

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 W. Fir Avenue, Fergus Falls, MN
Tuesday, November 6, 2007
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, November 6, 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 Nelson, and unanimously carried to approve the County Board Agenda of November 6, 2007, with the following additions:

Drug Court Resolution
Statement for City of Perham
Dog Bite Hearing Findings & Order
Land & Resource Director – Final Plat

Approval of Minutes

Motion by Block, second by Erickson, and unanimously carried to approve the County Board minutes of October 30, 2007, as presented.

Approval to Pay Bills

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

Recess & Reconvene

At 9:35 a.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for a Land & Resource Committee meeting. The Board of Commissioners meeting was reconvened at 10:54 a.m.

Voice and Data Connectivity – New York Mills & Ottertail Buildings

MIS Director, Tim Brand, presented a Connectivity Proposal to be used to transport data as well as interoffice Voice Over Internet Provider (VOIP) telephone communication. The proposal would connect all buildings by fiber optics rather than T1 lines, which will enable other technology uses in addition to voice and data. The Assessor, GIS Coordinator, and Physical Operations Manager spoke in favor of the joint proposal offered by Otter Tail Telcom and Arvig Communication Systems. Motion by Nelson, second by Block, and unanimously carried to approve the Connectivity Proposal dated October 30, 2007, for 5 MB Ethernet Service for a 5 year term at a cost of \$3,600 per month for Fergus Falls, New York Mills and Ottertail locations. The monthly cost will be offset by approximately \$1,400 for a T1 line and long distance charges that will no longer apply with the fiber optic solution.

AS400 Upgrade

Motion by Block, second by Froemming, and unanimously carried to approve an upgrade to the AS400 computer service including software and hardware, at a cost of \$60,357.00, as submitted by Heppner Consulting, Inc. of Fargo, ND, dated October 31, 2007. This expenditure is to be paid out of the Compliance Fund.

Certification for a Project in the City of Perham

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chairman's signature to execute a Local Official Certification to support a proposed project in the City of Perham to conduct a study looking at the feasibility of a methane digester to promote efficient cost effective energy.

Lakes Country Service Cooperative (LCSC) Board

Motion by Nelson, second by Froemming, and unanimously carried to nominate Commissioner, Bob Block, to run for a position on the LCSC Board of Directors and authorize the petition to be submitted to place Commissioner Block on the ballot. The position is effective January 1, 2008.

Dog Bite Hearing Findings of Fact and Order

Motion by Block, second by Nelson, and unanimously carried to authorize the Chairman's signature to execute the Findings of Fact and Order in regards to a Dog Bite Hearing held on October 23, 2007, for a dog previously owned by Anita Johnson and now, transferred to Michael Sonmor.

OTTER TAIL COUNTY RESOLUTION #2007- 79
OTTER TAIL COUNTY DWI COURT

Upon the motion of Froemming, seconded by Erickson and passed on a 5-0 vote, the Otter Tail County Board of Commissioners adopts the following resolution:

WHEREAS, Otter Tail County has sent personnel to Drug Court and DWI Court training; and

WHEREAS, the County of Otter Tail has been involved in a planning process for a DWI Court in conjunction with the Seventh Judicial District, the Department of Corrections, the State Public Defender's Office and substance abuse treatment providers; and

WHEREAS, the County of Otter Tail understands that a DWI Court can be an effective means of dealing with alcohol-related traffic offenders so as to reduce recidivism and alcohol-related traffic injuries; and

WHEREAS, the County intends to participate in seeking grant funds to implement a DWI Court, and has budgeted \$56,526.00 in its preliminary budget for a local contribution to the Drug Court expenditures.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners is in support of a DWI Court and authorizes the Chair to sign a grant application.

Adopted this 6th day of November, 2007.

OTTER TAIL COUNTY

By _____
Dennis Mosher, Chairman
Board of Commissioners

ATTEST:

Larry Krohn, Clerk

Recess & Reconvene

At 10:30 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 10:35 a.m.

County Ditch 16

Ditch Inspector, Randy Wasvick, submitted a topographical map of a portion of Clitherall Lake and County Ditch 16. Mr. Wasvick reported various measurements recently taken in the shallow Bay known as Skibness Bay and expressed concern with the previous permit request to remove one ft. of silt at the outlet of Clitherall Lake. He recommended that an Engineer's Report be completed on this ditch. Carl Stromstedt, property owner on Country Estates Road, submitted 7 letters in opposition of doing anything at the outlet of Clitherall Lake to reduce the water level and corresponding precipitation graphs. Clitherall Lake Association President, Lyman Trutna, reported that their initial request has changed. He stated that the Lake Association is in favor of a Redetermination of Benefits and an Engineering Study on CD 16. He noted that rip rap is not the answer to high water that is eroding high banks that are not level and he expressed concern for the quality of the water resulting from the high water that does not go down in the fall as it should. Chairman Mosher stated that a Redetermination of Benefits takes quite a long time to complete. DNR Hydrologist, Terry Lejcher, reported that the outlet is overgrown with cattails and aquatic vegetation which is constricting the flow. He recommended, instead of lowering the outlet, to widen it and remove the vegetation. The bottleneck will then be moved to the 24" culverts at Bonnie Beach. Mr. Lejcher stated that this is a temporary solution that might provide some relief. Mr. Trutna stated that the Lake Association would pay for the work to remove vegetation in the outlet. Concern was expressed regarding a septic system by Bonnie Beach Road and a beaver dam that needs to be removed. Ron Sugden and Don Davenport spoke in favor of removing vegetation. Lengthy discussion continued. Motion by Froemming, second by Erickson, and unanimously carried to withdraw the current Permit Application to perform work in County Ditch 16 that has been received by the DNR. Motion by Froemming, second by Erickson, to order a Redetermination of Benefits on County Ditch 16 because it has been found that the original benefits or damages determined, in this drainage proceeding, do not reflect reasonable present day land values and that the benefited or damaged areas have changed. Chairman Mosher called for a roll call vote as follows:

	<u>Yea</u>	<u>Nay</u>
Commissioner Erickson	X	
Commissioner Froemming	X	
Commissioner Block	X	
Commissioner Nelson	X	
Commissioner Mosher		X

Motion passed 4-1.

Final Plat Approval – "Quiet Oaks"

Motion by Nelson, second by Froemming, and unanimously carried to approve the Final Plat entitled "Quiet Oaks" proposed by Adam Menze for property in Section 35 of Rush Lake Township; Buchanan Lake (56-209). This plat consists of 11 backlots.

**RESOLUTION
TRANSPORTATION ENHANCEMENT FUNDS
Sponsoring Agency for the Maple and Willow Path, Ottertail, MN
Otter Tail County Resolution No. 2007 - 80**

Upon a motion offered by Froemming, seconded by Block and passed on a 5 – 0 vote, the Otter Tail County Board of Commissioners adopts the following resolution:

Be it resolved that Otter Tail County act as sponsoring agency for a "Transportation Enhancements" project identified as Maple & Willow Path and acknowledges herewith that it is willing to be the project sponsor; knowing full well that such sponsorship includes a willingness to secure and guarantee the local share of costs associated with this project and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations.

Be it further resolved that Richard K. West, County Engineer, is hereby authorized to act as agent on behalf of this applicant.

Adopted at Fergus Falls, Minnesota, this 6th day of November, 2007.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Dennis R. Mosher, County Board Chair

Attest: _____
Larry Krohn, Clerk

RESOLUTION
TRANSPORTATION ENHANCEMENT FUNDS
Maintenance of Maple and Willow Path, Ottertail, MN
Otter Tail County Resolution No. 2007 - 81

Upon a motion offered by Erickson, seconded by Froemming, and passed on a 5 – 0 vote, the Otter Tail County Board of Commissioners adopts the following resolution:

WHEREAS: The Federal Highway Administration (FHWA) requires that states agree to operate and maintain facilities constructed with federal transportation funds for the useful life of the improvement and not change the use of right of way acquired without prior approval from the FHWA; and

WHEREAS: Transportation enhancement projects receive federal funding from the Surface Transportation Program (STP) of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).; and

WHEREAS: the Minnesota Department of Transportation (Mn/DOT) has determined that for projects implemented with transportation enhancement funds, this requirement should be applied to the project sponsor; and

WHEREAS: Otter Tail County is the project sponsor for the transportation enhancement project identified as Richard K. West.

THEREFORE BE IT RESOLVED THAT the Project Sponsor hereby agrees to assume full responsibility for the operation and maintenance of property and facilities related to the aforementioned transportation enhancement project.

Adopted at Fergus Falls, Minnesota, this 6th day of November, 2007.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Dennis R. Mosher, County Board Chair

Attest: _____
Larry Krohn, Clerk

WHEREAS, the Authority is to have a leasehold interest in the land upon which the Project is to be located pursuant to a Ground Lease between the County and the Authority (the "Ground Lease");

WHEREAS, there has been presented to this Board an Official Statement relating to the offering of the Bonds for sale, the Lease, the Sublease, the Ground Lease and a Trust Indenture between the Authority and U.S. Bank National Association (the "Trust Indenture").

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Otter Tail County, Minnesota, as follows:

1. The Trust Indenture and the financing of the Project by the issuance of the Bonds described therein are approved. The offer of D.A. Davidson & Co. (the "Purchaser") to purchase the Bonds as hereinafter described is hereby found and determined to be the best proposal received and acceptance of such offer by the Authority is approved.

2. The Sublease, the Lease and the Ground Lease (the "County Documents") are hereby approved, and the Board Chair and the County Coordinator are authorized to execute and deliver the County Documents on behalf of the County, in substantially the forms on file, but with all such changes therein, not inconsistent with applicable law, as may be approved by the officials executing the same, which execution shall constitute conclusive evidence of the approval thereof.

3. The County Board Chair (the "Chair") and the County Coordinator are authorized and directed to prepare and furnish to the purchaser and to the attorneys approving the Bonds certified copies of all proceedings and records relating to the County Documents and to the right, power and authority of the County and its officers to execute and deliver the same, and said certified copies and certificates shall be deemed the representations of the County as to all matters stated therein.

4. The Chair, County Coordinator and other County officials and staff are authorized and directed to take all other actions and do all other things necessary to assure the expeditious completion of the construction of the Project and the financing thereof as contemplated hereby and to pay all fees and expenses incurred in connection with the transaction.

5. The Official Statement relating to the Bonds, on file with the County Coordinator and presented to this meeting, is hereby approved and the furnishing thereof to prospective purchasers of the Bonds is hereby ratified and confirmed. The Continuing Disclosure Certificate attached to the Official Statement is hereby approved and shall be executed by the Chair and the County Coordinator. The Continuing Disclosure Certificate constitutes a contractual obligation of the County.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner Block and upon vote being taken thereon the following voted in favor thereof: Commissioners Erickson, Froemming, Block, Nelson, and Mosher

and the following voted against the same: None

whereupon said resolution was declared duly passed and adopted.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Dennis R. Mosher, County Board Chair

Attest: _____
Larry Krohn, Clerk

HRA Board

Housing & Redevelopment Authority Chairman, Nelvin Thormodson, called the HRA Board to order at 1:24 p.m., with HRA Board members, Hovde, Schwartz, Heit, Palen, and Thormodson present. After the County Board took action to approve the lease and purchase option agreements for the Chemical Dependency Facility, the HRA Board took action to approve the sale of the bonds for the facility.

Resolution To designate *November 4th – 10th*, in *Otter Tail County*, **“Animal Shelter Appreciation Week”**

Whereas, there are more than 73 million cats and 68 million dogs living in more than 63 million households across the United States; and

Whereas, the irresponsibility of some pet owners has resulted in animals running loose and unsupervised, causing a threat to public health and safety; and

Whereas, indiscriminate breeding allowed by irresponsible pet owners who have not had their companion animals spayed or neutered has contributed to pet overpopulation; and

Whereas, animal shelter employees, like police officers and emergency medical personnel, must respond to these community problems and crises; and

Whereas, animal shelters act as safe havens for homeless and abused animals, providing them with comfort and care; and

Whereas, animal shelters help both animals and people in many ways: by returning lost pets to their owners, enforcing animal control laws, rescuing injured animals, educating the public, and matching up families with new animal companions; and

Whereas, the work of animal shelters and the important services they provide often go unnoticed and underappreciated by the citizens.

Now, therefore, be it resolved, by **the Otter Tail County Board of Commissioners** that November 4th through the 10th , is designated "**Animal Shelter Appreciation Week**" in Otter Tail County, in recognition of **The Humane Society of Otter Tail County** for providing lifesaving services to animals and people in our community.

Adopted this 6th day of November, 2007.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: _____
Larry Krohn, Clerk

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

Adjournment

At 1:44 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, November 13, 2007.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: _____
Larry Krohn, Clerk

By: _____
Dennis R. Mosher, County Board Chair

WARRANTS APPROVED ON 11/06/2007 FOR PAYMENT 11/06/2007

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A'VIANDS LLC	8,903.96
BRIAN ARMSTRONG	202.06
JEFFREY ARNDT	8.00
ASSET RECOVERY CORPORATION	980.94
AUTO VALUE FERGUS FALLS	430.35
SUSAN BOLSTAD	37.52
BRANDT & MAGNUS P.A.	3,181.35
COOPERS TECHNOLOGY GROUP	193.25
COUNTRY GLASS INC	320.00
DAKOTA GYPSUM	191.80
DENZEL'S REGION WASTE INC	2,848.77
KATHY DOMHOLT	13.75
EAST SIDE OIL COMPANIES	35.00
FARGO GLASS AND PAINT CO	234.30
FARNAM'S GENUINE PARTS INC	225.92
FERGUS ELECTRIC	921.70
FERGUS FALLS NEWSPAPERS INC	3,109.05
FERGUS TIRE CENTER	289.99
FERRELLGAS	94.37
FLOOR TO CEILING STORE	9,803.50
SHARI FRESONKE	37.86
GALL'S INC	177.19
GATEWAY COMPANIES INC	4,332.93
GEOCOMM	3,300.00
GR GRAPHICS INC ST LOUIS	569.82
GRAINGER INC	1,234.56
HEADSETS.COM	355.90
HENRY'S FOODS INC	1,351.42
HILLTOP LUMBER INC	212.55
HILTON GARDEN INN SHOREVIEW	119.36
INNOVATIVE OFFICE SOLUTIONS	7,461.92
INSIGHT PUBLIC SECTOR	5,359.63
INTERSTATE INC	1,218.87
KELLY SERVICES INC	188.88
LAKELAND MENTAL HEALTH CENTER	3,130.00
LARRY OTT INC TRUCK SERVICE	550.00
PAT LARUM	123.54
LOCATORS & SUPPLIES INC	23.97
MARTELLE CONSTRUCTION	500.00
WENDY METCALF	287.35
METRO SALES INC	289.00
MN MOTOR COMPANY	65.89
MN OFFICE OF ENTERPRISE TECHNO	1,200.00
MN STATE AUDITOR	13,883.99
MOORE MEDICAL LLC	15.98
ANNE MUELLER	9.05
NETWORK CENTER COMMUNICATIONS	2,387.60
NORTHERN PLUMBING SUPPLY	143.31
MARK NYVOLD	3,731.78
OFFICE DEPOT	86.04
OTTER TAIL CO EMPLOYEES COMMIT	234.00
OTTER TAIL TELCOM	75.00
OTTERTAIL TRUCKING INC	6,609.60
OVERLAND MECHANICAL SERVICES	1,595.73
PELICAN RAPIDS PRESS	195.61
PERHAM ENTERPRISE BULLETIN	281.28

OTC Board of Commissioners' Minutes
November 6, 2007
Attachment A, Page 2

PINE PLAZA TV APPLIANCE & CAMP	63.90
QUILL CORPORATION	82.29
REVIEW ENTERPRISES INC	119.00
PETER SCOTT	20.00
SHERWIN WILLIAMS	33.52
JUDY SIGGERUD	50.97
PAUL SIMENGAARD	102.74
SOUTH MILL SERVICE	3.62
STEINS INC	10,839.52
PAM STOVER	170.77
STREICHERS	213.63
STRINGER BUSINESS SYSTEMS INC	47.83
CHRIS STUBER	95.06
JOURDAN SULLIVAN	393.72
RICK SYTSMA	319.45
UNIFORMS UNLIMITED	67.40
VICTOR LUNDEEN COMPANY	614.41
JANELLE VIPOND	14.54
VISUAL GOV SOLUTIONS LLC	15.00
WHITE BANNER UNIFORM SHOP	259.60
XEROX CORPORATION	139.67
ZIEGLER INC	466.19
<u>**** FINAL TOTAL.....</u>	<u>\$107,498.02 ****</u>