

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Government Services Center, Commissioners' Room  
500 W. Fir Avenue, Fergus Falls, MN  
Tuesday, November 20, 2007  
9:30 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, November 20, 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 Erickson, and unanimously carried to approve the County Board Agenda of November 20, 2007, with the following addition:

10:50 a.m. – GIS Coordinator, Brian Armstrong

**Approval of Minutes**

Motion by Block, second by Nelson, and unanimously carried to approve the County Board minutes of November 13, 2007, as presented.

**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.

**License Applications**

Motion by Froemming, second by Erickson, and carried with Mosher abstaining, to approve the following license applications:

Carr Enterprises, Inc. dba: Carr's Lake Country Supermarket Ottertail, MN	Tobacco
Dalton Municipal Liquor Store Dalton, MN	Tobacco
Playtime Sports Bar Perham, MN	Tobacco

**Clean-Up of Tax Forfeited Property**

Motion by Erickson, second by Block, and unanimously carried to authorize cleanup of tax forfeited property located at 23 7<sup>th</sup> Ave SW, Pelican Rapids, MN. The cleanup includes demolition, sealing well, and sewer line disconnection.

**Investment & Authorized Officials Designation**

Motion by Mosher, second by Nelson, and unanimously carried to authorize the County Auditor's signature on the Automatic Money Market Investments (Investment Authorization Letter) relating to the bond sale for the Chemical Dependency Facility. The investment form directs US Bank/US Bank National Association to invest trust funds in First American Funds Treasury Obligations Fund (Class A), which is an automatic sweep vehicle to keep the funds continuously invested.

Motion by Nelson, second by Block, and unanimously carried to certify the County Auditor as the designated Authorized County Representative and the County Coordinator as the alternate Authorized County Representative and hereby authorizes either of them to take all actions and do all things as permitted under the terms of the Lease and Purchase Option Agreement and the trust Indenture for the Otter Tail County Housing and Redevelopment Authority, Minnesota Public Project Revenue Bonds, Series, 2007E.

**Conveyance of Tax Forfeited Land**  
**Otter Tail County Resolution No. 2007 – 83**

Commissioner Erickson offered the following and moved its adoption:

WHEREAS, the City of Pelican Rapids has submitted for consideration by the Otter Tail County Board of Commissioners an Application by a Governmental Subdivision for Conveyance of Tax Forfeited Land for an Authorized Public Use; and

WHEREAS, the following described parcel forfeited on Tuesday, August 31, 1993:

Parcel No. 76-000-99-0791-000  
Lot 11 Block 1, Section 27, Township 136, Range 43  
Haugen's Rolling Acres

WHEREAS, the City of Pelican Rapids desires to acquire this parcel for drainage property; and

WHEREAS, the Otter Tail County Board of Commissioners has reviewed the above noted application of the City of Pelican Rapids, dated Tuesday, November 13, 2007 for the conveyance of the above described property for an authorized public use.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby recommends to the Minnesota Department of Revenue that the application as submitted by the City of Pelican Rapids be granted.

Commissioner Nelson seconded the motion and YEAS and NAYS are as follows:

Board of County Commissioners	<u>YEA</u>	<u>NAY</u>	<u>Other</u>
Syd Nelson	X		
Everett Erickson	X		
Dennis Mosher	X		
Roger Froemming	X		
Bob Block	X		

Dated: \_\_\_\_\_

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_

Dennis R. Mosher, County Board Chair

Attest: \_\_\_\_\_

Larry Krohn, Clerk

**Conveyance of Tax Forfeited Land**  
**Otter Tail County Resolution No. 2007 – 84**

Commissioner Erickson offered the following and moved its adoption:

WHEREAS, the City of Pelican Rapids has submitted for consideration by the Otter Tail County Board of Commissioners an Application by a Governmental Subdivision for Conveyance of Tax Forfeited Land for an Authorized Public Use; and

WHEREAS, the following described parcel forfeited on Wednesday, September 24, 1997:

Parcel No. 76-000-99-0398-000  
Section 27, Township 136, Range 43  
South 12' of North 34' of Part Randolph Street vacated  
South of Lots 7 through 12 Inc Block 5

WHEREAS, the City of Pelican Rapids desires to acquire this parcel for the purpose of road right-of-way; and

WHEREAS, the Otter Tail County Board of Commissioners has reviewed the above noted application of the City of Pelican Rapids, dated Tuesday, November 13, 2007 for the conveyance of the above described property for an authorized public use.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby recommends to the Minnesota Department of Revenue that the application as submitted by the City of Pelican Rapids be granted.

Commissioner Nelson seconded the motion and YEAS and NAYS are as follows:

Board of County Commissioners	<u>YEA</u>	<u>NAY</u>	<u>Other</u>
Syd Nelson	X		
Everett Erickson	X		
Dennis Mosher	X		
Roger Froemming	X		
Bob Block	X		

Dated: \_\_\_\_\_ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Dennis R. Mosher, County Board Chair

Attest: \_\_\_\_\_  
Larry Krohn, Clerk

**Payment Approvals**

Motion by Block, second by Froemming, and unanimously carried to approve payment, in the amount of \$9,230.59, to Young & Associates for professional services provided to Project No. 0601 (Chemical Dependency Health Center).

Motion by Froemming, second by Block, and unanimously carried to approve payment, in the amount of \$627,217.90, to Comstock Construction Inc. of MN for the Ottertail City Operations Center as authorized per Request No. 5 and as detailed below:

Original Contract	\$4,451,000.00
Change Orders	61,927.74 (1.4%)
Adjusted Contract	4,512,927.74
Total Completed as of 10/24/2007	2,743,909.32
5% Retainage	137,195.47
Less Previous Payments	1,979,495.95
Current Payment Due	627,217.90
Balance to Finish	<u>1,906,213.89</u>

Motion by Nelson, second by Erickson, and unanimously carried to approve payment, in the amount of \$5,812.50, to Shultz & Associates, LTD for construction administration for Project No. 0603 (Ottertail Operations Center).

#### **Payment Approval Tabled**

Motion by Nelson, second by Froemming, and unanimously carried to table payment, in the amount of \$4,845.00, to McFarlane Sheet Metal for preparation of the CX for the garage at the Ottertail City Operations Center. This will allow the County Auditor to obtain further information for this expense.

#### **State of Minnesota Master Partnership Contract Otter Tail County Resolution No. 2007 - 85**

Upon motion by Nelson, second by Block, and unanimously carried, the following resolution was adopted:

WHEREAS: The Minnesota Department of Transportation (Mn/DOT) wishes to cooperate closely with local units of government to coordinate the delivery of transportation services and maximize the efficient delivery of such services at all levels of government; and

WHEREAS: Mn/DOT and local governments are authorized by Minnesota Statutes sections 471.59, 174.02, and 161.20, to undertake collaborative efforts for the design, construction, maintenance, and operation of state and local roads; and

WHEREAS: The parties wish to be able to respond quickly and efficiently to such opportunities for collaboration, and have determined that having the ability to write "work orders" against a master contract would provide the greatest speed and flexibility in responding to identified needs.

THEREFORE, BE IT RESOLVED:

1. That the County of Otter Tail enter into the "Master Partnership Contract" with the Minnesota Department of Transportation, a copy of which was before the County Board.
2. That the proper County officers are authorized to execute such contract and any amendments thereto.

3. That the County Engineer is authorized to negotiate work order contracts pursuant to the Master Contract, which work order contracts may provide for payment to or from Mn/DOT, and that the County Engineer may execute such work order contracts on behalf of the County without further approval by this Board.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Dennis R. Mosher, County Board Chair

Attest: \_\_\_\_\_  
Larry Krohn, Clerk

**Contract Approval for Railroad Improvement**

Motion by Mosher, second by Erickson, and unanimously carried to authorize the Highway Engineer to enter into a contract relative to a railroad crossing improvement in the City of Pelican Rapids. The estimated cost of the project is \$26,621.00 with the County's share of the funding at 80%.

**Recess & Reconvene**

At 10:05 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 10:15 a.m.

**Wind Generation Discussion**

Lakeshore Property Owner, Bill Boedigheimer, reported that he wanted to install a small wind generation system for his lake home last April and he was denied the ability to install this appliance. He provided a booklet explaining the type of wind generation system he was considering and noted that these systems have become less noisy, smaller, and more effective in creating energy. County Attorney, David Hauser, stated that, under the County's current Shoreland Management Ordinance, this type of appliance is considered a structure and cannot exceed the height limitations for a structure. Previously, a variance was sought for a wind generation system in the shoreland area and there were many people objecting because of the aesthetics, high density residential areas around shoreland, and concern with noise and safety. Discussion took place regarding the possibility of implementing a rule in the SMO that would allow wind generation systems in the case where the property owner owns several acres of land that is in the shoreland zone versus the ½ acre piece of property located in the high density shoreland areas. This concept may be discussed further as "green space" and "green buildings" are needed for future conservation of energy.

**Closed to the Public – Labor Negotiation Strategies**

At 10:40 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 all Collective Bargaining Agreements except the Highway Maintenance Agreement. Present were all five seated Commissioners, County Attorney, County Coordinator, Public Health Director, Human Services Director, and County Board Secretary. At 11:27 a.m., Chairman Mosher declared the meeting opened to the public for consideration of the remaining agenda items.

### **Parcel Drafter Contract**

Motion by Froemming, second by Block, and unanimously carried to authorize the Chairman's signature to execute an Auto-Cadd Parcel Drafting Agreement between the County of Otter Tail and Michael Eull, Mpls, MN, for parcel drafting services for city parceling. The contract period is November 20, 2007 through December 31, 2009, at a per parcel not to exceed rate of \$7.00 per parcel and not to exceed \$70,000.00.

### **GIS Unmanned Plane**

GIS Coordinator, Brian Armstrong, reported that the GPS/Mapping Plane purchased recently for his department has been grounded by the Federal Aviation Administration. The FAA is requiring formal ground and observer training, certificate of worthiness, and Class 3 physical to operate the plane.

### **Planning Commission Recommendations**

#### **Conditional Use Permit – CCSC LLC %David Stock – Denied:**

Motion by Mosher, second by Block, and unanimously carried to deny a Conditional Use Permit for this after-the-fact request to install tile and other topographical work. This denial was recommended by the Planning Commission with most of the issues related to wetland rules. The Applicant will be allowed to work with Land & Resource Management to resolve the issues. The property is described as NE1/4 (160 AC) & Lots 1, 2 & 3 (105.35 AC), Section 30 of Orwell Township; Otter Tail River (56-OTR), AG.

#### **Preliminary Plat & Conditional Use Permit–“Manthe’s Sunrise Beach”/Winnie Ulschmidt et al”:**

Motion by Nelson, second by Erickson, and unanimously carried to approve the Preliminary Plat entitled “Manthe’s Sunrise Beach” consisting of 7 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 All that pt of SW1/4 SE1/4, Section 22 & that pt of GL 1, Section 27 of Hobart Township; Long Lake (56-388), RD.

#### **“Preliminary Plat – “Oakwood Glen”/Lakes Development Partners:**

Land & Resource Administrator, Bill Kalar, stated that the Preliminary Plat entitled “Oakwood Glen” was recommended for denial because the proposed road does not meet requirements of the County’s Subdivision Controls Ordinance (SCO) and because of disagreement regarding access to lots owned by neighbors. Attorney, Robert Bigwood, represented the Applicant and requested approval of “Oakwood Glen” plat as presented because the issue, in his opinion, is a private issue of property rights involving a private easement over his client's land that the client has relocated. He stated that the subdivision of property does nothing to alter private property rights of access. Mr. Bigwood cited sections of the SCO to support his statements. Discussion took place regarding the cutback in the road which should not be less than 45 degrees and whether or not this causes a hardship for neighbors to access their property. Neighboring property owner, Debbie Fredericks read a statement for the record in opposition of the current proposal. Motion by Erickson, second by Froemming, to deny the Preliminary Plat entitled “Oakwood Glen”, as recommended by the Planning Commission for the reasons stated in the November 14, 2007, Planning Commission minutes and also, because the road does not comply with the provisions of V.1.D. under the SCO. Chairman Mosher called for a roll call vote:

Board of County Commissioners	<u>YEA</u>	<u>NAY</u>	<u>Abstain</u>
Everett Erickson	X		
Roger Froemming	X		
Bob Block	X		
Syd Nelson			X
Dennis Mosher	X		

Motion carried 4-0. The property is described as Pt of GL 2 & 3, Section 1 of Edna Township; Devils Lake (56-245), GD.

Conditional Use Permit – Leslee Olson:

Motion by Froemming, second by Block, and unanimously carried to deny a Conditional Use Permit for this after-the-fact request as recommended by the Planning Commission and for the reasons cited in the November 14, 2007, Planning Commission minutes. The property is described as Auditors Subdivision 101 Lot O, Section 36 of Girard Township; East Battle Lake (56-138), RD.

Conditional Use Permit – Pine Beach Resort/Lee & Karen Omberg:

Motion by Nelson, second by Erickson, and unanimously carried to approve a Conditional Use Permit to expand a dwelling on the resort and to do some landscaping as presented. The property is described as Pt of GL 1 (3 Acres), Section 6 of Perham Township; Devils Lake (56-245), GD.

**Annual Lakes Country Service Cooperative Board Election**

Motion by Mosher, second by Froemming, and unanimously carried to vote for Bob Block and Mike McCarthy for LCSC Board Membership for four-year terms ending December 31, 2011.

**LCSC Annual Membership**

Motion by Nelson, second by Erickson, and unanimously carried to authorize payment, in the amount of \$250, for LCSC 2008 membership dues.

**Resolution Authorizing Execution of Agreement  
Otter Tail County Resolution No. 2007 - 86**

Upon a motion by Froemming, second by Nelson, and unanimously carried, the following resolution was adopted:

BE IT RESOLVED, that Otter Tail County will enter into a cooperative agreement with the Office of Justice Programs in the Minnesota Department of Public Safety.

Sheriff, Brian Schlueter, is hereby authorized to execute such agreements and amendments, as are necessary to implement the project on behalf of the Otter Tail County Sheriffs Office.

Dated: \_\_\_\_\_

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_

Dennis R. Mosher, County Board Chair

Attest: \_\_\_\_\_

Larry Krohn, Clerk

**Adjournment**

At 12:22 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, November 27, 2007.

Dated: \_\_\_\_\_

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_

Dennis R. Mosher, County Board Chair

Attest: \_\_\_\_\_

Larry Krohn, Clerk

**WARRANTS APPROVED ON 11/20/2007 FOR PAYMENT 11/20/2007**

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A'VIANDS LLC	6,689.01
AAA STRIPING SERVICE CO	1,200.00
JANICE AABERG	42.35
ALEXANDRIA CONCRETE	5,059.35
AMERICAN INSTITUTIONAL SUPPLY	87.13
AMERICAN WELDING-WILLMAR FIRE	6.33
ASSOCIATION OF MN COUNTIES	140.00
ATD AMERICAN CO	475.88
AUTO VALUE FERGUS FALLS	304.12
BACHMAN PRINTING COMPANIES	496.35
BATTLE LAKE AUTO PARTS	7.30
BATTLE LAKE STANDARD	192.53
CITY BATTLE LAKE	1,560.36
MARK BECKER	141.92
BEYER BODY SHOP INC	828.34
BOB'S STANDARD BULK SERVICE	109.65
BRANDON COMMUNICATIONS INC	288.01
BRAUN VENDING INC	21.49
MARLENE CARLSON	94.95
CARRS TREE SERVICE	159.75
CIT TECHNOLOGY FIN SERV INC	189.86
CITIZENS ADVOCATE AND VERNDALE	87.45
CLAY CO TREASURER	2,757.80
COOPERS TECHNOLOGY GROUP	14.38
CREATIVE FORMS & CONCEPTS INC	389.18
CRONATRON WELDING SYSTEMS INC	294.50
DAKOTA CLINIC FARGO	156.00
CITY DALTON	480.31
CITY DEER CREEK	942.14
CITY DENT	401.80
DETROIT LAKES OVERHEAD DOOR SE	140.00
DEX MEDIA EAST	20.50
KATHY DOMHOLT	44.85
E & J PRESS	485.64
CITY ELIZABETH	577.29
EMERGENCY TRAINING ASSOCIATES	590.00
CITY ERHARD	341.76
FARMERS CO OP OIL ASSN	818.78
FARNAM'S GENUINE PARTS INC	878.40
FERGUS ELECTRIC	784.63
FERGUS FALLS NEWSPAPERS INC	786.66
FERGUS FALLS POLICE DEPT	373.18
FERGUS TIRE CENTER	582.70
FIRST LAB	234.00
GARY'S SEPTIC SERVICE INC	70.00
GE CAPITAL	372.74
GODFATHERS EXTERMINATING INC	132.06
GOPHER STATE ONE CALL	30.45
GR GRAPHICS INC FARGO	58.01
GR GRAPHICS INC ST LOUIS	1,632.15
PATRICK GRIFFIN	14.78
DIANE HANSON	230.05
HELP SYSTEMS IL INC	275.00
CITY HENNING	1,593.33
HIGH PLAINS TECHNOLOGY	5,538.00
HOUSTON ENGINEERING INC	5,122.50
IAAO	175.00
INDEPENDENT EMERGENCY SERVICES	54.86
INNOVATIVE OFFICE SOLUTIONS	102.03

OTC Board of Commissioners' Minutes  
November 20, 2007  
Attachment A, Page 2

INNOVIS HEALTH	7,878.00
INSIGHT PUBLIC SECTOR	157.16
INTERSTATE INC	61.38
DEAN JOHNSON	145.03
KELLY SERVICES INC	824.66
KOEP'S CLITHERALL CORNER	269.40
LAKE REGION DENTAL CENTER	733.00
LAKE REGION HEALTHCARE CORP	250.00
LAKE SUPERIOR COLLEGE	750.00
LAKES COUNTRY SERVICE CO OP	65.00
LARRY OTT INC TRUCK SERVICE	1,300.00
JERRY LEIN	27.99
LIZARDTECH	2,912.95
MAIN STREET GAS & GOODS	746.51
MERIGEN MEDICAL	698.84
MIDWEST PRINTING CO	78.81
MIDWESTERN MAT RENTAL & SUPPLY	74.07
MINNKOTA	29.00
MN CO ATTORNEYS ASSOCIATION	307.69
MN CO INSURANCE TRUST	2,500.00
MN MOTOR COMPANY	364.67
MN STATE AUDITOR	2,949.63
ANNE MUELLER	49.00
JIM MYHRE	35.41
NACVSO	90.00
NELSON BROS PRINTING	173.04
NELSON FORD LINCOLN MERCURY IN	740.79
CITY NEW YORK MILLS	1,320.85
OFFICEMAX CONTRACT INC	115.25
OLSON OIL CO INC	3,403.30
OLYMPIC SALES INC	438.00
OTTER TAIL CO EMPLOYEES COMMIT	29.00
OTTER TAIL CO TREASURER	38.84
OTTERTAIL TRUCKING INC	11,845.60
PAMIDA PHARMACY	4,042.00
PARK REGION CO OP	37.27
CITY PARKERS PRAIRIE	635.02
CITY PELICAN RAPIDS	2,690.29
PERHAM CO OP CREAMERY	1,824.90
CITY PERHAM	3,645.20
PHILLIPE LAW OFFICE	175.65
PITNEY BOWES	1,008.00
PREMIUM WATERS INC	5.00
LANETTE PRIEM	53.98
PRO AG FARMERS CO OP	382.99
PRO-WEST & ASSOCIATES INC	140.00
PROTECTION SYSTEMS INC	165.00
PUBLIC SAFETY CENTER INC	108.40
QUARTERMASTER	29.00
THE RAZOR BLADE COMPANY	122.50
RDO TRUCK CENTERS	110.42
RELIABLE OFFICE SUPPLIES	41.49
REVIEW ENTERPRISES INC	28.00
CITY RICHVILLE	521.88
CITY ROTHSAY	512.64
ROYAL TIRE INC	7,688.25
SANOFI PASTEUR	238.80
CHERI SCHULTZ	42.70
SERVICE FOOD SUPER VALU	77.28
SHAW EXCAVATING	2,580.00

SOS TECHNOLOGIES	2,790.00
SPRINT	680.90
WAYNE STEIN	255.00
STEINS INC	1,185.13
STERLING SOLUTIONS INC	900.00
STEVE'S SANITATION INC	1,785.24
STREICHERS	2,978.73
SUPER SEPTIC INC OF PELICAN RA	77.19
SWEDBERG NURSERY	1,597.50
TIRES PLUS TOTAL CAR CARE	516.49
TOM AVANT PAINTING	2,600.00
UGSTAD PLUMBING INC	15.45
CITY UNDERWOOD	540.35
UNIFORMS UNLIMITED	67.45
CITY URBANK	618.86
VACATIONLAND PLUMBING	4,230.91
CITY VERGAS	863.64
VICTOR LUNDEEN COMPANY	63.90
WADENA ASPHALT INC	2,189.00
WALLWORK TRUCK CENTER	3,286.86
WASTE MANAGEMENT	54,593.86
WELLER OIL CO	281.28
WELLS ROAD GRADING	400.00
WEST PAYMENT CENTER	2,678.43
<u>**** FINAL TOTAL.....</u>	<u>\$199,183.29 ****</u>