56-382), RD.

Conditional Use Permit – Chad Anderson:

Land & Resource Director, Bill Kalar, stated that the Planning Commission denied the CUP application of Chad Anderson for the reasons cited in their June 13, 2007, minutes. Applicant, Chad Anderson, explained that the lot is a seasonal/recreational site and that he is not applying for a building permit. He would like to bring in some fill and use his lot in the same manner as his neighbors. He provided pictures of the neighboring properties. Mr. Kalar stated that the area is a disturbed wetland as fill has been brought in at some point. He discussed lake and wetland setback requirements, the fact that putting in a retaining wall is not in the best interest of the lake, and concern that there is not room for a septic system. Mr. Kalar stated that there is approval of a site permit to place a self-contained camper on site in the file. Motion by Nelson, second by Block, to deny the Conditional Use Permit as recommended by the Planning Commission for the reasons as stated in the June 13, 2007, Planning Commission minutes and refer Mr. Anderson to the Land & Resource Department for a Grade & Fill permit to accomplish the portion of the Conditional Use Permit request that falls under that permit (Letter A & Letter D of the June 13th Planning Commission minutes) and to waive the Grade & Fill permit fee. Chair Mosher called for a vote. Motion carried 3 – 2 with Froemming and Mosher opposed. The property is described as Lot 1 McDonald Lake Estates 2nd Addition, Section 10 of Edna Township; Little McDonald Lake (56-328), GD.

Preliminary Plat – “Stoll’s Subdivision”/Louis Stoll & Star Lake Twp:

Motion by Erickson, second by Nelson, and unanimously carried to approve a Preliminary Plat entitled “Stoll’s Subdivision” consisting of 3 single family residential lots and a Conditional Use Permit to construct a road to service the plat with conditions as recommended by the Planning Commission. The property is described as Lot 3 ex trs ex plat (7.08 AC), pt of Lot 1 Vic’s Beach, GL 4 N of Star Creek & SE1/4 SE1/4 and pt of Vic’s Beach Rd, Section 13 of Star Lake Township; Star Lake (56-385), GD.

Conditional Use Permit – “Sisters Three”/Jane R. Meads et al:

Motion by Froemming, second by Block, and unanimously carried to approve a Conditional Use Permit for a 3 unit Common Interest Community on an existing 7.84 acre parcel with conditions as recommended by the Planning Commission. The property is described as Pt GL 5, 7.85 Acres, Section 3 of Nidaros Township; Stuart Lake (56-191), RD.

Conditional Use Permit – “Woodland Beach Resort Association”:

Motion by Mosher, second by Froemming, and unanimously carried to approve a Conditional Use Permit to remove an existing cabin and replace it in the same footprint with a higher roof of 21' as presented. The property is described as Pt GL 3, Section 2 of Everts Township; Otter Tail Lake (56-242), GD.

Conditional Use Permit – “Wee Villa LTD”:

Motion by Erickson, second by Block, and unanimously carried to approve a Conditional Use Permit to increase the size of a storage shed and reroof two existing manufactured homes as presented. The property is described as Lot 4 Ex Trs, 36.15 Ac, Section 14 of Elizabeth Township; Long Lake (56-784), RD.

Conditional Use Permit – “Copper Landing on Horseshoe Bay”:

Motion by Mosher, second by Erickson, and unanimously carried to approve a Conditional Use Permit for a 38 Unit Cluster Development with conditions as recommended by the Planning Commission. The property is described as Pt NE1/4 of NE1/4, GL 1 & 2, Section 22 of Buse Township; Horseshoe Lake (56-834), NE.

Approval of Extension Requests for Final Plats

Motion by Block, second by Nelson, and unanimously carried to authorize an extension for filing the Final Plat of Dale Menze known as Quiet Pines Estates until October 1, 2007. The property is located in Section 29 of Otto Township, Rush Lake.

Motion by Erickson, second by Block, and unanimously carried to authorize an extension for filing the Final Plat of Charles Kvaré known as Kvaré's Beauty Bay South Second Addition until August 15, 2007. Several extension requests have already been approved for this Plat; therefore, this is the final extension that will be granted.

Recess & Reconvene

At 11:55 a.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed and reconvened at 12:05 p.m. at the Fergus Falls City Hall to discuss the Tower Bridge Project. The Joint City/County meeting was recessed at 1:30 p.m. and reconvened at the Government Services Center at 1:45 p.m. for consideration of the remaining agenda items with Commissioners Mosher, Block, Froemming, and Erickson present.

Annual Charity Motorcycle Ride

Bill Cox and Rita Marts presented a flyer advertising the 22nd Annual Prometheus M.C. 2007 Zoo Run Event scheduled for June 22nd through the 24th. All proceeds of the motorcycle ride event are given to the Chahinkapa Park Zoo in Wahpeton, ND. Motion by Mosher, second by Erickson, and unanimously carried to grant a waiver of the Shows and Exhibitions Ordinance for this 22nd annual charity event. There have always been adequate portable facilities and law enforcement is aware of the event.

Adjournment

At 1:57 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, June 26, 2007.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Attest: _____ Dennis R. Mosher, Board of Commissioners Chair

Larry Krohn, Clerk

CB/kd

<u>WARRANTS APPROVED ON 6/19/2007 FOR PAYMENT 6/19/2007</u>	
<u>VENDOR NAME</u>	<u>AMOUNT</u>
A'VIANDS LLC	2,643.29
AMERICAN TOWER CORPORATION	87.75
AMERICAN WELDING-WILLMAR FIRE	5.27
BOUND TREE MEDICAL LLC	90.82
CARQUEST AUTO PARTS	26.56
CELLULAR ONE	565.10
CO OP SERVICES INC	2,180.58
COMPANION ANIMAL HOSPITAL	170.39
DACOTAH PAPER COMPANY	380.49
DENZEL'S REGION WASTE INC	170.82
FARGO FREIGHTLINER	55.71
FARMERS CO OP OIL ASSN	3,287.71
FERGUS FALLS MEDICAL GROUP	799.90
FERGUS FALLS NEWSPAPERS INC	873.63
CITY FERGUS FALLS	2,131.93
FERGUS INTERNATIONAL INC	4.88
FERRELLGAS	279.90
FOTH & VAN DYKE	23,407.19
G & K SERVICES	1,757.11
G & R CONTROLS	380.00
GE CAPITAL	233.65
JOHN GOOD	381.24
GOPHER STATE ONE CALL	37.70
GR GRAPHICS INC ST LOUIS	301.16
GREGORY GRABOW	49.99
GRAINGER INC	149.53
GT DISTRIBUTORS AUSTIN	117.95
HALL TRUCK CENTER INC	753.73
INTERSTATE INC	78.13
K-MART	19.13
KEEPRS INC CY'S UNIFORMS	81.96
KELLY SERVICES INC	2,796.30
L & L SERVICE	100.65
LAKE REGION HEALTHCARE CORP	400.00
LAKELAND MENTAL HEALTH CENTER	796.00
LAKEWAY MARKET LLC	56.80
LARRY OTT INC TRUCK SERVICE	840.00
JANET LINDBERG	62.47
LOCATORS & SUPPLIES INC	21.28
M-R SIGN COMPANY INC.	1,199.13
MAIN STREET EXPRESS	44.08
MATTHEW BENDER & COMPANY INC	125.85
THE MIDWEEK	58.80
MIDWEST TESTING LABORATORY	45.00
MN MOTOR COMPANY	174.26
MN POLLUTION CONTROL AGENCY	400.00
MPELRA	195.00
N F FIELD ABSTRACT CO LLC	825.00
NAPA FERGUS FALLS	187.59
NELSON BROS PRINTING	392.90
NELSON DODGE GMC	160.23
NEW YORK MILLS HERALD	79.11
OFFICEMAX CONTRACT INC	83.94
OTTERTAIL TRUCKING INC	7,854.00
PAMIDA INC 008	138.41
PAMIDA PHARMACY	4,904.63
PELICAN RAPIDS PRESS	26.60
PERHAM CO OP CREAMERY	746.21
PERHAM ENTERPRISE BULLETIN	64.46
HENRY PRICE	330.26
PRODUCTIVE ALTERNATIVES INC	88.35
QUILL CORPORATION	134.01

OTC Board of Commissioners' Minutes
June 19, 2007
Attachment A, Page 2

RELIANCE TELEPHONE	2.08
ROYAL TIRE INC	1,532.70
CHERI SCHULTZ	42.77
SERVICE FOOD SUPER VALU	129.39
STEINS INC	590.92
STENERSON LUMBER	13.82
UNIFORMS UNLIMITED	146.90
UNIVERSITY OF MN PRINTING SERV	64.97
VICTORY CORPS	167.49
WADENA CO AUDITOR TREASURER	1,441.96
WALLWORK TRUCK CENTER	950.28
WEST PAYMENT CENTER	956.50
YELLOW PAGES	231.00
ZIEGLER INC	2,050.13
<u>**** FINAL TOTAL.....</u>	<u>\$73,155.43 ****</u>