

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, February 20, 2001
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, February 20, 2001 at 9:30 a.m. at the Otter Tail County Courthouse with Roger Froemming, Chair; Dennis Mosher, Vice-Chair; Syd Nelson, Malcolm Lee, and Bob Block present.

Approval of Agenda

Motion by Nelson, second by Lee, to approve the County Board agenda of February 20, 2001, with the following additions:

1:30 p.m. - Personnel Committee Meeting
2:30 p.m. - Clarence Venzke - Ditch No. 4

Motion carried.

Approval of Minutes

Motion by Lee, second by Mosher, to approve the County Board minutes of February 13, 2001, as mailed. Motion carried.

Range Protection Statutes - Proposed Legislation

Les Bensch, representing several sporting groups including the Minnesota Game Breeders Shooting Association, discussed the status of the proposed Shooting Range Protection Bill currently in the Minnesota House of Representatives. Mr. Bensch provided a handout showing states with range protection as of September, 1998 and H.F. 619. Mr. Bensch referred to H.F. 209 that affects shooting and hunting businesses. Due to urban encroachment and development, shooting ranges are being looked at more closely and differently than other businesses. There are 375 shooting ranges in the state and there is support from sporting clubs for this legislation. He stated that the bill is through the House and the next step is to take it to the Senate Rural Government Committee. He stated that there is a good list of senators sponsoring the bill with both Cal Larson and Bud Nornes in support. The concept of H.F. 209 is to uniformly govern the operation of shooting ranges and the DNR would be the natural body for enforcement. Mr. Bensch stated that the bill is not in its final stages and requested questions or comments. Commissioner Mosher thanked Mr. Bensch for the information and suggested that the County Attorney review the information and bring this back for discussion and to follow the proposed legislation. Commissioner Nelson will discuss the issue with the MRCC to get feedback on their opinions of the bill. The County Attorney stated that this would limit what the county might be able to regulate if the county had a land use policy.

Parcel Mapping Presentation

GIS Coordinator, Brian Armstrong, introduced Pro-West GIS Consultant Annette Theroux. Ms. Theroux provided a video presentation regarding implementation of county-wide GIS, specifically focusing on the parcel mapping portion of GIS. She provided handouts for the presentation and internal (county) and public applications for GIS. GIS Coordinators, Brian Armstrong and Sherri

Leabo, will return after meeting with the Internal GIS Committee with a recommendation of how to proceed with the parcel mapping project.

Recess & Reconvene

At 11:24 a.m., Chair Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch and a meeting with Representative Collin Peterson. The meeting was reconvened at 1:46 p.m.

Approval to Convey Property

Motion by Froemming, second by Nelson, and unanimously carried to authorize Roger Froemming, County Board Chair, and Larry Krohn, County Board Clerk, to sign the documents as prepared by the County Attorney's office, to convey the following described property:

Gravel Pit – to Richard D and Ann M Mekalson

Beginning at a point 103.0 feet South of the Northwest Corner of the Southeast Quarter of Section 5, Township 132 North, Range 40 West; thence due South 281.0 feet; thence due East 225.0 feet; thence due North 299.0 feet; thence South 88 degrees 13 minutes West 225.1 feet to point of beginning, and

Vining Garage – to Eagle Contracting

All that part of the Southeast Quarter of the Northwest Quarter of Section 12, Township 132, Range 39, Otter Tail County, Minnesota, described as follows:

Commencing at the North Quarter corner of said Section 12; thence on an assumed bearing of South 0 degrees 03 minutes 04 seconds West along the east line of said Northwest Quarter, a distance of 2,178.28 feet to the southwesterly right-of-way line of County State Aid Highway No. 40, the point of beginning of the land to be described; thence continuing South 0 degrees 03 minutes 04 seconds West along said east line, a distance of 310.07 feet to the center of Section 12; thence South 88 degrees 35 minutes 57 seconds West along the south line of said Southeast Quarter of the Northwest Quarter, a distance of 858.40 feet to the intersection with a line drawn parallel with and distant 300.00 feet southeasterly of, as measured at right angles to the southeasterly line of Kimball Street as dedicated in the ORIGINAL TOWN OF VINING, according to the recorded plat thereof; thence South 60 degrees 30 minutes 00 seconds West parallel with said southeasterly line of Kimball Street, a distance of 187.66 feet to the northeasterly line of Lund Avenue as dedicated in said ORIGINAL TOWN OF VINING; thence North 29 degrees 30 minutes 00 seconds West along said northeasterly line of Lund Avenue, a distance of 300.00 feet to said southeasterly line of Kimball Street; thence North 60 degrees 30 minutes 00 seconds East along said southeasterly line of Kimball Street, a distance of 1,098.00 feet to the northeasterly line of said ORIGINAL TOWN OF VINING; thence South 29 degrees 30 minutes 00 seconds East along the southeasterly extension of said northeasterly line of ORIGINAL TOWN OF VINING, a distance of 300.00 feet; thence South 60 degrees 30 minutes 00 seconds West parallel with said southeasterly line of Kimball Street, a distance of 21.54 feet to said southwesterly right-of-way line of County State Aid Highway No. 40; thence southeasterly along said southwesterly right-of-way line of County State Aid Highway No 40, on a non-tangential curves, concave to the northeast, having a radius of 2,914.96 feet, delta angle of 2 degrees 40 minutes 42 seconds and a chord bearing of South 38 degrees 31 minutes 08 seconds East, for an arc distance of 136.27 feet to the point of beginning.

Containing 11.99 acres more or less.

Motion by Mosher, second by Block, and unanimously carried to approve the following applications for license:

Collins Landing
RR 2 Box 276
Dent, MN 56528

Tobacco

Huckelberry's Bar and Grille LLP
RR 1 Box 436A
Dent, MN 56528

Off-Sale 3.2 Malt Liquor License

Ten Mile Lake Resort
12303 County Road 35
Dalton, MN 56324

Renewal of Consumption and Display Permit

Lobbying Report

By consensus, commissioners authorized County Auditor, Wayne Stein, to sign the lobby report and send to the appropriate governing agency.

Approval of Lease Agreement

Human Services Director, John Dinsmore, reported that he and other county officials met with the landlords of the 121 Washington Avenue building. The landlords requested a rent increase. Currently, the rent is \$5,713 per month and the increase would bring that figure to approximately \$8 per square foot. Lengthy discussion followed. Motion by Block, second by Lee, to approve a rental lease agreement between the County of Otter Tail and DWD Properties for the 121 Washington Avenue building. The agreement is effective March 1, 2001, for three years with a 90-day move-out notice required. The lease agreement provides for a rent amount of approximately \$8 per square foot. The agreement includes the building and the parking lot with the county responsible for utilities and housekeeping services. Motion carried with Mosher abstaining.

Approval to Pay Bills

Motion by Nelson, second by Mosher, and unanimously carried to approve the payment of bills per Attachment A of these minutes which include the following lodging payments:

Doubletree Hotel

Recorder, Wendy Metcalf
Treasurer, Steve Andrews

Best Western Kelly Inn

Chief Deputy Treasurer, Joyce Schmidt

Approval of Contract for Bituminous Material

Motion by Lee, second by Mosher, to authorize the Chair's signature to execute a contract between the County of Otter Tail and Wadena Asphalt, Inc. of Wadena, MN for the seasonal supply of hot mix bituminous material for East Otter Tail County contingent upon the approval of the County Attorney. Motion carried.

Approval of Final Payment - S.A.P. 56-601-38

Motion by Lee, second by Block, to approve final payment, in the amount of \$38,680.58 per estimate no. 8, payable to Morris Sealcoat & Trucking, Inc. of Morris, MN, for County-wide Seal Coat, S.A.P. 56-601-38. Motion carried.

Trail Funding

Highway Engineer, Rick West, reported that the Pelican Rapids Council voted to abandon the trail project proposed from Pelican Rapids to Maplewood State Park. As a result of that action, the

county may need to consider use of those grant dollars for the Central Lakes Trail. Funding of \$850,000 is available including the local match. Lengthy discussion followed regarding maintenance and enforcement. The date for using the funds is April 15, 2001. The Highway Committee will meet with Brad Monson from the MnDOT next Tuesday to further research the issue. This trail issue will be discussed as a County Board agenda item on March 6, 2001.

Ditch No. 4

Landowner, Clarence Venzke, met with the County Board regarding his assessment for benefits for repair work on Ditch No. 4. He does not feel his property is benefited to the extent he has been billed. Mr. Venzke is requesting that the Ditch Authority change the determination of his benefits. Additionally, he felt benefits were not declared accurately back in 1902 when the ditch was established. County Attorney, David Hauser, stated that the County Board cannot change the establishment and determination of the ditch made in 1902. The time to challenge that determination has elapsed. The County Board as the Ditch Authority, can authorize repair work based only upon the benefits that exist. The County Board has ordered a redetermination of benefits for Ditch No. 4; however, the Board cannot change the current bill. Future bills may be readjusted based on the redetermination of benefits. If Mr. Venzke disagrees with the Ditch Viewers report, then he has the right to appeal to District Court.

Contract Approved

County Coordinator, Larry Krohn, reported that with the adoption of the Personnel Act, the new personnel rules do not apply to Department Heads. Separate contracts can be agreed upon to apply the personnel rules to individual Department Heads. Motion by Lee, second by Block, to approve a contract between the County of Otter Tail and Highway Engineer, Rick West, which includes the Highway Engineer's job description, applies the new personnel rules, and designates compensation. The contract expires May 1, 2002. Motion carried. Contracts with other Department Heads may be considered in the future.

Meeting Authorized

Motion by Mosher, second by Nelson, to authorize that all Commissioners should attend the Lakeland Mental Health Center annual meeting next Monday, February 26, 2001. Motion carried.

Adjournment

At 3:33 p.m., a motion was offered by Lee and seconded by Block, to declare the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, February 27, 2001. Motion carried.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, County Board Chair

Attest: _____
Larry Krohn, Clerk

