

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
515 W. Fir Avenue, Fergus Falls, MN
Tuesday, May 18, 2010
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, May 18, 2010, at 9:31 a.m., at the Otter Tail County Government Services Center in Fergus Falls, MN, with Commissioners, Roger Froemming, Chair; John Lindquist, Vice-Chair; Everett Erickson, Doug Huebsch and Lee Rogness present.

Approval of Agenda

Motion by Erickson, second by Huebsch, and unanimously carried to approve the Board of Commissioners agenda of May 18, 2010 with the following additions:

Probation Director, Chuck Kitzman, REAM Agreement Addendum

Approval of Minutes

Motion by Rogness, second by Lindquist, and unanimously carried to approve the Board of Commissioners meeting minutes of May 11, 2010 with the following correction:

May 11, 2010 minutes on Page 4 under the heading entitled "U.S. Fish & Wildlife Fee Purchase", the motion is corrected to read as follows: Motion by Huebsch, second by Erickson, and carried with Lindquist opposed, to certify the requested purchase of land by the USFW Service consisting of 88 acres in Section 7 of Newton Township owned by Michael and Julie Patron as described:

Approval to Pay Bills

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

Approval of Seasonal Staff

Motion by Rogness, second by Erickson, and unanimously carried to authorize the Treasurer to fill a Seasonal Staff position for the tax season.

Bid Award – S.P. 56-601-49 CSAH 1 Trail

Motion by Rogness, second by Huebsch, and unanimously carried to award S.P. 56-601-49 CSAH 1 Trail to the low bidder, Mark Sand & Gravel Co. of Fergus Falls, MN in the amount of \$191,509.15, as recommended by the Highway Engineer.

Great River Energy Relocation Agreement

Motion by Erickson, second by Rogness, and unanimously carried to authorize the Chairman's signature on the Relocation Agreement with Great River Energy for the relocation of a transmission line on CSAH 83. The estimated cost of the relocation is \$722,960.04.

**Otter Tail County Resolution No. 2010 – 31
Advance Encumbrance of Town Bridge Funds**

Commissioner Froemming offered the following and moved its adoption:

WHEREAS, Otter Tail County intends to construct S.A.P. 56-599-57 (Replacement of old Bridge No. L0884), which will require Town Bridge Funds in excess of those currently available in the County's State Aid Town Bridge Account;

NOW, THEREFORE, BE IT RESOLVED, that the Commissioner of Transportation is hereby requested to approve this request to advance funds from the general fund balance of the Town Bridge Account for financing the construction of these township bridge projects, in the amount of up to \$311,372.00, in accordance with Minnesota Rules 8820.1500, Subpart 9a.

Furthermore, the County agrees to the following terms and conditions in accepting these advance funds:

1. The County agrees to execute a contract for construction of this township bridge project identified by the Commissioner as having been approved for funding with advance Town Bridge Account funds prior to the next Town Bridge fund allocation.
2. If after receiving notice of project approval using advanced Town Bridge Account funds and prior to execution of a contract, the project is delayed until after the next allocation, the County will notify the Commissioner as soon as practical after the delay is known and release the advanced funds.
3. The County agrees to repay the advanced funds from subsequent year's accruals to the County's Town Bridge Account, using 100% of the County's annual apportionment until the advance is repaid.

Commissioner Lindquist seconded the motion and YEAS and NAYS are as follows:

<u>Board of County Commissioners</u>	<u>YEA</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Everett P. Erickson	X			
Roger Froemming	X			
John Lindquist	X			
Douglas A. Huebsch	X			
Leland R. Rogness	X			

Adopted at Fergus Falls, Minnesota, this 18th day of May, 2010.

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Roger Froemming, Chair

Attest: _____
Larry Krohn, Clerk

Informational Items

County Auditor, Wayne Stein provided the Board with a copy of the Board of Adjustment Minutes for May 13, 2010 and an informational brochure on Aggregate Material Tax.

Committee Reappointment

Motion by Huebsch, second by Lindquist, and unanimously carried, as recommended by the Otter Tail Water Management District Board of Commissioners, to reappoint Dennis Jones (28543 COUNTY HIGHWAY 145, BATTLE LAKE MN 56515-9350) to a four year term on the Otter Tail Water Management Board.

WHEREAS, the Otter Tail County Auditor's office will recommend a sufficient number of individuals for appointment by the Otter Tail County Board of Commissioners to the Absentee Ballot Board; and

WHEREAS, each election judge appointed to serve as a member of the Absentee Ballot Board will meet the qualifications as stated in Minnesota Statute Section 204B.19; and

WHEREAS, each election judge appointed will be trained by the Otter Tail County Auditor's office as instructed by the Secretary of State and in accordance with all applicable statutes and rules relating to the handling of absentee ballots; and

WHEREAS, the duties and responsibilities of the absentee ballot board are stated in Minnesota Statute Section 203B.121 Subdivision 2; and

WHEREAS, the process for establishing a record of absentee voting, the opening of envelopes and the storage and counting of absentee ballots are stated in Minnesota Statute Section 203B.121 Subdivisions 3 through 6; and

WHEREAS, the Otter Tail County Board of Commissioners shall pay reasonable compensation to each member of the Absentee Ballot Board for the services rendered during an election; and

WHEREAS, pursuant to Minnesota Statute Section 203B.13, the Otter Tail County Board of Commissioners had previously adopted an Absentee Ballot Board Ordinance on Tuesday, July 25, 1990; and

WHEREAS, for elections administered in 2010 and forward, the authority granted to Minnesota counties by the provisions of Minnesota Statute Section 203B.13 have been repealed by Laws 2010 Chapter 194 Section 27.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby recognizes the requirement of Minnesota Statute Section 203B.121 Subdivision 1 and hereby establishes by this resolution an Absentee Ballot Board to administer the provisions of Minnesota Statute Section 203B.12; and

BE, IT FURTHER RESOLVED, that appointments to the Absentee Ballot Board will be made prior to the start of absentee voting for each election, appointments will be election specific and reasonable compensation for the services rendered by members of the Absentee Ballot Board will be established at the time of appointment.

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

Dated: _____

Otter Tail County Board of Commissioners

Attest: _____
Larry Krohn, Clerk

By: _____
Roger Froemming, Chair

Recess & Reconvene

At 10:17 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for a Capital Improvement Committee Meeting. The meeting was reconvened at 10:45 a.m. with commissioners Froemming, Lindquist, Erickson and Huebsch present. Commissioner Rogness was present at 10:47 a.m.

REAM Grant Addendum

Motion by Erickson, second by Froemming, and unanimously carried to authorize an Addendum to the FY 2010 Remote Electronic Alcohol Monitoring agreement. The Addendum increases the amount of the agreement \$2,000.

Drainage System No. 16

Ditch Inspector, Randy Wasvick, discussed the recent Ditch No. 16 public information meeting and stated that the majority of the public was in favor of proceeding with work at the outlet of Clitherall Lake to increase the flow of water through the ditch system. He requested permission to apply for wetland permits from the Board of Water and Soil Resources (BWSR) which will be required to proceed with the project. He also requested approval to proceed with Phase II of the Engineer's Study to develop an estimate for the work to be completed.

Motion by Huebsch, second by Lindquist, to accept the Engineer's Study that was presented at a public meeting on May 7, 2010 entitled "Repair to Otter Tail County Ditch No. 16" (dated February 2010). Lengthy discussion followed regarding the amount of cleanout to be completed at the outlet of Clitherall Lake. County Attorney, David Hauser, stated that the Board's responsibility as the Ditch Authority is for the ditch to work as designed and constructed. The DNR has authority below the Ordinary High Water Level which will limit clean out work. Chairman Froemming called for the vote. Motion carried unanimously.

Motion by Rogness, second by Lindquist, and unanimously carried to request Engineer, Jeff Langan, to proceed with M.S. 103E.721 plans and specifications because the hydraulic capacity of Ditch No. 16 is inadequate.

Motion by Huebsch, second by Froemming, and unanimously carried to authorize the Ditch Inspector to apply for the appropriate wetland permit(s) through BWSR for the Ditch No. 16 project.

Planning Commission Recommendations

Conditional Use Permit – East Silent Resort, LLC:

Land & Resource Director, Bill Kalar, stated that this is a CUP request for an expansion of the resort and request for a 15 year time frame to complete the expansion. Planning Commission recommended approval with five conditions.

Kevin Osmundson, resident of East Silent Lake, expressed some concern that a number of lake owners were unaware of the proposed resort expansion. He spoke in opposition of allowing 22 docking slips on the lake that are grandfathered in. He provided handouts to the Board that included a map of East Silent Lake, a Map of East Silent Resort, Cluster/PUD Evaluation Sheet and a 1987 MN DNR Booklet entitled "Lake Development, How much is too much?" He noted that the PUD Evaluation states that they are granted one dock per residential or commercial dwelling unit in tier 1 and additional mooring sites under the DNR permits for commercial marina. He stated that he didn't find any DNR permits for that purpose. Mr. Kalar responded that this review was completed under the County's ordinance which is approved by the DNR as meeting their requirements. DNR was notified and they did not comment. Under the County's ordinance, the number of boat slips would be limited to the first tier numbers which is ten. However, East Silent Resort had 22 docking slips previously

based on their application, so the request was to increase from 11 cabins to 30 cabins and the boat slips would remain unchanged. Andy Leonard (representing East Silent Lake Resort, LLC) stated that the resort is committed to following the Shoreland Rules. He indicated that there are not always 22 docks put out every year. However, when Planning Commission members completed their site visit, the docks were on the property and viewed by the members. He also spoke about the favorable changes being made to decrease the impact on the lake moving the current units back and getting rid of tarred roads. Neighbor, Jason Gunstenson, expressed his opposition to the expansion because of the small size of the lake. Don Deiderick also expressed opposition to the proposal. Motion by Huebsch, second by Erickson, and unanimously carried to approve a Condition Use Permit to upgrade resort facilities with conditions as recommended by the Planning Commission. The property is described as Pt GL 1 & 2 ex tracts (46.60 Ac), Section 33, Dora Township; East Silent Lake, (56-517), RD.

Conditional Use Permit – Dora Township:

Motion by Erickson, second by Lindquist, and unanimously carried to approve a Condition Use Permit for rebuilding of 193rd Ave and Silent Haven Drive with a condition as recommended by the Planning Commission. The property is located at 293rd Ave and Silent Have Dr, Section 32 of Dora Township, West Silent Lake (56-519), RD.

Conditional Use Permit – Bruce & Karla Vistad:

Motion by Erickson, second by Lindquist, and unanimously carried to approve the After-The-Fact Conditional Use Permit to cover geothermal heat pump drain with a condition as recommended by the Planning Commission. The property is described as Lot 14 Nelsons Oakwood Park Beach 1st Addition, Section 23, Elizabeth Township; Jewett Lake (56-877), GD.

Conditional Use Permit – Robert & Kathleen Odendahl:

Motion by Huebsch, second by Rogness, and unanimously carried to approve a Conditional Use Permit for construction of a landscape wall as presented. The property is described as Lot13 & 14 Block 1 of Elm View, Section 16, Pine Lake Township; Big Pine Lake (56-130), GD

Conditional Use Permit – Wee Villa LLP Partnership:

Motion by Erickson, second by Lindquist, and unanimously carried to approve a Conditional Use Permit to install a 5 – 12 pitched roof on an existing mobile as presented. The property is described as Lot 4, Ex Trs (36.15 Ac), Sec 14, Elizabeth Township; Long Lake (56-784), RD.

Conditional Use Permit – Pine Lake Township:

Motion by Huebsch, second by Froemming, and unanimously carried to approve a Conditional Use Permit for road reconstruction with a condition as recommended by the Planning Commission. The project is located on Nitche Lake Road from CSAH no 53 to N Town Line, Sections 4, 9, 10, 15 & 16 of Pine Lake Township; Big Pine Lake (56-130), GD & Nitche Lake (56-126), NE.

Recess & Reconvene

At 11:52 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for a Site Visit of the 60-Bed CARE Facility and lunch. The meeting was reconvened at 1:06 p.m. with Commissioners Froemming, Lindquist, Erickson and Rogness present. Commissioner Huebsch was present at 1:11 p.m.

Joint Water Planning Meeting

The Otter Tail County Board of Commissioners; West Otter Tail Soil & Water Conservation District Manager, Brad Mergens; East Otter Tail Soil & Water Conservation District Manager, Darren Newville; and SWCD Board Members held a Joint Water Planning meeting. They discussed watershed districts, current mapping and the proposed Watershed District by Wilkin County.

Ottertail Lake COLA Meeting

Motion by Erickson, second by Rogness and unanimously carried to assign Commissioner Huebsch to attend the Ottertail Lake COLA Meeting on Saturday, May 22, 2010.

Adjournment

At 2:45 p.m., Chairman Froemming adjourned the meeting of the Otter Tail County Board of Commissioners until Tuesday, May 25, 2010.

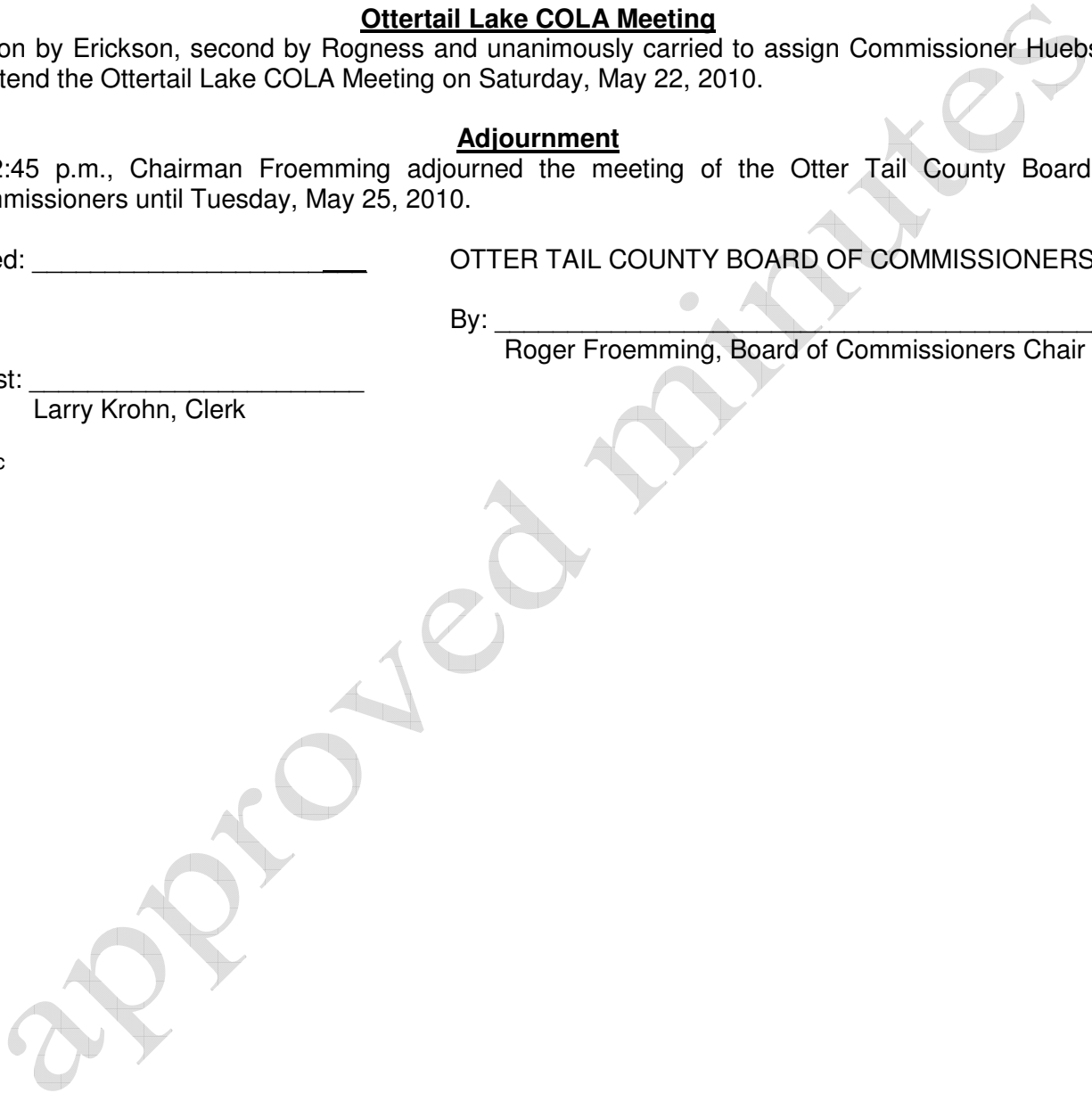
Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

CB/kc



WARRANTS APPROVED ON 5/18/2010 FOR PAYMENT 5/18/2010

VENDOR NAME	AMOUNT
A-1 WAYNE'S TOWING	156.00
A'VIANDS LLC	2,816.87
AMERICAN INSTITUTIONAL SUPPLY	265.73
ANDERSON LAND SURVEYING INC	1,760.00
APPLIED CONCEPTS INC	10,304.00
BRUCE ASFELD	300.00
BAUCK PAINT & SUPPLY	3.47
BRAUN INTERTEC CORPORATION	2,322.00
WADE BUGBEE	134.75
CBCINNOVIS INC	12.25
CODE 4 SERVICES LLC	583.00
VINCE CRARY	175.00
CULLIGAN WATER COND	26.46
DAYS INN WILLMAR	135.10
KATHY DOMHOLT	18.93
FARNAM'S GENUINE PARTS INC	321.69
STEVE FELT	568.56
FERGUS FALLS DAILY JOURNAL	156.00
G & K SERVICES	887.17
GE CAPITAL (CA)	374.05
GRAND VIEW LODGE	954.00
HEDAHLS HEADQUARTERS	11.23
HENNING AUTO PARTS INC	144.62
HENNING HARDWARE	47.07
INNOVATIVE OFFICE SOLUTIONS	11.94
K-MART	21.33
KEEPRS INC CY'S UNIFORMS	42.73
LAKE REGION DENTAL CENTER	251.00
LAKE REGION HEALTHCARE CORP	1,028.00
LAKES AREA COOPERATIVE	289.26
LARRY OTT INC TRUCK SERVICE	625.00
LAWSON PRODUCTS INC	242.50
LOCATORS & SUPPLIES INC	25.63
M-R SIGN COMPANY INC.	453.55
MARCO INC ST LOUIS	331.65
MEKALSON HYDRAULICS INC	208.41
MN HWY SAFETY AND RESEARCH CEN	2,196.00
MN SHERIFFS' ASSOCIATION	280.00
MONITOR TIRE DISPOSAL INC	590.10
NEIL DORNBUSCH & ASSOCIATES	10,231.72
NELSON AUTO CENTER	13.77
NORTHLAND BUSINESS SYSTEMS INC	1,832.20
NORTHLAND REBUILDING	128.25
OFFICEMAX INCORPORATED	343.06
OTTER TAIL CO PUBLIC HEALTH	853.00
PAMIDA PHARMACY	3,408.34
PERRIN MOBILE MEDICAL	162.28
PETE'S AMOCO	296.99
PITNEY BOWES	477.66
PRAXAIR DISTRIBUTION INC	268.79
PRO-WEST & ASSOCIATES INC	320.00
RAY'S OIL COMPANY	176.54
REGENTS OF THE UNIVERSITY OF M	12.00
RELIABLE OFFICE SUPPLIES	229.58
RINGDAHL AMBULANCE SERVICE	150.00
MATTHEW SAURER	7.47
STEINS INC	214.70
SWANSTON EQUIPMENT CORP	1,878.38
TITAN ACCESS ACCOUNT	349.10
TOWMASTER	135.06
UNIFORMS UNLIMITED	121.51
WALLWORK TRUCK CENTER	409.08
WHITE BANNER UNIFORM SHOP	26.50
ZIEGLER INC	934.25
FINAL TOTAL.....	\$52,055.28

approved minutes