

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 W. Fir Avenue, Fergus Falls, MN
September 22, 2009
9:15 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, September 22, 2009, at 9:18 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, and Lee Rogness present. Commissioner Doug Huebsch was present at 9:24 a.m.

Approval of Agenda

Motion by Froemming, second by Lindquist, and unanimously carried to approve the Board of Commissioners agenda of September 22, 2009, with the following change:

Ditch Inspector Agenda Items will be considered at 2:10 p.m.

Approval of Minutes

Motion by Lindquist, second by Rogness, and unanimously carried to approve the Board of Commissioners meeting minutes of September 15, 2009 as presented.

Approval to Pay Bills

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

Recess & Reconvene

At 9:23 a.m. Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners recessed for a Highway Committee meeting.

CSAH 9 Pelican Lake Project

At 9:52 a.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners reconvened and opened discussion regarding the CSAH 9/20 Corridor Study. Rick Lane, of SRF Consulting Group, reported that this project has been on-going since July of last year. There were several public meetings held along with several on-site viewings. The Pelican Lake Association supported a long range plan for realignment of Highway 9. SRF Consultants recommended an official mapping process to preserve the necessary right-of-way so that when traffic volumes meet the demand for a new roadway, one can be constructed without land use conflicts. The cost of realignment today is about 9 million dollars, so work towards a plan to fund the project is needed. Mr. Lane stated that the Township does not want parallel roads, so the County will need to turn Highway 9 back to the Township, which requires an upgrade of Highway 9. The briefing continued with explanations of three improvement options for the existing CSAH 9/20 corridor. Motion by Rogness, second by Huebsch, and unanimously carried to approve Alternative 3 as follows: "This option includes a six-foot sidewalk on the non-lake side of the roadway (with curb and gutter as needed), a six-foot shoulder, two 12-foot travel lanes, and a four-foot shoulder on the east side of the roadway. A six foot boulevard would be included between the sidewalk and roadway where space allowed. This alternative would also include dynamic speed feedback signs, a crosswalk, sidewalk, and median system between the Yacht Club building and dock, and gateway treatments including sidewalks and medians at the intersections of CSAH 9/CSAH 20 and CSAH9/South Pelican Drive." Highway Engineer, Rick West, thanked the public for their input on the project and stated that the

CSAH 9 Project is planned for 2011 and Pelican Lake Project planned for 2012. Both projects are on the five-year Highway Improvement Plan.

Recess & Reconvene

At 10:17 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 10:21 a.m.

Noxious Weed Control Appeal

Auditor, Wayne Stein, presented an appeal letter from Eloise Jensen relative to eradication of noxious weeds on her property. Included in the packet was the bill for the work, in the amount of \$2,582.29 and the statute that allows the appeal to the County Board. Ditch Inspector, Randy Wasvick, submitted a portfolio of evidence regarding letters that have been sent since 2001 regarding the need to control thistles on Ms. Jensen's 80 acre property. He showed pictures of the thistles on the property and noted that this property is not farmed and is not in CRP. Ms. Jensen and her son explained that they were disking, but it takes time. They were concerned about pine trees that were planted along the fence line. They also questioned why the contractor left 25 acres of thistles standing. Discussion followed with commissioners explaining that the amount of thistles on the property is a problem for neighbors and long range use of the property. Motion by Rogness, second by Huebsch, and carried with Froemming opposed and Erickson abstaining, to approve the Statement of Cost for Eradication of Noxious Weeds on the Eloise Jensen property with a reduction in the Inspector charges from \$672.30 to \$300.00, equaling a total eradication cost of \$2,209.99. Commissioner Froemming opposed because he felt the repair bill should not be the responsibility of the property owner. The property is described as W½ NE¼ (80.00 Acres) Section 34 of Leaf Lake Township.

Recess & Reconvene

At 11:00 a.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners recessed for a Personnel Committee meeting, Solid Waste Committee meeting, and lunch break. The Board of Commissioners meeting was reconvened at 1:00 p.m.

Human Services Contract Approval

Motion by Rogness, second by Lindquist, and unanimously carried to authorize the Chairman's signature to execute the following Human Services contracts:

Agency	Program	Effective Date	Targeted Population	Funding Source
Linda Larson	Residential Services/ Home Plus/Foster Care Services	07/01/09 through 06/30/10	Elderly & Disabled	AC/EW/CADI or TBI Waivered Funds
Tawny & Erick Larson	Residential Services/ Home Plus/Foster Care Services	07/01/09 through 06/30/10	Elderly & Disabled	AC/EW/CADI or TBI Waivered Funds

Temporary Position Authorization

Motion by Rogness, second by Froemming, and unanimously carried to authorize a Social Worker who has submitted a resignation to continue working 10 to 13 hours per week until the end of CY2009 in a temporary status.

Multi-County Dispatch Grant

Motion by Huebsch, second by Froemming, and unanimously carried to approve an application for a Multi-county Dispatch Grant to be used for a Dispatch Consolidation Study.

Part Time Detention Officers

Motion by Rogness, second by Huebsch, and unanimously carried to authorize hiring two part-time Detention Officers from the current eligibility list.

4-H Update

4-H Educator, Donna Geiser, briefed the Board regarding State Fair 4-H participation and compared projects from 2006 through 2009. She explained a pilot project entitled "Stepping Out" which involves youth in non-competitive sports/activities.

**REQUEST FOR AGRICULTURAL METADATA SETS FROM FARM SERVICE AGENCY
Otter Tail County Resolution No. 2009 – 47**

Commissioner Froemming offered the following and moved its adoption:

WHEREAS, Otter Tail County wishes to reduce government spending with the use of Geographic Information System (G.I.S.) data such as:

Common Land Unit (CLU)
Conservation Reserve Program (CRP)
Reinvest in Minnesota (RIM) Reserve Program, and

WHEREAS, Farm Service Agencies use, collect and maintain the G.I.S. data identified above to perform its tasks, and

WHEREAS, the same data could be used by Otter Tail County to reduce redundant efforts which would save taxpayer dollars, and

WHEREAS, the same data would increase accuracy and efficiencies for the County Assessor in the collection of data that is required by M.S. 273.13, subd. 23, M.S. 273.111, and M.S. 273.12; and

WHEREAS, the same data could also be used to augment existing County mandates with the creation of Land Use Maps for County Ditch assessments, planning, zoning, environmental issues and statistical analysis; and

WHEREAS, the same data over-layered with existing County G.I.S. layers would produce the ability to assess, using scientific data, items like soils on the Otter Tail County Soil Survey and Crop Productivity Index (CPI), and

WHEREAS, Otter Tail County already has ownership data and is not requesting ownership data, and

WHEREAS, Government agencies, working together, can save money and improve efficiencies.

NOW, THEREFORE, BE IT RESOLVED, that Otter Tail County and the local FSA and NRCS offices work together to ensure the most recent and accurate data source.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Otter Tail County is requesting full Metadata Sets (minus owner/renter and value information); however, must retain the land use type or code (with matching code table and Metadata) so types of land can be distinguished including CRP, RIM, CLU, Tree Farms and other government program land uses.

NOW, THEREFORE, BE IT FINALLY RESOLVED, that Otter Tail County is requesting the full Metadata Sets in accordance with national standards so Otter Tail County can efficiently fulfill the requirements of the State of Minnesota.

Commissioner Lindquist seconded the resolution and, upon being put to vote, the resolution was unanimously adopted.

Adopted this 22nd day of September, 2009.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: _____
Larry Krohn, Clerk

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

Recess & Reconvene

At 1:34 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The Board of Commissioners meeting was reconvened at 1:41 p.m.

Johnson Lake Pumping Project

Motion by Rogness, second by Froemming, and unanimously carried to authorize the appropriate County Officials' signatures to execute an agreement between the County of Otter Tail and Ulteig Engineers to design a permanent pipe system for the Johnson Lake Pumping Project.

Retainage Reduction – C.P. 09:128CU

Motion by Froemming, second by Lindquist, and unanimously carried to authorize the reduction of retainage for C.P. 09:128CU, Box Culvert on CSAH 128 South of Balmoral Golf Course from 5% to 1%. Sunblad Construction of Cokato, MN is the contractor for the project.

Contract Amendment #3 to CSAH 9/20 Corridor Study

Motion by Huebsch, second by Lindquist, and unanimously carried to authorize the Chairman's signature to execute Amendment #3 between the County of Otter Tail and SRF Consulting Group, Inc. which includes an amended project cost of \$180,827. This includes the cost of official mapping for the proposed long term project.

County Drainage Systems

County Ditch #18:

Ditch Inspector, Randy Wasvick, requested permission for Property Owner, Kevin Froemming, to tile 300' of open ditch on his property at his expense. Motion by Huebsch, second by Lindquist, and unanimously carried to authorize Kevin Froemming to tile 300' at the beginning of County Ditch #18 as recommended by the Ditch Inspector and with the condition that all expenses to install and maintain the tile is the responsibility of the property owner.

County Ditch # 51:

Mr. Wasvick explained the flow of water in County Ditch #51 beginning in Pelican Township on the west side of 220th Avenue. Howard Braton owns property in this area. Part of the Ditch is an open ditch that has silted-in over the years and with the wet fall seasons, the wetland area by the open ditch fills up, holds the water back and fills the culvert under 220th Avenue. The culvert freezes up and causes water to back up preventing Mr. Braton from farming 5 - 10 acres of land. Mr. Braton has requested to clean the open ditch to the tile system and pay all expenses. Discussion followed. Motion by Erickson, second by Lindquist, to authorize Mr. Braton to clean out the open ditch. Motion was rescinded by Commissioner Erickson. Motion by Lindquist, second by Rogness, and carried with Erickson abstaining, to authorize Howard Braton to clean out the open ditch on his property in County Ditch No. 51 as recommended by the Ditch Inspector with the following conditions:

- 1) All work must be completed by a contractor.
- 2) Before work is started, a contractor must provide the elevation of the culvert, elevation of the tile and a profile in between (requirement of wetland experts).
- 3) Work must be as originally designed.
- 4) All expenses are paid for by Mr. Braton.

Ditch #37:

Mr. Wasvick reported that the Board of Water and Soil Resources will not allow a pipe to be pulled in on the Vernon Johanson's land in County Ditch #37. This would be considered an improvement because the old pipe would remain and not be crushed or removed.

Ditch #52:

Motion by Rogness, second by Lindquist, and unanimously carried to trap beavers and provide maintenance on County Ditch #52 on VanSanten's property with expenses paid out of the Ditch #52 Maintenance Fund.

Nomination for MACA Award

Motion by Rogness, second by Froemming, and unanimously carried to nominate Otter Tail County Coordinator, Larry Krohn, for the 2009 Joe Reis Award recognizing service and leadership in the field of county management by the Minnesota Association of County Administrators (MACA) organization.

**Amendment to Otter Tail County Resolution No. 2009 – 32
Review of Proposed State Wildlife Acquisition**

Motion by Commissioner Froemming, second by Commissioner Huebsch, and unanimously carried to adopt the following amendment to Otter Tail County Resolution No. 2009 – 32 for purposes of correcting a typographical error in the land description.

Lands to be acquired are corrected and described as follows:

N½SE¼ of Section 3, T. 136N, R.37W

Adopted this 29th day of September, 2009

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: _____

Larry Krohn, Clerk

By: _____

Everett P. Erickson, Board of Commissioners Chair

Closed to the Public

At 2:42 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners closed to the public to discuss pending litigation with Otter Tail Ag Enterprises regarding the Ethanol Plant. The closed session is authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Present were all five seated Commissioners, County Attorney, and Board Secretary.

Adjournment

Upon conclusion of the closed session, at 3:20 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, September 29, 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 9/22/2009 FOR PAYMENT 9/22/2009

<u>VENDOR NAME</u>	<u>AMOUNT</u>
JANICE AABERG	26.57
ABI PUBLICATIONS	119.95
ACME ELECTRIC CO	51.25
AMERICAN INSTITUTIONAL SUPPLY	262.10
AMERICAN TOWER CORPORATION	94.91
TYLER ANDERSON	66.00
ASSOCIATED BAG COMPANY	93.12
JOHN BARTHEL	189.99
BEAR GRAPHICS INC	243.11
BOUND TREE MEDICAL LLC	223.05
HEATHER BRANDBORG	130.86
BRAUN VENDING INC	39.29
KAREN CANNELL	22.55
CAROLINA SOFTWARE	271.54
CDW GOVERNMENT INC	299.88
CIT TECHNOLOGY FIN SERV INC	190.53
CMI OF KENTUCKY INC	250.00
CO OP SERVICES INC	74.22
CODE 4 SERVICES LLC	535.43
CONCEPT FINANCIAL GROUP	125.50
COOPERS TECHNOLOGY GROUP	298.94
MICHELLE ELDIEN	331.03
ELECTION SYSTEMS & SOFTWARE IN	2,586.92
FERGUS FALLS DAILY JOURNAL	2,926.54
CITY FERGUS FALLS	5,173.53
FERGUS POWER PUMP INC	2,051.10
FOTH & VAN DYKE	6,450.43
FSH COMMUNICATIONS LLC	64.13
GALL'S INC	179.53
GE CAPITAL (CA)	374.05
GODFATHERS EXTERMINATING INC	139.15
GRAINGER INC	124.60
CHRISTINE GREENE	21.28
DENISE GUBRUD	27.76
BRAD HAZELETT	240.00
HENNING HARDWARE	59.33
HIGH PLAINS TECHNOLOGY	93.30
SANDY HOLO	24.00
HOOTS SPORTS	346.80
HOUSTON ENGINEERING INC	30,821.68
INDEPENDENT EMERGENCY SERVICES	64.22
INNOVATIVE OFFICE SOLUTIONS	51.87
ISSUETRAK INC	600.00
TJ JOHNSON	90.00
KEEPRS INC CY'S UNIFORMS	25.99
KELLY SERVICES INC	1,299.96
KNUTE NELSON HOME CARE	876.69
LAKE REGION DENTAL CENTER	43.00
LAKE REGION HEALTHCARE CORP	1,100.00
LAKELAND MENTAL HEALTH CENTER	9,973.25
LARRY OTT INC TRUCK SERVICE	1,000.00
MATHEW LARSON	66.00
LEITCH EXCAVATING	3,304.70
LIBERTY TIRE RECYCLING SERVICE	1,625.57
MANNY'S - ROCKY'S BAIT	2,030.90
MARCO INC ST LOUIS	320.89
MATTHEW BENDER & COMPANY INC	473.87
MEKALSON HYDRAULICS INC	232.26

MN BUREAU OF CRIM APPREHENSION	10.00
MN CO ATTORNEYS ASSOCIATION	20.00
MN DEPT OF NATURAL RESOURCES O	150.00
MN MOTOR COMPANY	195.83
MN OFFICE OF ENTERPRISE TECHNO	1,200.00
MN POLLUTION CONTROL AGENCY	245.00
TOM MURSU	450.00
NAPA FERGUS FALLS	38.20
NELSON BROS PRINTING	613.91
NETWORK CENTER COMMUNICATIONS	355.00
TYLER NORDBY	66.00
NORTHLAND REBUILDING	400.00
NORTHSTAR TECHNOLOGY GROUP INC	9,000.00
NORTHWEST GLASS & SERVICES INC	118.52
OTTER TAIL CO EMPLOYEES COMMIT	107.00
OTTER TAIL CO TREASURER	743.33
OTTERTAIL BAKERY	38.00
ANN OUREN	72.00
OVERLAND MECHANICAL SERVICES	240.47
PARK REGION CO OP	37.41
PERHAM AREA EMS	660.00
PERHAM CO OP CREAMERY	1,053.36
PERHAM ENTERPRISE BULLETIN	145.38
PERSONNEL EVALUATION INC	20.00
PETE'S AMOCO	1,892.27
ANDREW PETERSON	66.00
PINE PLAZA TV APPLIANCE	40.59
POWER PLAN	3,862.02
HENRY PRICE	140.00
PRO-WEST & ASSOCIATES INC	3,392.50
QUICK'S NAPA AUTO PARTS	12.59
RDO EQUIPMENT CO FARGO	128.70
RDO TRUCK CENTERS	1,490.88
RECYCLING ASSOCIATION OF MINNE	150.00
REVIEW ENTERPRISES INC	123.75
ROYAL TIRE INC	247.47
KURT SCHOENING	66.00
SERVICE FOOD SUPER VALU	23.97
SOTA	43.06
SPRINT	662.70
SUPER SEPTIC & EXCAVATION	77.19
TRI STAR RECYCLING	3,990.23
SUSAN ULSCHMID	48.20
UNIFORMS UNLIMITED	142.97
VICTOR LUNDEEN COMPANY	307.43
VIKING COCA-COLA	275.20
WALLWORK TRUCK CENTER	2,466.24
WEST GOVERNMENT SERVICES	84.70
WEST PAYMENT CENTER	35.26
WHITE BANNER UNIFORM SHOP	376.00
****FINAL TOTAL.....	<u>\$115,823.76 ****</u>