

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 W. Fir Avenue, Fergus Falls, MN
Tuesday, May 6, 2008
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, May 6, 2008, at 9:30 a.m., at the Otter Tail County Government Services Center with Commissioners Syd Nelson, Chair; Bob Block, and Roger Froemming present. Vice-Chair Erickson and Commissioner Mosher were absent due to attendance at a Personnel Committee meeting.

Approval of Agenda

Motion by Froemming, second by Block, and unanimously carried to approve the Board of Commissioners agenda of May 6, 2008, with the following addition:

9:30 a.m. - Discussion with Perham City Administrator

Approval of Minutes

Motion by Froemming, second by Block, and unanimously carried to approve the Board of Commissioners special meeting minutes of April 29, 2008, as mailed.

Discussion with City of Perham Manager

Perham City Manager, Kelcey Klemm, stated that he has been in the City Manager position for five months and he extended a standing invitation for County Board members to feel free to contact him or any other representative of the City of Perham to discuss the Perham Resource Recovery Facility project. He stated that the proposed expansion project for the Recovery Facility and the proposed Joint Powers arrangement to operate the facility are two areas that need to be discussed. Chairman Nelson thanked Mr. Klemm for his invitation.

Vice-Chair Erickson and Commissioner Mosher were present at 9:40 a.m.

U.S. Fish & Wildlife Service Acquisition of Properties

Senior Realty Specialist, Don Kleven, requested certification of a purchase of 4.33 acres of land and two habitat easements to protect wetlands and uplands. Motion by Mosher, second by Block, and unanimously carried to approve the acquisition of the following described properties by the U.S. Fish & Wildlife Service:

Friends of the Prairie Wetlands Learning Center, Inc:

T. 132 N., R. 43 W., 5th P.M.

Section 11, W $\frac{1}{2}$ NW $\frac{1}{4}$ described as follows: Commencing at the northwest corner of said Section 11; thence South 0 degrees 16 minutes 19 seconds West on an assumed bearing along the west line of said Section 11, a distance of 1154.73 feet; thence North 89 degrees 44 minutes 41 seconds East a distance of 495.37 feet; thence South 3 degrees 12 minutes 40 seconds West a distance 288.57 feet to the point of beginning of the land to be described; thence South 84 degrees 29 minutes 37 seconds East a distance of 168.50 feet; thence South 0 degrees 40 minutes 08 seconds West a distance of 197.53 feet; thence South 85 degrees 15 minutes 25 seconds East a distance of 309.46 feet; thence South 0 degrees 32 minutes 23 seconds East a distance of 307.23 feet; thence North 89 degrees 47 minutes 21 seconds West a distance of 478.69 feet; thence North 0 degrees 12 minutes 29 seconds East a distance of 544.74 feet to the point of beginning. Containing 4.33 acres, more or less.

David H. Nycklemoe:

T. 131 N., R 40 W., 5th P.M.

Section 19, part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

T.132 N., R. 42 W., 5th P.M.

Section 33, SE $\frac{1}{4}$ except railroad right of way, S $\frac{1}{2}$ NE $\frac{1}{4}$ EXCEPT part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows: Commencing at the northeast corner of said Section 33; thence South along the Section line 2003.89 feet; thence North 79°43'03" West 274.44 feet to the point of beginning; thence South 08°56'57" West 388.76 feet; thence South 88 °40'07" West 814.54 feet; thence North 03°07'07" East 448.64 feet; thence South 89°50'53" East 454.08 feet thence North 09°55'16" East 27.63 feet; thence South 79°43'03" East 397.94 feet to the point of beginning, containing 8.31 acres. Also a strip of land for road purposes, described as follows: Beginning on the east line of the above described tract at a point located North 08°56'57" East 101.28 feet from the southeast corner thereof; thence North 08°56'57" East 33.41 feet; thence East 236.56 feet; thence North 45°00'00" East 56.56 feet; thence North to the north line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence East 33.00 feet; thence South to a point located east of the point of beginning; thence West 314.75 feet to the point of beginning, containing 0.95 acres, subject to an easement for egress and ingress over and across a strip of land for road purposes which easement is found in certain warranty deed by and between David Nycklemoe and Cora Sue Nycklemoe, husband and wife, and Floyd R. Muehler and Lois A. Muehler, husband and wife, dated June 23, 1977, as outlined on a map filed with the U.S. Fish & Wildlife Service.

Approval to Pay Bills

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

Compensation Classification Proposal

Consultants Rod Kelsey and Kasey Christopherson provided copies of their proposal entitled "Otter Tail County Consulting Services Proposal To Plan, Conduct, Document and Present an Updated Classification And Compensation Plan" dated November, 2007. The County Personnel Board was also present as they will be the Steering Committee for this project. Mr. Kelsey stated that a key goal is involvement and understanding of the classification process from the beginning and this session will be a preliminary discussion. Ms. Christopherson talked about the process which starts with job documentation. She referred to the sample Job Documentation Questionnaire (JDQ) in the proposal. She briefed the Board on the broad areas of the JDQ. County Coordinator, Larry Krohn, stated that the consultants will introduce the process to the Labor Management Committee and also, will meet with the Personnel Board explaining their function and responsibilities of the Steering Committee. Mr. Kelsey talked about establishing the peer group of counties to be used in the classification process. He provided a handout including potential counties and corresponding data, i.e. population, number of full time employees, etc. Lengthy discussion continued regarding the potential peer group and overall pay philosophy. Mr. Kelsey answered several questions from various Department Heads.

Recess & Reconvene

At 10:44 a.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 10:50 a.m.

CORRECTIONAL OFFICER'S WEEK
Otter Tail County Resolution No. 2008 – 36

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

WHEREAS, one week each May is officially designated as Correctional Officer's Week by the American Jail Association. This year, Correctional Officer's Week is May 4-10, 2008; and

WHEREAS, the Sheriff's Office supports the proposition that the men and women who perform the difficult task of supervising the County's inmates deserve this recognition; and

WHEREAS, the Sheriff's Office recognizes that Corrections staff are professionals equal in status and importance to other professionals in the effective administration of justice.

THEREFORE, BE IT RESOLVED, that we, the Otter Tail County Board of Commissioners, do hereby acknowledge the week of May 4-10, 2008 as "**Correctional Officer's Week**" in Otter Tail County in honor of the dedicated professionals who supervise the County's inmate population.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Syd Nelson, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

Bruce Eckley Excellence in Training Award

Sheriff, Brian Schlueter, and Jail Administrator, Richard Akerman, presented the "Bruce Eckley Excellence in Training Award" to Corrections Officer, Myrna Budke.

Draft Uniform Policies

County Coordinator, Larry Krohn, distributed draft Uniform Reimbursement Policies to the Board members. He will also provide the draft policies to the State Auditors.

Recess & Reconvene

At 11:30 a.m., Chairman Nelson 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. with Commissioners Nelson, Erickson, Froemming, and Mosher present.

Final Plats

Motion by Erickson, second by Mosher, and unanimously carried to approve the Final Plat of Richard and Diane Hanson entitled "Pinke's East Loon Lake Heights" located in Section 1 & 2 of Dora Township; Loon Lake; Sybil Lake.

Motion by Froemming, second by Nelson, and unanimously carried to approve the Final Plat entitled "Phelps Mill River Hills" located in Section 27 & 28 of Maine Township; Otter Tail River and non-shoreland property.

Motion by Erickson, second by Froemming, and unanimously carried to extend the Final Plat filing date to December 19, 2008, for Stoll's Subdivision; Star Lake (56-385).

Proposed Lake Reclassifications

Land & Resource Administrator, Bill Kalar, provided a handout entitled "Otter Tail County Lakes 150 Acres or Less" dated April 29, 2008. He stated that the Public Meeting on this topic is scheduled at 1:00 p.m., on Tuesday, June 3, 2008.

Public Hearing for Proposed Amendments to the Sanitation Code

At 1:30 p.m., Chairman Nelson opened the Public Hearing to consider amendments to the Otter Tail County Sanitation Code. County Attorney, David Hauser, explained the proposed changes and stated that, if approved, the amendments would be effective upon publication. There were no comments from the public in opposition of the proposed amendments. Upon the motion of Mosher, seconded by Erickson, having passed on a 4 – 0 vote, the Sanitation Code of Otter Tail County is hereby amended:

The Otter Tail County Sanitation Code adopted Minnesota Rules Chapter 7080 with regard to individual sewage treatment systems, except was specifically modified by the Otter Tail County Ordinance, Section 56.0015 - is amended by adding the following sentence: "Otter Tail County will continue to enforce the rules contained in 7080, as they existed prior to the 2008 amendments, until the County adopts a new Ordinance in conformity with the 2008 rules."

The purpose of the second amendment is to reduce the amount of original soil required for mound systems from 24 inches to 12 inches, which will bring the County into conformity with statewide rules. This is accomplished by deleting paragraph A of subpart 5, Mounds, of Section 56.0170.

The purpose of the third amendment is to remove the setback requirement for wetlands, which is currently 50 feet. This is accomplished by deleting the wetlands column in the table contained in Section 56.0170, subpart 2.

Data Sharing Pilot Project

Annette Theroux, of Pro-West & Associates, explained Mn/DOT's Cadastral and Right of Way Data Sharing Pilot Project. Mn/DOT has over 900 projects per year that require research for right of way acquisition. In an effort to reduce the time consuming research, this Pilot Project was created to develop a process to share data between Mn/DOT and local governments in Mn/DOT's District 4. The funding for the project is from the Federal Highway Administration, Mn/DOT, and the Local Research Board. Lengthy discussion took place. Motion by Mosher, second by Froemming, and unanimously carried to waive fees that would normally be required by the Otter Tail County Recorder's Office for the Cadastral and Right of Way Data Sharing Pilot Project. Otter Tail County will benefit from information that Mn/DOT will be able to share through the project.

Commission Block was present at 2:03 p.m.

Highway Agreement for CSAH 67 Bridge Replacement Project

Motion by Froemming, second by Block, and unanimously carried to authorize the Chairman's signature to execute a Consultant Services Agreement between the County of Otter Tail and Interstate Engineering for hydraulic study & culvert design for CSAH 67 Bridge No. 93127 project.

Final Payment for C.P. 07:TM

Motion by Erickson, second by Mosher, and unanimously carried to authorize Final Estimate No. 4, in the amount of \$9,507.94, payable to Traffic Marking Service, Inc. for completion of 2007 Traffic Marking Services in Otter Tail County.

Weight Restrictions

Highway Engineer, Rick West, reported that MnDOT plans to lift road weight restrictions May 13th; however, he is not recommending that Otter Tail County lift weight restrictions on county roads based on recent push rod readings.

Recess & Reconvene

At 2:16 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 2:30 p.m.

License Applications

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

BPOE Elks Lodge 1093 Fergus Falls, MN	On Sale Seasonal Liquor and Seasonal Sunday Liquor
Koep's Clitherall Corner Clitherall, MN	Off Sale 3.2 Malt Liquor
Prante's on the Lake, Inc. Prante's on the Lake Battle Lake, MN	On Sale Liquor and Sunday Liquor

Payment Approval

Motion by Block, second by Mosher, and unanimously carried to approve payment from the Construction Fund for the following costs related to the Ottertail Operations Center:

Grainger	Invoice No. 9604601550	03/31/2008	\$6,697.18
Grainger	Invoice No. 9605464016	04/01/2008	84.47
Grainger	Invoice No. 9615774388	04/14/2008	387.29
Grainger	Invoice No. 9616655495	04/15/2008	7.04
Grainger	Invoice No. 9619702872	04/18/2008	85.14
Grainger	Invoice No. 9619818363	04/18/2008	201.96
<u>Grainger</u>	<u>Invoice No. 9619702864</u>	<u>04/18/2008</u>	<u>1,988.50</u>
Total			\$9,451.58
Pine Plaza	Invoice No. 73270	03/12/2008	\$2,273.62

**ORDER ADOPTING ASSESSMENT ROLL
SOUTH TURTLE LAKE STORM WATER/SEWER SYSTEM PROJECT
Otter Tail County Resolution No. 2008 – 39**

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

WHEREAS, On Tuesday, June 27, 2006 the Otter Tail County Board of Commissioners ordered the Ditch Inspector and other appropriate County officials to proceed with the determination of the benefited area and the benefits for purposes of an assessment for the South Turtle Lake Storm Water System; and

WHEREAS, On Tuesday, January 9, 2007 the Otter Tail County Board of Commissioners established a public hearing for the South Turtle Lake Storm Water System at 1:00 p.m. on Tuesday, February 6, 2007 for the purpose of considering the establishment of a storm water system pursuant to Minnesota Statute 444.075; and

WHEREAS, On Wednesday, January 24, 2007 the Otter Tail County Auditor's office mailed notice of the above noted hearing to the benefited property owners of the proposed systems, as well as, to other interested individuals; and

WHEREAS, Notice of the February 6, 2007 public hearing was published on Friday, January 26, 2007 and Friday, February 2, 2007 in the Fergus Falls Daily Journal and was published on Wednesday, January 31, 2007 in the Battle Lake Review; and

WHEREAS, On Tuesday, February 6, 2007 the Otter Tail County Board of Commissioners convened a public hearing to consider a proposal to create a storm water sewer system under the provisions of Minnesota Statute 444.075, to review the proposed project, to discuss the benefited area, the proposed assessment and to receive public comment regarding the proposed system; and

WHEREAS, On Tuesday, February 6, 2007, after completion of the above noted public hearing, the Otter Tail County Board of Commissioners proceeded to adopt Otter Tail County Resolution No. 2007-10 authorizing the South Turtle Lake Storm Water/Sewer System and authorizing the assessment of the project costs, not exceeding \$350,000.00, to the benefited properties; and

WHEREAS, On Tuesday, June 5, 2007 the Otter Tail County Board of Commissioners awarded the contract for the South Turtle Lake Storm Water/Sewer System Project to Mark and Brenda Construction, Inc., dba Delzer Construction; and

WHEREAS, On Tuesday, January 22, 2008, the Otter Tail County Board of Commissioners approved final payment on the project; and

WHEREAS, The total project cost as detailed in Exhibit A is \$356,971.12; and

WHEREAS, The South Turtle Lake Improvement District, as of Monday, April 21, 2008 has contributed \$173,000.00 towards the project costs.

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

1. That the proposed assessment roll, in the net amount of \$183,971.12, a copy of which is available in the Auditor's office identified as Exhibit B, is hereby accepted and adopted and shall constitute a special assessment against the lands named therein and each tract of land therein included is hereby found to be benefited by the proposed assessment in the amount of the assessment levied against it.
2. That such assessment may be paid without interest if paid on or before Friday, August 1, 2008; that after said date, the assessment shall bear interest at the rate of six percent (6%) per annum accruing from and after February 1, 2008, and shall be paid in full in five years beginning with Payable Year 2009 and ending with Payable Year 2013. Interest will be calculated using the installment calculation method. Such assessment shall be payable in equal annual installments including principal and interest, with the exception that interest for months of February 2008 through December 2008 shall be added to the Payable 2009 installment, each in the amount annually required to pay the assessment over a five-year period at the stated interest rate.

Adopted this 6th day of May, 2008

Otter Tail County Board of Commissioners

By _____
Syd Nelson, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

Adjournment

At 3:00 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, May 13, 2008.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Syd Nelson, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

CB/kd

WARRANTS APPROVED ON 5/06/2008 FOR PAYMENT 5/06/2008

VENDOR NAME	AMOUNT
A'VIANDS LLC	5,805.98
AMERICAN INSTITUTIONAL SUPPLY	131.54
AMERICAN TOWER CORPORATION	91.26
BRIAN ARMSTRONG	159.60
ARVIG COMMUNICATION SYSTEMS	200.00
JANE BAUMGARTNER	108.54
BEYER BODY SHOP INC	101.18
JOHN BOHN	6.29
SUSAN BOLSTAD	27.67
BOUND TREE MEDICAL LLC	72.91
BRANDON COMMUNICATIONS INC	3,191.16
JOHN BUSHMAN	100.01
CHARTER COMMUNICATIONS	62.35
CITIZENS ADVOCATE AND VERNDALE	59.63
COOPERS TECHNOLOGY GROUP	315.85
D & T VENTURES LLC	464.00
DACOTAH PAPER COMPANY	410.10
DAKOTA PRINTER REPAIR LLC	58.20
DAN'S TOWING & REPAIR	26.83
DENZEL'S REGION WASTE INC	2,795.29
DICK'S STANDARD	315.01
KATHY DOMHOLT	53.17
EAST SIDE OIL COMPANIES	120.00
FASTENAL COMPANY	36.19
FERGUS ELECTRIC	922.32
FERGUS FALLS DAILY JOURNAL	683.80
FERGUS FALLS POLICE DEPT	636.77
CITY FERGUS FALLS	9,236.22
FERGUS POWER PUMP INC	435.00
FERGUS TIRE CENTER	224.13
FERRELLGAS	377.83
FOTH & VAN DYKE	12,372.96
GALL'S INC	264.47
BERNARD GAMBER	264.68
GARAGE DOOR STORE	579.80
STEPHEN GOERDT	8.00
MYRON GRAFF	8.00
JARED GREFSRUD	186.00
ERVIN HAGEN	38.34
MARK HAUGE	8.00
BRUCE HAUGRUD	5.40
DEAN HEDSTROM	159.99
HILLTOP LUMBER INC	51.48
HOBART SALES & SERVICE	53.70
HOME DEPOT	8,418.53
HOTSY EQUIPMENT OF MN	85.69
HOUSTON ENGINEERING INC	2,569.50
INNOVATIVE OFFICE SOLUTIONS	347.64
INSIGHT PUBLIC SECTOR	1,139.64
INTERSTATE INC	232.01
JACOBSON CONSTRUCTION	100.00
JK SPORTS	40.00
K.I.D.LEASING	256.44
KELLY SERVICES INC	1,791.51
MARCIE KNUDSEN	77.00
LAKES COUNTRY SERVICE CO OP	82.54

LARRY OTT INC TRUCK SERVICE	595.00
PAT LARUM	133.17
LAWSON PRODUCTS INC	315.86
LEAF RIVER AG SERVICE	5.00
LEWIS WELDING & EQUIPMENT	18.10
LITTLE FALLS MACHINE INC	1,199.07
LOCATORS & SUPPLIES INC	9.57
M-R SIGN COMPANY INC.	13.25
MACATFO	350.00
MARCO INC ST LOUIS	433.65
MCCC MI 33	2,821.47
MCCOLLOUGH WELDING	176.79
MERIGEN MEDICAL	97.81
MIDWEST PRINTING CO	76.68
MN DEPT OF COMMERCE	45.00
MN MOTOR COMPANY	99.01
MN SHERIFFS' ASSOCIATION	280.00
MODERN ASSEMBLIES INC	35.00
NANIK'S ELECTRIC	758.31
NARDINI FIRE EQUIPMENT	840.00
NATIONAL DISTRICT ATTORNEYS AS	100.00
NATIONAL 4-H SUPPLY SERVICE	125.88
NEW YORK MILLS HERALD	52.28
NEWMAN TRAFFIC SIGNS	299.50
NORTHERN SAFETY TECHNOLOGY INC	275.75
NORTHWEST DIVERS	46.95
OFFICEMAX INCORPORATED	35.13
OTTER TAIL TELCOM	888.08
OTTERTAIL TRUCKING INC	9,709.40
DONALD PEDERSON	8.00
PELICAN RAPIDS PRESS	177.79
PERHAM ENTERPRISE BULLETIN	123.00
PERHAM MEMORIAL HOSPITAL & HOM	15.00
PINE PLAZA TV APPLIANCE & CAMP	13.82
PRIORITY DISPATCH	39.00
PRO AG FARMERS CO OP	1,197.25
PUBLIC SAFETY CENTER INC	128.57
RINGDAHL AMBULANCE SERVICE	150.00
ROYAL TIRE INC	27.78
AARON SALO	8.00
SBLC-FF	27.31
CHERI SCHULTZ	6.61
VICKI SCHWANKE	136.35
SEWER SERVICE	240.00
SHESHUNOFF INFORMATION SERVICE	280.95
PAUL SIMENGAARD	60.35
SIMPLEXGRINNELL LP	1,263.23
SOUTH MILL SERVICE	201.03
SRF CONSULTING GROUP INC	183.02
STEINS INC	940.71
STENERSON LUMBER	20.01
STREICHERS	2,869.29
SUPER SEPTIC INC OF PELICAN RA	150.00
RICKY SWANBERG	32.97
TITAN ACCESS ACCOUNT	11.13
TNT REPAIR INC	122.15
TOOL CRIB OF THE NORTH	272.01
TOPPS MANUFACTURING LLC	92.00

UGSTAD PLUMBING INC	6.97
UNIFORMS UNLIMITED	2,424.00
VARITECH INDUSTRIES	530.83
WADENA HIDE & FUR COMPANY	187.09
WADENA PIONEER JOURNAL	70.70
KYLE WESTERGARD	13.95
XEROX CORPORATION	139.67
ZACK JONES & MAGNUS	7,690.75
ZIEGLER INC	5,753.93
210 LUBE EXPRESS	28.02
3 D SPECIALTIES INC	4,534.29
<u>**** FINAL TOTAL.....</u>	<u>\$106,383.39 ****</u>