

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 Fir Avenue W., Fergus Falls, MN
Tuesday, June 5, 2007
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, June 5, 2007, at 9:31 a.m. at the Otter Tail County Government Services Center with Commissioners Dennis Mosher, Chair; Syd Nelson, Vice-Chair; Bob Block, Roger Froemming, and Everett Erickson present.

Approval of Agenda

Motion by Froemming, second by Block, and unanimously carried to approve the County Board Agenda of June 5, 2007, with the following additions:

Under Highway Engineer Items – Soil Borings Agreement for Water Street Bridge
Closed Session: Attorney/Client Privilege to Discuss Transfer Station Litigation

Approval of Minutes

Motion by Nelson, second by Froemming, and unanimously carried to approve the County Board Minutes of May 22, 2007, as presented.

Approval to Pay Bills

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

Central Minnesota Regional Radio Board

Motion by Erickson, second by Froemming, and unanimously carried to adopt the Central Minnesota Regional Radio Board Joint Powers Agreement dated January, 2007, and authorize the appropriate County officials' signatures to execute the Agreement. The Joint Powers Agreement organizes 15 entities for the purpose of providing regional administration of enhancements to the Statewide Public Safety Radio and Communication System (ARMER). Chairman Mosher appointed Commissioner Bob Block to serve as Otter Tail County's delegate to this Regional Radio Board and Commissioner Roger Froemming to serve as an alternate delegate.

Ditch No. 39

Ditch Inspector, Randy Wasvick, referred to a map of Ditch No. 39, which flows along CR 2 and CR 7 in the corner of Sections 2 & 7 in Western Township. Mr. Wasvick stated that the main ditch starts in a township road ditch and flows about 1 mile on the west side of CR 7 then along the west side of an abandoned road (115th Ave), then along another gravel road to a creek that eventually flows into the river. There is also a branch flowing from Section 8 that flows along the south side of CR 2 and then enters the main ditch. Mr. Wasvick showed a video presentation of the ditch areas with standing water and a lot of flooding at the Hensch farm. Mr. Wasvick stated that the ditch system should flow better and that Mr. Hensch is asking for a clean out of the ditch because of the loss of his land, which has been rented in past years. Discussion took place regarding the potential need to redetermine benefits and the need for an Engineer's report. Chair Mosher requested that Mr. Wasvick schedule a Public Information meeting regarding Ditch No. 39.

Recess & Reconvene

At 10:11 a.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for a Building Committee meeting. The meeting was reconvened at 10:30 a.m.

Building Project Reports

Courthouse: Physical Plant Manager, Rick Sytsma, reported that bid specifications are being drafted for a new chiller for the Courthouse.

Government Services Center: Mr. Sytsma reported that the GSC building is no longer operating by using steam from the City's Incinerator Building for hot water and heat needs.

Ottertail Sheriff's Operations Center: Architect, David Shultz, briefed the Board on the progress of construction on the Ottertail Sheriff's Operations Center. Much of the site work has been completed with concrete to be poured soon and precast wall panels beginning to be erected. He reported one issue of concern with the low roofing bid. The roofing subcontractor was unable to show 5 years of experience installing the type of roof that was specified, a thermal plastic white membrane roof. Mr. Shultz and Mr. Sytsma recommended that the General Contractor award the roofing project to Herzog as the next low bidder which also includes a 30 year warranty on the roof. Motion by Block, second by Nelson, and unanimously carried to approve a change order, in the amount of \$37,148.00, for the Ottertail Sheriff's Operations Center, mainly due to the increased roofing expense.

Perham Resource Recovery Facility

Solid Waste Director, Mike Hanan, briefed the Board on a request by Bongards for substantial modifications to the existing steam sales agreement. A Special Meeting of the Perham Resource Recovery Facility Coordinating Committee has been set for June 11, 2007, to discuss this issue. Mr. Hanan also briefed the Board regarding Otter Tail Power's interest in purchasing electricity as a result of upcoming legislative requirements to provide energy from renewable energy sources. The issue of a proposed expansion of the facility was discussed with a general consensus from Commissioners that there are too many uncertainties, at this time, to consider expansion.

Proposed Fergus Falls Transfer Station

Mr. Hanan provided an update regarding equipment failure at the current Transfer Station, a recent public meeting regarding the proposed new Transfer Station, and MPCA timelines.

Final Plat

Motion by Mosher, second by Erickson, and unanimously carried to approve a Final Plat entitled "Golf View Estates", a 7 backlot subdivision in Section 3 of St. Olaf Township; Johannes Lake (56-391).

Liquor License Applications

Motion by Froemming, second by Block, and unanimously carried to approve the following applications for license:

Clear Lake Resort Dalton, MN	Consumption and Display (Set Up) Permit On/Off-Sale 3.2 Malt Liquor
Collins Landing Dent, MN	Off-Sale 3.2 Malt Liquor
Cozy Cove Resort Dent, MN	On/Off-Sale 3.2 Malt Liquor
Fair Hills Resort, Inc. Detroit Lakes, MN	On-Sale 3.2 Malt Liquor On-Sale Wine
Heisler Country Store, Inc. Vergas, MN	Off-Sale 3.2 Malt Liquor

Heisler Gravel Rental dba Heislars Country Pub Vergas, MN	On-Sale 3.2 Malt Liquor
*Koep's Clitherall, MN	Off-Sale 3.2 Malt Liquor
Lakeland General Store Pelican Rapids, MN	Off-Sale 3.2 Malt Liquor
Josh Hanson's Spanky's Inc. dba Spanky's Stone Hearth Vergas, MN	On-Sale Liquor and Sunday Liquor
*Stromlie Associates LLC dba The Club Pelican Rapids, MN	On-Sale Liquor and Sunday Liquor 2:00 a.m. Closing

*License is subject to the review and approval of the County Attorney and the County Sheriff.

Application for Exempt Permit

Motion by Nelson, second by Froemming, and unanimously carried to approve, with no waiting period, the LG220 Application for Exempt Permit as submitted by the St. Lawrence Catholic Church for an event scheduled for Sunday, August 5, 2007.

Delayed Payroll Implementation

Payroll Supervisor, Dawn Godel, and Payroll Specialist, Connie Tanner, presented handouts regarding Delayed Payroll Implementation. Ms. Godel reported that discussion regarding Delayed Payroll has taken place with the Human Services Interest Based Bargaining Group. The three proposals presented were from those discussions. Ms. Godel reviewed each proposal/option as follows: 1) Delay pay day one day for each payroll until the full delay of 2 weeks is reached. There would be 23 pay dates during the year in this proposal; 2) Reduce the annual salary by 4%, which would be spread out over one year's time; or 3) reduce a set number of hours from each pay period (a version of this process was used in Becker and Douglas Counties). The 3rd option would require manual record keeping for the payroll office. County Attorney, David Hauser, noted that a Delayed Payroll system may soon be required by financial laws and/or the State Auditors. It was noted that all employees would need to be on the same pay periods to implement Delayed Payroll; therefore, employees currently paid monthly would need to move to a semi-monthly pay schedule. If a proposal is selected, it would not be implemented before CY2009, which would allow sufficient time for employees to plan for changes.

Recess & Reconvene

At 11:37 a.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for a Highway Committee meeting and lunch break. The meeting was reconvened at 1:15 p.m.

Crooked Lake Outlet/Ditch No. 21 Public Hearing

Chairman Mosher called the Continuation of the Public Hearing for the Crooked Lake Outlet/Ditch No. 21 Project to order. He stated that this is a continuation of the previous Public Information meetings of April 12, 2007 and May 17, 2007. County Attorney, David Hauser, reviewed the decisions that are required to proceed with the project. Chair Mosher asked for comments from the public. Mr. Larson requested that the project move forward as soon as possible. Jim Knapp, property owner on Fish Lake, asked if a second tube would be put under CR 1. Highway Engineer, Rick West, responded that the second tube is part of the project. Mr. Knapp asked if work could start downstream while waiting for final paperwork to be completed in the Crooked Lake area. Ditch Inspector, Randy

Wasvick, responded that work could not begin until the proper permits were obtained and the outlet fee paid. Motion by Block, second by Froemming, and unanimously carried to authorize the Chairman's signature to execute the FINDINGS AND ORDER AUTHORIZING AN OUTLET in the Matter of the Crooked Lake Outlet into Drainage System No. 21 as presented by the County Attorney along with attached documents, Engineering Report HEI No. 5197-000 dated May 24, 2007, Ditch Viewers' Report, and Operation and Maintenance Plan dated May, 2007. Chair Mosher closed the Public Hearing at 1:34 p.m.

Bid Opening – Project No. 07:STurtle SWS

After previously advertising for bids, the Highway Engineer opened the following bids for the South Turtle Lake Storm Water Sewer Project on May 30, 2007 at 1:00 p.m:

Vender Number	Business Name	Total Bid Amount	% Over/Under/Under Estimate
645	Mark & Brenda Construction, Inc.	\$233,802.15	13.34% under estimate
632	Riley Bros Construction, Inc.	\$284,927.50	5.61% over estimate
3037	Quam Construction Co., Inc.	\$314,795.50	16.68% over estimate
1853	Randy Kramer Excavating, Inc.	\$386,058.33	43.10% over estimate
3036	Barbarossa and Sons, Inc.	\$393,571.50	45.88% over estimate

Lengthy discussion took place regarding the process of obtaining all easements for the project. Motion by Mosher, second by Nelson, and unanimously carried to award Project No. 07:STurtleSWS to the low bidder, Mark & Brenda Construction, Inc., in the amount of \$233,802.15, subject to the completion of obtaining all right of way easements for the project.

Perham Garage Discussion

Mr. West reported that the Highway Committee met and discussed the request by the City of Perham involving the purchase of the County's Perham Garage property. Discussion included occupation of the County Garage property in 2008 by Barrel O' Fun, moving the Snowplow Trucks to the County's New York Mills building, keeping one truck in a heated garage during the winter months in the City of Perham, and the value of the County's property. Mr. West stated that the County wants to cooperate with the City of Perham for their economic purposes; however, Commissioner Nelson expressed concern in compromising snowplow services. Discussion/negotiations will continue on this topic.

Skid-Mounted Sprayer

Motion by Nelson, second by Block, and unanimously carried to approve the sale of a Skid-Mounted Sprayer to Lake of the Woods County at a purchase price of \$8,000.00. The Sprayer was purchased by Otter Tail County in 1999 and is no longer used.

**PUBLIC WATER ACCESS COOPERATIVE AGREEMENT
BIG PINE LAKE IN OTTER TAIL COUNTY, MINNESOTA
Otter Tail County Resolution No. 2007 - 44**

Upon a motion by Erickson, second by Froemming, and unanimously carried, the following resolution was adopted:

WHEREAS: the Commissioner of Natural Resources has the authority, duty, and responsibility under Minnesota Statutes, Section 97A.141 to provide public water access sites on lakes and rivers, where access is inadequate; and

WHEREAS: the State and the County are authorized under Minnesota Statutes, Section 471.59, to enter into agreements to jointly or cooperatively exercise common power; and

WHEREAS: the State and the County have determined this public water access improvement on Big Pine Lake is of high priority under the state public water access program; and

WHEREAS: the State owns land described as: Sec. 6, T.136N, R.38W, Otter Tail County, as shown in Exhibit A; and

WHEREAS: the County is willing to construct the bituminous surfaced ramp approach on the public water access site to Big Pine Lake; hereinafter referred to as "facilities"; and

WHEREAS: plans and specifications for the Facilities have been developed by the State and reviewed by the County and are attached to the agreement as Exhibit B and shall be referred to as the "Plan".

NOW, THEREFORE, BE IT RESOLVED, that the Cooperative Agreement between the County of Otter Tail and the State of Minnesota Department of Natural Resources is hereby approved; and

BE IT FURTHER RESOLVED, that the Chair of the County Board of Commissioners and the County Board Clerk are hereby authorized to sign said Cooperative Agreement.

Dated at Fergus Falls, Minnesota, this 5th day of June, 2007.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Dennis R. Mosher, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

**PUBLIC WATER ACCESS COOPERATIVE AGREEMENT
PELICAN LAKE IN OTTER TAIL COUNTY, MINNESOTA
Otter Tail County Resolution No. 2007 - 45**

Upon a motion by Erickson, second by Froemming, and unanimously carried, the following resolution was adopted:

WHEREAS: the Commissioner of Natural Resources has the authority, duty, and responsibility under Minnesota Statutes, Section 97A.141 to provide public water access sites on lakes and rivers, where access is inadequate; and

WHEREAS: the State and the County are authorized under Minnesota Statutes, Section 471.59, to enter into agreements to jointly or cooperatively exercise common power; and

WHEREAS: the State and the County have determined this public water access improvement on Pelican Lake is of high priority under the state public water access program; and

WHEREAS: the State owns land described as: Sec. 11, T.137N, R.43W, Otter Tail County, as shown in Exhibit A; and

WHEREAS: the County is willing to construct the bituminous surfaced ramp approach on the public water access site to Pelican Lake; hereinafter referred to as "facilities"; and

WHEREAS: plans and specifications for the Facilities have been developed by the State and reviewed by the County and are attached to the agreement as Exhibit B and shall be referred to as the "Plan".

NOW, THEREFORE, BE IT RESOLVED, that the Cooperative Agreement between the County of Otter Tail and the State of Minnesota Department of Natural Resources is hereby approved; and

BE IT FURTHER RESOLVED, that the Chair of the County Board of Commissioners and the County Board Clerk are hereby authorized to sign said Cooperative Agreement.

Dated at Fergus Falls, Minnesota, this 5th day of June, 2007.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Dennis R. Mosher, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

**MN DNR SUBGRANT AGREEMENT UNDER THE
FEDERAL RECREATIONAL TRAIL PROGRAM
Central Lakes Trail Maintenance
Otter Tail County Resolution No. 2007 - 46**

Upon a motion by Mosher, second by Block, and unanimously carried, the following resolution was adopted:

WHEREAS, pursuant to Minnesota Statutes 84.026 and 471.59, subd. 10, the State is empowered to engage such assistance as deemed necessary and the State is in need of routine maintenance services on the Central Lakes Trail in Otter Tail County, AND

WHEREAS, Otter Tail County is agreeable to provide the routine maintenance services as described in the Joint Powers Agreement for an annual rate of \$1,100.00 per mile.

BE IT RESOLVED, that Otter Tail County will provide the maintenance services as per the Joint Powers Agreement expiring September 30, 2007, at the annual rate of \$1,100.00 per mile on the Central Lakes Trail.

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 MN Commissioner of Natural Resources prescribing the terms and conditions of same Joint Powers Agreement for the routine maintenance of the Central Lakes Trail expiring September 30, 2007.

Dated at Fergus Falls, Minnesota, this 5th day of June, 2007.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Dennis R. Mosher, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

Soil Borings Agreement – Water Street Bridge

Motion by Froemming, second by Erickson, and unanimously carried to authorize the Highway Engineer to enter into an agreement between the County of Otter Tail and Braun Intertec for soil borings and geotechnical evaluation for the Maine Township Water Street Bridge, at an estimated cost of \$6,190.00.

2007 Street & Utility Improvements – City of Perham

Motion by Nelson, second by Erickson, and unanimously carried to concur with the award made by the City of Perham for the 2007 Street and Utility Improvements, Second Street South, CSAH 51 and CSAH 98, to the low bidder, Kuechle Underground, Inc. of Kimball, MN, in the amount of \$1,788,957.76. Otter Tail County's share of the project is as follows:

Project	Street	Storm	Total
CSAH 51-S.A.P. 56-651-17	\$136,070	\$112,925	\$248,995
CSAH 98-S.A.P. 56-698-01	\$229,890	\$114,475	\$344,365
Total:	\$365,960	\$227,400	\$593,360

DNR Dam Safety Grant

Motion by Mosher, second by Froemming, and unanimously carried to authorize the appropriate County officials' signatures to execute the Dam Safety Grant Agreement between the State of Minnesota Department of Natural Resources and the County of Otter Tail contingent upon receipt of the maintenance language for the box culvert under CSAH 82 at Rose Lake west of Dalton.

Recess

Closed to the Public

At 2:31 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. At 2:35 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners reconvened and closed to the public to discuss litigation relating to the proposed Fergus Falls Transfer Station initiated by the Concerned River Valley Citizens. The closed session is authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Present were all five seated Commissioners, the County Attorney, County Coordinator, and Board Secretary.

Adjournment

At 2:56 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, June 12, 2007.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Dennis R. Mosher, Board of Commissioners Chair

Attest: _____

Larry Krohn, Clerk

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A-1 TROPHY	276.03
A'VIANDS LLC	6,459.62
ABG MAINTENANCE INC	90.53
MARLYS ADAMS	362.80
ALCOPRO	211.00
ALL CREATURES VET HOSPITAL	83.50
AMERICAN INSTITUTIONAL SUPPLY	380.95
AMERICAN SOLUTIONS FOR BUSINES	1,639.63
CHERI ANDERSON	49.00
BRIAN ARMSTRONG	133.63
ARVIG COMMUNICATION SYSTEMS	200.00
BLUESTONE TECHNOLOGIES INC	325.44
BOUND TREE MEDICAL LLC	109.14
BRANDON COMMUNICATIONS INC	9,203.22
CALL ONE INC	77.30
CARRS TREE SERVICE	154.63
CHEMSEARCH	171.29
COMMISSIONER OF TRANSPORTATION	1,036.94
COOPERS TECHNOLOGY GROUP	37.71
CUSTOM BUSINESS FORMS	1,572.07
CUTLER MAGNER COMPANY	19,710.27
DACOTAH PAPER COMPANY	419.33
E & J PRESS	404.70
ECONO SALES AND SERVICE	188.60
CHUCK EHRENBERG	37.98
MICHELLE ELDIEN	41.13
ELECTION SYSTEMS & SOFTWARE IN	18,132.67
MARK ELLENSON	24.00
ENGINEERING MN MAGAZINE	19.00
FERGUS FALLS MEDICAL GROUP	1,968.00
FERGUS FALLS NEWSPAPERS INC	430.95
FERGUS FALLS POLICE DEPT	4,755.06
CITY FERGUS FALLS	7,191.19
FERGUS INTERNATIONAL INC	419.65
FERGUS POWER PUMP INC	765.00
FERGUS TIRE CENTER	30.00
FERRELLGAS	79.83
FRAZEE FORUM INC	41.28
DARWIN FRIEDRICH	30.00
FRONTIER PRECISION INC	396.02
SHARON FUNK	36.01
GALL'S INC	15.53
GODFATHERS EXTERMINATING INC	122.48
GR GRAPHICS INC ST LOUIS	419.01
GRAYARC	70.34
PATRICK GRIFFIN	8.47
GT DISTRIBUTORS AUSTIN	142.70
MIKE HANAN	206.13
NICOLE HANSEN	31.14
NEILL HARDINA	180.00
HARLES TREE SERVICE	1,065.00
DUANE HAUGEN	60.00
HENRY'S FOODS INC	886.60
HIGH PLAINS TECHNOLOGY	6,218.55
HINTERMEISTER INC	13.18
HITESMAN & ASSOCIATES PA	72.00
HOLIDAY INN ST CLOUD	145.48
HOUSTON ENGINEERING INC	4,246.50
INDEPENDENT EMERGENCY SERVICES	1,882.39
INNOVATIVE OFFICE SOLUTIONS	1,876.03
INSIGHT PUBLIC SECTOR	6,668.78
RODNEY JENSEN	38.50
JOHNSON JET LINE INC	420.50
ERWIN JOHNSON	160.00

OTC Board of Commissioners' Minutes
 June 5, 2007
 Attachment A, Page 2

GARY JOHNSON	39.90
KEEPRS INC CY'S UNIFORMS	355.33
KELLY SERVICES INC	3,444.70
MARCIE KNUDSEN	38.33
L & L SERVICE	85.08
LAKE REGION DENTAL CENTER	1,178.00
LAKE REGION HEALTHCARE CORP	176.65
LAKELAND MENTAL HEALTH CENTER	1,184.00
LARRY OTT INC TRUCK SERVICE	1,540.00
PAT LARUM	74.91
LITTLE FALLS MACHINE INC	1,309.53
MADDEN'S ON GULL LAKE	2,012.88
MATERIALS MANAGEMENT DIVISION	500.00
MATTHEW BENDER & COMPANY INC	595.60
MERITCARE MEDICAL GROUP	358.75
MFSRC FALL CONFERENCE	240.00
MICK'S SCUBA INC	13.79
MIDWEST PRINTING CO	76.68
MIDWESTERN MAT RENTAL & SUPPLY	69.60
MN CO ATTORNEYS ASSOCIATION	27.16
MN CO INSURANCE TRUST	9,092.00
MN COUNTIES INS TRUST	35.00
MN DEPT OF AGRICULTURE	19.00
MN MOTOR COMPANY	383.10
MN OFFICE OF ENTERPRISE TECHNO	1,200.00
MN STATE BAR ASSOCIATION	1,506.00
MN STATE LAW LIBRARY	175.00
CHERYL MUCHOW	39.36
NATIONAL BUSINESS SYSTEMS INC	3,002.05
NETWORK CENTER INC	18,722.38
NEW YORK MILLS HERALD	45.50
NIEMELA REPAIR	3.72
NORTHERN PLUMBING SUPPLY	63.95
OFFICE DEPOT	182.38
ORANGE TREE EMPLOYMENT SCREENI	300.00
OTIS ELEVATOR CO	101.91
OTTER TAIL CO TREASURER	445.69
OUTDOOR RENOVATIONS LANDSCAPE	388.00
OVERLAND MECHANICAL SERVICES	175.00
PAMIDA PHARMACY	3,287.95
DONALD PEDERSON	8.00
PELICAN RAPIDS BASEBALL ASSOCI	350.00
PELICAN RAPIDS PRESS	183.21
PEPSIAMERICAS	191.52
PERHAM JEWELRY & REPAIR	79.88
PERHAM SAND & GRAVEL	23.85
PETE'S AMOCO	30.05
PRODUCTIVE ALTERNATIVES INC	54.12
QUARTERMASTER	233.90
REED BUSINESS INFORMATION	361.26
THE RENTAL STORE	30.00
REVIEW ENTERPRISES INC	44.62
ROTHSAY FARMERS CO OP	34.67
AARON SALO	134.99
CHERI SCHULTZ	13.74
NATHAN SELANDER	49.99
SERVICE FOOD SUPER VALU	8.17
JUDY SIGGERUD	99.99
SIGNWORKS	892.74
PAUL SIMENGAARD	117.00
GENEVIEVE STRANDE	30.00
STREICHERS	20.43
THALMANN'S REPAIR	16.51
THYSSEN KRUPP ELEVATOR CORPORA	521.56
TNT REPAIR INC	173.39

U S POSTAL SERVICE	40,000.00
ULTEIG ENGINEERS	35,562.83
UNIFORMS UNLIMITED	138.20
VICTOR LUNDEEN COMPANY	1,874.34
VIKING COCA-COLA	94.57
VOSS LIGHTING	625.10
TERRY WEBER	117.31
WEST PAYMENT CENTER	2,194.50
WPSANTENNAS.COM	106.50
XEROX CORPORATION	139.67
<u>**** FINAL TOTAL.....</u>	<u>\$239,689.90 ****</u>