

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Government Services Center, Commissioners' Room  
500 W. Fir Avenue, Fergus Falls, MN  
November 3, 2009  
9:15 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, November 3, 2009, at 9:15 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 November 3, 2009, as mailed.

**Approval of Minutes**

Motion by Rogness, second by Huebsch, and unanimously carried to approve the Board of Commissioners meeting minutes of October 27, 2009 as presented.

**Approval to Pay Bills**

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

**Committee of the Whole Discussion**

Discussion took place regarding wind turbines and what may be expected of the County Board in the future. Otter Tail County does not currently regulate wind towers outside of the shoreland area except for required setbacks.

**City of Fergus Falls South Demolition Landfill**

Solid Waste Director, Mike Hanan, provided a packet of information including responses from the City of Fergus Falls and the Minnesota Pollution Control Agency (MPCA) addressing citizen's concerns regarding the proposed City landfill. City staff and MPCA Engineer, Kathy Holland-Hanson, were present for the discussion. Mr. Hanan also submitted a summary of citizen concerns expressed during the MPCA comment period as follows: 1) proximity to residential dwellings, 2) visual impacts, 3) dust, 4) litter/dumping garbage at the proposed gate, 5) noise, 6) traffic, 7) proximity to adjacent wetland and, 8) decreased property values.

Several maps were posted of the current landfill and proposed new landfill areas. Mr. Hanan pointed out that the City's original plan was to permit a portion of the northwest corner of the property for their first demolition cells, with a 5-10 year capacity in that area before they moved to the east, which is an area causing more concern for the residents. Since then, the MPCA indicated that the original requested capacity of area to the northwest is about 90,000 cubic yards; however, the City is requesting a permit for about 36,000 cubic yards. City Engineer, Dan Edwards showed Phase I as the area closest to the Interstate that was to be permitted under the old permit to give 4-5 years additional capacity. The plan was changed and the interior cell is Phase I with the plan to move to the south after the Phase I cell in the northwest corner is filled rather than develop the remaining portion of the northwest property. This leaves Phase II as a possibility to increase capacity in the future.

Discussion took place regarding the need for more permitting time if the plan was modified. Ms. Holland-Hanson from the MPCA explained that the City was planning to use the northwest corner as their interim demolition site and then move to the south cell. The MPCA issues permits for 10 years. Discussion took place regarding the realities of separating cement and wood to recycle to extend the life of the demolition cells. Ms. Holland-Hanson explained that a sustainable market for recyclables is difficult in the rural areas. The metropolitan areas are struggling with this issue at this time because of the economy.

The location of the site in the northwest corner of the property was pointed out and it was noted that there is room for two cells in this area with a potential for 10 years of usage. The proposed driveway and new office location was shown and changes discussed with the location of the office to alleviate traffic from backing up onto Oak Street. The proposed area for waste composting and the transfer station were pointed out along with the current residences on the east side of the property.

Mr. Edwards proposed the possibility of developing both of the sites in the northwest corner. After those cells are filled the City could then move to an area further north rather than to the south of the property to have less impact on the residences. Constructing an 8-foot fence along the east would be part of the plan along with trees for screening. Commissioners again discussed the desire to maximize the life of the cells in the northwest and to make a decision that does not adversely impact citizens down the road. Mr. Hanan suggested use of the middle area which is about 88,000 cubic yards for a demo site instead of composting which could be moved to the east to maximize the property.

City officials agreed to re-draw the demolition landfill plan which will require the MPCA to re-notice the public for an additional 30-day comment period. The County could then coordinate a public hearing and decision for licensing the new plan with the end of the new MPCA 30-day comment period. County and City staff will continue to work towards a solution.

#### **Recess & Reconvene**

At 10:25 a.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 10:31 a.m.

#### **Forgiveness of Penalty Request**

Motion by Froemming, second by Lindquist, and unanimously carried to deny a forgiveness of tax penalty request, in the amount of \$47.10, as requested by Frederick Simmons for the following parcels: R 35000140123001, R 35000150145001, R 29000990864002, & R 35000140123000. The County did not make an error in this situation.

#### **Staffing Decision**

Motion by Lindquist, second by Rogness, and unanimously carried to authorize the Sheriff to hire a temporary employee (less than 6 months employment) to complete a records scanning project for the Detention Facility. This project was approved prior to the hiring freeze.

#### **County Drainage Systems**

##### **County Ditch # 29:**

Ditch Inspector, Randy Wasvick, reported that beavers and a large beaver dam need to be removed from Ditch #29 which empties into Rush Lake; however, the total cost of the work could exceed the dollars in the Ditch #29 Fund. Motion by Huebsch, second by Froemming, and unanimously carried to approve borrowing from the General Fund for the work recommended by the Ditch Inspector in Ditch #29 if needed.

County Ditch #43:

On behalf of Dwight Hintermeister, Mr. Wasvick requested approval to fill, with a load of gravel, a portion of an access road in Ditch #43 to reach farm property. Motion by Lindquist, second by Froemming, and unanimously carried to approve placing a load of gravel on the approach over Ditch #43 on Dwight Hintermeister's property because the work does not impede the flow of water.

County Ditch #52:

Mr. Wasvick briefed the Board regarding tiling, approved by the NRCS, on Darrell Gillespie's property. No action was taken.

**Bid Award – Lake Olaf Project**

Motion by Erickson, second by Lindquist, and unanimously carried to award the Phase IA Archaeological Survey for the Lake Olaf Drawdown Project, S.A.P. 56-630-10, to the low bidder, Summit Envirosolutions of St. Paul, in the amount of \$2,600.

**Recess**

At 11:15 a.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 11:25 a.m.

**Surveyor's Certificate of Correction to Plat**

Motion by Froemming, second by Huebsch, and unanimously carried to approve the Surveyor's Certificate of Correction to Plat for the plat entitled Star Ridge Estates as prepared by Roy A. Smith, Minnesota Licensed Land Surveyor (License No. 12004). The plat of Star Ridge Estates is located in Section 23 of Star Lake Township on Star Lake.

**Special Assessment**

Motion by Huebsch, second by Froemming, and carried with Erickson opposed to certify, as a special assessment (lien), the amount of \$2,209.99, which is the cost associated with the eradication of noxious weeds on Parcel No. 35-000-34-0273-000, legally described as the West Half of the Northeast Quarter of Section 23, Township 134, Range 38. This special assessment is to be levied equally over a 7 year period with an interest rate of 6%.

**Recess**

At 11:40 a.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners recessed for a Building Committee meeting.

**Closed to the Public**

At 11:50 a.m., the Otter Tail County Board of Commissioners' meeting was reconvened and closed to the public to discuss litigation in the matter of foreclosure proceedings for the Ethanol Plant. The closed session is authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Present were all five seated Commissioners, County Attorney, County Coordinator, Lindquist & Venum Attorney, Mike Weaver, and Board Secretary.

**Recess****Closed to the Public – Attorney/Client Privilege**

At 1:16 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. At 1:53 p.m. Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners reconvened and closed to the public to discuss a proposed settlement relating to a termination grievance. The closed session is authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Present were all five seated Commissioners, County Attorney, County Coordinator and Board Secretary.

**Closed to the Public – Labor Negotiation Strategies**

At 2:10 p.m., Chairman Erickson declared the Board of Commissioners' meeting 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.

**Reconvene/Adjournment**

At 2:42 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners opened to the public. The meeting was adjourned at 2:47 p.m. until Tuesday, November 10, 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 11/03/2009 FOR PAYMENT 11/03/2009**

<u>VENDOR NAME</u>	<u>AMOUNT</u>
ALEXANDRIA TECHNICAL COLLEGE	900.00
ARK & SPARK	99.89
BRIAN ARMSTRONG	233.20
BACHMAN PRINTING COMPANIES	404.68
BARNA GUZY & STEFFEN LTD	351.00
BECKLUND OIL CO	1,696.12
DWIGHT BERVEN	202.34
BOBCAT OF OTTER TAIL COUNTY	106.88
BOUND TREE MEDICAL LLC	538.65
STEVE BRANDNER	106.97
CARR'S LAKE COUNTRY SUPERMARKE	35.85
COOPERS TECHNOLOGY GROUP	28.59
DACOTAH PAPER COMPANY	527.62
DESIGN ELECTRONICS	21.36
DEX EAST	410.29
E & J PRESS	277.87
FASTENAL COMPANY	73.87
FERGUS FALLS MEDICAL GROUP	2,740.00
CITY FERGUS FALLS	5,285.33
FRAZEE ELECTRIC INC	1,500.00
FRONTIER PRECISION INC	18.17
MISSY FUNKHOUSER	120.93
GALL'S INC	92.21
MYRON GRAFF	134.95
GRAINGER INC	261.12
GRANT CO HIGHWAY DEPT	1,000.00
HEALTHCARE ENVIRONMENTAL SERVI	87.30
HERZOG ROOFING INC	33,539.85
HEWLETT PACKARD COMPANY	540.03
INNOVATIVE OFFICE SOLUTIONS	6,242.58
ISSUETRAK INC	600.00
KEEPRS INC CY'S UNIFORMS	631.80
KELLY SERVICES INC	350.00
JILL KLUCK	61.77
LAKE REGION DENTAL CENTER	187.00
LAKE SUPERIOR COLLEGE	150.00
LAKELAND MENTAL HEALTH CENTER	1,507.00
LOCATORS & SUPPLIES INC	162.34
LONG WEEKEND SPORTSWEAR	58.00
KAREN LUNDIN	11.99
M-R SIGN COMPANY INC.	716.45
MARTIN'S PAINTING & MORE	1,410.00
MCCC MI 33	42.91
MEKALSON HYDRAULICS INC	1,738.28
GEORGE MEYER	571.87
MN ATTORNEY GENERAL'S OFFICE	78.83
MN CO INSURANCE TRUST	103.00
MN DEPT OF COMMERCE	270.00
MN HWY SAFETY AND RESEARCH CEN	878.00
MN STATE AUDITOR	1,690.00
DEBORAH MORRIS	95.95
NELSON AUTO CENTER	24.76
NORTHLAND CONSTRUCTION OF UNDE	900.00
OFFICE DEPOT	98.30
OTTER TAIL CO EMPLOYEES COMMIT	58.00
OTTER TAIL CO PUBLIC HEALTH	61.04
OTTER TAIL CO TREASURER	1,503.66

OTTERTAIL TRUCKING INC	4,528.00
OVERLAND MECHANICAL SERVICES	1,649.66
PEPSIAMERICAS	266.50
PHILLIPE LAW OFFICE	236.30
RINGDAHL AMBULANCE SERVICE	630.93
SCHWAAB INC	70.34
SERVICE FOOD SUPER VALU	129.79
SRF CONSULTING GROUP INC	4,618.71
JOHN STEINBACH	64.04
STEINS INC	397.30
STREICHERS	381.53
SWANSTON EQUIPMENT CORP	8,550.00
DARREN TORGUSSON	1,219.50
TRANQUILITY BUILDING SERVICES	454.22
UNIVERSITY OF MN	215.00
VOSS LIGHTING	194.13
WHITE BANNER UNIFORM SHOP	50.00
ZACK JONES & MAGNUS	70.00
<u>**** FINAL TOTAL.....</u>	<u>\$95,264.55****</u>

approved minutes