

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS**
Government Services Center, 500 Fir Ave. W.
Commissioners' Room
Tuesday, February 1, 2005
9:30 a.m.

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, February 1, 2005, at 9:30 a.m. at the Otter Tail County Government Services Center with Commissioners Bob Block; Chair, Roger Froemming; Vice-Chair, Dennis Mosher, Malcolm Lee, and Syd Nelson present.

Approval of Agenda

Motion by Mosher, second by Lee, and unanimously carried to approve the County Board agenda of February 1, 2005, with several miscellaneous additions.

Approval of Minutes

Motion by Froemming, second by Lee, and unanimously carried to approve the County Board minutes of January 18, 2005, with a typographical error corrected on Page 5 under Resolution No. 2005 – 40, wherein, Commissioner Lee seconded the resolution, not Commissioner Mosher as initially presented.

Approval to Pay Bills

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

Request for Reconsideration of Denial for Conditional Use Permit

Garry Johanson, representing Naterra Land Company, addressed the County Board relative to the denial of a Conditional Use Permit to construct a road for proposed lots in Section 28 of Friberg Township on West Red River Lake. Mr. Johanson provided paperwork showing a correction related to property purchased from the Hendrickxes. He presented a map changing the area where the approach for the proposed road would be constructed and stated that the new approach addressed concerns of the Town Board members. He stated that he hoped that the road could be dedicated to the public and built to County specifications. County Engineer, Rick West, mentioned that the new approach had not been field checked yet. Commissioners encouraged Mr. Johanson to reapply for a Conditional Use Permit and took no action to reconsider the previous denial.

Letter of Credit Request

On behalf of Mike Vipond of Interlaken Estates, Land & Resource Director, Bill Kalar, presented a letter requesting Otter Tail County to allow Mike Vipond to provide a letter of credit that would guarantee funds to correct any deficiencies that may be found in the construction of the road that services Interlaken Estates after the inspection in the spring. This would allow approval to file and record the Final Plat. Motion by Lee, second by Mosher, and unanimously carried to allow a Letter of Credit in lieu of completion of the road for Interlaken Estates provided the Letter of Credit is from a Banking/Lending Institution and the funds would be available from that lender if the County deemed necessary for completion of the road. Interlaken Estates is located on Elbow and Franklin Lakes in Dunn Township.

Approval of Final Plats

Motion by Lee, second by Mosher, and unanimously carried to approve the Final Plat of Charles C. Kvaré known as Kvaré's Beauty Bay South located in Section 18 of Dunn Township on Pelican Lake (56-786).

Motion by Mosher, second by Lee, and unanimously carried to approve the Final Plat of PAC Investment Properties, Inc. known as Water's Edge located in Section 21 of St. Olaf Township on Sewell Lake (56-408).

Shoreland Rules Revision Committee Update

The Land & Resource Director provided Board members and the County Attorney several handouts from Justine Kingham, who is a member of the Shoreland Rules Revision Committee. County Attorney, David Hauser, updated the Board regarding the Committee meetings. He stated that input has been received; however, consensus has not been attempted. Further review will take place after a proposal has been drafted and the County Board will be responsible for public hearings and final amendment of the ordinance.

Solid Waste Haulers' License Applications

Motion by Froemming, second by Mosher, and unanimously carried to approve the following Solid Waste Haulers' applications for CY2005:

Peltz Group, Inc.	Minn-Kota Recycling
4600 N Port Washington Road	Hwy 59 North
Milwaukee, WI 53212	Detroit Lakes, MN 56501

Recess & Reconvene

At 10:19 a.m, Chairman Block declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. At 10:24 a.m., Chairman Block reconvened the meeting.

Overlay on County Highway 116 – C.P. 04:116B

Motion by Mosher, second by Lee, and unanimously carried to authorize Final Payment to Mark Sand & Gravel Co., in the amount of \$21,281.11, pursuant to Final Estimate No. 6 for completion of C.P. 04:116B, Overlay on Highway 116.

Joint Powers Agreement – Maplewood State Park Entrance Road

Motion by Lee, second by Nelson, and unanimously carried to authorize the Chairman's signature to execute a Joint Powers Agreement between the State of Minnesota and the County of Otter Tail for work to be completed on the Maplewood State Park Entrance Road.

Highway Project Retainage Reduction

Motion by Nelson, second by Lee, and unanimously carried to approve reduction of retainage from 5% to 1% on the following highway projects, which were contracted by Central Specialties, Inc:

Minnesota Street Project in Pine Lake Township, SP 56-596-01
CSAH 52 Reconstruction Project, SAP 56-652-12

Seasonal Highway Department Positions

Motion by Lee, second by Mosher, and unanimously carried to approve the following seasonal Highway Department positions for the CY2005 construction season:

Returning Seasonal Positions: Ryan Anderson – Engineering Technician I
Wade Bugbee, Engineering Technician I
Greg Grabow – Sign Technician

New Seasonal Positions: Maximum of Five Positions – Engineering Aides or
Technicians (to be advertised)
One Position – Sign Technician (to be advertised)

Purchase of Four (4) Disc Mowers

Motion by Mosher, second by Lee, and unanimously carried to authorize the purchase of four (4) JD 265 Disc Mowers, in the amount of \$26,900.00, less trade in value of \$7,050.00 plus sales tax for a total purchase price of \$21,140.25 from Interstate Inc. in Fergus Falls, MN.

Special Project of the Year Award

Highway Engineer, Rick West, presented a plaque honoring the Central Lakes Trail project as the special project of CY2004 selected by the Minnesota County Engineers' Association.

Emergency Management

Motion by Mosher, second by Froemming, and unanimously carried to authorize the Chairman's signature to execute the work plan for an Application for Emergency Management Performance Grant (EMPG) Program Funds for Federal Fiscal Year 2005. Emergency Manager, Tiny Holm, stated that \$11,150.00 was received last year through this grant program for emergency management planning in Otter Tail County.

Mr. Holm requested that commissioners think about the best location for an Emergency Operations Center (EOC) in Otter Tail County. He reported that \$25,695.00 has been procured through a grant for this purpose. Motion by Nelson, second by Lee, and carried with Mosher abstaining, to authorize two commissioners to tour the EOC located in Kandiyohi County.

Attendance Approved

Motion by Mosher, second by Froemming, and unanimously carried to authorize Commissioner Syd Nelson to attend EDA meetings.

RESOLUTION TRANSPORTATION ENHANCEMENT FUNDS Trail and Park Improvements in the City of New York Mills at the New York Mills Sculpture Park Otter Tail County Resolution No. 2005-05

Upon motion by Nelson, seconded by Froemming and unanimously carried, the following resolution was adopted:

WHEREAS: The Minnesota Department of Transportation District 4 Area Transportation Partnership is currently soliciting proposed projects for funding in 2008 with Transportation Enhancement Funds available through Transportation Equity Act of the 21st Century (TEA 21).

WHEREAS: Projects selected under this program may be funded with up to 80% Enhancement Funds with the remainder to be funded locally, AND

WHEREAS: There is a local effort by the City of New York Mills for the installation of trails, vegetation, an amphitheater, parking, and an interpretive center in Sculpture Park adjacent to TH 10, AND

WHEREAS: Application for these Transportation Enhancement Funds is to be made by a governmental agency representing a population of 5,000 or greater.

NOW, THEREFORE, BE IT RESOLVED, by the Otter Tail County Board of Commissioners that Otter Tail County hereby agrees to become the sponsor and will make application for Transportation Enhancement Funds for the installation of trails, vegetation, an amphitheater, parking, and an interpretive center in Sculpture Park.

BE IT FURTHER RESOLVED, that agreement to sponsor this project does not include a commitment to provide county funds as part of the local share funding for construction and future maintenance.

Adopted at Fergus Falls, MN, this 1st day of February, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk

Tobacco License Application

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

Thumper Pond Inc. Tobacco
300 Thumper Lodge Rd
Ottertail, MN 56571

Precinct Ballot Counters

Motion by Lee, second by Mosher, and unanimously carried to authorize the County Auditor's signature on the Sales Order Add-on Agreement for the purchase of 26 ES&S Model 100 Precinct Ballot Counters. These would be the units leased by Otter Tail County in 2004, with a balance due including sales/use tax of \$67,466.10. The motion further authorized payment to Election Systems and Software, in the amount of \$14,885.00, for partial payment of the remaining balance, which is due upon execution of the above agreement.

Sale of the Cavour Avenue Building

Motion by Nelson, second by Lee, and unanimously carried to authorize the County Auditor to proceed with the sale of the following County property:

Parcel No. 71-003-99-0244-001

Legal Description

Lots 5, 6, and 7, Block 11 of the Original Plat of Fergus Falls, Minnesota and the West 5.5 feet of the vacated North – South alley lying East and adjacent to said Lots.

**Classification of Tax Forfeited Land and Request for DNR Approval
Otter Tail County Resolution No. 2005 - 06**

Upon a motion by Froemming, second by Nelson, and unanimously carried, the Otter Tail County Board of Commissioners adopts the following resolution:

WHEREAS, The County Board of Commissioners of the County of Otter Tail, State of Minnesota, desires to offer for private sale the following described parcels of land that have forfeited to the State of Minnesota for non-payment of taxes:

Parcel 24-000-04-0035-000
Section 4, Township 135, Range 43
West 70 rods of the South 1 rod of the Southeast Quarter of the Southwest Quarter
Tax Forfeited 09/24/1964

WHEREAS, said parcels of land have been considered and viewed by the County Board of Commissioners and has been classified as non-conservation lands as provided for in Minnesota Statutes 282.01 and

WHEREAS, based on certification from the Erhards Grove Township, the highest and best use of the above described property can only be achieved by adding it to an adjoining parcel, thereby increasing the usability and value of one of the adjoining properties, and

NOW, THEREFORE, BE IT RESOLVED, That the Otter Tail County Board of Commissioners hereby certifies that the above referenced parcels of land have been considered, visually viewed on a map and complies with the provisions of Minnesota Statutes 85.012, 92.461, 282.01 Subd 8 and 282.018 and other statutes that require the withholding of tax-forfeited lands from sale.

BE FURTHER RESOLVED, That the Otter Tail County Board of Commissioners hereby request approval from the Minnesota Department of Natural Resources for the private sale to adjacent landowners of the above described property.

The question was on the adoption of the resolution, and there were YEAS and NAYS as follow:

County of Otter Tail Board of Commissioners	YEA	NAY	Other
Syd Nelson	X		
Malcolm Lee	X		
Dennis Mosher	X		
Roger Froemming	X		
Bob Block	X		

Adopted at Fergus Falls, MN, this 1st day of February, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk

Payment Approval

Motion by Lee, second by Mosher, and unanimously carried to approve payment to the Office of Administrative Hearings, in the amount of \$105.61, for the processing of an election complainant file in School District 2155.

Fraud Investigator and Fraud Prevention Positions

After having previously approved a reorganization plan of the Fraud Investigator/Collections Unit in the County Attorney's office, a motion was made by Mosher, seconded by Lee, and unanimously carried to authorize the transfer of a Fraud Prevention Specialist position (from the Human Services Department) into one of the investigator positions within the County Attorney's Department.

MRCC Annual Membership

Motion by Nelson, second by Lee, and unanimously carried to authorize payment to the Minnesota Rural Counties Caucus (MRCC), in the amount of \$2,150.00, for the 2005 MRCC annual membership fee.

Aggregate Mining Conference

Motion by Froemming, second by Nelson, and unanimously carried to request that County Coordinator, Larry Krohn, and Highway Engineer, Rick West, attend the Aggregate Mining Conference in St. Cloud, MN on Wednesday, March 30th and Thursday, March 31st.

Adjournment

At 11:32 a.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, February 8, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk