

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Government Services Center, Commissioners' Room  
500 W. Fir Avenue, Fergus Falls, MN  
Tuesday, October 16, 2007  
9:30 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, October 16, 2007, at 9:30 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 October 16, 2007, with the following additions:

10:35 a.m. – Court Administrator, Kathy Ouren – Attorney Probate Fees  
Land & Resource Director – Final Plats

**Approval of Minutes**

Motion by Nelson, second by Erickson, and unanimously carried to approve the County Board minutes of October 9, 2007, as presented.

**Approval to Pay Bills**

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

**Extension Update**

Extension Educator, Donna Geiser, briefed the Board on 4-H Week (October 8<sup>th</sup> through 12<sup>th</sup>) and discussed the awareness of the 4-H Program that goes along with 4-H Week. Ms. Geiser updated the Board on several 4-H projects including an upcoming event November 8 – 10 entitled "4-H on the Red Carpet" which is a junior leadership project for youth in grades 7-9.

**Discussion – Reviewing Final Plats**

Surveyor, Brad Nyberg, requested that the Board consider a different procedure than the current Preliminary Plat to Final Plat process. He explained that the current procedure can create extra expense for, often times, small mistakes that occur on a Final Plat. He suggested that the review completed by the Land & Resource Director could take place with a paper copy before the milars are ordered. The Land & Resource Director and GIS Coordinator will research different options regarding the Final Plat approval process and return to the Board with a plan.

**Conveyance of Tax-Forfeited Land for Authorized Public Use  
Otter Tail County Board Resolution No. 2007 – 73**

Commissioner Nelson offered the following and moved its adoption:

WHEREAS, the City of New York Mills has submitted for consideration by the Otter Tail County Board of Commissioners an Application by a Governmental Subdivision for Conveyance of Tax-Forfeited Land for an Authorized Public Use, and

WHEREAS, the following described parcel forfeited on Monday, July 12, 2004:

Parcel No. 73-000-99-0458-000  
Section 8 Township 135 Range 37  
Outlot B Block 3 – Jaeger Estates, and

WHEREAS, the City of New York Mills desires to acquire this parcel to expand and enhance the city owned park known as Smith Park, and

WHEREAS, the Otter Tail County Board of Commissioners has reviewed the above noted application of the City of New York Mills, dated Monday, October 1, 2007, for the conveyance of the above-described property for an authorized public use.

NOW THEREFORE BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby recommends to the Minnesota Department of Revenue that the application as submitted by the City of New York Mills be granted.

Commissioner Froemming seconded the motion and YEAS and NAYS are as follows:

Board of County Commissioners	<u>YEA</u>	<u>NAY</u>	<u>Other</u>
Everett Erickson	X		
Roger Froemming	X		
Bob Block	X		
Syd Nelson	X		
Dennis Mosher	X		

Dated: \_\_\_\_\_

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: \_\_\_\_\_  
Larry Krohn, Clerk

By: \_\_\_\_\_  
Dennis R. Mosher, Board of Commissioners Chair

**Conveyance of Tax-Forfeited Land for Authorized Public Use**  
**Otter Tail County Board Resolution No. 2007 – 74**

Commissioner Froemming offered the following and moved its adoption:

WHEREAS, the City of Ottetail has submitted for consideration by the Otter Tail County Board of Commissioners an Application by a Governmental Subdivision for Conveyance of Tax-Forfeited Land for an Authorized Public Use, and

WHEREAS, the following described parcel forfeited on Wednesday, August 29, 2001:

Parcel No. 74-000-99-0141-000  
Section 14 Township 134 Range 39  
Lot 10, Block 16 – Way's Addition, and

WHEREAS, the City of Ottetail desires to acquire this parcel for the addition of public restroom facilities near a city owned park with shelter and playground equipment and also near other city owned property which is used for various community events, and

WHEREAS, the Otter Tail County Board of Commissioners has reviewed the above noted application of the City of Ottertail, dated Friday, October 5, 2007, for the conveyance of the above-described property for an authorized public use.

NOW THEREFORE BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby recommends to the Minnesota Department of Revenue that the application as submitted by the City of Ottertail be granted.

Commissioner Block seconded the motion and YEAS and NAYS are as follows:

Board of County Commissioners	<u>YEA</u>	<u>NAY</u>	<u>Other</u>
Everett Erickson	X		
Roger Froemming	X		
Bob Block	X		
Syd Nelson	X		
Dennis Mosher	X		

Dated: \_\_\_\_\_

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_

Attest: \_\_\_\_\_

Dennis R. Mosher, Board of Commissioners Chair

Larry Krohn, Clerk

**Application for Exempt Permit**

Motion by Nelson, second by Erickson, and unanimously carried, to approve the LG220 Application for Exempt Permit as submitted by the Make-A-Wish Foundation of Minnesota for an event scheduled for Sunday, July 19, 2008, at the Playtime Sports Bar, Grill and Ballroom.

**Budget Adjustments and Transfers**

Motion by Nelson, second by Block, and unanimously carried to approve the following budget adjustments:

- Increase Account No. 01-101-000-0000-6101 from \$286,460 to \$289,770
- Increase Account No. 01-101-000-0000-6170 from \$19,098 to \$19,352
- Temporary Summer Help in County Recorder's office – Technology Fund.

- Increase Account No. 01-122-101-0000-6101 from \$0 to \$4,000
- US Fish and Wildlife Grant for Bio Control

Motion by Nelson, second by Block, and unanimously carried to approve the following transfer:

- \$3,562.67 from Account No. 01-2754 (Recorder's Technology Fund) to Account No. 01-5830 (General Fund Misc. Revenues)

**Purchase & Payment Approvals**

Motion by Block, second by Froemming, and unanimously carried to approve the purchase of the following items using the dollars in the Compliance Fund Account:

2 - Gateway E-6610D Computers	2,846.88
2 – Gateway 24" Widescreen HD Monitors	1,221.60
Lenova Thinkpad Computer 89329XU and Extended Warranty	<u>1,056.00</u>
Sub Total	5,124.48

Portable Training Computers	
3 – Lenova Thinkpad Computers 89329XU and Extended Warranty	3,168.00
HP Deskjet 460wf color inkjet printer C815A#A2L	<u>522.00</u>
Sub Total	3,690.00
Total	8,814.48

Motion by Erickson, second by Block, and unanimously carried to approve payment, in the amount of \$16,238.75, to National Business Systems for postage for the mailing of the 2007 Pay 2008 Truth in Taxation notices.

Motion by Block, second by Erickson, and unanimously carried to approve payment, in the amount of \$5,000.00, to Young and Associates for the following services provided for the proposed 60 Bed Chemical Dependency Health Center:

Preconstruction – Retainer	60,000.00
Construction Documents	218,600.00
Construction Administration	<u>52,178.00</u>
Design Agreement (Total Fee)	330,778.00
Prior Payments:	
May 4, 2007	60,000.00
June 22, 2007	90,400.00
July 20, 2007	109,400.00
August 15, 2007	13,000.00
September 28, 2007	9,000.00
July 20, 2007	<u>109,400.00</u>
Total	281,800.00
Balance Remaining Before Current Due	48,978.00
Current Due	5,000.00
Reimbursable Expenses	00.00
Total Due	5,000.00

**Operation & Maintenance Plan – Crooked Lake Outlet**

Motion by Mosher, second by Froemming, and unanimously carried to approve the Amended Operation and Maintenance Plan (Amended October 2007) for the Crooked Lake Outlet into County Drainage Ditch 21. The amended Plan changes the definition of the location of the outlet. The County Attorney will amend other documents as needed.

**Training – Highway Department**

Motion by Nelson, second by Mosher, and unanimously carried to approve the Tuition Assistance Agreement between the County of Otter Tail and Wade Bugbee for the following MnDOT certification course: Concrete Field II, \$395, four days, various dates and locations.

**Road Safety Audit**

Motion by Froemming, second by Erickson, and carried with Mosher and Nelson opposed, to authorize the Highway Engineer to hire SRF Consulting Group of Fargo, ND, to perform a road safety audit on an intersection in Otter Tail County at a cost of \$8,800. The audit will be completed by November 30, 2007, and presented with findings and recommendations regarding the safety of the intersection.

### **Otter Tail Ag Advisory Committee**

President of Otter Tail Ag Advisory Committee, Leon Keller, and member, Bruce Brenden, presented a resolution encouraging the County Board to adopt a Comprehensive Land Use Plan by November, 2008. Mr. Keller and Mr. Brenden reported that other counties are farther ahead of Otter Tail County when it comes to land use plans and they expressed a concern that individual townships may begin to develop more restrictive land use policies than Otter Tail County has outside of the Shoreland area. They expressed concern that this could create a lot of confusion in the County and result in development that is not orderly. Lengthy discussion took place regarding shoreland regulation changes that need to be finalized, the process to develop comprehensive land management, and the need for rationale and a consultant to move the project forward.

### **Recess & Reconvene**

At 10:49 a.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 10:54 a.m.

### **Attorney Fees for Probate Matters**

Motion by Erickson, second by Froemming, and unanimously carried to set the maximum Attorney Fee for one guardianship proceeding at \$1,000 (either general guardianship or emergency proceeding), and to set the maximum Attorney Fee at \$1,400, if the guardianship proceeding begins with an emergency proceeding and involves both emergency guardianship and general guardianship, as requested by the Court Administrator.

### **County Ditch 16 and Clitherall Lake**

Ditch Inspector, Randy Wasvick, stated that he met with the Clitherall Town Board to discuss the Clitherall Lake Outlet situation as it relates to County Ditch 16. He stated that the Township and Lake Association would like to move forward with a control structure. Mr. Wasvick expressed concerns with this solution as the structure cannot be installed below the Ordinary High Water Level (OHWL) unless a permit from the DNR is obtained. Mr. Wasvick stated that when the OHWL was checked in late August, the lake level was below the established OHWL; so no water would be flowing through the control structure. Discussion took place regarding redetermination of benefits, need for an engineering study, what determines "as built", and who pays for repairs/improvements. Property Owner, Ron Sugden, presented Ditch 16 Culvert information and requested approval to replace culverts at Bonnie Beach Road and North Clitherall Lake Road. DNR Hydrologist, Terry Lejcher, stated that the solution will require installation below the OHWL and stated that the State will grant a permit. He stated that there is a bottle neck at Bonnie Beach because the pipes coming in are bigger than others, and then the flow goes to Highway 210, where the culvert is oversized. He presented Clitherall Lake Recorded Water Levels which show the elevation is 2 ft. higher than in the 1950s and Clitherall Lake is often higher than the OHWL. Mr. Lejcher suggested a temporary solution of doing some excavation upstream of Bonnie Beach until an Engineering Study can be completed to determine correct pipe size. Discussion took place regarding the culverts on Ron Sugden's property in relation to the 30" pipe at Clitherall Lake Road. Motion by Block, second by Froemming, and unanimously carried to authorize the Ditch Inspector to apply for a permit from the DNR, which would permit Clitherall Lake Township and/or Clitherall Lake Association to clean out the area from Clitherall Lake to Bonnie Beach Road and clean out from Bonnie Beach Road to North Clitherall Lake Road. All expenses of this work would be the responsibility of the Clitherall Lake Association and/or Clitherall Lake Township. A permanent solution would require an Engineer's Study.

### **Planning Commission Recommendations**

#### **Conditional Use Permit – Mick & Kevin Moore:**

Motion by Mosher, second by Froemming, and unanimously carried to approve a Conditional Use Permit to replace existing boulder walls with pre-cast walls with conditions as recommended by the Planning Commission. The property is described as Cedar Park Club Lot 4, Section 30 of Dane Prairie Township; Swan Lake (56-781), RD.

#### **Conditional Use Permit – Glenn Fladmark:**

Motion by Erickson, second by Nelson, and unanimously carried to approve a Conditional Use Permit to haul in fill subject to the Applicant's revised request to allow a maximum 60' x 65' fill area with conditions as recommended by the Planning Commission. The property is described as Pt GL, 1.32 AC, Section 27 of Lida Township; Lida (56-747), GD.

#### **Conditional Use Permit – "Klimp's Kamp"/James & John Kimple:**

Motion by Nelson, second by Block, and unanimously carried to approve a Conditional Use Permit to alter a structure on the resort with a condition as recommended by the Planning Commission. The property is described as Yaquina Bay Lots 1-13 Blk 1, Lots 1-4 Blk 2 and 7.80 AC strip adjacent to Lots 1 to 13 Blk 1 & Lots 1, 2 & 3 Blk 2 Yaquina Bay, Section 8 of Dead Lake Township; Dead Lake (56-383), NE.

### **Final Plats**

Motion by Nelson, second by Erickson, and unanimously carried to approve the Final Plat (8 backlots) of Charles and Sandra Kirchenwitz entitled "Charlie's Beach 3RD Addition" located in Section 29 of Edna Township; Big McDonald Lake (56-386).

Motion by Nelson, second by Block, and unanimously carried to approve the Final Plat (4 lake lots and 9 backlots) of Theodore Bergeron entitled "Twin Island Estates" in Section 30 of Edna Township; Big McDonald Lake (56-386) and Archie Lake (56-1629).

### **Recess & Reconvene**

At 12:08 p.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:05 p.m.

### **Findings of Fact and Order – Dog Bite Hearing**

Motion by Froemming, second by Block, and unanimously carried to approve the Findings of Fact and Order regarding the dog owned by Tena Eckhoff and Mark Fraki as presented by the County Attorney.

### **Employer Benefit Contribution for 2008**

Motion by Erickson, second by Block, and unanimously carried to increase the non-union Employer Benefit Contribution for CY2008 from \$750 to \$800.

### **Additional Discussion**

Chairman Mosher acknowledged a letter from the MN Department of Health regarding additional federal Title V Block Grant funding for 2007. Mr. Hauser updated the Board on Drug Court meetings.

### **Closed to the Public**

At 1:27 p.m., Chairman 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 Law Enforcement Collective Bargaining Units. Present were all five seated Commissioners, the County Attorney, and Board Secretary. Commissioner Nelson was absent at 2:10 p.m.

**Adjournment**

At 2:23 p.m., upon conclusion of the closed session, Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, October 23, 2007.

Dated: \_\_\_\_\_

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Dennis R. Mosher, Board of Commissioners Chair

Attest: \_\_\_\_\_  
Larry Krohn, Clerk

CB/kd



**WARRANTS APPROVED ON 10/16/2007 FOR PAYMENT 10/16/2007**

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A'VIANDS LLC	10,037.70
CYNDI ABBOTT	71.69
MARLYS ADAMS	192.67
ALL BUILDING CORPORATION	250.00
AMERICAN INSTITUTIONAL SUPPLY	106.08
AMERICAN WELDING SUPPLIES INC	26.83
AMERICAN WELDING-WILLMAR FIRE	5.37
ANDERSON HOWE & LANGLEIE INC	6,175.00
BRIAN ARMSTRONG	371.95
ASSOCIATED BAG COMPANY	88.45
BARNA GUZY & STEFFEN LTD	278.60
JOHN BARTHEL	133.94
BCA TRAINING & DEVELOPMENT	25.00
BOB BARKER COMPANY INC	141.86
BRANDON COMMUNICATIONS INC	316.93
BREEZY POINT RESORT	231.82
BRIGGS CORPORATION	67.60
MYRNA BUDKE	63.46
CAROLINA SOFTWARE	250.00
CATCO PARTS AND SERVICE	706.18
CENTRAL STATES WIRE PRODUCTS I	1,378.64
CHEMSEARCH	340.46
CITY DIRECTORY INC	390.00
COMMUNICATION BRIEFINGS	120.00
COMPANION ANIMAL HOSPITAL	37.81
COOPERS TECHNOLOGY GROUP	1,947.02
CULLEN'S HOME CENTER	21.25
CULLIGAN WATER COND	48.66
CULLIGAN WATER CONDITIONING	10.65
DACOTAH PAPER COMPANY	433.47
DENZEL'S REGION WASTE INC	353.92
JAMES EASTMAN	351.05
ECONO SALES AND SERVICE	748.29
MICHELLE ELDIEN	104.28
EMBLEM ENTERPRISES INC	241.30
EVERGREEN EQUIPMENT INC	66.56
FASTENAL COMPANY	16.60
STEVE FELT	24.00
FERGUS ELECTRIC	1,868.38
FERGUS FALLS MONUMENT CO	480.00
FERGUS FALLS POLICE DEPT	523.18
CITY FERGUS FALLS	3,876.24
FERGUS POWER PUMP INC	248.00
FERGUS TIRE CENTER	38.00
FERRELLGAS	129.65
FLINT HILLS RESOURCES LP	12,614.80
FRONTIER PRECISION INC	59.91
G & K SERVICES	1,377.46
GALL'S INC	385.51
GARAGE DOOR STORE	687.17
GE CAPITAL (CA)	372.74
GENERAL PARTS LLC	55.27
GODFATHERS EXTERMINATING INC	321.08
GR GRAPHICS INC FARGO	58.01
GRAINGER INC	128.70
HEALTHCARE ENVIRONMENTAL SERVI	130.00
HEISLERS COUNTRY OIL	850.41

Otter Tail County Board of Commissioners' Minutes  
 October 16, 2007  
 Attachment A, Page 2

MARILYN HELLER	97.00
HINTERMEISTER INC	2.81
HONEYWELL	1,776.50
HOUSTON ENGINEERING INC	6,157.00
ROBERT HUCKEBY	108.53
IMAGETECH SERVICES	140.43
INSIGHT PUBLIC SECTOR	1,547.57
INTERSTATE ENGINEERING INC	5,572.90
INTERSTATE INC	156.10
J & N TACTICAL	482.50
JK SPORTS	59.98
DEAN JOHNSON	138.97
JOHNSTON FARGO CULVERT INC	19,678.85
K-MART	42.59
KEEPRS INC CY'S UNIFORMS	35.14
KELLY SERVICES INC	2,468.01
LAB SAFETY SUPPLY INC	166.64
LAKE REGION HEALTHCARE CORP	1,168.00
LAKELAND MENTAL HEALTH CENTER	356.00
LARRY OTT INC TRUCK SERVICE	1,100.00
LAWSON PRODUCTS INC	128.96
LOCATORS & SUPPLIES INC	84.99
MANNY'S - ROCKY'S BAIT	975.26
MARK SAND & GRAVEL CO	8,200.50
MATTHEW BENDER & COMPANY INC	1,124.30
MCCC MI 33	77.95
DARRAN MEYER	89.97
MIDWEST PRINTING CO	326.95
MIDWESTERN MAT RENTAL & SUPPLY	74.07
MINN KOTA COMMUNICATIONS INC	243.31
MINNKOTA	29.00
MN DEPT OF NATURAL RESOURCES O	150.00
MN OFFICE OF ENTERPRISE TECHNO	31.03
NAPA FERGUS FALLS	19.76
PAMELA NESS	11.80
NETWORK CENTER COMMUNICATIONS	1,729.77
NORTHLAND BUSINESS SYSTEMS INC	2,583.15
NTOA	40.00
OFFICEMAX CONTRACT INC	51.88
OLSON OIL CO INC	113.70
ONE CALL LOCATORS LTD	91.06
OTTERTAIL TRUCKING INC	5,875.20
OVERLAND MECHANICAL SERVICES	2,041.49
PAMIDA INC 008	64.38
PEPSIAMERICAS	239.40
PERHAM CO OP CREAMERY	819.81
PERHAM ENTERPRISE BULLETIN	64.46
PERHAM PRINTING & SUPPLY	28.92
PERSONNEL EVALUATION INC	16.00
PETE'S BODY SHOP & TOWING	1,245.00
CHERYL PETERSEN	49.99
PHELPS FAMILY FORD	616.74
PINE PLAZA TV APPLIANCE & CAMP	3.39
PREMIUM WATERS INC	30.33
HENRY PRICE	57.00
LANETTE PRIEM	29.67
PRO AG FARMERS CO OP	2,201.27
PRO-WEST & ASSOCIATES INC	56.25
PROACTION UNIFORMS	80.74
PRODUCTIVE ALTERNATIVES INC	151.83

PUBLIC SAFETY CENTER INC	363.52
RAY'S OIL COMPANY	669.79
RDO TRUCK CENTERS	300.26
REVIEW ENTERPRISES INC	201.90
RIVER BEND INDUSTRIES	845.23
RUTTIGERS BAY LAKE LODGE	2,502.54
CHERI SCHULTZ	43.08
MARK SCOTT	60.00
HEIDI SHJERVE	10.13
SIMPLEXGRINNELL LP	475.00
DAVID STADUM	66.74
STEINS INC	1,157.81
STEVE'S SANITATION INC	747.65
STREICHERS	412.05
SWANSTON EQUIPMENT CORP	22.94
LESLIE SWARTZ	9.28
T & K TIRE SERVICE	115.80
DEB TABBUT	152.58
THERM-AIR SALES CORPORATION	4,541.52
TRANE	1,048.75
TRI STAR RECYCLING	1,165.22
ULTIMATE RENT ALL & RV	253.47
UNIFORMS UNLIMITED	161.11
UNIVERSITY OF MN PRINTING SERV	135.26
VICTOR LUNDEEN COMPANY	713.49
VIKING COCA-COLA	221.85
WALLWORK TRUCK CENTER	1,285.31
WASTE MANAGEMENT	43,824.51
WEST PAYMENT CENTER	566.96
WHITE BANNER UNIFORM SHOP	54.50
TRACY WILLIAMS	<u>9.76</u>
**** FINAL TOTAL.....	\$183,622.41 ****