

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
515 W. Fir Avenue, Fergus Falls, MN
Tuesday, April 20, 2010
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, April 20, 2010, at 9:31 a.m., at the Otter Tail County Government Services Center in Fergus Falls, MN, with Commissioners, Roger Froemming, Chair; John Lindquist, Vice-Chair; Everett Erickson, Doug Huebsch and Lee Rogness present.

Approval of Agenda

Motion by Rogness, second by Lindquist, and unanimously carried to approve the Board of Commissioners agenda of April 20, 2010 with the following addition:

10:40 a.m. – Emergency Response Funding Contract

Approval of Minutes

Motion by Lindquist, second by Erickson, and unanimously carried to approve the Board of Commissioners meeting minutes of April 13, 2010 as presented.

Approval to Pay Bills

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

Committee of the Whole Discussion

Commissioner Lindquist reported that Wilkin County voted to proceed with petitioning the State Board of Water and Soil Services to form a watershed district as previously presented including Otter Tail County properties. Commissioner Rogness attended the Bois de Sioux Watershed District public hearing regarding the redetermination of Judicial Ditch #14. The redetermination was challenged by an Otter Tail County property owner relative to the flow of water. There were also challenges expressed regarding the use of a natural river as a ditch system. The viewers will need to walk the land/properties to re-assess based on the issues expressed.

Recorder's Office Staffing

Motion by Huebsch, second by Erickson, and unanimously carried to authorize the Recorder to fill a seasonal (summer) data entry position. This work moves data to the Landshark website which can be accessed electronically. Funding for the position is from the Tech Fund which can only be used for enhancement of land records.

High Water Update

Highway Engineer, Rick West, presented lake elevation data for Oscar Lake, Johnson Lake, Iverson Lake, and North and South Turtle Lake systems.

State Owned Land

Mr. West presented a map showing a triangular parcel of land at the intersection of TH210 and TH29. Mn/DOT has asked whether or not the County has an interest in acquiring the parcel of land. There could be a County use for this property. No action was taken at this time.

Detention Facility Staffing

Motion by Erickson, second by Huebsch, and unanimously carried to replace a full time Detention Officer position as recommended by the Personnel Committee. The position must be replaced based on State of Minnesota DOC requirements.

County Ditch No. 16

Ditch Inspector, Randy Wasvick, reported that elevations of West Battle Lake have been sent to Engineer, Jeff Langen. County Attorney, David Hauser, discussed information he received from Don Davenport regarding the Ditch No. 16 engineering study. Property owners on Skibness Bay expressed concern that the engineering study did not include how Skibness Bay water levels could be affected if the outlet of Clitherall Lake was lowered by 6". After lengthy discussion, a motion was offered by Rogness, seconded by Lindquist and carried with Huebsch opposed (not in favor of Friday evening meeting) to schedule a public informational meeting regarding Ditch No. 16 at 7:00 p.m. on May 7, 2010 at the Battle Lake Auditorium. The motion is subject to Mr. Langen's attendance and availability of the auditorium.

Recess & Reconvene

At 10:31 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 10:39 a.m.

License Applications

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

Fair Hills Resort 24270 County Highway 20 Detroit Lakes, MN 56502 License subject to approval of the County Attorney and the County Sheriff	On-Sale Liquor & Sunday Liquor (seasonal)
Pelican Hills RV Park 20098 S Pelican Drive Pelican Rapids, MN 56572	Tobacco
Spanky's Stone Hearth 34785 County Road 4 Vergas, MN 56587	On-Sale Liquor & Sunday Liquor
Ye Olde School House 24028 Every Drive Erhard, MN 56534	Renewal of Consumption and Display Permit
Vacationland Resort 38555 Wagon Trail Loop Battle Lake, MN 56515 License subject to approval of the County Attorney and the County Sheriff	On/Off-Sale 3.2 Malt Liquor License
Zorbaz of Otter Tail Lake, Inc. 36108 County Highway 72 Battle Lake, MN 56515 License subject to approval of the County Attorney and the County Sheriff	On-Sale Liquor & Sunday Liquor (seasonal)
Zorbaz on Pelican Lake 51709 County Highway 9 Pelican Rapids, MN 56572	Tobacco

Buffalo Red River Watershed District

Motion by Froemming, second by Huebsch, and unanimously carried to appoint Commissioner Everett Erickson as Otter Tail County's representative on the Buffalo Red River Watershed District.

Friends of Fort Juelson

Motion by Huebsch, second by Lindquist, and unanimously carried to use the balance of the funds appropriated in CY2008 and CY2009 for the Friends of Fort Juelson, in the amount of \$2,543.00, for a split rail fencing enhancement project. Motion by Huebsch, second by Lindquist, and unanimously carried to authorize the release of the unexpended funds (\$2,543.00) upon completion of the proposed project.

Public Health Emergency Response Contract

Motion by Lindquist, second by Rogness, and unanimously carried to authorize the Chairman's signature to execute a grant agreement between the Minnesota Department of Health and the County of Otter Tail for Phase IV of the Public Health Emergency Response funding. Amount of the grant for the Public Health Department is \$7,202.00.

Payment Approved

Motion by Rogness, second by Huebsch, and unanimously carried to authorize payment of membership dues for the County Board to the Otter Tail Family Services Collaborative for FY2009/2010 in the amount of \$300.00.

Planning Commission Recommendations**Conditional Use Permit – Leigh & Shana Barry:**

Motion by Rogness, second by Huebsch, and unanimously carried to approve a Conditional Use Permit for construction of a driveway as presented. The property is described as GL 1 except tract, Section 31 and GL's 3 & 4 & S1/2 SW1/4, Section 32 of Dead Lake Township; Dead Lake (56-383).

Conditional Use Permit – Jason Stigen:

Motion by Lindquist, second by Erickson, and unanimously carried to approve a Conditional Use Permit to prepare a building site as presented. The property is described as Pt GL 6 & Pt GL 7 com SE cor Sec 29, N 943.12', 454.62', S 75 Deg., (18.34 AC), Section 29 of Friberg Township; West Red River Lake (56-711), NE.

Conditional Use Permit – DGD Enterprises:

Motion by Erickson, second by Lindquist, and unanimously carried to deny a Conditional Use Permit for development of a small strip of commercial stores for the reasons as stated in the April 14, 2010, Planning Commission minutes. The property is described as Pt of GL 5., Section 1 of Scambler Township; Pelican Lake (56-786), GD.

**Otter Trail Riders Trail Association
Otter Tail County Resolution No. 2010 – 26**

Commissioner Huebsch offered the following and moved its adoption:

WHEREAS, Otter Tail County has sponsored Grant-In-Aid Systems in the past; and

WHEREAS, acceptance of the Grant-In-Aid Systems proposed extensions are subject to the review and approval of the County Attorney.

THEREFORE, BE IT RESOLVED that Otter Tail County shall continue to sponsor Grant-In-Aid Trail Systems as they exist for the Otter Trail Riders Snowmobile Trail Association and proposed extensions of Grant-In-Aid Trails with the aforementioned condition.

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

Adopted this 20th day of April, 2010

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: _____

By: _____

Larry Krohn, Clerk

Roger Froemming, Board of Commissioners Chair

Recess

At 11:21 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed.

Video Conference

At 11:27 a.m., the Board of Commissioners meeting was reconvened in the Dead Lake room at the Government Services Center in Fergus Falls to view a Public Health interactive video entitled "Creating a Better State of Health". All five seated commissioners were present as well as several Public Health and BCOW State Health Improvement Program (SHIP) staff. Several documents were provided about unhealthy behaviors and how the SHIP plan aims to reduce obesity and tobacco use. Commissioner of Health, Sanne Magnan, and Health Improvement Initiatives Manager, Cara McNulty, provided a more detailed briefing of the statewide program which was followed by a question and answer session. At 1:05 p.m., the Chairman recessed the Board meeting upon conclusion of the video conference.

Public Hearing for Consideration of Enactment of Amendments to the Sanitation Code

At 1:38 p.m., Chairman Froemming declared the Otter Tail County Board of Commissioners' meeting reconvened as a public hearing for amending the Otter Tail County Sanitation Code. The following people were present for the public hearing:

All Five Seated Commissioners
County Attorney
County Coordinator
Public Health Director

Land & Resource Director
Land & Resource Office Manager
Land & Resource Inspectors
Twenty-seven members of the public
(signed the public hearing roster)

County Attorney, David Hauser, stated that today's Public Hearing and communication with local government officials is regarding a proposed new Sanitation Code for Otter Tail County. The County is required by the State to adopt a new ordinance based upon the State rules. The State is also considering changing the new rules; therefore, the County is proposing to make the rules effective January 1, 2011. If changes are made, there would be time for Otter Tail County to amend the ordinance again and still comply with the adoption of the ordinance in May of 2010.

Land & Resource Director, Bill Kalar, referred to the proposed State revisions and highlighted many areas of change including licensure requirements through the MPCA, septic tank access, depth, location, and abandonment rules, holding tank requirements, types of septic systems, management plans and SSTS operating permits, and certificates of compliance. At 2:00 p.m., Mr. Kalar opened the hearing for questions and comments from the public. The following is a brief summary:

Septic System Designer, Steve Schmidt, Alexandria, MN

- Questioned who will be responsible for the verification of soils
- Verified that a homeowner can install a sealed holding tank
- Clarification of compliance report requirements
- Verification of depth of septic systems for existing vs. new construction

Wayne Johnson

- Expressed opinion that the soil verifications should be completed up front by the County, understanding the County would need to be paid. This would prevent problems after the system has been installed.
- Expressed a need for more County inspectors
- Requested that the County talk to installers regarding an open source database that works best for reporting purposes
- Expressed concern about homeowner installed holding tanks
- Question with jurisdiction of rules if the State adopts rules May 1, 2010 and the County's rules are not effective until January 1, 2011. The County Attorney and MPCA representative stated that Installers are in compliance if they follow the County's rules.
- Concerned with the change in lake classifications to Natural Environment and how that affects septic system setbacks
- Recommended that Type III, IV, and V Systems be allowed for certain circumstances
- Recommended change in the definition of seepage pit – the definition is not much different than a drain field
- Septic disposal or land application language is too restrictive
- For ISTS, would like a drawing required for as-builds from designer or installer instead of Land & Resource office
- Recommends that the Land & Resource office has enough staff (Inspectors) to view systems 30 days after installation

Dunn Township Supervisor, Mike Johnson, Pelican Rapids:

- Suggested User Committee to finalize draft Sanitation Code Ordinance or for input on implementation

Doug Green, Fergus Falls:

- Clarification on access for septic tanks and holding tanks

Compton Township Supervisor, Jim Goeden:

- Questioned when older systems need to be upgraded

Mitch Okerstrom, Fergus Falls:

- Question regarding 5 year compliance guidelines

Installer, Brian Brogard:

- Comment on other counties and their restrictions regarding fast perc rates and pressure beds

Other comments:

- Page 63 – 7080.0600, subp 1. A. – “Local units of government” should be changed to “Counties” so people do not think it means townships
- Land & Resource will not go out routinely every 5 years to inspect septic systems – this ordinance would serve as notice to the public that the compliance certificate has a life expectancy
- Suggestion that sewage system pumpers could email the County for reporting when tanks are pumped

Additional comments about the draft Sanitation Code Ordinance will be accepted by Land & Resource Director, Bill Kalar, until Friday, April 30, 2010. The draft Ordinance can be amended based on suggestions. The amended ordinance will be considered by the Board of Commissioners in two weeks at their regular Board meeting. Action will be required before the June 2010 deadline from the State. Commissioner Froemming closed the public hearing at 2:44 p.m.

Closed to the Public

At 2:45 p.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners closed to the public to discuss litigation in the matter of foreclosure proceedings relative to 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, County Coordinator and Board Secretary.

Adjournment

At 3:05 p.m., Chairman Froemming adjourned the meeting of the Otter Tail County Board of Commissioners until Tuesday, April 27, 2010.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

CB/kd

WARRANTS APPROVED ON 4/20/2010

<u>VENDOR NAME</u>	<u>AMOUNT</u>
ABG MAINTENANCE INC	171.00
AMERIGAS	568.81
SCOTT ARNDT	2,295.00
BALLARD SANITATION INC	474.00
KATHY BAUCK	980.00
BEN HOLZER UNLIMITED	45.24
BEYER BODY SHOP INC	1,041.29
BLUESTONE TECHNOLOGIES INC	183.00
BRAUN INTERTEC CORPORATION	2,293.75
BRAUN VENDING INC	34.24
WARREN BURRIS	149.75
CAROLINA SOFTWARE	400.00
CDW GOVERNMENT INC	45.47
CHEMSEARCH	257.19
GREG CHENEY	186.60
CO OP SERVICES INC	49.19
CODE 4 SERVICES LLC	1,224.17
COOPERS TECHNOLOGY GROUP	334.87
CULLIGAN	33.71
CULLIGAN WATER COND	22.82
D & T VENTURES LLC	739.00
DACOTAH PAPER COMPANY	160.36
DEANS COUNTRY MARKET	20.42
DENZEL'S REGION WASTE INC	572.80
RANDY DOROW	17.00
WAYNE ERICKSON	14.17
FARNAM'S GENUINE PARTS INC	516.61
FERGUS ELECTRIC	863.08
FERGUS FALLS DAILY JOURNAL	771.16
CITY FERGUS FALLS	7,272.40
FERGUS POWER PUMP INC	4,180.00
FOTH & VAN DYKE	1,794.00
FREMONT INDUSTRIES INC	3,092.28
FSH COMMUNICATIONS LLC	64.13
SHARON FUNK	30.00
G & K SERVICES	1,088.27
GE CAPITAL (CA)	374.05
GOPHER STATE ONE CALL	27.25
GRAINGER INC	118.80
PATRICK GRIFFIN	3.41
JONATHAN GUCK	397.50
LEROY HAAVIG	371.00
HATLING LAW OFFICE	2,557.50
BRUCE HAUGRUD	9.46

DAVID HAUSER	18.30
HAWES SEPTIC TANK PUMPING	70.00
HEDAHLS HEADQUARTERS	26.29
BRENT HELMEKE	432.26
HENNING AUTO PARTS INC	114.33
HENNING HARDWARE	74.70
SANDY HOLO	864.81
HONEYWELL	2,076.00
INDEPENDENT EMERGENCY SERVICES	64.22
JACOBSON CONSTRUCTION	350.00
JOHN KARVONEN	432.26
KELLY SERVICES INC	280.00
STEVEN KOEHLER	847.50
KRG LLC	6,521.10
L & L SERVICE	57.50
LAKE REGION HEALTHCARE CORP	960.00
LAKES AREA COOPERATIVE	7.20
LAKEWAY MARKET LLC	220.92
LARRY OTT INC TRUCK SERVICE	1,375.00
LARRY'S SUPERMARKET	112.22
LAWSON PRODUCTS INC	211.68
LOCATORS & SUPPLIES INC	18.81
MARCO	904.75
MARCO INC ST LOUIS	331.65
JAMES MARK	65.00
DEBRA MAROTZ	365.70
MATHISON COMPANY	179.56
BRIAN MELAAS	1,486.00
GEORGE MEYER	94.00
MIDWEST PRINTING CO	208.41
MN DEPT OF LABOR & INDUSTRY	10.00
MN DEPT OF NATURAL RESOURCES O	90.00
MN SHERIFFS' ASSOCIATION	112.31
MN STATE AUDITOR	18,097.43
NAPA FERGUS FALLS	13.23
NEIL DORNBUSCH & ASSOCIATES	27,253.13
NELSON AUTO CENTER	46,709.63
SAMUEL NESS	432.28
NETWORK CENTER COMMUNICATIONS	57.50
NIEMELA AUTO REPAIR & TOWING	208.73
NORTHERN SAFETY TECHNOLOGY INC	708.35
NORTHLAND BUSINESS SYSTEMS INC	897.79
OFFICEMAX INCORPORATED	92.90
OLSON OIL CO INC	2,748.47
ONE CALL LOCATORS LTD	165.22
OTTER TAIL CO PUBLIC HEALTH	64.00
OTTER TAIL CO TREASURER	701.20

OTTERTAIL BAKERY	19.00
OTTERTAIL TRUCKING INC	6,690.00
OVERLAND MECHANICAL SERVICES	232.66
PEPSIAMERICAS	509.37
GLORIA PERALA	815.00
CITY PERHAM	114,623.28
PETE'S AMOCO	57.51
PETER'S LAWN SERVICE	42.75
DEBRA PORKKONEN	2,742.00
PRAXAIR DISTRIBUTION INC	213.22
PREMIUM WATERS INC	33.34
PRO-WEST & ASSOCIATES INC	495.00
PUBLIC SAFETY CENTER INC	378.11
REVIEW ENTERPRISES INC	28.00
WILLIAM ROGERS	1,015.00
ROYAL TIRE INC	513.51
SBLC-FF	17.10
SCOTT HOFLAND CONSTRUCTION INC	5,175.00
SERVICE FOOD SUPER VALU	27.50
SEWER SERVICE	260.00
SIGNWORKS	582.47
SOUTHTOWN C-STORE	430.61
JESSICA STEINBRENNER	350.52
STEINS INC	1,896.74
STEVE'S SANITATION INC	2,167.36
STRAND HARDWARE & RADIO SHACK	32.63
STREICHERS	3,055.55
SUPER SEPTIC & EXCAVATION	77.19
SUREFIRE LLC	241.09
TITAN ACCESS ACCOUNT	3,617.42
TNT REPAIR INC	32.00
UNIVERSITY OF MN	210.00
VARITECH INDUSTRIES	1,432.89
JOEL VAUGHAN	4,298.90
VERGAS 66 GAS & CONVENIENCE IN	59.49
VICTOR LUNDEEN COMPANY	866.81
VIKING COCA-COLA	440.33
VOSS LIGHTING	795.13
LAURENCE WALZ AND	1,215.00
WASTE MANAGEMENT	21,586.74
RANDY WASVICK	107.27
DAVID WEISS	42.72
WELLER OIL CO	156.24
WEST GOVERNMENT SERVICES	84.70
WEST PAYMENT CENTER	817.11
WHITE BANNER UNIFORM SHOP	97.00
ZEE MEDICAL SERVICE	23.17
***FINAL TOTAL.....	331,581.52