

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

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, March 20, 2001 at 9:31 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 Lee, second by Mosher, to approve the County Board agenda of March 20, 2001, with the following changes:

Add Water Plan Committee Membership - Bill Kalar

Change Right of Way Easement for Lake Region Electric Cooperative to 9:30 a.m.

Motion carried.

**Approval of Minutes**

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

**Economic Development Update**

Wayne Runningen, Mayor of Pelican Rapids; David Weakland, President of the Pelican Rapids Economic Development Corporation; and James Strand, President of the Pelican Rapids Chamber of Commerce; thanked the County Commissioners for their support of the proposed Maplewood bike project. They supported the action taken by the County Commissioners to retain the ISTEA funding in Otter Tail County after the Pelican Rapids City Council voted to abandon the proposed bike path project from Pelican Rapids to Maplewood State Park. They asked that the County partner with communities within the County and within the region and think of tourism as an economic tool that would help everyone. Discussion followed.

**Right of Way Easement - Lake Region Electric Cooperative**

Motion by Nelson, second by Lee and carried, to authorize the Chair's signature to execute a Right of Way Easement Agreement between the County of Otter Tail and Lake Region Co-op. Electrical Association for access to the following property for utility purposes subject to the approval of the County Attorney:

That part of the NE ¼ of Section 10, Township 135 North, Range 40 West, Dead Lake Township, Otter Tail County, Minnesota, described as follows:

Commencing at the East Quarter corner of Section 10, Township 135 North, Range 40 West; thence on an assumed bearing of N86°48'46"W 1902 feet (+/-) to coordinate point 46°31'14.09"N 95°42'23.88"W, being the point of beginning. From the point of beginning a 20 foot wide strip, northerly of and adjacent to the following line: N87°58'33"W 620 feet (+/-) to the westerly property line, and there ending.

**Grant Application Request**

Sheriff, Gary Nelson, informed the Board of the availability of funds under the COPS in Schools 2001 program (CIS). The grant will pay a maximum of \$125,000 per officer over a three-year grant

period. This funding is for problems that occur in and around schools. The officers hired under this grant provision are required to spend 75% of their time in the schools when school is in session. Cost to the county would be for a vehicle and equipment. Motion by Mosher, second by Block, to authorize the Sheriff to apply for the COPS in Schools 2001 grant. Motion carried.

**State of Minnesota Annual County Boat and Water Safety Grant Contract  
Otter Tail County Resolution No. 2001 - 13**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, under the provisions of Minnesota Statutes Section 86B.105, the sheriff of each county is required to carry out the provision of Chapter 86B and the Boat and Water Safety Rules, hereinafter referred to as the "Minn. Rules", including patrol, enforcement, search and rescue, watercraft inspection, waterway marking and accident investigation, all hereinafter referred to as the "Sheriff's Duties", and

WHEREAS, in connection with Sheriff's duties, Minnesota Statute Section 86B.701 provides that the County submit to the Commissioner of Natural Resources a budget to carry out the Sheriff's duties; and

WHEREAS, Minnesota Statute Section 86B.701 and the Minn. Rules provide for the allocation of funds by the Commissioner to the County based in certain criteria and conclusions to assist the funding of the Sheriff's Duties; and

WHEREAS, the County has submitted a proposed budget to the State.

NOW, THEREFORE, it is agreed that for consideration of services performed by the County pursuant to the annual Boat and Water Safety grant contract, the County shall be paid by the State as compensation, not to exceed \$48,707, for allowable expenses under the Boat and Water Safety Program.

Commissioner Mosher seconded the motion, and upon being put to vote, was unanimously carried.

Adopted this 20<sup>th</sup> day of March, 2001.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Roger Froemming, County Board Chair

Attest: \_\_\_\_\_  
Larry Krohn, Clerk

**Henning Transfer Station Road**

Henning Township Board Supervisors, Manley Nichols and Alan Haugdahl, presented a written handout regarding problems the residents have expressed along the township roads that lead to the solid waste transfer station in Henning Township. Mr. Nichols stated that the Township has the authority to assess up to \$.50 per cubic yard for disposal of demolition waste and they have asked Representative Nornes to amend the legislation to include transfer stations. Mr. Hanan stated that since 1986 when the facility was built and excluding expenses in year 2000, the funds the County

has spent on improvement and maintenance to the two township roads equals over \$1,000 per mile per year. Any increased costs to the county to maintain these roads would result in higher solid waste disposal fees. Lengthy discussion continued. Commissioners referred the matter to the Solid Waste Committee.

**Approval to Pay Bills**

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

Holiday Inn - St. Cloud

Detention Program Coordinator, Janice Aaberg  
STS Crew Leader, Pam Loomer

Motion carried.

**Application for Exemption for Lawful Gambling**

Motion by Mosher, second by Nelson, to approve the following application for Exempt Permit:

Spring Migration #1102 Ducks Unlimited

04/202001

The Pier on Otter Tail Lake

Approved with no waiting period.

Motion carried.

**Request for Forgiveness of Penalty and Interest**

Motion by Block, second by Lee, to deny the request for forgiveness of penalty and interest, in the amount of \$74.85, for Richard R. Boggie as there was no evidence of County error that caused the late payment. Motion carried.

**Payment Approval**

Motion by Lee, second by Nelson, to approve payment to Widseth, Smith and Nolting, in the amount of \$687.00 for services provided at the following three tax forfeited sites:

New York Mills

\$209.00

Rothsay

\$254.00

Newton

\$224.00

Motion carried.

**Conveyance of Property**

Motion by Mosher, second by Nelson, to approve an application from the City of Fergus Falls for conveyance of the following described tax forfeited parcel for an authorized public use:

71-003-99-1415-000

City of Fergus Falls

College Addition

Motion carried with Lee opposed.

**Approval of Liquor License**

Motion by Froemming, second by Nelson, to approve the following application for license:

Doug and Mary's

Renewal of Consumption and Display Permit

Douglas and Mary Trana

RR 2 Box 137

Henning, MN 56551

Motion carried.

**Premise Permit  
Otter Tail County Resolution No. 2001 – 14**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, the responsibility for the regulation of lawful gambling and the issuance of licenses and permits for the conduct of lawful gambling lies with the Minnesota Gambling Control Board; and

WHEREAS, the Elizabeth Firemen's Relief Association, Elizabeth, MN, has made an application to the Gambling Control Board for a premise permit to conduct lawful gambling at Ye Olde School House, in Friberg Township of Otter Tail County; and

WHEREAS, Minnesota Statute 349.213 provides that the Gambling Control Board may not issue a premise permit unless they receive a resolution from the Otter Tail County Board of Commissioners approving the application for a permit; and

WHEREAS, the Otter Tail County Board of Commissioners is aware of no reason to oppose the conduct of lawful gambling by the Elizabeth Firemen's Relief Association, Elizabeth, MN, at Ye Olde School House, in Friberg Township of Otter Tail County.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby approves the conduct of lawful gambling by the Elizabeth Firemen's Relief Association, Elizabeth, MN, at Ye Olde School House, in Friberg Township of Otter Tail County, provided the applicant meets all the necessary criteria for the licenses and permits as required by the Gambling Control Board.

IT IS FURTHER RESOLVED, that notice of this application and approval shall be provided to the Township of Friberg by sending them a copy of this resolution.

Commissioner Mosher seconded the motion, and upon being put to vote, was unanimously carried.

Adopted this 20th day of March, 2001.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Roger Froemming, County Board Chair

Attest: \_\_\_\_\_  
Larry Krohn, Clerk

**Bid Award - S.A.P. 56-643-05 & Etc.**

After previously advertising for bids, Rick West, Highway Engineer, opened the following bids at 1:00 p.m. on Wednesday, March 14, 2001:

Mark Sand & Gravel Acquisition Co.  
Fergus Falls, MN

\$1,312,504.80

Central Specialties, Inc. Alexandria, MN	\$1,514,152.96
Tri-City Paving, Inc. Little Falls, MN	\$1,591,562.85

Motion by Lee, second by Mosher, to award the bid for S.A.P. 56-643-05 & Etc. (overlay projects) to the low bidder, Mark Sand & Gravel Acquisition Co., in the amount of \$1,312,504.80 as recommended by the Highway Engineer and subject to receipt of resolutions from Buse and Fergus Falls townships authorizing their portion of the work on the projects. Motion carried.

#### **Approval of Engineering Agreement - Central Lakes Trail**

Motion by Block, second by Lee, to authorize the Chair's signature to execute an agreement between the County of Otter Tail and Interstate Engineering, Inc. of Wahpeton, ND, for engineering services for the Central Lakes Trail Project not to exceed \$18,000. Motion carried with Mosher opposed.

#### **Approval of Final Payment - C.P. 00:TM**

Motion by Nelson, second by Lee, to approve final payment per estimate No. 2, in the amount of \$32,445.72, payable to AAA Striping Service Co. for completion of County Wide Traffic Marking for year 2000. Motion carried.

#### **Planning Commission Recommendations**

##### Conditional Use Application / Viking Resort - William & Janet Schicker:

Land & Resource Director, Bill Kalar, reported that the Viking Resort's Conditional Use Application was to convert the resort to condominiums; however, Mr. & Mrs. Schicker decided to withdraw the application. No action required.

#### **2002 County Agricultural Work Plan**

Motion by Nelson, second by Mosher, to authorize the Chair's signature to approve the Year 2002 County Agricultural Work Plan. Motion carried.

#### **Water Plan Committee Membership**

Mr. Kalar provided a list of current members serving on the Environmental Advisory Council that is responsible for the Comprehensive Local Water Plan. He reported who was interested in continuing to serve on the committee. Discussion followed.

#### **Recess & Reconvene**

At 11:31 a.m., Chair Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break and several Personnel Committee meetings. At 1:52 p.m., upon conclusion of the committee meetings, Chair Froemming declared the meeting of the Otter Tail County Board of Commissioners reconvened.

#### **Contract - Perham Resource Recovery Facility**

Jim Barlow of the Barlow Group requested that an agreement between the City of Perham and Otter Tail County recently sent to the County be authorized and signed. He stated that Otter Tail County passed a resolution to authorize entering into a contract within certain parameters. Todd and Wadena counties took the same action. The issue with Tri-County Waste (Stearns County) has been resolved and Tri-County is expected to sign an agreement regarding the Perham Incinerator later today. Todd County signed the contract today. The City of Perham intends to put

the bonds up for sale next Tuesday. County Attorney, David Hauser, reported that new language the underwriter (Dain Rausher) for the bond company requires, could increase the debt risk from what was previously negotiated and may substantially change the terms of previously negotiated agreements. The language was not received by Otter Tail County until late Monday afternoon. Mr. Hauser stated that he could not advise the Board because he has not had enough time to research the meaning of the language. Jim Barlow stated that the language does obligate the County for the pro-rata portion of debt from the time the bonds are sold; however, does not take away the County's rights in any other areas. Continued discussion followed regarding the new language. By consensus, the County Board agreed to recess the meeting until Thursday, March 22, 2001, to discuss the proposed agreement further.

**Recess**

**Reconvene at 1:00 p.m. on Thursday, March 22, 2001**

At 2:23 p.m., Chair Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed until 1:00 p.m. on Thursday, March 22, 2001 for purposes of continuing discussion relative to the Perham Resource Recovery Facility. At 1:04 p.m., on Thursday, March 22, 2001, Chair Froemming reconvened the meeting of the Otter Tail County Board of Commissioners with Commissioners Nelson, Lee, Mosher, and Froemming present. Commissioner Bob Block was absent.

**Perham Resource Recovery Facility**

County Attorney, David Hauser, reported that attorneys and underwriters from all concerned organizations relative to the Perham Resource Recovery Facility met and conferred. The language proposed by the underwriter is a slight change described as a cash flow difference. Otter Tail County has the responsibility to pay for the pro-rata share of debt service as the debt comes due and until the bond is paid off. That is a language change from previous agreements. The language also requires that Otter Tail County stand behind the debt with the full faith and credit of its taxing power. The County would have to assess if funds are needed outside the current structure. The language is not intended to override other provisions of the contract(s). Bob Louiseau reported that specific language in the Otter Tail County agreement provides for the City of Perham to pay the County \$390,000 due to the County, from previous project costs for the facility. Mr. Barlow noted that Solid Waste Director, Mike Hanan, requested that reserves be increased. Mr. Barlow stated that this has been done and everyone is satisfied with reserves. Lengthy discussion continued regarding interest rate, possible steam sales, and the effects of high natural gas prices. Mr. Barlow stated that the facility should be open for business in the spring of 2002. Mike Hanan sent a proposed change to the underwriter for one very long sentence in the contract. The underwriter has not had time to respond to that request. Motion by Nelson, second by Froemming, to authorize the Chair's signature to execute an agreement between the City of Perham, MN and Otter Tail County with respect to the provision of incineration services at the Perham Resource Recovery Facility by the City of Perham, and waste deliveries and payment of tipping fees at the facility by the County. This motion is subject to the acceptance of clarification of the language proposed by the Solid Waste Director and approval by the County Attorney. Chair Froemming called for a roll call vote:

Commission District 3	Mosher	Yea
Commission District 1	Nelson	Yea
Commission District 4	Froemming	Yea
Commission District 2	Lee	Yea

**Adjournment**

At 1:37 p.m., upon a motion by Nelson, second by Mosher, the meeting of the Otter Tail County Board of Commissioners was adjourned until Tuesday, March 27, 2001. Motion carried.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Roger Froemming, County Board Chair

Attest: \_\_\_\_\_  
Larry Krohn, Clerk

CB/kd

Enc.

