

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 Fir Avenue W., Fergus Falls, MN
Tuesday, July 10, 2007
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, July 10, 2007, at 9:32 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 Block, and unanimously carried to approve the County Board Agenda of July 10, 2007, with the following change:

9:40 a.m. - Cancel Scheduled Agenda Item & Replace with a Closed Session

Approval of Minutes

Motion by Block, second by Erickson, and unanimously carried to approve the County Board Minutes of June 26, 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.

4-H Update

Extension Educator, Donna Geiser, briefed the County Board regarding 4-H Summer Programming. Ms. Geiser discussed summer camping, livestock camp held in Hutchinson, upcoming County Fairs in East and West Otter Tail County, and progress with various 4-H garden plots.

Closed to the Public

At 9:48 a.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners closed to the public for purposes of discussing labor negotiation strategies relative to the Technical and Sheriff's Supervisory Bargaining Units. Present were all five seated Commissioners, the County Attorney, and Board Secretary.

Reconvene

At 10:03 a.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners reconvened and open to the public to consider the remaining scheduled agenda items.

Ditch No. 51

Motion by Erickson, second by Block, and unanimously carried to authorize Orrie Leabo to install a foot bridge (approximately 4' wide) over Ditch No. 51 to access a portion of his property. The foot bridge will not interfere with the flow of the Ditch and would be Mr. Leabo's financial responsibility.

Ditch No. 39

The County Board scheduled an Informational Meeting for Ditch No. 39 on Thursday, July 26, 2007, at 7:00 p.m. at the Government Services Center in Fergus Falls.

Ditch No. 16

Ditch Inspector, Randy Wasvick, stated that the petition for an Engineering Study for Ditch No. 16 was received at the County Board's last meeting and has been reviewed by the County Auditor. There are two names on the petition that are possible benefactors. Mr. Wasvick reviewed the situation with the Ditch. He stated that the Ditch originally had an 8' bottom and it probably doesn't have that much at this time; however, the water is over the banks by about one foot, so to widen the ditch would not increase the flow. Property owner, Ron Sugden, spoke about the original ditch and the changes that have occurred. He stated that it is somewhat narrower. Mr. Sugden provided pictures of the ditch and reported that there are two 26" tubes about 16' long that are both plugged and the water is flowing over the top. Mr. Sugden expressed concern about the fact that West Battle Lake's water elevation drops faster than Clitherall Lake. County Attorney, David Hauser, noted that the Ditch Authority needs to look at the ditch as to whether or not it needs repair. The Ditch Authority may choose not to repair the ditch; however, if a petition is filed with 26% of the initial landowners, then the Ditch Authority is required to proceed. A determination must be made first; however, as to whether a repair needs to be done. Discussion took place regarding the need to redetermine benefits on the ditch if an Engineering Study is authorized. The County Board requested that the Ditch Inspector notify property owners in the ditch system and petitioners, and publish a notice for a Ditch No. 16 Information Meeting to be held on Thursday, August 23, 2007 at 7:00 p.m. The tentative location will be the Battle Lake City Hall meeting room.

Noxious Weed Appeals Committee

Mr. Wasvick reported that the Appeals Committee for the Noxious Weed Law must include one Commissioner or local government official and one landowner. He stated that he has been unable to find a landowner that is willing to be on this committee. He requested that compensation of \$250 per year be paid to a landowner that is willing to be on the committee. Because the landowner's contact information must appear on the letter sent to people who have a problem with Noxious Weeds, they receive many phone calls. Motion by Erickson, second by Block, to approve compensation of \$250 per year to landowners agreeing to serve on the Noxious Weed Appeal Committee as recommended by the Ditch Inspector. Further, the motion appointed 2 landowners to serve on the Noxious Weed Appeal Committee as follows: Richard Carlin, New York Mills and Richard Bergquist, Parkers Prairie. Chair Mosher called for a vote. Motion carried 4-1 with Nelson opposed.

Recess & Reconvene

At 10:37 a.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 10:42 a.m.

Pomme de Terre River Association

Water Resources Specialist and Aquatic Biologist, Marilyn Bayerl, submitted information regarding the Pomme de Terre Watershed. Ms. Bayerl stated that she has been working on the Pomme de Terre for over a year and, at this time there are grant funds available to fund a full time position. The Pollution Control Agency has set aside \$120,000 for the next three years. There are six counties in the watershed. Stevens County has agreed to provide office space and this is an opportunity for the Pomme de Terre to become sustainable. The six-county match requirement is \$90,000. Lengthy discussion continued. Motion by Block, second by Froemming, to approve payment of Otter Tail County's share of matching grant dollars, in the amount of \$6,136 each year for three years (2008-2010), to begin improving the Pomme de Terre River Watershed. The Board requested an annual report from the Pomme de Terre Association and the specific fund that the payments will be taken from will be determined by the Budget Committee.

Conditional Use Permit Extension

Motion by Froemming, second by Nelson, and unanimously carried to approve an extension for Conditional Use Permit #6367 for Otto Township for a road renovation project near Rush Lake until September 1, 2007.

Final Plat Filing Date Extension

Motion by Erickson, second by Nelson, and unanimously carried to authorize an extension until November 30, 2007, to file the Final Plat of Robert & Linda Honer known as "Beaver Dam Shores", Star Lake (56-385). The extension is needed due to Quiet Title Action.

Non Profit Organization Taxes

Productive Alternatives Executive Director, Steve Skauge, expressed concern regarding the recent purchase of two buildings, one in Fergus Falls used for the transit program and the other in Perham. His concern, with tax exempt properties for non profit organizations, is that no one in the process of purchasing the buildings had informed him of PA's tax liability the first year. This resulted in not being able to add this liability to the loans for the buildings and causes a burden for the non profit organization to pay the tax out of cash. Assessor, Bob Moe, explained the confusion which results from the assessment year vs. the tax payable year. The tax assessment for CY2006 is payable in CY2007. He referred to MS 272.02 Subd. 38 for clarification.

Recess & Reconvene

At 11:28 a.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for a Capital Improvement Committee meeting. The Board of Commissioners' meeting was reconvened at 11:38 a.m.

License Applications

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

Big Pine Lodge on Mosquito Heights Road Perham, MN	Consumption & Display Permit On/Off-Sale Malt Liquor
Madsen's Resort Battle Lake, MN	On/Off-Sale 3.2 Malt Liquor
NDSU Development Foundation Fargo, ND	Temporary On-Sale Liquor (7/20/07) Batcheller Lake Home, Lida View Lane
Richville Lions Club Richville, MN	Temporary On-Sale Liquor (9/1/07 or 9/2/07) West of Richville – County Highway 14

HRA Board Appointment

Motion by Nelson, second by Erickson, and unanimously carried to reappoint Mr. Art Schwartz to the Otter Tail County Housing and Redevelopment Board for the term of August 1, 2007, through August 1, 2012.

Application for Exempt Permit

Motion by Nelson, second by Block, and unanimously carried to approve the LG220 Application for Exempt Permit as submitted by the Holy Cross Church for an event scheduled for Sunday, September 9, 2007.

Premise Permit
Otter Tail County Resolution No. 2007 – 52

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 T.I.P. Ottetail Chapter, Detroit Lakes, MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at The Cactus, located at 43521 Fort Thunder Road 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 T.I.P., Ottetail Chapter, Detroit Lakes, MN, at The Cactus, located at 43521 Fort Thunder Road 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 T.I.P. Ottetail Chapter, Detroit Lakes, MN, at The Cactus, located at 43521 Fort Thunder Road 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 Erickson seconded the motion, and upon being put to a vote, was unanimously carried.

Adopted this 10th day of July 2007.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

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

Attest: _____
Larry Krohn, Clerk

Classification of Tax Forfeited Lands and
Request for DNR Approval and Legislative Support
Otter Tail County Board Resolution No. 2007 – 51

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 public sale, government acquisition (public use or private) and/or private sale to adjacent owners certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes, and

WHEREAS, Said parcels of land have been considered and/or view by the County Board of Commissioners and have been classified as non-conservation lands as provided for in Minnesota Statutes 282.01.

NOW, THEREFORE, BE IT RESOLVED That the Otter Tail County Board of Commissioners hereby certify that all parcels of land on the attached Exhibit A and Exhibit B (on record in the County Auditor's Office) have been considered and/or viewed and comply with the provisions of Minnesota Statutes 85.012, 92.461, 282.01, Subd. 8, 282.018 and other statutes that require the withholding of tax-forfeited lands from sale. The County Board of Commissioners hereby certifies that the Soil and Water Conservation Board of the district in which the properties are located has reviewed attached Exhibit A and Exhibit B and has identified any and all non-forested marginal lands and wetlands.

BE IT FURTHER RESOLVED That the Otter Tail County Board of Commissioners hereby respectfully request approval from the Minnesota Department of Natural Resources for the public sale, government acquisition (public use or private) and/or private sale to adjacent owners of said lands identified in Exhibit A and Exhibit B and furthermore respectfully request the Minnesota Department of Natural Resources review and consider the lands identified in Exhibit C for special legislative approval.

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

COUNTY OF OTTER TAIL BOARD OF COUNTY COMMISSIONERS	<u>YEA</u>	<u>NAY</u>	<u>OTHER</u>
Everett Erickson	X		
Roger Froemming	X		
Bob Block	X		
Syd Nelson	X		
Dennis Mosher	X		

Adopted this 10th day of July, 2007.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Attest: _____

Dennis R. Mosher, Board of Commissioners Chair

Larry Krohn, Clerk

South Turtle Lake Storm Water Project Update

Mr. West briefed the Board regarding the South Turtle Lake Storm Water Sewer Project. The project is scheduled to begin next week.

Bid Review and Recommendation for Award

After previously advertising for bids, bids were opened at 1:00 p.m. on June 27, 2007 for C.P. 07:116B & Etc. as follows:

Vendor	Bid Amount	Corrected Amount
Central Specialties Alexandria, MN	\$737,814.44	\$734,551.94
Mark Sand & Gravel Co. Fergus Falls, MN	\$737,815.69	
Riley Bros. Const., Inc. Morris, MN	\$832,625.61	

Motion by Block, second by Froemming, and unanimously carried to award C.P. 07:116B & Etc, CH No. 116 and 170th Avenue & 240th Street, Fergus Falls Township, Grading, Aggregate Base, Bituminous Surface and Aggregate Shoulders, to the low bidder, Central Specialties, Inc. at the bid price of \$734,551.94.

Final Payment – S.A.P. 56-635-30

Motion by Mosher, second by Froemming, and unanimously carried to approve Final Payment per Final Estimate No. 9, in the amount of \$47,738.54, payable to Central Specialties, Inc. for Street Reconstruction, CSAH #35, Main Street, Underwood, MN.

**Preferred Alignment for Tower Road/CSAH No. 1 Reconstruction
and Bridge over the Otter Tail River
Otter Tail County Resolution No. 2007 - 53**

Upon motion by Block, seconded by Erickson, and unanimously carried, the following resolution was adopted:

WHEREAS, the City of Fergus Falls and Otter Tail County are engaged in the design process for the proposed Tower Road and Bridge Project, with the City of Fergus Falls acting as the lead agency for the project; and

WHEREAS, SRF Consulting Group, Inc. under contract with the City of Fergus Falls has completed a Corridor Alternative Review (dated May 8, 2007 and revised June 29, 2007) which includes a review of the 1988 Highway Route Study for this project; and

WHEREAS, SRF Consulting Group, Inc. conducted a Public Information meeting on June 19, 2007, to review the Corridor Alternate Review and to receive public input; and

WHEREAS, SRF Consulting Group, Inc. is recommending to the City of Fergus Falls and Otter Tail County that Alternate B with an at-grade railroad crossing be adopted as the preferred alternate for further study under the Federal Environmental Assessment/State Environmental Assessment Worksheet process (EA/EAW) for this project.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners support and approve Alternate B with an at-grade railroad crossing as the preferred alternate for this project.

Adopted at Fergus Falls, Minnesota, this 10th day of July, 2007.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Attest: _____

Dennis R. Mosher, Board of Commissioners Chair

Larry Krohn, Clerk

Discussion – Future Planning

Commissioner Block informed Board members about a house (corner lot close to NP Park) that is on the same block as the Courthouse that is for sale. Mr. Block stated that if the County is planning a future jail expansion, there may be a need to purchase homes in the area as they are offered for sale.

Adjournment

At 1:52 p.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, July 17, 2007.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Dennis R. Mosher, Board of Commissioners Chair

Attest: _____

Larry Krohn, Clerk

CB/kd

WARRANTS APPROVED ON 7/10/2007 FOR PAYMENT 7/10/2007

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A-1 TROPHY	62.65
A'VIANDS LLC	9,614.51
ABG MAINTENANCE INC	90.53
AGGREGATE INDUSTRIES INC	24,838.48
AMERICAN INSTITUTIONAL SUPPLY	103.21
AMERICAN TOWER CORPORATION	87.75
AMERICAN WELDING SUPPLIES INC	2,889.50
CHERI ANDERSON	80.50
SCOTT ANDERSON	30.52
APPLIED CONCEPTS INC	2,081.02
ARK & SPARK	34.79
BATTLE LAKE AUTO PARTS	30.99
BELLET'S WELDING MFG CO	4,429.60
BEYER BODY SHOP INC	69.23
SCOTT BJERKE	7.40
BLUFFTON OIL COMPANY	2,137.03
BOUND TREE MEDICAL LLC	80.26
BRANDON COMMUNICATIONS INC	1,895.77
BRANDT & MAGNUS P.A.	1,743.00
BRAUN VENDING INC	21.49
BRIGGS CORPORATION	3,450.00
ROBERT BUNKOWSKE LLP	3,841.75
HEIDI BUNKOWSKE	60.07
CALL ONE INC	59.98
CATCO PARTS AND SERVICE	190.79
CD ELECTRIC	415.11
RYAN CHESHIRE	203.70
CITIZENS ADVOCATE	235.15
COOPERS TECHNOLOGY GROUP	839.25
CRANE JOHNSON LUMBER CO	3.20
CULLIGAN WATER COND	51.87
CULLIGAN WATER CONDITIONING	10.65
DACOTAH PAPER COMPANY	462.75
DAKOTA PRINTER REPAIR LLC	116.40
RICK DENZEL	93.33
DENZEL'S REGION WASTE INC	4,176.47
DICK'S STANDARD SERVICE	144.12
DISASTER ANALYSIS	4,955.76
DIVERSION AUTO	146.33
RANDY DORROW	58.74
ERIC'S ODD JOBS PLUS	1,469.70
FARGO FREIGHTLINER	88.08
FERGUS FALLS MEDICAL GROUP	590.40
FERGUS FALLS NEWSPAPERS INC	2,059.97
FERGUS FALLS POLICE DEPT	2,144.49
CITY FERGUS FALLS	4,939.67
FERGUS INTERNATIONAL INC	74.58
FERGUS POWER PUMP INC	4,620.00
FERGUS TIRE CENTER	35.00
FERRELLGAS	241.03
BRENT FLODEN	22.52
FRAZEE FORUM INC	84.00
FRONTIER PRECISION INC	212.20
GALL'S INC	787.59
GATOR H2O	27.50
GENERAL PARTS LLC	72.52
BEVERLY GERHARDSON	1,500.00
GILMORE WEIK VFW POST 5252	100.00
GODFATHERS EXTERMINATING INC	443.56
GOVERNMENT FINANCE OFFICERS AS	50.00

OTC Board of Commissioners' Minutes
July 10, 2007
Attachment A, Page 2

GR GRAPHICS INC FARGO	50.00
GR GRAPHICS INC ST LOUIS	419.01
GRAINGER INC	208.32
GREENMAN TECHNOLOGIES OF MN IN	5,644.27
PATRICK GRIFFIN	39.13
NEILL HARDINA	120.00
OLIVER HARRISON	30.00
DUANE HAUGEN	140.00
HENNING HARDWARE	174.54
HENNING LUMBER INC	16.00
HIGH PLAINS TECHNOLOGY	1,920.20
HOLIDAY CREDIT OFFICE	9.50
HOUSTON ENGINEERING INC	8,740.00
IBM CORPORATION	2,556.00
THE INDEPENDENT	89.60
INNOVATIVE OFFICE SOLUTIONS	8,517.21
INSIGHT PUBLIC SECTOR	4,148.18
INTERSTATE ALL BATTERY CENTER	152.56
INTERSTATE INC	2,968.62
J & K MARINE	618.60
ERWIN JOHNSON	180.00
KELLY SERVICES INC	2,071.15
KREKELBERG, SKONSENG, HASTINGS	224.00
L & L FABRICATION & STEEL CO	1,038.38
LAB SAFETY SUPPLY INC	293.11
LAKE REGION HEALTHCARE CORP	2,186.99
LAKELAND MENTAL HEALTH CENTER	1,077.00
LAKELAND TRUE VALUE HARDWARE	22.80
LAKES 99 FIVE	140.40
LAKEWAY MARKET LLC	4,046.23
LARRY OTT INC TRUCK SERVICE	1,360.00
DONALD LARSON	24.00
PAT LARUM	66.18
LAWSON PRODUCTS INC	69.52
TROY LEE	49.50
LITTLE BEAR TOWING	207.68
LOCATORS & SUPPLIES INC	1,412.16
KAREN LUNDIN	8.63
MARK SAND & GRAVEL CO	51,526.38
MATTHEW BENDER & COMPANY INC	379.65
MCCC MI 33	420.00
MEDICAL INDICATORS	885.00
MEDTRONIC EMERGENCY RESPONSE S	756.00
MERICKEL LUMBER & ACE HARDWARE	51.83
METEORLOGIX	1,908.00
THE MIDWEEK	397.40
MIDWEST TESTING LABORATORY	781.50
MINN KOTA COMMUNICATIONS INC	29.00
MINNEAPOLIS MEDICAL RESEARCH F	1,300.80
MN CO ATTORNEYS ASSOCIATION	31.95
MN CO INSURANCE TRUST	546.00
MN COUNTIES INS TRUST	105.00
MN MOTOR COMPANY	164.40
MN STATE AUDITOR	455.00
MN STATE BAR ASSOCIATION	966.00
MNCITLA	150.00
MOORE MEDICAL LLC	3,364.79
NANIK'S ELECTRIC	771.26
NAPA FERGUS FALLS	14.97
NELSON FORD LINCOLN MERCURY IN	168.33
NORTHERN SAFETY TECHNOLOGY INC	4,792.93
OFFICE DEPOT	124.81

OFFICEMAX CONTRACT INC	230.67
OLSON-STITZEL AMERICAN LEGION	100.00
OTIS ELEVATOR CO	101.91
OTTER TAIL CO TREASURER	808.40
OTTER TAIL TELCOM	7,440.30
OTTERTAIL TRUCKING INC	13,209.00
OVERHEAD DOOR COMPANY	55.00
OVERLAND MECHANICAL SERVICES	28.00
VIRGINIA PAULSON	30.00
PELICAN RAPIDS PRESS	125.08
PERHAM ACE HARDWARE	39.35
PERHAM ENTERPRISE BULLETIN	578.20
CITY PERHAM	83,637.81
PETE'S AMOCO	1,669.93
PETE'S BODY SHOP & TOWING	211.91
PITNEY BOWES GLOBAL FINANCIAL	1,584.72
PUBLIC SAFETY CENTER INC	636.58
RELIABLE OFFICE SUPPLIES	69.87
REVIEW ENTERPRISES INC	24.00
RINGDAHL AMBULANCE SERVICE	240.00
ROYAL TIRE INC	1,293.34
ROBERT SCHREIBER	133.12
SCOTT HOF LAND CONSTRUCTION INC	6,840.00
PETER SCOTT	200.00
SERVICE FOOD SUPER VALU	44.57
SEWER SERVICE	250.00
SHERBURNE CO SHERIFF	40.80
SIGNWORKS	2,976.62
PAUL SIMENGAARD	59.20
SOUTH MILL SERVICE	86.79
SOUTHTOWN C-STORE	31.15
STEINS INC	1,228.39
STEVE'S SANITATION INC	31.59
STRAND ACE HARDWARE	37.40
GENEVIEVE STRANDE	30.00
STREICHERS	93.47
SWEENEY BROTHERS	62.42
RICK SYTSMA	116.55
TASER INTERNATIONAL	350.00
THERMAL TECHNOLOGIES INC	2,069.24
TRI STAR RECYCLING	6,900.60
CLIFFORD TURNER	304.96
KEITH VAN DYKE	8.17
VICTOR LUNDEEN COMPANY	246.85
WADENA ASPHALT INC	25,408.35
WASTE MANAGEMENT	506.12
DAVID WEISS	158.79
WELLS ROAD GRADING	680.00
WEST PAYMENT CENTER	53.00
WEST TOOL & DESIGN INC	240.00
WHITE BANNER UNIFORM SHOP	257.00
WIDSETH SMITH NOLTING & ASSOC	52.00
ZIEGLER INC	974.05
210 LUBE EXPRESS	50.58
**** FINAL TOTAL.....	<u>\$373,172.78 ****</u>