

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 W. Fir Avenue, Fergus Falls, MN
May 26, 2009
9:15 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, May 26, 2009, at 9:17 a.m., at the Otter Tail County Government Services Center in Fergus Falls, MN, with Commissioners Everett Erickson, Chair; Roger Froemming, Vice-Chair; John Lindquist, Doug Huebsch and Lee Rogness present.

Approval of Agenda

Motion by Rogness, second by Froemming and unanimously carried to approve the Human Services Board agenda of May 26, 2009 as mailed.

Approval of Minutes

Motion by Froemming, second by Lindquist and unanimously carried to approve the Human Services Board minutes of May 12, 2009 as presented.

Committee of the Whole Discussion

Discussion took place regarding County budget, the State unallotment process, and the elimination of the General Assistance Medical Care (GAMC) program. Governor Pawlenty eliminated \$381 million dollars in funding for the GAMC program in FY2011 by using his line item veto power. The clients enrolled in this program may be eligible for MinnesotaCare. County Attorney, David Hauser, reported that, with the hiring freeze, Otter Tail County has ten positions that have not been filled.

Public Health Department

Public Health Director, Diane Thorson, provided a legislative update. She presented the definition of a Public Health Nuisance (M.S. 561.01) along with a list of specific situations/recommendations that could be considered a Public Health Nuisance. After hearing the Public Health Director's report, a motion was offered by Rogness, seconded by Lindquist and unanimously carried to approve the recommendations and include them in the Otter Tail County Public Health Nuisance policy as presented.

Ms. Thorson reported that her Department receives many concerns regarding housing situations. She provided handouts entitled "Otter Tail County Public Health Housing and Health Recommended Standards".

Budget Planning for CY2010

Human Services Director, John Dinsmore, provided a copy of a letter that has been mailed to Human Services providers expressing the County's concern for potential State budget cuts to local government. The letter requests that the providers submit program and budget requirements from the County by the end of June, 2009. Mr. Dinsmore also provided the Board a packet of information regarding funding that will be available over the next two years under the American Recovery and Reinvestment Act (ARRA).

Funeral Allowance Expenses

Motion by Rogness, second by Huebsch and unanimously carried to approve a base rate of \$125.00 for Removal/Transfer and \$110.00 for the Hearse in the Otter Tail County Human Services Funeral Allowance Expenses for adults as recommended by the Human Services Director.

Approval to Pay Bills & Claims

Motion by Froemming, second by Lindquist and unanimously carried to approve payment of the Human Services bills and claims as presented.

Recess & Reconvene

At 10:30 a.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 10:35 a.m.

Committee Attendance

County Coordinator, Larry Krohn, reported that the West Central Regional Juvenile Center (WCRJC) has requested a Budget Meeting at 9:30 a.m. on May 28, 2009, at the Clay County Courthouse. Discussion followed.

Adjournment

At 10:38 a.m., Chairman Erickson declared the meeting of the Otter Tail County Human Services Board adjourned until 9:15 a.m. on Tuesday, June 9, 2009.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Everett P. Erickson, Human Services Board Chair

Attest: _____
Larry Krohn, Clerk

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, May 26, 2009, at 10:30 a.m., at the Otter Tail County Government Services Center in Fergus Falls, MN, with Commissioners Everett Erickson, Chair; Roger Froemming, Vice-Chair; John Lindquist, Doug Huebsch and Lee Rogness present.

Approval of Agenda

Motion by Froemming, second by Lindquist and unanimously carried to approve the Board of Commissioners agenda of May 26, 2009, with the following additions.
Conditional Use Permit Request – 11:55 a.m.
County Coordinator Reports

Approval of Minutes

Motion by Froemming, second by Rogness and unanimously carried to approve the Board of Commissioners minutes of May 19, 2009, as presented.

Approval to Pay Bills

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

Solid Waste Department

Solid Waste Director, Mike Hanan, postponed the agenda item for equipment purchases for the Fergus Falls Transfer Station. He briefed the Board on the new Transfer Station project and stated that the project is on schedule for completion June 15, 2009.

County Drainage Systems

County Ditch No. 12:

Ditch Inspector, Randy Wasvick, reported that Pelican Township hired Bob Bowers to trap beaver in Ditch No. 12. After Mr. Bowers had trapped 14 beavers, he billed the Township, who in turn, referred Mr. Bowers to the County for payment out of the Ditch System. Lengthy discussion occurred regarding the proper procedure for hiring someone to trap beavers. Generally, in order for the County to authorize payment, the trapper must be hired by the Ditch Inspector. The Board requested Mr. Wasvick to obtain documentation and facts regarding the situation.

County Ditch No. 21:

Mr. Wasvick referred to County Ditch No. 21 and stated that there is about 1,000' of open ditch the township would like to have cleaned because the culvert under the road freezes up and the road floods every spring. He received an estimate from Mark & Brenda Construction, in the amount of \$2,450 if the project does not require working on mats all the way through. If the project requires working on the mats for the whole project, the price could double, up to \$5,000. Mr. Wasvick recommended proceeding with the project. Motion by Rogness, second by Lindquist and unanimously carried to clean an open ditch in County Drainage System No. 21 as recommended by the Ditch Inspector with expenses paid out of the Ditch No. 21 Maintenance Fund.

County Ditch No. 37:

Mr. Wasvick referred to a tile system in Ditch No. 37 North of Underwood. An area about 1,500 to 1,800 feet of tile on the Johansen Farms needs to be replaced as previously reported to the Board. Mr. Wasvick has received an estimate to complete this work, in the amount of \$16,800, from Mark & Brenda Construction of Fergus Falls. Motion by Huebsch, second by Rogness and unanimously carried to approve the replacement of tile in Ditch No. 37 on the Johansen Farms as recommended by the Ditch Inspector at an estimated cost of \$16,800.

County Ditch No. 70:

Mr. Wasvick discussed County Ditch No. 70 (Sewell Lake outlet) with the Board. He stated that the Department of Natural Resources will work with the County regarding this system; however, the DNR is requesting an Engineer's study before work below the OHWL can be authorized. The first step in the process would be a redetermination of benefits as the project could be in the \$150,000 to \$200,000 range. Motion by Rogness, second by Lindquist and unanimously carried to direct the Ditch Inspector to schedule a public information meeting to discuss Drainage System No. 70.

Conditional Use Permit No. 6534

Land & Resource Administrator, Bill Kalar, reported that Dora Township was issued Conditional Use Permit No. 6534 on May 22, 2009 with a condition that the work must stay within the right-of-way except for barrow area. Their original plan included some brush removal and reshaping outside of the existing right-of-way and Dora Township is requesting that this condition be removed from the CUP. Motion by Rogness, second by Lindquist and unanimously carried to remove Condition No. 2 on Conditional Use Permit No. 6534 (Dora Township) because work outside of the right-of-way was anticipated in the original plan and the affected landowners indicated no objection to the Township working on their property.

Recess & Reconvene

At 11:47 a.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:09 p.m.

4-H Update

4-H Coordinator, Janet Malone and Intern, Mindy Carlson, updated the Board on 4-H activities and projects for the summer season.

Seasonal Staff

Motion by Huebsch, second by Froemming, and unanimously carried to approve hiring a temporary, seasonal employee in the Recorder's office for data entry work.

License Approvals

Motion by Froemming, second by Lindquist, and unanimously carried to approve the following applications for licenses:

*Battle View Landing 22540 County Highway 5 Henning, MN 56551 *Licenses are subject to approval of the County Attorney and County Sheriff.	On/Off-Sale 3.2 Malt Liquor
Clear Lake Resort Dalton, MN 56324	On/Off-Sale 3.2 Malt Liquor
Fair Hills Resort 24270 County Highway 20 PO Box 6 Detroit Lakes, MN 56502	Seasonal Liquor and Sunday Liquor
Heislars Country Pub/Campground Pub 31870 County Highway 130 Vergas, MN 56587	On/Off-Sale 3.2 Malt Liquor
Ken's Tackle 28497 County Highway 145 Battle Lake, MN 56515	Off-Sale 3.2 Malt Liquor
Lakeside Market 28465 County Highway 145 Battle Lake, MN 56515	Off-Sale 3.2 Malt Liquor
Oakwood Golf Club 47420 County Highway 16 Henning, MN 56551	On-Sale 3.2 Malt Liquor
The Pickle Factory Bar and Grill 29961 415 th St Vergas, MN 56587	Liquor and Sunday Liquor
Prante's on the Lake 35776 County Highway 72 Battle Lake, MN 56515	Liquor and Sunday Liquor Off-Sale 3.2 Malt Liquor (May 2009 – June 2010)

St. Lawrence Catholic Church
46404 County Highway 14
Perham, MN 56573

Temporary On-Sale 3.2 Malt Liquor

Wee Villa Lodge
31126 County Highway 27
Fergus Falls, MN 56537

On/Off-Sale 3.2 Malt Liquor

Application for Exempt Permit

Motion by Huebsch, second by Lindquist and unanimously carried to approve, with no waiting period, the LG220 Application for Exempt Permit as submitted by the St. Lawrence Catholic Church for an event scheduled for August 2, 2009 at the St. Lawrence Catholic Church located at 46404 County Highway 14.

Payment Approval

Motion by Lindquist, second by Rogness and unanimously carried to approve payment, in the amount of \$1,008.96, to Mark and Brenda Construction, Inc., dba Delzer Construction, for repair of County Drainage System No. 37.

Budget Discussion

Mr. Krohn reported on a recent ITV Conference with the Association of Minnesota Counties (AMC) Board of Directors. They reported a potential 33% reduction in county program aid.

Highway 128 Culvert Replacement Project

Motion by Rogness, second by Froemming and unanimously carried to authorize the Chairman's signature to execute a Highway Construction Contract between the County of Otter Tail and Sunblad Construction, Inc. of Cokato, MN for completion of C.P. 09:128CU.

RESOLUTION

**PUBLIC WATER ACCESS
COOPERATIVE AGREEMENT
Elbow Lake in Otter Tail County, Minnesota**

Otter Tail County Resolution No. 2009 - 33

Upon motion by Rogness, seconded by Lindquist and unanimously carried, the following resolution was adopted:

WHEREAS: the Commissioner of Natural Resources has the authority, duty, and responsibility under Minnesota Statutes Section 97A.141 to provide public water access sites on lakes and rivers, where access is inadequate; and

WHEREAS: the State and the County are authorized under Minnesota Statutes Section 471.59, to enter into agreements to jointly or cooperatively exercise common powers; and

WHEREAS: the State and the County have determined this public water access improvement on Elbow Lake is of high priority under the state public water access program; and

WHEREAS: the County owns land described as: Sec. 29, T.133N, R.40W, Otter Tail County, as shown in the attached Cooperative Agreement; and

WHEREAS: the State owns land described as: Sec. 29, T.133N, R.40W, Otter Tail County, as shown in the attached Cooperative Agreement; and

WHEREAS: the County land referenced above will be used for Public Water Access to Elbow Lake; and

WHEREAS: the County is willing to be the Lead Agency in the Elbow Lake public water access site improvement; and

WHEREAS: the State is willing to allow the County to improve this public water access facility; and

WHEREAS: plans for this Public Water Access will be developed by the County and approved by the State and shall be referred to as the "Plan"; and

WHEREAS: the State is willing to operate and maintain a Public Water Access located on Elbow Lake; hereinafter referred to as "Facilities"; and

NOW, THEREFORE, BE IT RESOLVED, that the Cooperative Agreement between the County of Otter Tail and the State of Minnesota Department of Natural Resources, a copy of which is attached hereto, is hereby approved; and

BE IT FURTHER RESOLVED, that the Chair of the County Board of Commissioners and the County Board Clerk are hereby authorized to sign said Cooperative Agreement.

Dated at Fergus Falls, Minnesota, this 26th day of May, 2009.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Everett P. Erickson, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

Project Commuting Request

Motion by Lindquist, second by Huebsch, and unanimously carried to approve a request for commuting with County vehicles for two employees while working on Highway S.A.P. 56-622-07, CSAH 22 Overlay as recommended by the Highway Engineer.

Easement Approved – Dead Lake Township

Highway Engineer, Rick West, reported that Dead Lake Township is improving a street and has requested an easement from the County through an old gravel pit in that area (Section 10). Motion by Rogness, second by Froemming and unanimously carried to approve the appropriate County Officials' signatures to execute an Easement Deed as presented and attached as Attachment B.

Meeting Report

Mr. West and Mr. Krohn reported on a recent meeting held at the Breckenridge City Hall with State Legislators and representatives from surrounding counties about flooding in the Red River Valley. They reported that there is a desire to arrive at a long term solution to the flooding in the Red River Valley Basin. The discussion was philosophical in nature; however, frustration was expressed with the Army Corp of Engineers in the slow manner that work is accomplished under their direction. Discussion took place about seriously considering retention as part of the solution which will require easements and payment for damages. The possibility of the formation of a Red River Valley Watershed District was discussed as well.

Open House – Becker County

Motion by Erickson, second by Huebsch and unanimously carried to authorize Commissioner Rogness to attend an Open House at the Becker County Courthouse on behalf of Otter Tail County.

Adjournment

At 2:23 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, June 2, 2009.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Everett P. Erickson, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

CB/kd

approved minutes

WARRANTS APPROVED ON 5/26/2009 FOR PAYMENT 5/26/2009

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A'VIANDS LLC	54.37
ARVIG COMMUNICATION SYSTEMS	40.00
AUTO VALUE FERGUS FALLS	242.19
BOUND TREE MEDICAL LLC	70.55
CDW GOVERNMENT INC	758.58
CHEMSEARCH	656.15
COMMISSIONER OF TRANSPORTATION	170.02
COOPERS TECHNOLOGY GROUP	472.51
CUMMINS NPOWER LLC	200.00
DESIGN ELECTRONICS	53.24
DETROIT LAKES OVERHEAD DOOR SE	137.26
DEX EAST	21.00
EGGE CONSTRUCTION INC	337.50
FREMONT INDUSTRIES INC	42.09
SHARI FRESONKE	5.18
GODFATHERS EXTERMINATING INC	138.66
GOODIN COMPANY	257.94
GOPHER STATE ONE CALL	15.65
GRAINGER INC	127.60
H & R CONSTRUCTION CO	3,698.86
HENRY'S FOODS INC	1,631.37
CRYSTAL HERMAN	8.59
SANDY HOLO	329.78
JOHNSTON FARGO CULVERT INC	24,901.84
CASSIE JONAS	95.84
KELLY SERVICES INC	2,080.00
LAKE REGION DENTAL CENTER	1,004.00
LAKE REGION HEALTHCARE CORP	137.97
MANNY'S - ROCKY'S BAIT	539.31
MARCO INC ST LOUIS	225.21
MID-CENTRAL EQUIPMENT INC	41.61
MINNESOTA REVENUE	453.00
MINNKOTA	29.00
MN CO INSURANCE TRUST	634.00
MN MOTOR COMPANY	537.77
MODERN ASSEMBLIES INC	35.00
CITY NEW YORK MILLS	200.00
NORTHLAND BUSINESS SYSTEMS INC	8,328.56
NORTHLAND CONSTRUCTION OF UNDE	1,533.00
OSI ENVIRONMENTAL INC	50.00
OTTER TAIL CO EMPLOYEES COMMIT	738.00
OTTER TAIL CO TREASURER	41.09
OTTERTAIL TRUCKING INC	7,640.00
PAMIDA INC 008	7.44
PEPSIAMERICAS	1,599.00
PERHAM AGRICULTURAL SOCIETY	175.00
PERHAM CO OP CREAMERY	1,368.58
PERHAM ENTERPRISE BULLETIN	256.55
PINE PLAZA TV APPLIANCE	112.87
PITNEY BOWES	1,435.00
PRODUCTIVE ALTERNATIVES INC	445.69
RDO EQUIPMENT CO FARGO	122.72
REED BUSINESS INFORMATION	1,087.32
THE SAND CREEK GROUP LTD	225.00
SOUTHTOWN C-STORE	464.99
SRF CONSULTING GROUP INC	9,897.19
STATE INDUSTRIAL PRODUCTS	259.23

STEINS INC	1,756.97
STREICHERS	4,449.50
SUPER SEPTIC INC OF PELICAN RA	77.19
SURVEYMONKEY.COM	200.00
SWANSTON EQUIPMENT CORP	5,964.00
TITAN MACHINERY INC	9,462.53
TNT REPAIR INC	1,114.74
TOUTGES SANITATION	52.65
TRANQUILITY BUILDING SERVICES	452.63
SUSAN ULSCHMID	84.22
UNIFORMS UNLIMITED	93.72
VFW POST 612	105.00
VICTOR LUNDEEN COMPANY	622.65
VIKING COCA-COLA	356.51
VOSS LIGHTING	181.80
WHITE BANNER UNIFORM SHOP	274.99
ZIEGLER INC	219.50
<u>**** FINAL TOTAL.....</u>	<u>\$101,639.47 ****</u>

approved minutes

No delinquent taxes and transfer
entered; Certificate of Real Estate
Value () filed () not required

Certificate of Real Estate
Value No. _____
_____, 20__

County Auditor
By _____
Deputy

EASEMENT DEED

STATE DEED TAX DUE HEREON: \$1.65

Date:

FOR VALUABLE CONSIDERATION, Otter Tail County, a public body, corporate and politic, under the laws of the State of Minnesota, Grantor, hereby conveys and quitclaims to Dead Lake Township, a public body, corporate and politic, under the laws of the State of Minnesota, Grantee, an easement over, under and across the real property in Otter Tail County, Minnesota, described as follows:

A 66.00 foot wide easement for public road purposes over, under and across part of the Southwest Quarter of the Northeast Quarter in Section 10, Township 135 North, Range 40 West of the Fifth Principal Meridian in Otter Tail County, Minnesota. The centerline of said 66.00 foot wide public road easement is described as follows:

Commencing at a found iron monument which designates the east quarter corner of said Section 10; thence North 87 degrees 56 minutes 45 seconds West 1969.40 feet on an assumed bearing along the east-west quarter line of said Section 10; thence North 02 degrees 03 minutes 53 seconds East 10.98 feet to the point of beginning of the centerline to be described; thence North 87 degrees 56 minutes 07 seconds West 523.60 feet to the north-south quarter line of said Section 10 and said centerline there terminates. At the point of beginning of said centerline the sidelines of said easement shall terminate on a line which bears North 02 degrees 03 minutes 53 seconds East and South 02 degrees 03 minutes 53 seconds West from said point of beginning. At the point of termination of said centerline the sidelines of said easement shall be prolonged or shortened to terminate on said north-south quarter line.

AND

