

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

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, December 22, 2009, at 9:16 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 Board of Commissioners agenda of December 22, 2009, with the following changes:

Cancel Closed Session for Attorney Client Privilege
And replace with Closed Session for Labor Negotiation Strategies

Approval of Minutes

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

Approval to Pay Bills

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

Demolition Landfill License Application

Solid Waste Director, Mike Hanan and City of Fergus Falls Officials discussed an updated proposal for expansion of the Fergus Falls demolition landfill. Board members were provided a map of the original expansion proposal, revised proposal (dated 11-23-09) and several memos regarding the expansion request. City Engineer, Dan Edwards referred to a map of the new proposal and explained the changes. The City will develop two demolition cells to the northwest which are further from the residences and less visible from Interstate 94. This will allow for approximately 8 to 10 years of disposal capacity before the City moves development to the east. The City has indicated that they will begin development in Phase 3A as they feel that this area is screened from the residences by both a hill and by trees that exist on the residents' property. This Phase development will allow additional time for the City to develop screening through fencing and growth of trees and other vegetation along the fence. Mr. Edwards indicated that the City does not believe that the area to the east of Phase 1 and Phase 2 can be developed because that area contains sandy soils and may require the use of liners if it were to be used for land filling. The City intends to use this area for on site composting activities. Discussion took place regarding natural fencing, planting of larger trees, signage, and the permitting process. Motion by Rogness, second by Huebsch, and unanimously carried to move forward with scheduling a Public Hearing for the licensing of the proposed City of Fergus Falls Demolition Landfill expansion.

Closed to the Public

At 9:50 a.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners closed to the public for purpose of discussing labor negotiation strategies relative to the Human Services and Nursing collective bargaining units. Present were all five seated Commissioners, the County Attorney, County Coordinator, and Board Secretary.

Recess & Reconvene

At 10:47 a.m., upon conclusion of the closed session, Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. At 10:50 a.m., Chairman Erickson declared the meeting reconvened and open to the public.

License Applications

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

Dennis R. Mosher
Dalton Municipal Liquor Store
Dalton, MN 56324

Tobacco

Susan Rund
Fisherman's Corner Store, Inc.
Dalton, MN 56324

Tobacco

Catherine Johnson
Under Mart, Inc.
Underwood, MN 56586

Tobacco

Certificates of Correction to Plat

Motion by Rogness, second by Huebsch, and unanimously carried to approve the attached (Attachment B) Land Surveyor's Certificate of Corrections to the following plats:

Plat of Schermerhorn Beach (Section 13 of Dora Township) and
Plat of Lundquist's Addition to Clitherall (Section 6 of Nidaros Township)

Agreement with University of Minnesota Extension

Motion by Huebsch, second by Froemming, and unanimously carried to authorize the Chair and the County Attorney's signatures on the agreement between the University of Minnesota and Otter Tail County for providing local University of Minnesota Extension programs and employing extension staff for the period of January 1, 2010 through December 31, 2010.

Payment Approval

Motion by Huebsch, second by Froemming, and unanimously carried to approve payment to Lindquist and Venum, in the amount of \$18,095.60, for professional legal services regarding Otter Tail Ag Enterprises, LLC.

Audit of Financial Statements

Motion by Rogness, second by Froemming, and unanimously carried to authorize the Chair of the Otter Tail County Board of Commissioners, the County Coordinator, and the County Auditor to sign the management representation letter for the audit of the financial statements for the year ended December 31, 2008.

Mileage Reimbursement Rate

Auditor, Wayne Stein reported that the IRS mileage reimbursement rate is \$0.50 per mile effective January 1, 2010. Otter Tail County follows the IRS rate for reimbursement purposes.

County Drainage System No 31

Ditch Inspector, Randy Wasvick reported that County Ditch No. 31 is south of Underwood. The ditch starts at German Lake and flows through Dane Lake to Long Lake. Landowner, Ricky Leitch has reported that there is a beaver dam at the outlet of Dane Lake which is in the ditch system. He estimated that the beaver dam is holding back 2' to 3' of water and is backing up onto some of his tillable land. Mr. Wasvick stated that there is no funding for maintenance of this ditch system. He requested, on behalf of Mr. Leitch, permission to remove the beaver dam at the landowner's expense. Discussion took place regarding the problems of removing the beaver dam when there is ice on Dane Lake and the need for a slow release of water if possible. Motion by Lindquist, second by Rogness, and unanimously carried to authorize Ricky Leitch to remove a beaver dam located at the outlet of Dane Lake in County Ditch System No. 31 in the spring of 2010 when the ice thaws. This work will be supervised by the Ditch Inspector.

Minnesota Agricultural Property Tax Law

Assessor, Bob Moe, provided a sample of the letter that has been mailed out informing property owners of the 2009 legislative changes to the Minnesota Agricultural Property Tax Law known as Green Acres. He also provided a fact sheet from the Minnesota Department of Revenue website. Mr. Moe reported that approximately 900 letters have been mailed to property owners currently enrolled in the Green Acres program. The DOR information explains the changes and options in the new law, along with requirements of each option and the corresponding deadlines. Mr. Moe stated that if a property owner does not respond to the letter, the Assessor's office will assume that the property owner does not wish to make any changes to the Green Acres status of their parcels of land.

Recess & Reconvene

At 11:30 a.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners recessed for a Highway Committee meeting and lunch break. The meeting was reconvened at 1:00 p.m.

Wind Energy Presentation

Steve Haiby with Lake Region Electric Corporation and Mark Rathbun of Great River Energy presented a wind energy power point. Mark Rathbun explained that GRE is a wholesale supplier of wind facilities. Wind developers own and operate the projects, receive federal incentives, and pass the energy and cost incentives to GRE. GRE insures that the developer has met all the permitting requirements and has contracts in place with the landowners hosting the turbines before allowing the project on-line. There are State regulations for distance and sound. The Minnesota Department of Health has written a white paper regarding the low frequency sound created by wind turbines, which is an area that needs additional study. Mr. Rathbun noted that there are documents written by policy makers that explain the regulations. Local government may be more restrictive.

GRE is a Generation and Transmission Cooperative serving over 630,000 consumers. Mr. Rathbun discussed GRE renewable energy activities including wind, solar, biomass and energy from municipal solid waste. GRE is required to generate 25% of their electricity from renewable energy by 2025 with intermediate requirements in earlier years. GRE has 318 megawatts of wind energy and will need to purchase 900 megawatts by 2025. Discussion took place regarding conservation of energy. Mr. Rathbun stated that producing energy from renewable sources is only part of the solution. The U.S. uses twice as much energy per capita as the UK and some European countries. GRE is required to help customers/members reduce energy. Discussion continued regarding carbon legislation and its affect on renewable energy demand and project cost and competitiveness.

Recess & Reconvene

At 1:52 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 2:01 p.m.

Surface Water Discussion

General discussion took place regarding the need for the Board to develop a vision/mission statement for County representatives in reference to various entities regulating or dealing with surface water/flooding issues.

Quit-Claim Deeds

Motion by Rogness, second by Lindquist, and unanimously carried to authorize the Chair's signature to execute a Quit-Claim Deed conveying property to Wesley E. Johnson and Luann M. Johnson described as follows:

Tract A. That part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 133 North, Range 38 West, Otter Tail County, Minnesota, described as follows: Beginning 628 feet east and 33 feet south of the north quarter corner of said Section 24; thence south 150 feet; thence east 451.2 feet; thence North 12 degrees 03 minutes West 153 feet; thence west 420 feet to the point of beginning; excepting therefrom the right of way of highway existing prior to January 1, 1934;

Which lies southerly of a line run parallel with and distant 100 feet southerly of Line 1 described below:

Line 1. Beginning at a point on the east line of Section 13, Township 133 North, Range 38 West, distant 6.0 feet north of the southeast corner thereof; thence westerly to a point on the north and south quarter line of said Section 24, distant 5.60 feet south of the north quarter corner thereof, and there terminating;

Containing 0.80 acre, more or less.

Motion by Huebsch, second by Lindquist, and unanimously carried to authorize the Chair's signature to execute a Quit-Claim Deed conveying property to the State of Minnesota described as follows:

Lot 7 of Walls Wooded Acres, Otter Tail County, Minnesota

Approval to Pay Bills & Claims

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

2010 Employer Contribution for Benefits

Motion by Rogness, second by Huebsch, and unanimously carried to approve a \$50 per month increase to the employer contribution toward benefits for non-union employees effective January 1, 2010. The motion establishes the non-union benefit contribution at \$925.00 per month.

2010 Compensation Established for County Commissioners

Motion by Froemming, second by Rogness, and unanimously carried to establish the annual 2010 compensation for Otter Tail County Commissioners at \$31,581.00 which is the same rate as the CY2009 compensation.

Adjournment

At 2:46 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, December 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 12/22/2009 FOR PAYMENT 12/22/2009

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A&M ALL HOURS TOWING	270.00
A-1 LOCK & KEY LLC	135.23
A'VIANDS LLC	37.00
AUTO VALUE WADENA	23.61
BARNA GUZY & STEFFEN LTD	5,402.45
BERTS TRUCK EQUIPMENT OF MHD I	13.36
BEYER BODY SHOP INC	90.84
BOB'S STANDARD BULK SERVICE	196.22
BRADSHAW & BRYANT PLLC	5,235.79
BUY-MOR PARTS & SERVICE LLC	21.76
CATCO PARTS AND SERVICE	250.49
CDW GOVERNMENT INC	3,042.93
CHEMSEARCH	481.50
CLAY CO TREASURER	3,617.26
CODE 4 SERVICES LLC	310.50
COMSTOCK CONSTRUCTION INC	6,788.00
COOPERS TECHNOLOGY GROUP	58.52
COUNTRY GLASS INC	37.50
CUMMINS NPOWER LLC	1,134.89
D & T VENTURES LLC	739.00
ELECTION SYSTEMS & SOFTWARE IN	36.37
HELEN ERKENBRACK	7.11
FARNAM'S GENUINE PARTS INC	754.89
FERGUS ELECTRIC	257.00
CITY FERGUS FALLS	13,400.75
FERGUS POWER PUMP INC	266.25
FRAZEE ELECTRIC INC	192.00
FSH COMMUNICATIONS LLC	64.13
G & K SERVICES	924.58
GE CAPITAL (CA)	374.05
GODFATHERS EXTERMINATING INC	263.13
GOOD POINTE ZOOM	70.50
GOPHER STATE ONE CALL	25.80
GRAINGER INC	120.60
HEDAHL'S HEADQUARTERS	23.73
HENRY'S FOODS INC	1,359.36
INDEPENDENT EMERGENCY SERVICES	64.22
INNOVATIVE OFFICE SOLUTIONS	1,127.18
JK SPORTS	310.49
JOHNSTON FARGO CULVERT INC	372.89
KEEPRS INC CY'S UNIFORMS	1,067.61
KELLY SERVICES INC	560.00
KRIS ENGINEERING INC	12,226.50
LAKELAND MENTAL HEALTH CENTER	873.00
LARRY OTT INC TRUCK SERVICE	1,325.00
LAWSON PRODUCTS INC	229.50
LOCATORS & SUPPLIES INC	29.97
MANNY'S - ROCKY'S BAIT	456.31
MARCO	32,048.33
MARCO INC ST LOUIS	320.89
MCCC MI 33	970.00
STEWART MENSING	89.99
WENDY METCALF	35.00
MIDWEST PRINTING CO	475.59
MIDWESTERN MAT RENTAL & SUPPLY	79.99
MN ASSOC OF CO ADMINISTRATORS	80.00
MN DEPT OF TRANSPORTATION	50.00
MN MOTOR COMPANY	26.72

MN OFFICE OF ENTERPRISE TECHNO	1,200.00
MN POLLUTION CONTROL AGENCY	15.00
MN STATE AUDITOR	26,921.77
MN STATE DEPT OF COMMERCE	200.00
KURT MORTENSON	63.80
MSPACE FOX RIVER GRAPHICS	304.02
NELSON AUTO CENTER	33,498.33
NETWORK CENTER COMMUNICATIONS	425.00
NORTHLAND REBUILDING	95.00
NORTHWEST DIVERS	110.89
OFFICEMAX INCORPORATED	70.47
OLSON OIL CO INC	73.10
OTTER TAIL TELCOM	512.89
OTTERTAIL BAKERY	113.68
OTTERTAIL TRUCKING INC	5,358.00
OVERLAND MECHANICAL SERVICES	726.48
PENN CAMERA	97.27
PEPSIAMERICAS	746.20
PERHAM CO OP CREAMERY	1,994.30
PERHAM PRINTING & SUPPLY	3.84
PERHAM STEEL & WELDING	183.25
PERRIN MOBILE MEDICAL	232.42
PHILLIPE LAW OFFICE	205.00
RDO EQUIPMENT CO FARGO	1,798.49
RED BARN PLAT BOOKS	1,290.00
KENNETH RIAN	119.99
RINGDAHL AMBULANCE SERVICE	100.00
ROYAL TIRE INC	2,201.90
VICKI SCHWANKE	77.00
SIMPLEXGRINNELL LP	384.75
STATE INDUSTRIAL PRODUCTS	260.14
STEINS INC	441.10
STEVE'S SANITATION INC	45.63
SUPER SEPTIC & EXCAVATION	77.19
THYSSEN KRUPP ELEVATOR CORPORA	511.50
TNT REPAIR INC	8.00
TOWMASTER	224.56
TRANQUILITY BUILDING SERVICES	454.22
UNIFORMS UNLIMITED	234.07
VICTOR LUNDEEN COMPANY	25.64
VIKING COCA-COLA	275.20
VOSS LIGHTING	764.97
WALLWORK TRUCK CENTER	1,747.61
WELLS ROAD GRADING	70.00
WEST GOVERNMENT SERVICES	84.70
WEST PAYMENT CENTER	649.87
ZACK JONES & MAGNUS	63.82
ZIEGLER INC	1,489.49
**** FINAL TOTAL.....	<u>\$185,396.83 ****</u>

**LAND SURVEYOR'S CERTIFICATE
OF CORRECTION TO PLAT**

Name of Plat: SCHERMERHORN BEACH

Pursuant to the provision of Chapter 505.175, Laws of Minnesota, 1957, David A. Anderson, License No. 13620, the undersigned, a Professional Land Surveyor in and for the State of Minnesota, declares as follows:

1. That the plat of SCHERMERHORN BEACH, dated December 30, 1958 and filed on February 5, 1959 in the office of the County Recorder, Otter Tail County, Minnesota, in Book L of Plats, Page 46, was prepared by Carl J. Nedberge, Minnesota Registered Land Surveyor No. 3277, now deceased.

2. The legal description on said plat does not contain a proper basis of bearings and the plat appears to omit a portion of the property southerly of the survey line. The plat does however, contain sufficient data to properly describe the property.

3. The legal description is hereby corrected to as follows:

That certain land in Government Lot 1 and the East Half of the Northeast Quarter of Section 13, Township 136 North, Range 41 West of the 5th Principal Meridian in Otter Tail County, Minnesota, described as follows, to wit:

Beginning at the northwest corner of said East Half of the Northeast Quarter; thence on an assumed bearing of East along the north line of said Section 13, a distance of 66.00 feet; thence South 00 degrees 10 minutes East 2979.50 feet; thence South 88 degrees 03 minutes East 304.10 feet; thence North 74 degrees 53 minutes East 768.40 feet; thence South 03 degrees 00 minutes East 280 feet more or less to the shoreline of West McDonald Lake; thence southwest along said shoreline to the west line of said Government Lot 1; thence North 00 degrees 10 minutes West along said west line of Government Lot 1 and the west line of said East Half of the Northeast Quarter, a distance of 3311.5 feet more or less to the point of beginning;



David A. Anderson
Professional Land Surveyor
Minn. License No. 13620


STATE OF MINNESOTA
COUNTY OF OTTER TAIL

The foregoing instrument was acknowledged before me this 1st day of December, 2009, by David A. Anderson.



Notary Public
Otter Tail County, Minnesota
My Commission Expires Jan. 31, 2011

This above Certificate of Correction to the plat of SCHERMERHORN BEACH has been approved by the Board of Commissioners of Otter Tail County, Minnesota, at a regular meeting held on the 22nd day of December, 2009.


Chairman of the County Board
Attest:

LAND SURVEYOR'S CERTIFICATE OF CORRECTION TO PLAT

Name of Plat: LUNDQUIST'S ADDITION TO CLITHERALL, OTTER TAIL CO. MINN.

Pursuant to the provision of Chapter 505.175, Laws of Minnesota, 1957, David A. Anderson, License No. 13620, the undersigned, a Professional Land Surveyor in and for the State of Minnesota, declares as follows:

1. That the plat of LUNDQUIST'S ADDITION TO CLITHERALL, OTTER TAIL CO. MINN., dated November 26, 1901 and filed on December 19, 1901 in the office of the County Recorder, Otter Tail County, Minnesota, in Book E of Plats, Page 35, was prepared by Martin Aalberg, Otter Tail County Surveyor, now deceased.

2. That the portion of the legal description on said plat as follows, to wit:

..... Thence South on said line three hundred nine (309) feet to the shore of Lake Clitherall, thence N 86 2/4 degrees W two hundred fifty (250) feet, thence S 86 degrees W three hundred (300) feet, thence S 80 degrees W two hundred fifty (250) feet, thence S 75 1/2 degrees W three hundred fifty-two (352) feet to the place of beginning.....

3. Is hereby corrected to as follows, to wit:

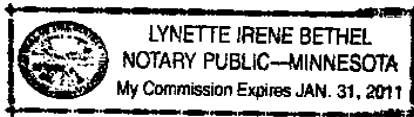
..... Thence South on said line three hundred nine (309) feet to the shore of Lake Clitherall, thence N 86 2/4 degrees W two hundred fifty (250) feet along said shore of Lake Clitherall, thence S 86 degrees W three hundred (300) feet along said shore of Lake Clitherall, thence S 80 degrees W two hundred fifty (250) feet along said shore of Lake Clitherall, thence S 75 1/2 degrees W three hundred fifty-two (352) feet along said shore of Lake Clitherall to the place of beginning.....



David A. Anderson
Professional Land Surveyor
Minn. License No. 13620

STATE OF MINNESOTA
COUNTY OF OTTER TAIL

The foregoing instrument was acknowledged before me this 18th day of December, 2009, by David A. Anderson.



Notary Public
Otter Tail County, Minnesota
My Commission Expires Jan. 31, 2011

This above Certificate of Correction to the plat of LUNDQUIST'S ADDITION TO CLITHERALL, OTTER TAIL CO. MINN. has been approved by the Board of Commissioners of Otter Tail County, Minnesota, at a regular meeting held on the 22nd day of December, 2009.


Chairman of the County Board
Attest: