

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

Call to Order

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

9:30 a.m. – Physical Plant Manager, Rick Sytsma – Project Updates

1:35 p.m. – Closed Session – Labor Negotiation Strategies

Approval of Minutes

Motion by Nelson, second by Erickson, and unanimously carried to approve the County Board minutes of October 23, 2007, as presented.

Approval to Pay Bills

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

Project Updates

Physical Plant Manager, Rick Sytsma, updated the Board on the Ottertail Operations Center and Chemical Dependency Facility Projects.

Phelps Mill Security & Building Issues

Historical Society Executive Director, Chris Schuelke, and Friends of Phelps Mill Member, Richard Osman, presented the Friends of Phelps Mill Annual Report. The Friends of Phelps Mill is a committee of the Otter Tail County Historical Society. Its purpose is to preserve and interpret the historical, cultural and physical fabric of Phelps Mill. Phelps Mill has become a tourist destination with over 2,000 people touring the Mill every year. The Friends of Phelps Mill have accomplished many things during the past year including a fund raiser, getting one roller mill cleaned, and guided tours. Their goals for 2008 include obtaining funding and approval to install a security/fire alarm system and lightning rods in the Mill. The Mill is open 12 hours a day, seven days a week, six months out of the year. Except for daily inspections by the park Caretaker, the Mill is unattended and some vandalism has occurred including graffiti and missing machinery parts. As a County-owned structure, Phelps Mill is eligible for the State Capital Projects Grant. This grant is administered by the Minnesota Historical Society and is a matching funds grant. The Board requested that Mr. Schuelke proceed with applying for the grant.

Request to Purchase AEDs

Tiny Holm, Safety and Emergency Management Director, informed the Board that Otter Tail County currently has AEDs in the Courthouse, Government Services Center and in the New York Mills buildings. Motion by Froemming, second by Block and unanimously carried to allow the Safety and Emergency Management Director to purchase two more AEDs and locate them at the 505 South Court building and the Recycling Center with the money to come from the general fund.

Comprehensive Land Use Planning Discussion

Land and Resource Director, Bill Kalar briefly discussed Comprehensive Land Use Planning and provided the Board with some information to review.

Request for Final Plat Extensions

Motion by Erickson, second by Froemming, and unanimously carried to extend the final plat filing for Steve Langley, for the Plat entitled "Woodhaven on Loon", to no later than September 1, 2008. The property is located in Section 35 of Candor Township, Loon Lake (56-523).

Motion by Froemming, second by Block and unanimously carried to extend the final plat filing date as requested by Moore Engineering, for the Plat entitled "Phelps Mill River Hills" to January 25, 2008. The property is located in Sections 27 & 28 of Maine Township, Ottertail River.

Approval of Final Plats

Motion by Nelson, second by Froemming, and unanimously carried to approve the Final Plat of Joshua Bakken entitled "Shoreview on McDonald" located in Sections 30 & 31 of Edna Township; Big McDonald Lake (56-386).

Motion by Nelson, second by Froemming, and unanimously carried to approve the Final Plat of Dale & Linda Menze entitled "Quiet Pines Estates" located in Section 29 of Otto Township; Rush Lake (56-141).

Motion by Erickson, second by Block, and unanimously carried to approve the Final Plat of Jean Kirby entitled "Birchwood Park" located in Section 9 of Star Lake Township; Star Lake (56-385).

Motion by Erickson, second by Nelson and unanimously carried to approve the Final Plat of Phyllis & Dwight Nichols, entitled "Lattimore Beach" located in Section 9 of Dora Township; East Spirit Lake (56-501).

Recess & Reconvene

At 10:20 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 10:25 a.m.

Shoreland Management Ordinance Revisions

Bill Kalar provided a draft copy of the proposed Shoreland Management Ordinance Revisions. The document was reviewed at length. A Public Meeting will need to be held to review the changes.

Recess & Reconvene

At 12:16 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.

Wetland Easement

U.S. Fish & Wildlife Realty Specialist, Don Kleven, requested certification of waterfowl management easements on property owned by Vaughan Family Revocable Living Trust. Motion by Mosher, second by Block, and unanimously carried to certify the following waterfowl management easements as requested:

T. 131 N., R. 42 W., 5th P.M.

Section 31, SE $\frac{1}{4}$ except that part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows: Beginning at the East quarter section corner of said Section 31; thence S01°08'17"W (assumed bearing) along the East line of said Section 31; a distance of 587.31 feet; thence N88°47'24"W a distance of 553.35 feet; thence N01°28'43"W a distance of 587.95 feet to the North line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence S88°47'24"E along

said North line a distance of 580.18 feet to the point of beginning and EXCEPT tract for highway of record.

T. 131 N., R. 42 W., 5th P.M.

Section 19, Lot 6 and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT: that part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19 described as follows: Beginning at the south quarter corner of said Section 19; thence North 89°26'31" East 502.15 feet along the south line of said Section 19; thence North 14°11'08" East 520.85 feet; thence North 74°14'01" West 295.96 feet; thence South 15°09'46" West 271.25 feet; thence South 87°25'57" West 276.25 feet; thence South 00°21'33" East 316.10 feet to the point of beginning, tract containing 5.60 acres, more or less.

Subject to easements for roadway purposes over and across the southerly 50.00 feet thereof and a 66.00 foot strip of land lying within 33.00 feet on both sides of the following described centerline: Beginning on the south line of said Section 19, a distance of 392.00 feet East of the south quarter corner thereof; thence North 370.38 feet; thence North 74°50'14" West 101.92 feet and there terminating.

AND

Lot 7 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 19, EXCEPT: Parcel 205 shown in Plat R-34, as recorded in the Otter Tail County Recorder's Office as Document No. 622309, sold to the State of Minnesota.

Request for Approval

Motion by Mosher, second by Froemming, and unanimously carried to authorize the Highway Department to repair a box culvert on County Ditch 43.

Lake Elevations

Highway Engineer, Rick West, reported that the elevations on North and South Turtle Lake were declining slightly.

Contract Approval

Motion by Mosher, second by Nelson and unanimously carried to approve the Contract with Mark & Brenda Constructions dba Delzer Construction for work on the Crooked Lake Outlet in the amount of \$213,675.60.

Township Sign Program

Rick West reported that all 62 townships have signed agreements to participate in the signage program.

Payment Approval - Chemical Dependency Facility

Motion by Block, second by Erickson, and unanimously carried to approve payment in the amount of \$289,626.67 to Midwest Regional Development LLC for the purchase of the following described property:

That part of the Northeast Quarter of Section Thirty-two (32), Township One Hundred Thirty-three (133) North, Range Forty-three (43) West, Otter Tail County, Minnesota, bounded on the east by the Plat of Village Cooperative Addition, on the south by the southerly line of the pipeline easement, on the north by the township road, and on the west by Western Avenue and the extension thereof to the north which is owned by the City of Fergus Falls pursuant to the Warranty Deed dated May 22, 2003 between Midwest Regional Development, LLC and the City of Fergus Falls.

Payment Approval

Motion by Froemming, second by Mosher, and unanimously carried, to approve payment, in the amount of \$9,900.00, to Interstate Engineering for professional services and wetland delineation services for the Otter Tail County Chemical Dependency Building project.

Approval of Land Surveyor's Certificate of Correction

Motion by Erickson, second by Block and unanimously carried, to approve as prepared by Barton G. Ahrens, Professional Land Surveyor – Minnesota License Number 19162 the Land Surveyor's Certificate of Correction to the Plat of Sunset View Estates.

Hearing Date Established - County Drainage System No 25

Motion by Nelson, second by Erickson and unanimously carried, to schedule a public hearing at 1:00 pm on Monday, November 26, 2007, at the Otter Tail County Government Services Center to consider the petition to use County Drainage System No. 25 as an outlet for Little McDonald, Kerbs and Paul Lakes.

Premise Permit

Otter Tail County Resolution No. 2007 – 76

Commissioner Nelson offered the following and moved its adoption:

WHEREAS, the responsibility for the regulation of lawful gambling and the issuance of licenses and permits for the conduct of lawful gambling lies with the Minnesota Gambling Control Board; and

WHEREAS, the Dent Lions Club, Dent, MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at the Pickle Factory, located at 29961 415th St in Dora Township of Otter Tail County; and

WHEREAS, Minnesota Statute 349.213 provides that the Gambling Control Board may not issue a premise permit unless they receive a resolution from the Otter Tail County Board of Commissioners approving the application for a permit; and

WHEREAS, the Otter Tail County Board of Commissioners is aware of no reason to oppose the conduct of lawful gambling by the Dent Lions Club, Dent, MN, at the Pickle Factory, located at 29961 415th St in Dora Township of Otter Tail County.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby approves the conduct of lawful gambling by the Dent Lions Club, Dent, MN, at the Pickle Factory, located at 29961 415th St in Dora Township of Otter Tail County, provided the applicant meets all the necessary criteria for the licenses and permits as required by the Gambling Control Board.

IT IS FURTHER RESOLVED, that notice of this application and approval shall be provided to the Township of Dora by sending them a copy of this resolution.

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

Adopted and signed this 30th day of October 2007.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Dennis R. Mosher, County Board Chair

Attest: _____

Larry Krohn, Clerk

Premise Permit
Otter Tail County Resolution No. 2007 – 77

Commissioner Nelson offered the following and moved its adoption:

WHEREAS, the responsibility for the regulation of lawful gambling and the issuance of licenses and permits for the conduct of lawful gambling lies with the Minnesota Gambling Control Board; and

WHEREAS, the Dent Lions Club, Dent, MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at the Cozy Cove Resort, located at 38811 Cozy Cove Road in Dead Lake Township of Otter Tail County; and

WHEREAS, Minnesota Statute 349.213 provides that the Gambling Control Board may not issue a premise permit unless they receive a resolution from the Otter Tail County Board of Commissioners approving the application for a permit; and

WHEREAS, the Otter Tail County Board of Commissioners is aware of no reason to oppose the conduct of lawful gambling by the Dent Lions Club, Dent, MN, at the Cozy Cove Resort, located at 38811 Cozy Cove Rd in Dead Lake Township of Otter Tail County.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby approves the conduct of lawful gambling by the Dent Lions Club, Dent, MN, at the Cozy Cove Resort, located at 38811 Cozy Cove Rd in Dead Lake Township of Otter Tail County, provided the applicant meets all the necessary criteria for the licenses and permits as required by the Gambling Control Board.

IT IS FURTHER RESOLVED, that notice of this application and approval shall be provided to the Township of Dora by sending them a copy of this resolution.

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

Adopted and signed this 30th day of October 2007.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Dennis R. Mosher, County Board Chair

Attest: _____
Larry Krohn, Clerk

Classification of Tax Forfeited Lands
and
Request for DNR Approval and Legislative Support
Otter Tail County Resolution No. 2007 - 78

Commissioner Froemming offered the following, seconded by Nelson and moved for its adoption:

WHEREAS, The County Board of Commissioners of the County of Otter Tail, State of Minnesota, desires to offer for public sale, government acquisition (public use or private) and/or private sale to adjacent owners certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes, and

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

NOW, THEREFORE, BE IT RESOLVED, That the Otter Tail County Board of Commissioners hereby certifies that all parcels of land on the attached Exhibit A have been considered and/or viewed and comply with the provisions of Minnesota Statutes 85.012, 92.461, 282.01, Subd. 8, 282.018 and other statutes that require the withholding of tax-forfeited lands from sale. The County Board of Commissioners hereby certifies that the Soil and Water Conservation Board of the district in which the properties are located has reviewed Exhibit B and has identified any and all non-forested marginal lands and wetlands.

BE IT FURTHER RESOLVED, That the Otter Tail County Board of Commissioners hereby respectfully requests approval from the Minnesota Department of Natural Resources for the public sale, government acquisition (public use or private) and/or private sale to adjacent owners of said lands identified in Exhibit A and furthermore respectfully request the Minnesota Department of Natural Resources review and consider the lands identified in Exhibit B for special legislative approval.

The question was on the adoption of the resolution, and there were 5 YEAS and _0_NAYS as follows:

COUNTY OF OTTER TAIL BOARD OF COUNTY COMMISSIONERS	YEA	NAY	OTHER
Syd Nelson	X		
Everett Erickson	X		
Dennis Mosher	X		
Roger Froemming	X		
Bob Block	X		

Adopted this 30th day of October, 2007.

Otter Tail County Board of Commissioners

By: _____
Dennis Mosher, Chairman

Attest:

Larry Krohn, Board Clerk/County Coordinator

Closed to the Public – Labor Negotiation Strategies

At 1:50 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 Nurses and Human Services Unions. Present were Commissioners Mosher, Nelson, Froemming and Erickson, the County Attorney, County Coordinator, and Acting Board Secretary.

Adjournment

At 2:11 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, November 6, 2007.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Dennis R. Mosher, County Board Chair

Attest: _____

Larry Krohn, Clerk

VENDOR NAME	AMOUNT
A-1 TROPHY	112.90
A'VIANDS LLC	3,147.98
ALLEN'S AUTO BODY & 24 HR TOWI	141.00
AMERICAN INSTITUTIONAL SUPPLY	58.83
ARM REGISTRATION OFFICE	790.00
BACHMAN PRINTING COMPANIES	1,181.86
BATTLE LAKE STANDARD	111.20
TERRY BENNETT	126.34
BEYER BODY SHOP INC	276.90
BRANDBORG LAW OFFICE	11,088.99
DANE CARLSON	48.00
CELLULAR ONE	2,408.54
CHEMSEARCH	287.68
CITIZENS ADVOCATE AND VERNDALE	131.18
CO OP SERVICES INC	110.78
COMMISSIONER OF TRANSPORTATION	1,019.63
DACOTAH PAPER COMPANY	688.11
DEX MEDIA EAST	356.09
DICK'S STANDARD SERVICE	210.87
ROBERT DIEDERICH	19.98
THE DODGE COMPANY INC	154.98
KATHY DOMHOLT	177.33
FARGO GLASS AND PAINT CO	88.35
FERGUS ELECTRIC	30.95
FERGUS FALLS MEDICAL GROUP	2,063.00
FERGUS FALLS NEWSPAPERS INC	156.00
FERGUS POWER PUMP INC	510.00
FERRELLGAS	222.18
GODFATHERS EXTERMINATING INC	215.13
GR GRAPHICS INC FARGO	791.15
GR GRAPHICS INC ST LOUIS	219.72
MIKE HANAN	203.94
HITESMAN & ASSOCIATES PA	600.00
SHELDON HOLM	213.41
INNOVATIVE OFFICE SOLUTIONS	270.02
JJ'S COMPANY EXCAVATING LLC	7,313.89
JOHNSON CONTROLS INC	3,621.84
K & K TRUCK & AUTO REPAIR	85.20
KEEPSRS INC CY'S UNIFORMS	625.99
KELLY SERVICES INC	667.26
LAKE REGION HEALTHCARE CORP	127.65
LARRY OTT INC TRUCK SERVICE	1,100.00
CRAIG LEE	19.98
MARK AND BRENDA CONSTRUCTION I	61.01
MATTHEW BENDER & COMPANY INC	60.45
MCCC MI 33	225.00
MERIGEN MEDICAL	115.30
MERITCARE OCC HEALTH	1,800.00
MIDWESTERN MAT RENTAL & SUPPLY	69.60

VENDOR NAME	AMOUNT	
ALEJANDRA MILIANI	60.00	
MINNERATH CONSTRUCTION INC	19,503.73	
MN STATE BAR ASSOCIATION	574.50	
ELDON MOREY PHD	365.00	
MORTON SALT	17,023.14	
NAPA FERGUS FALLS	59.39	
NCELL SYSTEMS INC	6,225.00	
NORTHERN PLUMBING SUPPLY	19.57	
OFFICEMAX CONTRACT INC	333.63	
OSI ENVIRONMENTAL INC	50.00	
OTIS ELEVATOR CO	101.91	
OTTER TAIL CO TREASURER	250.21	
OTTERTAIL TRUCKING INC	5,875.20	
PAMIDA INC 008	34.05	
PAMIDA PHARMACY	6,597.76	
PEPSIAMERICAS	239.40	
PERHAM CO OP CREAMERY	882.00	
PETE'S BODY SHOP & TOWING	111.83	
PRODUCTIVE ALTERNATIVES INC	31.95	
RELIABLE OFFICE SUPPLIES	166.39	
RICK LEITCH BACKHOE SRVC & PJ	1,297.50	
SIGNWORKS	54.26	
SPRINT	680.90	
STEINS INC	1,972.79	
DUSTIN STENGRIM	66.00	
T & K TIRE SERVICE	70.00	
THERMAL TECHNOLOGIES INC	25,825.70	
TRISHA THOMPSON	72.00	
TNT REPAIR INC	240.55	
TOM'S BODY SHOP	266.25	
TRANQUILITY BUILDING SERVICES	452.63	
TRI STAR RECYCLING	4,193.50	
TINA TUNGSETH	7.36	
ULTEIG ENGINEERS	711.53	
UNIVERSITY OF MN	655.00	
UNIVERSITY OF MN REFERENCE BOO	114.45	
VICTOR LUNDEEN COMPANY	303.53	
WEST PAYMENT CENTER	2,089.50	
ZIEGLER INC	362.48	
FINAL TOTAL.....	\$142,066.78	****