

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, July 9, 2002
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, July 9, 2002, at 9:32 a.m. at the Otter Tail County Courthouse with Dennis Mosher, Chair; Malcolm Lee, Vice-Chair; Syd Nelson, and Roger Froemming present. Commissioner Bob Block was absent.

Approval of Agenda

Motion by Lee, second by Froemming, and unanimously carried to approve the County Board agenda of July 9, 2002, with the following additions:

10:40 a.m. – Add Gary Bergum
Discussion Item – Pelican Group of the Lakes Improvement District

Approval of Minutes

Motion by Froemming, second by Nelson, and unanimously carried to approve the County Board minutes of June 25, 2002, as mailed.

Approval to Pay Bills

Motion by Lee, second by Froemming, and unanimously carried to approve payment of County Board bills per Attachment A of these minutes which includes the following lodging payment:

Grand View Lodge	VSO, Jourdan Sullivan
	Asst. VSO, Tom Figliuzzi

Lakes Country Service Cooperative

LCSC Manager of Administrative Services, Jane Eastes, presented a brochure and overview of services the Cooperative offers to city, county, and other governmental agency members. LCSC Building Official, Lyle Nesvold, explained the Building Official Program that was started to enforce the Minnesota State Building Codes. Counties that are interested in the program adopt the building codes, the LCSC building program, and the Cooperative furnishes building officials. Lengthy discussion followed regarding the program and State building codes in general.

Noxious Weed Appeal Committee

Motion by Nelson, second by Froemming, and unanimously carried to appoint Eldor Kugler and Truman Eggum to the Noxious Weed Appeal Committee.

County Ditch Systems

County Ditch No. 43:

Ditch Inspector, Randy Wasvick, presented two quotations for installing a pipe and control structure to allow the flow of water out of Indian Lake. Delzer Construction, Inc. proposed a cost of \$11,315.00; however, would not be able to start the project until mid-August. Discussion took place regarding the benefited parties including the County, Township, and landowners. The redetermination of benefits process was discussed. By consensus, commissioners agreed to delay a decision on proceeding with work on Ditch No. 43 until the regularly scheduled County

Board meeting on August 13, 2002. This will allow landowners additional time to gather information and support for the project.

County Ditch No. 38:

Mr. Wasvick briefed the Board regarding Ditch No. 38. The Chairman requested that County Attorney, David Hauser, write an order for the redetermination of benefits for County Ditch System No. 38.

County Ditch No. 53:

Mr. Wasvick reported that Ditch No. 53 cannot be abandoned. The ditch is flooding out homes and roads. It is an open ditch for approximately three-quarters of a mile, then tiled for about one mile and the tile is broken up. He stated that he would continue to research options/solutions for the ditch system.

Discussion – Water Drainage from Neighbor’s Property

Marion Lake Property Owner, Gary Bergum, requested time to discuss his neighbor’s property. He stated that on August, 22, 2000, David Kuntz received a Conditional Use Permit to fill 1½ to 2 ft. of fill. Mr. Bergum stated that Mr. Kuntz filled about two ft. more than the CUP allowed and 80% of the water drains on either Mr. Bergum’s property or the other neighbor’s property. There was also concern expressed that some of this water drains into the lake. The Land & Resource Office will research the issue further.

Extension for Filing Final Plat – “Wall Estates”

Motion by Froemming, second by Lee, and unanimously carried to extend the filing date for the final plat of Thomas Gedde known as “Wall Estates” until December 31, 2002. This property is located in Section 29 in Otter Tail Township, Otter Tail Lake.

Preliminary Plat – “West Silent Lake Retreat”

Motion by Lee, second by Froemming, and unanimously carried to approve the Preliminary Plat of Lyle Kachelmyer and Douglas Kramer known as “West Silent Lake Retreat” located in Section 31, Township 136, Range 41, Dora Township, W. Silent Lake (56-519).

Septic System Inspection Program

Chairman Mosher acknowledged correspondence from the Pelican Group of Lakes Improvement District Board of Directors and the Senns Beach Association on Pelican Lake. The letters requested that the PGOLID group of lakes be placed on the County list for septic system inspection. Pelican Lake was checked in 1983-1984 and failed septic systems were upgraded. Chairman Mosher requested that these lakes be put back on the County inspection list; however, there are lakes that have never been checked on the list as well.

PGOLID - Mosquito Control

Chairman Mosher acknowledged correspondence received from H. Roald Lund, Chairman of the Pelican Group of the Lakes Improvement District, requesting an amendment to the LID language to allow the district to control mosquitoes, tent caterpillars, and other pests. County Attorney, David Hauser, stated that the PGOLID has every authority possible under the statute. Motion by Lee, second by Mosher, and unanimously carried to respond to the PGOLID Board of Directors relative to this request.

Recess & Reconvene

At 11:30 a.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 11:34 a.m.

Bid Opening – Log Home at Phelps Mill Park

After previously advertising for bids, Auditor, Wayne Stein, opened the following bid for the log cabin located at the Phelps Mill Park: Karen Aakre-\$200.00. Motion by Froemming, second by Mosher, and unanimously carried to approve the sale of the log cabin at the Phelps Mill Park to Karen Aakre in the amount of \$200.

Approval of License Applications

Motion by Lee, second by Nelson, and unanimously carried, to approve the following applications for license:

Chase's Ethel Beach Resort & Rest. 27521 County Highway 5 Battle Lake, MN 56515	Consumption and Display Permit
Conoco Quik- Stop 29346 State Highway 210 Underwood, MN 56586	Tobacco License
Perry's 28690 County Highway 4 Vergas, MN 56587 Subject to the approval of the County Sheriff's Office and the County Attorney's office.	Off Sale 3.2 Malt Liquor License On Sale Liquor On Sale Sunday Liquor
Silver Dollar, The 209 W Broadway PO Box 695 Elizabeth, MN 56533	Tobacco License

Approval of Quit Claim Deed

Motion by Froemming, second by Nelson, and unanimously carried to authorize the Chairman of the County Board to sign the G&F 13156 Affidavit of Landowner and the Quit Claim Deed conveying the following described parcel to the State of Minnesota:

The South 30 acres of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), the North Half of the North Half of the Northwest Quarter of the Southwest Quarter (N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$), and the South Half of the South Half of the Northwest Quarter of the Southwest Quarter (S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$), of Section Eight (8), Township One Hundred and Thirty-two (132) North, Range Thirty-six (36) West.

Bid Opening for Sale of Property

Motion by Nelson, second by Froemming, and unanimously carried to establish the bid opening date for the sale of the following described property for Tuesday, September 17, 2002:

Beginning at a point seven hundred thirteen (713) feet South of the East quarter corner Section ten (10) Township one hundred thirty five (135) Range thirty nine (39), thence three hundred twenty three and four tenths (323.4) feet West, thence three hundred (300) feet South, thence

three hundred twenty three and four tenths (323.4) feet East to the east line of Section ten (10) Township one hundred thirty five (135) Range thirty-nine (39) thence three hundred (300) feet to the point of beginning including two (2) acres subject to the existing public highway on and along the East side of said tract of land.

Governmental Accounting Standards Board Report

Auditor, Wayne Stein, reported that new funding requirements under GASB 34 would not change internal, day-to-day accounting procedures; however, it will change external funding requirements. Otter Tail County will be required to comply with GASB 34 year-end 2003. Discussion continued. Motion by Lee, second by Nelson, and unanimously carried to support the formation of a GASB 34 Accounting Procedures Committee and authorize the Auditor to establish the committee. A representative from the committee will report to the County Board as needed.

Board of Directors – Little McDonald/Kerbs, Paul Lakes Improvement District

Motion by Nelson, second by Lee, to appoint the following property owners to the Little McDonald/Kerbs, Paul Lakes Improvement District Board of Directors:

<u>Name</u>	<u>Term</u>	<u>Lake Representation</u>
Joan Covington	2	Little McDonald
Charles Faber	3	Little McDonald
Paul Grinnell	1	Little McDonald & Kerbs
Mark Johnson	3	Kerbs
Bob Meyhuber	1	Little McDonald
Dave Wenzel	2	Little McDonald
Bruce Hoekstra	3	Paul
Vincent Olstad	1	Paul
Ron Anderson	2	Paul

Chairman Mosher called for a roll call vote:

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

Motion failed on a 2-2 vote.

Motion by Froemming, second by Mosher, to appoint the following property owners to the Little McDonald/Kerbs, Paul Lakes Improvement District Board of Directors:

<u>Name</u>	<u>Term</u>	<u>Lake Representation</u>
David Moenedick	3	Little McDonald
Joan Covington	2	Little McDonald
David Wenzel	1	Little McDonald
Mark Johnson	3	Kerbs
Brenda Cassellius (summer resident)	2	Kerbs
Paul Grinnell	1	Little McDonald & Kerbs
Ron Anderson	3	Paul
Bruce Hoekstra	2	Paul
Dave Pawlowski	1	Kerbs

Chairman Mosher called for a roll call vote:

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

Motion failed on a 1-2 vote.

Motion by Mosher, second by Froemming, to appoint the following property owners to the Little McDonald/Kerbs, Paul Lakes Improvement District Board of Directors:

<u>Name</u>	<u>Term</u>	<u>Lake Representation</u>
David Moenedick	3	Little McDonald
Joan Covington	2	Little McDonald
David Wenzel	1	Little McDonald
Mark Johnson	3	Kerbs
Bob Meyhuber(summer resident)	2	Little McDonald
Paul Grinnell	1	Little McDonald & Kerbs
Ron Anderson	3	Paul
Bruce Hoekstra	2	Paul
Dave Pawlowski	1	Kerbs

Chairman Mosher called for a roll call vote:

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

Motion passed on a 3-1 vote.

Recess & Reconvene

At 12:17 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:07 p.m.

Payment Clarification

Motion by Nelson, second by Lee, and unanimously carried to approve payment to Legend Technical Services, Inc., in the amount of \$5,280.50. Included in this amount is the original January 15, 2002, County Board approval for \$2,800.00 for professional services to complete an environmental assessment in the RTC building. Also included are the contracted future additional costs plus costs for additional samples (over 50) in the amount of \$2,480.50.

Boundary Line Correction Agreement

Motion by Nelson, second by Lee, and unanimously carried to authorize the Chair's signature to execute a Boundary Line Correction Agreement between the County of Otter Tail and Larry D. & Carol M. Flynn to correct a legal description of a parcel of land located in Section 10, Township 135, Range 40.

Closed to the Public – Performance Evaluation Adjournment

At 1:44 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners closed to the public for the purpose of evaluating the performance of Physical Plant Manager, Rick Sytsma, pursuant to M.S. §471.705 Subd. 1d(d). Commissioners Froemming, Mosher, Lee, and Nelson were present for the evaluation. A summary of performance conclusions will be provided at the next regular County Board meeting. At 2:18 p.m., upon conclusion of the closed session, Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, July 16, 2002.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Dennis Mosher, County Board Chair

Attest: _____
Larry Krohn, Clerk

CB/kd

