

Certification of Wetland Easements

Motion by Mosher, second by Lee, and unanimously carried to certify acquisition of land by the U.S. Fish and Wildlife Service for waterfowl easements as follows:

John H. Mark

T. 131 N., R. 41 W., 5th P.M.

Section 6, Lot 11, S $\frac{1}{2}$ SE $\frac{1}{4}$ and that part of Lot 12 lying south and west of the following described parcel: Commencing at the East Quarter corner of said Section 6; thence on an assumed bearing of South along the East line of said Section 6, a distance of 182.99 feet, to the point of beginning of the land to be described; thence continuing on a bearing of South along said East line a distance of 388.50 feet; thence North 83 degrees 34 minutes 44 seconds West a distance of 604.12 feet; thence South 41 degrees 03 minutes 26 seconds West a distance of 309.79 feet; thence South 43 degrees 53 minutes 35 seconds West a distance of 113.36 feet; thence North 42 degrees 49 minutes 29 seconds West a distance of 350.47 feet; thence North 39 degrees 07 minutes 20 seconds East a distance of 603.67 feet; thence South 87 degrees 11 minutes 03 seconds East a distance of 744.22 feet to the point of beginning.

Section 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Stephen J. Talley

T. 132 N., R. 38W., 5th P.M.

Section 32, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Ditch No. 17

Ditch Inspector, Randy Wasvick, reported that last year the County Commissioners had given farmers permission to clean out as much of Ditch No. 17 as they wanted. Ditch No. 17 was cleaned up to County Road 19. Mr. Wasvick went through Sections 9 & 10. Before the clean out there was no problem. After the clean out they are flooded. One farmer was not notified of the clean out, and now he is flooded to the extent that he will not be able to get to some of his land this year. There is still approximately two miles of the ditch system that needs to be cleaned out. The cost to complete the clean out is about \$6500. An informal meeting will need to be scheduled with Homestead and Blowers townships to inform farmers of what was done and the hardship it caused. Mr. Wasvick will notify the Commissioners of the date of the meeting.

Ditch No. 11

Mr. Wasvick reported that he had received a call from Rick Norgren regarding Ditch No. 11. Ditch No. 11 had been cleaned out around 1985. Now there is a beaver problem. Mr. Wasvick reported that there is about \$1,374.09 available in this ditch fund. Commissioners gave the Ditch Inspector permission to use this money to clear out the beaver dams, and if more money is needed to report back to the County Board.

AMC Legislative Conference

Motion by Block, second by Lee, and unanimously carried, to authorize Commissioners Nelson and Froemming to attend the Association of Minnesota Counties Legislative Conference March 27–28, 2002.

Appointment

Motion by Mosher, second by Froemming, and unanimously carried, to appoint Commissioner Nelson to the West Central Trails Planning Committee, effective March 19, 2002.

Request for Approval of Contracts and Bonds

Motion by Froemming, second by Block, and unanimously carried to authorize the Chair's signature on an agreement between the County of Otter Tail and Randy Kramer Excavating Inc., in the amount of \$600,464.07, for Construction of Street and Utility Improvements for CSAH No. 42, S.A.P. 56-642-08, Parkers Prairie, Minnesota.

Request for Approval of Contracts and Bonds

Motion by Block, second by Nelson, and unanimously carried to authorize the Chair's signature on an agreement between the County of Otter Tail and Morris Sealcoat & Trucking, Inc. of Morris, MN, in the amount of \$991,844.13, for County Wide Seal Coat, S.A.P. 56-602-06 & Etc.

**Bridge Replacement Program
Otter Tail County Resolution No. 2002 - 19**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, Otter Tail County has determined that the following deficient bridges on the CSAH, County Road and Township systems require replacement or rehabilitation within the next five (5) years, and

WHEREAS, attached to the official minutes is the list, which is Attachment B, of the proposed bridge replacements for the 2002-2007 Bridge Replacement Program, and

WHEREAS, sufficient local funds for the replacement or rehabilitation of these bridges are not and will not be available, so that funding assistance from State Transportation Bonds is necessary for the County and the Townships to proceed, and

WHEREAS, Otter Tail County intends to proceed with replacement or rehabilitation of these bridges as soon as possible when State Transportation Bond Funds are available.

BE IT RESOLVED, that Otter Tail County commits that it will proceed with the design and contract documents for these bridges immediately after being notified that funds are available in order to permit construction to take place within one year of notification.

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

Adopted at Fergus Falls, Minnesota, this 19th day of March 2002.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Dennis Mosher, County Board Chair

Attest: _____
Larry Krohn, Clerk

Request for Approval of Contract

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair's signature on an agreement between the County of Otter Tail and Wadena Asphalt of Wadena,

Minnesota, in the amount of \$50,701.20, for Seasonal Supply of Hot Mix Bituminous Material – East Otter Tail County.

**Resolution of Intent to Establish a Lake Improvement District for
Little McDonald & Kerbs, Paul, and Devils & Little Devils Lakes
Otter Tail County Resolution No. 2002 – 18**

Commissioner Nelson offered the following and moved its adoption:

WHEREAS, Minnesota law provides that in order to preserve and protect the State of Minnesota and to increase and enhance the use and enjoyment of its lakes, it is in the public interest that there be established a statewide lake improvement program to preserve, protect and improve the quality of lakes; and

WHEREAS, Minnesota law permits the creation of lake improvement districts initiated by the request and upon a resolution of a County Board; and

WHEREAS, the Otter Tail County Board of Commissioners has received a request from Little McDonald, Paul and Devils Lake Property Owners Association, who also reported that more than 50 percent of the property owners within the boundaries of the proposed lake improvement district are in support of its establishment.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Otter Tail County Board of Commissioners hereby declares its intent to establish the LPD Lakes Improvement District.

BE IT FURTHER RESOLVED that the following information be provided, as required by Minnesota Statute §103B.515, Subd. 1:

1. The name of the proposed Lake Improvement District shall be:

LPD Lakes Improvement District

2. The boundaries of the proposed lake improvement district shall include parcels that have lake frontage on Little McDonald Lake, Paul Lake, Devils Lake, Little Devils Lake and Kerbs Lake in Otter Tail County, but shall exclude agricultural land.

As the use of agricultural lands within the 1,000 foot boundary of the district changes to non-agricultural use, the district may, by confirming the change of use to the County Auditor and Assessor, and by notifying the owner of the property and the Administrator of the Otter Tail County Department of Land and Resource Management, include those formerly agricultural lands in the district.

3. The water and related land resource management programs to be undertaken by the district may include:

- a. Develop and implement a comprehensive plan to eliminate water pollution;

- b. Receive financial assistance from and participate in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and related demonstration programs;
 - c. Undertake research to determine the condition and development of the body of water included within the lake improvement district to transmit the studies of the Department of Natural Resources, the Minnesota Pollution Control Agency and other interested authorities;
 - d. Make cooperative agreements with the United States or state government or other county or city to effectuate water and related land resource programs;
 - e. Conduct programs of water improvement and conservation;
 - f. Implement a water monitoring system;
 - g. Serve as local sponsor for state and federal projects or grants;
 - h. Regulate water surface as deemed necessary and reasonable; or
 - i. Such other programs, plans, studies, developments or implementations as are allowed or permitted by law, and approved by the County Board from time to time.
4. The Otter Tail County Board may delegate to the lake improvement district pursuant to Minnesota Statute §103B.551, Subd. 3, authority to:
- a. Acquire by gift or purchase, equipment, structures or control works that affects the level of waters in the district.
 - b. Construct and operate water control structures, equipment or control works that are approved by the commissioner of natural resources under section 103G.245
 - c. Undertake projects to change the course current or cross section of public waters that are approved by the commissioner of natural resources under section 103G.245.
 - d. Acquire property, equipment or other facilities, by gift or purchase to improve navigation.
 - e. Contract with a board of managers of a watershed district within the lake improvement district or the board of supervisors of a soil and water conservation district within the district for improvements under chapters 103C and 103D.
 - f. Undertake research to determine the condition and development of the body of water and the water entering it and to transmit the results of the studies to the pollution control agency and other interested authorities.
 - g. Develop and implement a comprehensive plan to eliminate water pollution.

- h. Conduct a program of water improvement and conservation.
 - i. Construct a water, sewer, or water and sewer system in the manner provided by section 444.075 or other applicable laws.
 - j. Receive financial assistance from and participate in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and related demonstration programs.
 - k. Make cooperative agreements with the United States or state government or other counties or cities to effectuate water and related land resource programs.
 - l. Maintain public beaches, public docks and other public facilities for access to the body of water.
 - m. Provide and finance a government service of the county or statutory or home rule city that is not provided throughout the county or, if the government service is provided, the service is at an increased level within the district
 - n. Regulate water surface use as provided in sections 86B.205, 103G.605 and 103G.621.
5. Funding for the lake improvement district shall be:
- a. Start-up funds will be provided from the Little McDonald Lake Association, Paul Lake Association and Devils Lake Association.
 - b. Lake improvement district activities may be funded by the levying of an ad valorem tax solely on property within the district.
 - c. Lake improvement district activities may also be funded by assessment of costs of projects upon the benefited property within the district in the manner provided under Minnesota Statutes Chapter 429.
 - d. Lake improvement district activities may also be funded by imposition of service charges on users of the lake improvement district services within the district (Minnesota Statute §428A.05).
 - e. The Lake Improvement District may also finance projects and services of the district by issuing obligations as provided in Minnesota Statute §429.091.
6. The Administrator of the Otter Tail County Department of Land and Resource Management shall be responsible for supervising the programs of the district. A public hearing will be held on whether the LPD Lake Improvement District should be established on Saturday, April 20, 2002, at 10:00 a.m. in the Perham V.F.W. Hall, 805 West Main Street, Perham, Minnesota.

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

The foregoing resolution is adopted this 19th day of March, 2002.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Dennis Mosher, County Board Chair

Attest: _____
Larry Krohn, Clerk

Recess & Reconvene

At 10:55 a.m., Chair Mosher recessed the meeting of the Otter Tail County Board of Commissioners for a short break. The meeting was reconvened at 11:06 a.m.

Planning Commission Recommendations

Conditional Use Permit – Mark & Cynthia Vierkant:

Motion by Froemming, second by Lee, and unanimously carried to approve this Conditional Use Permit to add fill based on the revised plan, provided the lot behind the cabin is drained to the back. There must be a swale, being 4" lower, installed; the back settling area must be lower and sufficient to handle all the water that normally sits onsite. Also, they must not place any more fill than necessary. The property is described as Pt Lot 9, 100' E of Adj. Lot 46 Pleasure Park Beach S of Rd and Pleasure Park Beach Ely 37.5' of Lot 47 & All Lot 46, Section 4, Otter Tail Township; Otter Tail Lake (56-242).

Conditional Use Permit – Donald & Julie Pfau:

Motion by Nelson, second by Froemming, and unanimously carried to approve the revised plan dated February 14, 2002, for a Conditional Use Permit to level a lot for future garage and for landscaping. The property is described as Lot 13 Blk 1 Engstrom's Beach 5th Addition in Section 18 of Edna Township; Big McDonald Lake (56-386).

Preliminary Plat & Conditional Use Permit – "Prairie Point"/Angela Berge:

County Attorney, David Hauser, read for the record, a letter received in opposition of this development. Discussion followed. Motion by Mosher, second by Lee, and unanimously carried to approve the Preliminary Plat known as "Prairie Point" consisting of 9 Single Family Residential Lots as approved in the revised plan dated March 12, 2002, and with conditions as recommended by the Planning Commission. Additionally a Conditional Use Permit was approved to construct approximately 1400' of road to County standards to service the proposed plat, with conditions as recommended by the Planning Commission. The property is described as Pt of GL 3 in Section 4 of Dane Prairie Township; Wall Lake (56-658).

Preliminary Plat & Conditional Use Permit – "Pleasant Pointe"/Robert F. & Karen Perry:

Motion by Mosher, second by Froemming, and unanimously carried to approve the Preliminary Plat known as "Pleasant Pointe" consisting of 18 residential lots, as approved in the revised plan dated March 7, 2002, with conditions as recommended by the Planning Commission. Additionally a Conditional Use Permit was approved to construct approximately 3,500' of road, with conditions as recommended by the Planning Commission. The property is described as GL 10, 11, 12, & 13 in Section 5 of Sverdrup Township; Pleasant Lake (56-449), Little Anna Lake (56-450), Little Pleasant Lake (56-1127).

Preliminary Plat & Conditional Use Permit – “Bixby Acres”:

A Preliminary Plat request of “Bixby Acres” consisting of 15 residential lots, and a Conditional Use Permit application to construct approximately 2,800 feet of road to service the proposed plat was tabled in December to allow for the Planning Commission members to view the proposal. The property is described as PT of GL 1 & 2 & Pt of the SW¼ of the SE¼ in Section 33 of Dead Lake Township; Dead Lake (56-383) & Indian Lake (56-327). On March 13, 2002, the Planning Commission approved the plan because there had been a reduction in the number of lots on Indian Lake. Motion by Block, second by Nelson, to deny the Preliminary Plat because it does not provide access. After much discussion, Nelson withdrew his second and Lee offered a second to the motion. Chair Mosher called for a roll call vote:

Commissioner Block	Fifth District	Yea
Commissioner Lee	Second District	Yea
Commissioner Froemming	Fourth District	Nay
Commissioner Nelson	First District	Nay
Commissioner Mosher	Third District	Nay

Motion was defeated 3 to 2.

Motion by Mosher, second by Froemming, to approve the Preliminary Plat known as “Bixby Acres” as approved in the plan dated March 13, 2002, and contingent upon a dedication of a road on Indian Point to access the northwest corner. Additionally a Conditional Use Permit was approved to construct a road to service the proposed plat. Chair Mosher called for a roll call vote:

Commissioner Block	Fifth District	Nay
Commissioner Lee	Second District	Yea
Commissioner Froemming	Fourth District	Yea
Commissioner Nelson	First District	Yea
Commissioner Mosher	Third District	Yea

Motion carried on a 4 to 1 vote.

Conditional Use Permit – Wee Villa LTD Partnership:

Motion by Lee, second by Froemming, and unanimously carried to approve a Conditional Use Permit to replace an existing 8’ x 42’ manufactured home with a 14’ x 56’ manufactured home on Lot 61. The property is described as GL 4 ex trs (36.15 AC) in Section 14 of Elizabeth Township; Long Lake (56-784).

Conditional Use Permit – Mark K. Johnson & Mary E. Johnson:

Motion by Lee, second by Nelson, and unanimously carried to approve a Conditional Use Permit to replace an unstable wood stairway to the lake with a no maintenance stairway. The property is described as Lots 7&8 of Meyer’s Second Addition, Section 24 of Dora Township; Big McDonald Lake (56-386).

Request for Approval of Licenses

Motion by Mosher, second by Lee, and unanimously carried, to approve the following application for license:

Zorbaz of Ottetail Lake Inc. 36108 County Highway 72 Battle Lake, MN 56515 Subject to the approval of the County Attorney’s office.	On-Sale Intoxicating Liquor On-Sale Intoxicating Sunday Liquor (Seasonal)
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Motion by Mosher, second by Froemming, and unanimously carried, to approve the following application for license:

RLJ, Inc.
Lenny's Dining and Dancing
FKA Lenny's Dance Barn
30255 Phelps Mill Rd
Underwood, MN

On-Sale Intoxicating Liquor
On-Sale Intoxicating Sunday

Application for Exempt Permit

Motion by Froemming, second by Nelson, and unanimously carried, to approve with no waiting period, the Heart O' Lakes Saddle Club's Application for Exempt Permit for an event scheduled for Sunday, September 29, 2002 at the Leaf Lake Arena (29212 Highway 108, Henning).

Request for Payment

Motion by Mosher, second by Lee, and unanimously carried, to approve payment to Else Malbraaten, in the amount of \$250.00, for services provided under the provisions of Minnesota Statute 609.35.

Request for Payment

Motion by Lee, second by Mosher, and unanimously carried, to approve payment to the Minnesota Counties Insurance Trust, in the amount of \$7,026.00, for property/liability insurance coverage on the Regional Treatment Center Building.

Recessed

At 12:16 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break.

Reconvene

At 1:24 p.m., with all seated Commissioners present, Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners reconvened.

Letter Acknowledged

Chair Mosher acknowledged receipt of a letter dated March 18, 2002, in opposition to the proposed development on Little Pleasant, Pleasant, and Little Anna Lakes. Commissioners agreed by consensus that the letter would not change their previous vote regarding Pleasant Pointe development.

Five Year Solid Waste Management Plan

Solid Waste Director, Mike Hanan, reported that Otter Tail County is required to update the County's Solid Waste Management Plan every five years. The Solid Waste Department has submitted the new plan to the Office of Environmental Assistance. The thirty-day public notice will be complete April 15, 2002. The County Board will then consider adoption by resolution.

Solid Waste Disposal Discussion

Discussion took place regarding a Solid Waste Hauler that was told that it was cheaper to haul solid waste to Perham than Fergus Falls for disposal. Mr. Hanan noted that Perham may be able to set the tipping fee for their Merchant Capacity Waste, which is about 7% of the total waste delivered to the facility. However, any solid waste from Otter Tail County is billed to the County, then billed to the hauler at \$37.18 per ton.

Commissioner Block requested to be brought up to date with the proposed contract between Otter Tail County and the City of Fergus Falls. Lengthy discussion took place regarding the contract and

the commitments of the other counties expected to bring garbage to the Fergus incinerator. It was explained that the County has an interim agreement with the City of Fergus Falls for hauling solid waste to the Fergus Incinerator. Chairman Mosher appointed Commissioners Froemming and Lee to the Solid Waste/Recycling Committee. Don Eisenhuth, from the City of Fergus Falls, explained the City's concerns regarding waste flow and the need to obtain signed contracts with the participating counties to determine how much garbage the City will need to acquire in addition. Discussion continued. Chairman Mosher requested that this issue be put on the agenda again in two weeks.

Request for Approval of Contracts

Mike Hanan presented contracts for mobile household hazardous waste collection. Motion by Nelson, second by Lee, and unanimously carried to authorize the Chair's signature to execute the following contracts:

Contract agreement between Otter Tail County and the City of Vergas for the operation of a Mobile Collection for Household Hazardous Waste on June 26, 2002, at the Otter Tail County Highway Garage, Vergas, between the hours of 10 a.m. and 2 p.m.

And

Contract agreement between Otter Tail County and the City of Perham for the operation of a Mobile Collection for Household Hazardous Waste on June 18, 2002, at the Otter Tail County Highway Garage, Perham, between the hours of 10 a.m. and 2 p.m.

New York Mills Phone System

Motion by Nelson, second by Block, and unanimously carried to authorize the Chair's signature to execute a financial lease/purchase agreement with Kansas State Bank through Leasing 2 Inc. for the new Panasonic Phone system in New York Mills at a monthly rate of \$570.38 per month for 36 months.

**Closed to the Public
Adjournment**

At 2:30 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners closed to the public for purposes of discussing labor negotiation strategies relative to the County's two Human Services collective bargaining units (Support Specialist and Professional units). Commissioners Nelson, Lee, Mosher, Froemming, and Block were present along with the County Attorney, County Coordinator, Human Services Director, and Recording Secretary. At 3:35 p.m., upon conclusion of the closed session, Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, March 26, 2002.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Dennis Mosher, County Board Chair

Attest: _____
Larry Krohn, Clerk