

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, April 1, 2003
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, April 1, 2003, at 9:30 a.m. at the Otter Tail County Courthouse with Commissioners Malcolm Lee, Chair; Syd Nelson, Vice-Chair; Dennis Mosher, Roger Froemming, and Bob Block present.

Approval of Agenda

Motion by Block, second by Mosher, and unanimously carried to approve the County Board agenda of April 1, 2003, with the following addition:

Discussion Regarding Proposed Lake Improvement District Legislation

Approval of Minutes

Motion by Nelson, second by Froemming, and unanimously carried to approve the County Board minutes of March 25, 2003, with the following correction.

Page 3, Under the heading Budget Discussion Update, the second sentence reads "He reported the general conclusion of most department heads that a 5% budget is possible; however, 10% cannot be obtained without elimination of services and staff reductions."

Page 3, Under the heading Budget Discussion Update, the second sentence is corrected to read as follows: "He reported the general conclusion of most department heads that a 5% budget cut is possible; however, 10% cannot be obtained without elimination of services and staff reductions."

Approval to Pay Bills

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

Negative EIS Declaration for Blue Heron Bay

Motion by Froemming, second by Block, and unanimously carried to approve the Otter Tail County Board of Commissioners Negative Environmental Impact Statement Declaration for Blue Heron Bay and Findings of Fact dated April 1, 2003 and attached as Attachment B to the official minutes.

Bid Award for CY2003 Seasonal Highway Supplies

After previously advertising for bids, Highway Engineer, Rick West, opened the following bids at 1:00 p.m. on March 5, 2003:

<u>Seasonal Supply</u>	<u>Bidder</u>	<u>Bid Amount</u>
Bituminous Material	Murphy Oil USA, Inc. Superior, WI Koch Materials Company St. Paul, MN	\$1.0616/gal. \$1.0678/gal.
Hot Mix Bituminous (EOT)	Central Specialties, Inc. Alexandria, MN Mark Sand & Gravel Acq. Co. Fergus Falls, MN	\$53,001.20 \$53,201.20

	Wadena Asphalt Inc.	\$53,801.20
	Wadena, MN	
Hot Mix Bituminous (WOT)	Central Specialties, Inc.	\$53,001.20
	Alexandria, MN	
	Mark Sand & Gravel Acq. Co.	\$54,401.20
	Fergus Falls, MN	
	Sherbrooke Asphalt, Inc.	\$61,801.20
	Detroit Lakes, MN	
Hot Mix Bituminous (NOT)	Mark Sand & Gravel Acq. Co.	\$54,401.20
	Fergus Falls, MN	
	Sherbrooke Asphalt, Inc.	\$61,801.20
	Detroit Lakes, MN	
Signing Materials	Newman Signs, Inc.	\$110,480.65
	Jamestown, ND	
	M-R Sign Company	\$113,137.08
	Fergus Falls, MN	

Mr. West informed commissioners that the cost for the hot mix bituminous is partly material and also, hauling cost from the plant to the worksite. Therefore, the recommendation for hot mix bituminous material includes several bidders and the deciding factor as to where the material is purchased will be the hauling distance to the worksite.

Motion by Nelson, second by Froemming, and unanimously carried to approve award of seasonal highway supplies as follows:

<u>Seasonal Supply</u>	<u>Bidder</u>	<u>Bid Amount</u>
Bituminous Material	Murphy Oil USA, Inc.	\$1.0616/gal.
	Superior, WI	
Hot Mix Bituminous (EOT)	Central Specialties, Inc.	\$53,001.20
	Alexandria, MN	
	Mark Sand & Gravel Acq. Company	\$53,201.20
	Fergus Falls, MN	
	Wadena Asphalt, Inc.	\$53,801.20
	Wadena, MN	
Hot Mix Bituminous (WOT)	Central Specialties, Inc.	\$53,001.20
	Alexandria, MN	
	Mark Sand & Gravel Acq. Company	\$54,401.20
	Fergus Falls, MN	
Hot Mix Bituminous (NOT)	Mark Sand & Gravel Acq. Company	\$54,401.20
	Fergus Falls, MN	
	Sherbrooke Asphalt, Inc.	\$61,801.20
	Detroit Lakes, MN	
Signing Materials	Newman Signs, Inc.	\$110,480.65
	Jamestown, ND	
Culverts	Johnston Fargo Culvert, Inc.	State Bid
	St. Paul, MN	Contract #428105
Herbicides	UAP Timberland	State Bid
	Kasota, MN	Contract #427847

**Agency Agreement No. 84151
 for Federal Participation in Construction
 Otter Tail County Resolution No. 2003 – 17**

Commissioner Mosher offered the following and moved its adoption:

WHEREAS, pursuant to Minnesota Statutes Section 161.36, Otter Tail County desires the Minnesota Department of Transportation to act as the County's agent in accepting federal funds and on the County's behalf for the construction, improvement, or enhancement of transportation financed either in whole or in part by federal funds, hereinafter referred to as the "Project(s)".

BE IT RESOLVED, that pursuant to Minnesota Statutes Section 161.36, the Commissioner of Transportation be appointed as Agent of the County of Otter Tail to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the County Board Chair and the County Board Clerk are hereby authorized and directed for and on behalf of the County of Otter Tail to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 84151", a copy of which said agreement was before the County Board and which is made a part hereof by reference.

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

Adopted at Fergus Falls, Minnesota, this 1st day of April, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

Geotechnical Evaluation Agreement for CSAH No. 35

Motion by Mosher, second by Lee, and unanimously carried to authorize the Highway Engineer's signature to execute an agreement between the County of Otter Tail and Braun Intertec Corporation for CSAH 35 reconstruction in Underwood, MN. The proposal is identified as Proposal BGD-03-137R1 and the fee for service is not to exceed \$4,920.

Seasonal Highway Assistance

Motion by Mosher, second by Block, and unanimously carried to authorize the Highway Engineer to hire a total of nine seasonal employees for the upcoming construction season.

Maine Township Bill

Motion by Froemming, second by Nelson, and unanimously carried to forgive a bill as outlined in Memorandum of Understanding No. 4457, in the amount of \$677.87, owed by Maine Township relative to work completed during the closure of the Phelps Mill Bridge. The Bridge was being transferred to the County when the debt was incurred and the Highway Engineer, after talking with Maine Township officials, recommended cancellation of the debt.

Request to Fill Position

Motion by Mosher, second by Lee, and unanimously carried to authorize the MIS Director to advertise to fill the position of Workstation Administrator/Network Specialist (#2006) at a compensation grade 16 as recommended by MAXIMUS, INC.

GIS Projects

GIS Coordinator, Brian Armstrong, reported that funds have been put in the Capital Improvement Fund to subcontract work to complete parceling. He reported that the parceling is being completed "in house" and is working very well; therefore, capital expenditure funds will be used for drafting in the parceling project. Less money will be put into the Capital Improvement Fund in the future and this will afford better control of the project. In the future, Mr. Armstrong may be requesting approval to hire a consultant to accomplish the interactive parceling on the website for the seven townships that are completed. The GIS Department is interested in giving in-house computer training. Discussion also took place regarding new technology.

Reclassification

Motion by Mosher, second by Lee, and unanimously carried to approve the reclassification of job #2704, Revenue Systems Administrator in the Solid Waste Department, from compensation grade 13 to grade 15 effective January 1, 2003.

Request for Change in Shoreland Management Ordinance

Mark Nokken from Moorhead, MN and property owner on Pelican Lake, requested an emergency mosquito prevention permit for portable screened patios that could be placed on existing decks or motor homes. He expressed concern with health problems caused by mosquitoes and bees. Land & Resource Director, Bill Kalar, stated that currently, a site permit is required for a portable screen patio and all requirements would have to be met for setback from the lake, lot lines, etc. This would be a prohibited addition in a RV unit at a resort as the rules allow only an open deck and small storage area. Mr. Nokken suggested an emergency bug permit that could be issued from June 1 through September 1, after which point, the portable screens would need to be dismantled. Commissioners referred this Shoreland Management Ordinance change request to the Planning Commission.

County Ditch No. 53

County Ditch No. 38

Proposed Noxious Weed Legislation

Ditch Inspector, Randy Wasvick, reported on the elevations he received with his handheld GPS equipment for Ditch No. 53. Discussion followed. Motion by Nelson, second by Froemming, and unanimously carried to adopt the Ditch No. 53 Viewer's Report and to direct the County Attorney to draft an Order for the ditch.

Mr. Wasvick reported that he is working with the Soil & Water Conservation District and other wetland officials relative to Ditch No. 38. Commissioners agreed that the GIS Department could find elevations for wetlands on the ditch system, which could be used to determine a clean out process. The GIS Department would bill the Ditch System for this service.

Mr. Wasvick submitted copies of H.F. No. 752 and H.F. No. 1090 regarding noxious weed laws. He requested the commissioners contact local legislators to send the proposed

legislation back to the committee level to allow counties to have a voice in the proposed bill(s). Chairman Lee directed Mr. Wasvick to draft a resolution to send to legislators.

Request to Fill Position

Motion by Lee, second by Mosher, and unanimously carried to authorize the Physical Plant Manager to fill the position of Special Projects and Relief Worker (Job #1903) on a permanent basis.

Lease Agreement

Motion by Block, second by Lee, and unanimously carried to authorize the Chair's signature to execute a lease agreement between the County of Otter Tail and Belltelephone, Inc. effective April 1, 2003, for a three year term. The lease is for rental space at the New York Mills building.

Request to Repurchase Tax Forfeited Property Otter Tail County Resolution No. 2003 - 18

Commissioner Mosher offered the following and moved its adoption:

RESOLVED, by the Otter Tail County Board of Commissioners of Otter Tail County, Minnesota, that

WHEREAS, Randy K. Mortenson, owner, has made application to repurchase the following legally described parcel:

Parcel No. 69-000-99-0080-001
Elizabeth Lestikow's Addition

East 30' of Lot 11 and All of Lot 12, Block 3

Said property having forfeited to the State of Minnesota on the 29th day of August, 2001, for nonpayment of the 1995, 1996, 1997, 1998, 1999, 2000, and 2001 property taxes, and

WHEREAS, an application to repurchase the above described property was timely submitted on Thursday, March 27, 2003, and

WHEREAS, the sum of \$3,635.52 represents the aggregate of all delinquent and current taxes, penalties, costs, assessments, and fees as of April 1, 2003, that would have been due and payable had the above described parcel not forfeited to the State of Minnesota, and

WHEREAS, the applicant has requested that the Otter Tail County Board of Commissioners consider his application to repurchase the above-described parcel and has requested that the Otter Tail County Board of Commissioners approve the applicant's request to repurchase the above-described property.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby approves the repurchase of the above described tax forfeited property subject to the condition that the total amount due must be submitted on or before April 30th, 2003, and

BE IT FURTHER RESOLVED, that the Otter Tail County Board of Commissioners hereby finds that the repurchase is in the best public interest, that it will relieve any undue hardship which has resulted from the forfeiture.

Adopted at Fergus Falls, MN, this 1st day of April, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

Exempt Permit Application

Motion by Mosher, second by Block, and unanimously carried to approve, with no waiting period, the LG220 Application for Exempt Permit as submitted by the Fergus Falls Fish and Game Club for an event scheduled for June 7, 2003, at Elks Point.

Motion by Block, second by Mosher, and unanimously carried to authorize the County Auditor's office to sign Exempt Permit Applications prior to presentation to the County Board.

RESOLUTION AUTHORIZING ACCEPTANCE OF A TRAFFIC SAFETY AWARD Otter Tail County Resolution No. 2003 – 20

Commissioner Lee offered the following and moved its adoption:

WHEREAS, the Otter Tail County Sheriff's Office desires to protect the health of its citizens by improving traffic safety and participation in the Safe & Sober Challenge; and

WHEREAS, under the provision of the Highway Safety Act (P.L. 89-563), the Minnesota Department of Public Safety has federal funding to promote traffic safety; and

WHEREAS, the Minnesota Department of Public Safety had judged the Otter Tail County Sheriff's Office's efforts to decrease impaired driving and increase seat belt use to be exceptional, and wants to reward those efforts by providing additional funding for the department;

THEREFORE, be it resolved that the Otter Tail County Sheriff's Office enter into an agreement with the Minnesota Department of Public Safety, Office of Traffic Safety, for the period from December 1, 2002 to June 30, 2003.

Sheriff, Brian I. Schlueter, of Otter Tail County is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the Otter Tail County Sheriff's Office from January 1, 2003 to June 30, 2003.

BE IT RESOLVED that Auditor, Wayne Stein, of Otter Tail County is hereby authorized to be the fiscal agent and administer the grant on behalf of the Otter Tail County Sheriff's Office.

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

Adopted at Fergus Falls, MN, this 1st day of April, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

Closed to the Public

At 11:54 a.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners closed to the public for the purpose of evaluating the performance of GIS Coordinator, Brian Armstrong, pursuant to M.S. Chapter 13D.05 Subd. 3. All five seated commissioners were present for the evaluation. A summary of performance conclusions will be provided at the next regular County Board meeting.

Adjournment

At 12:10 p.m., upon conclusion of the performance evaluation, Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, April 8, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk