

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 W. Fir Avenue, Fergus Falls, MN
October 6, 2009
9:15 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, October 6, 2009, at 9:18 a.m., at the Otter Tail County Government Services Center in Fergus Falls, MN, with Commissioners Everett Erickson, Chair; Roger Froemming, Vice-Chair; John Lindquist, Doug Huebsch and Lee Rogness present.

Approval of Agenda

Motion by Froemming, second by Rogness, and unanimously carried to approve the Board of Commissioners agenda of October 6, 2009 with the following additions:

11:30 a.m. – Ditch #52 Discussion
Perham Hospital – Letter of Support
Engagement Letter – Attorney Michael Weaver

Approval of Minutes

Motion by Lindquist, second by Rogness, and unanimously carried to approve the Board of Commissioners meeting minutes of September 29, 2009 as presented.

Approval to Pay Bills

Motion by Rogness, second by Huebsch, and unanimously carried to approve payment of the County Board bills per Attachment A of these minutes. Commissioners requested a report regarding vending machine cost, inventory and labor.

Committee of the Whole Discussion

Commissioners discussed an issue with the City of Fergus Falls Police Department regarding space and enhancements that may be needed on the south side of the Courthouse. Long range planning, economics, and collaboration between governmental entities were also discussed. An informal noon luncheon meeting will be set up with the City for further discussion.

Minnesota Rural Counties Caucus

Director, Dan Larson, briefed the Board regarding the MRCC organization. The MRCC has a membership of 25 rural counties and has existed for 14 years. The organization started when the AMC was unable to lobby for issues that affect only rural counties. He presented several documents including a legislative session briefing for 2009, financial lobbying statistics for 2008, and Minnesota general fund and historical trend data.

Proposed Wind Turbine Project

Property Owner, Fred Liljegren, and other interested neighbors, discussed the negative impacts of the proposed Prairie Wind Energy project near Parkers Prairie. Mr. Liljegren expressed health concerns regarding the noise generated by wind turbines which can sound louder in enclosed spaces and safety concerns if blades break off or if ice is thrown from the blades. A document entitled "Wind Turbine Lease Considerations for Landowners" developed by NDSU Extension Service was submitted. Rodney Peterson farms the acreage in the proposed project area. Along with Aerial Sprayer, Ken Peterson, they expressed concern that they will be unable to spray the potato crop because of the locations of the proposed turbines. Mr. Liljegren requested that Otter Tail County look at ordinances that other counties have developed to address commercial wind turbine issues.

Discussion continued. Commissioners requested that a public information meeting be set up to discuss the project.

Closed to the Public

At 10:26 a.m. Chairman Erickson 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 bargaining units whose contracts end December 31, 2009. Present were all five seated commissioners, the County Attorney, County Coordinator, and Board Secretary. At 10:50 a.m., upon conclusion of the closed session, Chairman Erickson declared the meeting recessed for a Highway Committee meeting.

Reconvene

At 11:16 a.m. Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners reconvened.

Glendalough Bike and Pedestrian Trail Loop

Highway Engineer, Rick West, provided maps showing several phases of a trail project which would complete an integrated recreational trail system with a three-mile section of trail within the park that will ultimately complete a 12-mile trail concept. The third phase of the project is County Highway No. 16 Trail from Whitetail Lane to Glendalough Park Trail. Commissioners discussed this phase of the project scheduled for 2014, if funded. The Board's objective is to move forward with the process and request that either the DNR or the City of Battle Lake maintain the trail after it is built.

RESOLUTION OF SUPPORT FROM SPONSORING AGENCY

Otter Tail County Resolution No. 2009 – 51

Commissioner Rogness offered the following and moved its adoption:

BE IT RESOLVED: that Otter Tail County act as sponsor for a "Transportation Enhancements" project identified as **County Highway No. 16 Trail** 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.

Commissioner Froemming seconded the resolution and, upon being put to vote, the resolution was unanimously adopted.

Adopted at Fergus Falls, Minnesota, this 6th day of October, 2009

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Everett P. Erickson, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

RESOLUTION

AGREEMENT TO MAINTAIN FACILITY

Otter Tail County Resolution No. 2009 - 52

Commissioner Rogness offered the following and moved its adoption:

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 **County Highway No. 16 Trail**.

THEREFORE BE IT RESOLVED: 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.

Commissioner Froemming seconded the resolution and, upon being put to vote, the resolution was unanimously adopted.

Adopted at Fergus Falls, Minnesota, this 6th day of October, 2009

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Everett P. Erickson, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

Highway Contract Approval

Motion by Rogness, second by Froemming, and unanimously carried to authorize the Chairman's signature to execute a Contract between the County of Otter Tail and J & J Excavating, Inc. of Staples, MN for the CSAH 24 water level control project, subject to approval of the County Attorney.

Tuition Assistance Reimbursement

Motion by Rogness, second by Huebsch, and unanimously carried to approve a Tuition Assistance Agreement between the County of Otter Tail and Wade J. Bugbee for the following training:

- 1) Grading and Base Recertification – One Day
- 2) Erosion Control – Construction Site Management – Two Days

Annual Transportation Research Board

Motion by Erickson, second by Froemming, and unanimously carried to authorize the Highway Engineer to attend the 89th Annual Transportation Research Board meeting January 10 – 14, 2010 in Washington D.C with expenses funded by the MN Local Road Research Board.

Meeting with Legislators

Motion by Froemming, second by Lindquist, and unanimously carried to request the attendance of Commissioner Rogness and the Highway Engineer at a meeting on October 27, 2009 at 9:30 a.m. with legislators and the City of Fergus Falls regarding the proposed arena and bridge projects.

Final Plat – “Twin Acres”

Motion by Huebsch, second by Lindquist, and unanimously carried to approve the Final Plat of Dennis B. & Tammy J. Buchanan entitled Twin Acres described as G.L. 4, Section 36, Twp. 135N, R.39W, Rush Lake Township; Rush Lake (56-141) and Buchanan Lake (56-209). The surveyor will file a plat correction to correct a typographical error on the Final Plat.

Dairy Enhancement Program

Motion by Rogness, second by Huebsch, and unanimously carried to authorize the appropriate County Officials' signatures to authorize Otter Tail County to serve as fiscal agent for a Grant Contract between the MN Department of Agriculture (as grantor) and the West Central Dairy Profit Teams, Rick Olson (as grantee).

Drainage System #52

Ditch Inspector, Randy Wasvick, reported that west of CSAH 47, after unplugging a culvert and trapping beavers, it was discovered that the culvert was caving in. This is on Dale Spitsberg's property and the farmer that rents the property needs to access his bean field. Lengthy discussion took place regarding the original design, size of the culvert upstream, and what type of culvert can be installed. Motion by Huebsch, second by Froemming, and unanimously carried to authorize the Ditch Inspector to install a 30" culvert (as originally designed) off of CSAH 47 to replace the broken culvert in Drainage System #52 on Dale Spitsberg's property.

Ethanol Plant

Motion by Lindquist, second by Froemming, and unanimously carried to acknowledge receipt of the Summons and Complaint for Agstar Financial Services vs. Otter Tail Ag Enterprises, LLC. Motion by Lindquist, second by Froemming and unanimously carried to authorize the Chairman's signature to execute an Engagement Letter between the County of Otter Tail and Lindquist & Venum for the services of Attorney, Michael L. Weaver.

Letter of Support – Proposed Perham Hospital & Clinic

Motion by Huebsch, second by Lindquist, and unanimously carried to authorize the Chairman's signature on a Letter of Support to the USDA for the new Perham Hospital and Clinic.

Adjournment

At 12:10 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, October 13, 2009.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Everett P. Erickson, Board of Commissioners Chair

Attest: _____

Larry Krohn, Clerk

CB/kd

approved minutes

WARRANTS APPROVED ON 10/06/2009 FOR PAYMENT 10/06/2009

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A & S TRAINING	2,455.00
A-1 ENGRAVING	59.86
A'VIANDS LLC	9,702.92
AMERICAN INSTITUTIONAL SUPPLY	135.04
AMERICINN FERGUS FALLS	76.81
ARK & SPARK	99.89
ASSOCIATION OF MN COUNTIES	50.00
BAN-KOE SYSTEMS INC	980.00
BATTLE LAKE STANDARD	9.89
BOUND TREE MEDICAL LLC	287.29
BRANDBORG LAW OFFICE	566.25
BRIEFINGS PUBLISHING GROUP	79.00
CARR'S LAKE COUNTRY SUPERMARKE	22.95
CHARTER COMMUNICATIONS	68.35
CITIZENS ADVOCATE AND VERNDALE	67.97
CODE 4 SERVICES LLC	1,702.33
COOPERS TECHNOLOGY GROUP	2,733.49
DAVID COSSETTE	169.99
CULLIGAN WATER CONDITIONING	10.69
DACOTAH PAPER COMPANY	505.09
DAVE JENNEN PHOTOGRAPHY	80.16
DENZEL'S REGION WASTE INC	1,145.60
MICHELLE ELDIEN	139.87
FERGUS ELECTRIC	3,105.77
FERGUS FALLS MEDICAL GROUP	6,741.80
FERGUS TIRE CENTER	55.67
GALL'S INC	155.80
GRAINGER INC	21.60
PATRICK GRIFFIN	175.42
HATLING LAW OFFICE	120.00
JANET HAUVER	121.00
HEALTHCARE ENVIRONMENTAL SERVI	29.10
HENRY'S FOODS INC	1,031.17
HIGH PLAINS TECHNOLOGY	3,195.56
HOBART SALES & SERVICE	184.80
INNOVATIVE OFFICE SOLUTIONS	3,817.85
J & K MARINE	351.88
JK SPORTS	110.00
KEEPRS INC CY'S UNIFORMS	119.98
KELLY SERVICES INC	350.00
LAKE REGION DENTAL CENTER	459.00
LAKE REGION HEALTHCARE CORP	100.00
LAKES RADIO	56.00
LARRY OTT INC TRUCK SERVICE	1,250.00
LOCATORS & SUPPLIES INC	87.57
MARCO	134.98
JAMES MCMAHON	4.95
GEORGE MEYER	545.00
MID-CENTRAL EQUIPMENT INC	378.22
MIDWEST PRINTING CO	138.94
MN CO INSURANCE TRUST	150.00
MN DEPT OF COMMERCE	290.00
MN DEPT OF NATURAL RESOURCES O	1,000.00
MOORE MEDICAL LLC	491.78
ELDON MOREY PHD	365.00

NAPA FERGUS FALLS	6.62
NELSON AUTO CENTER	544.03
NELSON BROS PRINTING	1,303.37
NETWORK CENTER COMMUNICATIONS	552.50
NORTHERN SAFETY TECHNOLOGY INC	234.70
NORTHLAND BUSINESS SYSTEMS INC	4,257.17
NOVA FIRE PROTECTION	320.00
NTOA	40.00
OFFICEMAX INCORPORATED	382.85
RICHARD OLSON	3,593.99
OSI ENVIRONMENTAL INC	65.00
OTTER TAIL CO RECYCLING	43.54
OTTER TAIL TELCOM	2,172.38
OTTERTAIL TRUCKING INC	12,300.00
OVERLAND MECHANICAL SERVICES	780.05
PELICAN RAPIDS PRESS	94.48
PITNEY BOWES	1,008.00
QUILL CORPORATION	229.73
RAM-SWANA	206.14
RAY'S OIL COMPANY	954.25
RDO EQUIPMENT CO FARGO	170.76
RED BARN PLAT BOOKS	3,347.00
REGENTS OF THE UNIVERSITY OF M	32,449.98
RICK'S TIRE SERVICE	50.00
ROYAL TIRE INC	181.16
RUTTIGERS BAY LAKE LODGE	2,654.94
SBLC-FF	156.25
CHERI SCHULTZ	132.35
SIGNWORKS	398.64
SOUTH MILL SERVICE	507.37
STEINS INC	739.56
STOLPMAN LAW OFFICE	739.80
SUREFIRE LLC	240.47
SYNERGY GRAPHICS	3,072.18
TITAN ACCESS ACCOUNT	17.53
TITAN MACHINERY INC	11,461.28
TNT REPAIR INC	506.57
TOM'S BODY SHOP	1,017.17
UNIFORMS UNLIMITED	194.51
UPTOWN MENTAL HEALTH CENTER IN	2,371.73
VIKING COCA-COLA	275.20
WASTE MANAGEMENT	562.77
ZACK JONES & MAGNUS	1,600.60
****FINAL TOTAL.....	<u>\$138,223.90</u> ****