

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
New York Mills Offices, Courtroom  
118 N Main Avenue, New York Mills, MN  
Tuesday, August 19, 2008  
9:30 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, August 19, 2008, at 9:31 a.m., at the Otter Tail County Offices in New York Mills, MN, with Commissioners Syd Nelson, Chair; Everett Erickson, Vice-Chair; Bob Block, and Roger Froemming present. Commissioner Dennis Mosher was absent.

**Approval of Agenda**

Motion by Froemming, second by Erickson, and unanimously carried to approve the Board of Commissioners agenda of August 19, 2008, with the following addition:

Auditor's Office Handout

**Approval of Minutes**

Motion by Froemming, second by Block, and unanimously carried to approve the Board of Commissioners meeting minutes of August 12, 2008, as mailed.

**Approval to Pay Bills**

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

**4-H Update**

4-H Coordinator, Janet Malone, submitted a handout with 2007 and 2008 East Otter Tail County Fair 4-H Summary statistics. Total Exhibitors in 2007 was reported as 222 compared to 191 in 2008 with 47 advancing to State Events 2008. Ms. Malone shared some 4-H'ers records and stories with Board members to illustrate the learning and thinking processes that take place in the 4-H experience.

**Solid Waste Department**

Solid Waste Director, Mike Hanan, reported that construction at the Fergus Falls Transfer Station is behind the original contract completion date. Mr. Hanan will brief the Board after the next construction meeting regarding the expected date of completion. He stated that there are liquidated damages in the construction contract for not completing the project on time.

Mr. Hanan discussed a potential need to change his department's name because the general public is often confused in regards to the types of services his department offers. The services revolve around municipal solid waste, household hazardous waste, recycling and the education of all of these programs. He requested ideas from Board members and stated that his department will research the issue further before a recommendation is forthcoming.

**Recess & Reconvene**

At 10:11 a.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 10:18 a.m.

### **Proposed Expansion & Joint Powers Board for Perham Resource Recovery Facility**

Perham City Manager, Kelcey Klemm, presented a handout dated August 18, 2008 explaining the proposed PRRF expansion which has been refined from earlier proposals. This proposal includes the creation of a Joint Powers Board for the governance of the facility including the City of Perham as a partner and continuing as the administrator. The proposal creates a Joint Powers Board, moves forward with the proposed expansion, and refinances the complete project, with each County's responsibility based on garbage delivered. He reported that 9 million dollars is currently owed on the original debt and after the expansion, the debt would be 17.8 million dollars. If Otter Tail County delivers 21,000 tons of waste to the facility, the debt load after the proposed expansion is estimated at 6.5 million dollars which is an increase of 2.4 million dollars over Otter Tail County's current debt and is partially a result of Stearns County leaving the project. The tipping fee, after expansion, was estimated at \$55.00 per ton. Mr. Klemm reported that Becker County has shown support in delivering 10,000 tons of waste; however, they have not signed an agreement at this time. The Fergus Falls incinerator has about 1 million dollars of equipment that could be used by the Perham facility; however, concern was expressed that the equipment could be deteriorating because of the length of time it has been unused. Mr. Klemm stated that an extension of the grant deadline with the PCA is not a problem as long as progress can be shown. Discussion took place regarding the additional waste that is needed for the project, improved efficiency after the expansion with two burners running, larger transport fees to haul garbage to landfills, the benefits of incineration over landfilling, and the decreased debt liability from 8% to 5% for the City of Perham in the proposal. Chairman Nelson opened the floor to comments from the public. Doug Huebsch expressed his support for burning waste instead of landfilling and was in support of the economics the facility provides in the Perham area. A comment was expressed by a dairy farmer in support of the facility for the steam it provides to Bongards. A representative of Bongard Creameries spoke in favor of the Perham Resource Recovery Facility and the steam they purchase from the facility as well as the positive economic impact Bongards has on the surrounding area. A representative from Todd County expressed concern about the ramifications that partner counties take on if there is a mistake along the way such as equipment failures or incorrect projections of revenue or expenses. The City of Perham is only affected by overall expenses, not any mistakes that create additional cost for the project. Mr. Klemm stated that the physical construction period for the proposed expansion is estimated at 72 weeks including the permitting process. Chairman Nelson stated that Otter Tail County would deliberate on the issue and projected 1-1½ months for a final decision.

### **Facilities Project Report**

Physical Plant Manager, Rick Sytsma, briefed the Board regarding building projects including the Ottertail Law Enforcement Operations Center and the 60-bed Chemical Dependency building.

Motion by Froemming, second by Erickson, and unanimously carried to authorize the Chairman's signature to execute Amendment No. 4, Lease No. 11202 between the County of Otter Tail and the State of Minnesota Department of Corrections. This lease is for the period of January 1, 2009 through December 31, 2011 for the space the DOC leases at the New York Mills building.

### **Recess & Reconvene**

At 11:03 a.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners recessed until 11:05 a.m.

### **Planning Commission Recommendations**

#### **Conditional Use Permit – Maine Township:**

Motion by Froemming, second by Block, and unanimously carried to approve a Conditional Use Permit to replace deficient Bridge No. LO884, with a condition as recommended by the Planning Commission. The project is located at the crossing of Water Street Road and the Otter Tail River in NE1/4, Section 19 & 30 of Maine Township (Old Bridge No. LO884, New Bridge No. 56537, Project No. S.A.P. 56-599-57); Otter Tail River (56-OTR), AG, West Lost Lake (56-481), NE and East Red River Lake (56-573), NE.

#### **Preliminary Plat – “Ruby Park”, Janet & Roald Lund:**

Motion by Erickson, second by Froemming, and unanimously carried to approve the Preliminary Plat entitled “Ruby Park” as presented on the revised map received by the Land & Resource Office on July 22, 2008, with a condition as recommended by the Planning Commission. Steven Bergeson submitted a letter dated August 16, 2008 opposed to the development because of two issues; one with the septic system and the other issue that the highest known water level cannot be met. Land & Resource Office Manager, Marsha Bowman, referred to a letter from a licensed installer that verifies that there is enough area for two septic systems and could have mounded systems. Motion by Erickson, second by Froemming, unanimously carried to rescind the previous motion. Applicant, Janet Lund, stated that contractors in the area have all been using the Ordinary High Water Level (OHWL), not the known highest water level, so this could be a problem with other building in the area. Motion by Erickson, second by Froemming, and unanimously carried to table a decision regarding the proposed preliminary plat entitled “Ruby Park” until next week’s Board of Commissioners meeting. The applicant waived the 60 day rule. The property is described as Lot 1 Block Two Haugen’s Point, Section 8 and 17 of Dunn Township; Pelican Lake (56-786), GD & Bass Lake (56-770), GD.

#### **Preliminary Plat & Conditional Use Permit – “Crystal-Lida Beaches Backlots,**

##### **Tweeton Property Management LLC:**

Motion by Erickson, second by Froemming, and unanimously carried to approve the Preliminary Plat entitled “Crystal-Lida Beaches Backlots” as presented in the revised map dated July 18, 2008 and to renew Conditional Use Permit #5804 for operating a construction business. The property is described as Crystal Hills 5<sup>th</sup> Addn Tracts 7 & 9 of Auditor’s Subdivision #108 ex trs, Section 11 of Lida Township; Crystal Lake (56-749), RD.

#### **Preliminary Plat & Conditional Use Permit – “The Shores of Jolly Ann Lake”, Gene Woldahl et al:**

Ms. Bowman stated that the Planning Commission recommended denial of the Preliminary Plat entitled “The Shores of Jolly Ann Lake” with five reasons identified in the August 13, 2008 Planning Commission minutes. Nyberg Land Surveyor, Mike Nyberg, presented pictures of the project area and stated that this is a permitted use under the Otter Tail County Shoreland Management Ordinance. The land is not suitable for farming and the building area meets the requirements of the ordinance. Protection of bluffs is adhered to and there are setbacks from the bluff areas. He requested an opportunity to re-do the project. Mr. Nyberg stated that tests for sewage have been completed and is in the file. The storm water plan directs the water back away from the lake. Property owner, David Braud, expressed opposition to the magnitude of the project. An opinion was expressed that the new families moving into the area are good for the community. These families all want clean lakes, water and wildlife and the proposal will be better for the lake, not worse. Applicant, Gene Woldahl, explained the situation that this is the only use for this property. John Bemis, representing Eagle Lake Township, referred to the Eagle Lake Township Interim Ordinance dated August 18, 2008. He expressed concern about the number of lots and the quality of water that flows downstream. Mr. Bemis requested that the recommended denial of the Planning Commission be upheld. Ms. Bowman read a portion of a letter from County Attorney, David Hauser, dated August 18, 2008 as follows: “In all other cases, no interim ordinance may halt, delay, or impede a subdivision

that has been given preliminary approval nor may any interim ordinance extend the time deadline for agency action set forth in section 15.99 (60 day rule) with respect to any application filed prior to the effective date of the interim ordinance." Mr. Bemis provided two letters from property owners in opposition to the development for the record. Motion by Froemming, second by Block, to remand the request for approval of the Preliminary Plat entitled "The Shores of Jolly Ann Lake" back to the Planning Commission for reconsideration/redesign. The applicant waived the 60-day rule. Paul Brutlag expressed opposition. Chairman Nelson called for a vote. Motion carried unanimously. The property is described as S1/2 SE1/4 (80 Ac), Section 18 & NE1/4 NE1/4 (40 Ac), Section 19 of Eagle Lake Township; Jolly Ann Lake (56-370), NE.

Conditional Use Permit – Bob Bjornstad:

Motion by Nelson, second by Froemming, and unanimously carried to approve a Conditional Use Permit to construct a township cartway access with a condition as recommended by the Planning Commission. The property is described as Lot 1 Bixby Acres & pt of the dedicated road as dedicated in the plat of Bixby Acres, Section 33 of Dead Lake Township; Dead Lake (56-383), NE.

Conditional Use Permit – James & Victoria Trites:

Motion by Froemming, second by Erickson, and unanimously carried to deny a Conditional Use Permit to excavate the bank for partial exposure of the basement for the reasons as stated in the August 13, 2008 Planning Commission minutes. The property is described as Lot 6 Kimber Shores, Section 21 of Girard Township; West Battle Lake (56-239), GD.

Conditional Use Permit – White Oaks Tst:

Motion by Erickson, second by Froemming, and unanimously carried to approve a Conditional Use Permit for topographical alterations and installation of a storage building with conditions as recommended by the Planning Commission. The property is described as Lot 1 Blk 1 Crystal Springs First Addition, Section 3 of Lida Township; Crystal Lake (56-749), RD & Franklin Lake (56-759), RD.

Conditional Use Permit – Lance & April Schultz:

Motion by Froemming, second by Erickson, and unanimously carried to deny a Conditional Use Permit to reduce a slope as presented and as recommended by the Planning Commission. The property is described as Pt of GL 12, (tract C-3), Section 16 of Edna Township; Berger Lake (56-1149), RD.

Conditional Use Permit – Terry Hart & Janet Hustad and Larson Lake Property Partnership:

Motion by Erickson, second by Froemming, and unanimously carried to approve a Conditional Use Permit for both of the applications to remove a failing sea wall and install rip rap and boulder outcropping stabilization with a condition as recommended by the Planning Commission. The property is described as Lot 14 & Lot 15 Killarney Beach, Section 4 of Dunn Township; Pelican Lake (56-786), GD.

**Recess & Reconvene**

At noon, Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:00 p.m.

**Highway Project – Request for Retainage Reduction**

Motion by Erickson, second by Froemming, and unanimously carried to reduce the retainage from Feldt Plumbing, Inc. for the Johnson Lake Pumping Project to 1% of the original contract.

**Highway Projects – Bid Awards**

After previously advertising for bids, the following bids were opened at 1:00 p.m. on August 13, 2008 for S.A.P. 56-599-56:

<b><u>Vendor</u></b>	<b><u>Bid Amount</u></b>	<b><u>Corrected Bid Amount</u></b>
Lakes Paving Division of Strata Detroit Lakes, MN	\$285,846.45	\$285,931.45
Central Specialties, Inc. Alexandria, MN	\$299,298.04	
Mark Sand & Gravel Co. Fergus Falls, MN	\$378,859.21	

Motion by Froemming, second by Nelson, and unanimously carried to award S.A.P. 56-599-56, surfacing, shouldering and bridge removal (#3300) to the low bidder, Lakes Paving Division of Strata, at the bid price of \$285,931.45.

After previously advertising for bids, the following bids were opened at 1:00 p.m. on August 13, 2008 for S.A.P. 56-601-50 & Etc:

<b><u>Vendor</u></b>	<b><u>Bid Amount</u></b>
Central Specialties, Inc. Alexandria, MN	\$1,691,856.54
Mark Sand & Gravel Co. Fergus Falls, MN	\$1,764,660.74
Knife River Materials Bemidji, MN	\$2,320,966.72

Motion by Block, second by Nelson, and unanimously carried to award S.A.P. 56-601-50 & Etc., aggregate base, nonwear & wear courses, shouldering & topsoil, to the low bidder, Central Specialties, Inc. at a bid price of \$1,691,856.54.

**Board of Commissioners Meeting Date Change**

Motion by Block, second by Erickson, and unanimously carried to change the September 16, 2008, Board of Commissioners meeting to Monday, September 15, 2008. The meeting will start at the usual time, 9:30 a.m., and will be held at the same location. This change is needed to accommodate the County's preliminary budget process.

**Payment Approvals**

Motion by Froemming, second by Erickson, and unanimously carried to approve payment from the Capital Improvement Fund, in the amount of \$6,388.37, to Shultz & Associates, LTD for Project No. 0804 (Otter Tail County Courthouse Master Planning).

Motion by Block, second by Erickson, and unanimously carried to approve payment to Braun Intertec for the following costs related to the Chemical Dependency Facility:

Invoice No. 296577	Invoice Date: 07/23/2008	\$1,614.00	Project No. FA-07-04304
Invoice No. 294771	Invoice Date: 06/23/2008	\$1,175.50	Project No. FA-07-04304
		\$2,789.50	

Motion by Erickson, second by Block, and unanimously carried to establish compensation for the Absentee Ballot Board Election Judges at \$8.50 per hour with a mileage reimbursement at \$.585 per mile.

Motion by Froemming, second by Erickson, and unanimously carried to appoint the following individuals to serve as election judges as needed on Otter Tail County Absentee Ballot Board for the September 9, 2008 State Primary Election and the November 4, 2008 State General Election:

Peggy Avery  
Lynn Brand  
Dawn Godel  
Joanne Larson  
Nancy Moen  
Jan Nelson  
Millie Pearson  
Karen Prischmann  
Perrie Sheldon  
Doug Walvatne

Lois Benner  
Candy Bugbee  
Mary Hauser  
Kim Mark  
Barbara Molter  
Arlene Nycklemoe  
Dick Portmann  
Twila Rudd  
Cindy Thompson

Dennis Bogen  
Sandy Edwards  
Desta Hunt  
Mary Moe  
John Molter  
Tudy Nycklemoe  
Ginny Portmann  
Joyce Schmidt  
Kathy Wagnild

**Adjournment**

At 1:32 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, August 26, 2008.

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

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Syd Nelson, Board of Commissioners Chair

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

CB/kd

**WARRANTS APPROVED ON 8/19/2008 FOR PAYMENT 8/19/2008**

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A-1 TROPHY	80.94
AL'S REFRIGERATION	227.15
AMERIGAS	5.33
CHERI ANDERSON	185.50
AT&T MOBILITY	1,017.28
AUTO SAFETY SERVICE	909.09
B & D FOODS INC	31.36
ERIC BABOLIAN	49.59
BEAR GRAPHICS INC	1,912.10
BEYER BODY SHOP INC	79.88
BLESI-EVANS COMPANY	216.91
BLUFFTON OIL COMPANY	3,124.23
HEATHER BRANDBORG	659.00
BRANDON COMMUNICATIONS INC	382.47
BRAUN VENDING INC	39.34
CERTIFIED AUTO REPAIR	41.70
CHEMSEARCH	750.98
CITIZENS ADVOCATE AND VERNDALE	1,161.34
COLLEGE WAY AUTO INC	25.19
COMPANION ANIMAL HOSPITAL	47.93
COOPERS TECHNOLOGY GROUP	555.86
D & T VENTURES LLC	464.00
DACOTAH PAPER COMPANY	59.10
NANCY DEN BOER	117.77
DENZEL'S REGION WASTE INC	436.80
DEX MEDIA EAST	20.50
DRIVER & VEHICLE SERVICES DIVS	30.00
MELANIE DUENOW-RYAN	119.95
GARRETT EASTWOOD	132.01
EMERGENCY AUTOMOTIVE TECHNOLOG	11.10
EVERGREEN EQUIPMENT INC	117.42
FARGO GLASS AND PAINT CO	395.26
FARNAM'S GENUINE PARTS INC	262.94
FERGUS FALLS DAILY JOURNAL	612.03
FERGUS FALLS POLICE DEPT	1,161.83
CITY FERGUS FALLS	5,076.78
FERGUS POWER PUMP INC	4,505.00
FERRELLGAS	92.17
FORCE AMERICA	1,014.95
FRAZEE FORUM INC	468.76
FREMONT INDUSTRIES INC	1,144.45
G & K SERVICES	1,810.77
GALL'S INC	52.81
GE CAPITAL (CA)	372.74
GOPHER STATE ONE CALL	31.10
DANIELLE HENDRICKX	637.88
CRYSTAL HERMAN	7.33
HIGH PLAINS TECHNOLOGY	58.90
HINTERMEISTER INC	24.66
SHELDON HOLM	197.15
SANDY HOLO	95.37
HOOTS SPORTS	197.62
INDEPENDENT EMERGENCY SERVICES	69.32
INTERSTATE INC	40.79
J C'S GENERAL STORE	57.37

OTC Board of Commissioners' Minutes  
August 19, 2008  
Attachment A, Page 2

JK SPORTS	135.00
MATT JOHNSON	250.00
KELLY SERVICES INC	228.00
LAKE REGION HEALTHCARE CORP	1,178.00
LARRY OTT INC TRUCK SERVICE	625.00
LYNN LARSON	8.08
LAWSON PRODUCTS INC	339.39
LITTLE FALLS MACHINE INC	590.30
MANNY'S - ROCKY'S BAIT	1,821.49
MARCO INC ST LOUIS	310.02
MCCC MI 33	2,870.97
MEKALSON HYDRAULICS INC	68.89
THE MIDWEEK	423.55
MIDWEST PRINTING CO	117.15
MN DEPT OF LABOR & INDUSTRY	60.00
MN POLLUTION CONTROL AGENCY	400.00
MN SCIA	160.00
MOCIC	400.00
NANCY MOEN	7.44
NAPA FERGUS FALLS	43.84
NATIONAL PEN CORPORATION	153.39
NELSON AUTO CENTER	25.89
NETWORK CENTER COMMUNICATIONS	18,594.36
CITY NEW YORK MILLS	180.00
OSI ENVIRONMENTAL INC	50.00
OTTER TAIL CO EMPLOYEES COMMIT	808.00
OTTER TAIL CO SHERIFF'S POSSE	279.95
OTTER TAIL TELCOM	1,275.97
OTTERTAIL TRUCKING INC	8,139.40
OUTDOOR RENOVATIONS LANDSCAPE	866.25
PEPSIAMERICAS	356.72
PERFORMANCE PAVING & SEALCOATI	3,675.00
PERHAM CO OP CREAMERY	2,933.01
PERHAM ENTERPRISE BULLETIN	322.04
PERHAM SAND & GRAVEL	225.00
PERSONNEL EVALUATION INC	16.00
PETE'S BODY SHOP & TOWING	183.18
PHELPS FAMILY FORD	875.58
PRO AG FARMERS CO OP	79.66
PUBLIC SAFETY CENTER INC	193.71
QUICK'S NAPA AUTO PARTS	17.70
QUILL CORPORATION	99.84
RAY'S OIL COMPANY	679.70
REED BUSINESS INFORMATION	1,558.44
REVIEW ENTERPRISES INC	105.60
ROYAL TIRE INC	215.90
VICKI SCHWANKE	52.65
SERVICE FOOD SUPER VALU	53.69
SEWER SERVICE	240.00
SIGNWORKS	367.43
SOUTH MILL SERVICE	282.31
SOUTHTOWN C-STORE	596.01
SPRINT	677.79
STEINS INC	1,686.10
STEVE'S SANITATION INC	6,123.36
STREICHERS	383.38
SWEDBERG NURSERY	452.63
THERM-AIR SALES CORPORATION	1,584.34
TRI-STATE DIVING	6,901.20

SUSAN ULSCHMID	91.59
WADENA PIONEER JOURNAL	144.80
WALLWORK TRUCK CENTER	4,407.15
WASTE MANAGEMENT	48,915.39
WAYNE'S TOWING	124.00
WELLS ROAD GRADING	490.00
WEST PAYMENT CENTER	2,812.10
WPSANTENNAS.COM	192.92
<u>**** FINAL TOTAL.....</u>	<u>\$159,926.05 ****</u>

approved copy