



**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Government Services Center, Commissioners' Room  
515 W. Fir Avenue, Fergus Falls, MN  
June 4, 2019  
9:00 a.m.**

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**Call to Order**

The Otter Tail County Board of Commissioners convened at 9:00 a.m. Tuesday, June 4, 2019, at the Government Services Center in Fergus Falls, MN, with Commissioners Doug Huebsch, Chair; Lee Rogness, Vice-Chair; Wayne Johnson, John Lindquist and Betty Murphy present.

**Approval of Agenda**

Chair Huebsch called for approval of the Board Agenda. Motion by Johnson, second by Lindquist and unanimously carried to approve the Board of Commissioners Agenda of June 4, 2019. With the following additions:

Date and Time Changes to County Board of Commissioners Meetings  
Shooting Range Discussion  
HRA Discussion

**Consent Agenda**

Motion by Johnson, second by Rogness and unanimously carried to approve Consent Agenda items as follows:

1. May 21, 2019 Board of Commissioners' Meeting Minutes
2. Warrants/Bills for June 04, 2019 (Exhibit A)
3. Human Services contract renewal of transportation for Foster Care Placement for New York Mills School District
4. Issuance of On/Off-Sale Malt liquor License for Cozy Cove Resort & Heisler's Country Pub for 7/1/19-6/30/20

**PREMISE PERMIT – URBANK LIONS CLUB, URBANK, MN**

**Otter Tail County Resolution No. 2019-50**

Commissioner Johnson offered the following and moved its adoption:

WHEREAS, the responsibility for the regulation of lawful gambling and the issuance of licenses and permits for the conduct of lawful gambling lies with the Minnesota Gambling Control Board; and

WHEREAS, the Urbank Lions Club, Urbank, MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at The Peak Supper Club, located at 43517 County Highway 38 in Leaf Mountain Township of Otter Tail County; and

WHEREAS, Minnesota Statute 349.213 provides that the Gambling Control Board may not issue an initial premise permit unless they receive a resolution from the Otter Tail County Board of Commissioners approving the application for a permit; and

WHEREAS, the Otter Tail County Board of Commissioners is aware of no reason to oppose the conduct of lawful gambling by the Urbank Lions Club, Urbank, MN, at The Peak Supper Club, located at 43517 County Highway 38 in Leaf Mountain Township of Otter Tail County.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby approves the conduct of lawful gambling by the Urbank Lions Club, Urbank, MN, at The Peak Supper Club, located at 43517 County Highway 38 in Leaf Mountain Township of Otter Tail County, provided the applicant meets all the necessary criteria for the licenses and permits as required by the Gambling Control Board.

IT IS FURTHER RESOLVED, that notice of this application and approval shall be provided to the Township of Leaf Mountain by sending them a copy of this resolution.

Commissioner Murphy seconded the motion, and upon being put to a vote, the aforementioned resolution was passed unanimously.

Adopted and signed this 4th day of June 2019.

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Douglas A. Huebsch, Chair

Attest: \_\_\_\_\_  
John W. Dinsmore, Clerk

**Liquor Licenses**

Motion by Johnson, second by Murphy and unanimously carried to approve the issuance of the following licenses:

- On/Off-Sale 3.2 Malt Liquor License to Jeremiah A. Bladow dba Bladow Beach Resort and Campground for the period of July 1, 2019 to June 30, 2020
- On-Sale 3.2 Malt Liquor License to Lida Greens Golf LLC dba Lida Greens Golf for the period of July 1, 2019 to June 30, 2020

**Transfer of Funds**

Motion by Johnson, second by Rogness and unanimously carried to approve the following transfers from the Capital Improvement Fund to the Road and Bridge Fund (Items approved by the Finance Committee in 2018 and 2019):

Vendor	Project	Amount	Approval Code
Toyota	2018 Toyota Forklift	41,298.00	CIC201843
Deere & Company	2018 John Deere Z997R	18,818.03	CIC201908
Nelson Auto Center	2019 Grand Jeep Cherokee	30,728.18	CIC201911
		90,844.21	

**Board of Commissioners Meeting Location and Time Changes**

Motion by Rogness, second by Johnson and unanimously carried to revise the August 27, 2019 Board of Commissioners meeting to be held at the New York Mills County Offices at 11:00 a.m. The Commissioners will be participating in a tour for Productive Alternatives Project 180 at 9:00 a.m. August 27th at the Tuffy's Pet Food facility located at 145 1<sup>st</sup> Ave N. Perham, MN 56573.

Motion by Rogness, second by Lindquist and unanimously carried to change the start time from 9:00 a.m. to 8:30 a.m. for the Board of Commissioners' meetings from June 11, 2019 through August 27, 2019.

Motion by Rogness, second by Johnson and unanimously carried to move the October 8, 2019 meeting to October 15, 2019. An updated schedule is posted on the County website.



CSAH 34 Reconstruction Update – S.A.P. 056-634-011:

Charles Grotte, Highway Engineer submitted an update on the progress of the CSAH 34 Reconstruction Project. Expected start of the project is planned for fall of 2019 or spring of 2020 with final completion June 2021.

County Wide Crack Sealing Project C.P. 19:CS:

Motion by Johnson, second by Murphy and unanimously carried to authorize the appropriate County Officials' signatures to execute the Highway Maintenance Contract between the County of Otter Tail and Kamco Inc. for the County wide crack sealing project.

County Wide Seal Coat Project - S.A.P. 056-601-066 & Etc:

Motion by Lindquist, second by Rogness and unanimously carried to authorize the appropriate County Officials' signatures to execute the contract between the County of Otter Tail and ASTECH Corp of St. Cloud for the County wide seal coat project.

Bid Award – Crack & Joint Sealers:

Motion by Johnson, second by Rogness and unanimously carried to authorize the purchase of the 2019 supply of crack and joint sealers from the State Bid as presented by the Highway Engineer.

**Recess & Reconvene**

At 9:40 a.m., Chair Huebsch declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The Board of Commissioner's meeting was reconvened at 9:48 a.m.

**Nelson Lake High Water Affecting CSAH 6**

Ditch Inspector Kevin Fellbaum reported that two petitions have been received to create an outlet from Nelson Lake into County Ditch 45. A redetermination of benefits for Ditch 45 is currently in process. The next step is to hire an engineering firm to study the drainage and flow capacity of Ditch 45. If Ditch 45 has the capacity for water flow from Nelson Lake, an outlet fee would be established, and the properties would become part of Ditch 45. Several property owners provided comments regarding cleanout needed on Ditch 45, various landlocked bodies of water affecting this area, alternatives if Ditch 45 does not have flow capacity, condition of the Fish Lake dam structure, concern for high water affecting CSAH 6, pumping of water near TH 29, and current loss of land.

As the Otter Tail County Ditch Authority, a motion was offered by Rogness, seconded by Murphy and unanimously carried to accept the following petitions to create an outlet from Nelson Lake into Ditch 45 and to authorize the Highway Department to hire an engineering firm to determine condition and flow capacity of Ditch 45:

Property Owners' Petition for Nelson Lake Outlet into Ditch 45 (25 signatures dated 5/28/19-6/2/19)  
Otter Tail County Highway Department Petition for Use of a Drainage System as an Outlet (outlet into Ditch 45 by way of the Ditch 34 corridor that was never constructed)

### **Spitzer Lake High Water Discussion**

Administrator John Dinsmore briefed Commissioners on the County's jurisdiction regarding evaluations of property and resulting tax relief under M.S. 274.13 Subd. 1. On June 19, 2019, Spitzer Lake property assessments affected by high water can be considered at the Board of Appeal and Equalization meeting for tax payable year 2020. Gary Olson, President of the Spitzer Lake Association, expressed concern with the water level on Spitzer Lake at about 3' over the 100-year high water level. He expressed frustration with water previously being diverted into a wetland that flows into Spitzer Lake to alleviate flooding on CH 5. Mr. Olson requested a plan to alleviate the flooding. Property Owner Bob Cross requested that the plan includes consideration of draining a nearby slough.

Commissioners explained that an outlet project takes time due to the interests of down-stream property owners and cost of outlet projects. Ditch Inspector Kevin Fellbaum presented a document titled "Spitzer Lake High Water". This document provided insight into what the Ordinary High Water (OHW) elevations were for the concerned lakes and listed potential corridor outlet options. Discussion took place regarding Option #1 which includes Spitzer and Hancock Lakes to outlet into Ditch 16. If a petition to drain Spitzer and Hancock Lake is submitted to the County, the next steps would be consideration of capacity of Ditch 16 and hiring an engineering firm to develop a plan, along with holding a Public Hearing. The Public Hearing is to gain input from the Petitioners as well as the Property Owners downstream where the water is proposed to outlet. Attorney Eldien indicated that a petition needs to be received in order to start the process of holding Hearings and engineering work. If an Improvement is needed to the downstream outlet area (namely County Ditch 16), the petition requires signatures from 26% of the affected property owners to be considered valid.

### **Drainage System No. 17 Continued Public Hearing**

At 10:38 a.m., Chairman Huebsch reconvened the Public Hearing for the redetermination of Drainage System No. 17. The Ditch Inspector reported the final Ditch 17 benefit amount as \$1,694,487.09 after the secondary reviews and distance factor were applied. He stated that the redetermination of Ditch 17 is complete. Motion by Rogness, second by Lindquist and unanimously carried to accept the final Ditch Viewer's report and redetermination of benefits for Ditch 17 as presented. The Public Hearing was closed at 10:41 a.m.

### **Minnesota Inter-County Association (MICA) Legislative Report**

MICA Officials Keith Carlson, Nancy Silesky, and Steve Novak briefed the Board on 2019 State legislative action that was related to county government. Otter Tail County Program Aid (CPA) increases for 2020 as well as the 2019 Debt Service Aid. There will be no Medical Assistance (MA) cost shifts to the County or Minnesota Care (MNCare) cutbacks as the provider tax will remain in place. Funding for various Health and Human Service programs and the State Health Improvement Program (SHIP) continues as well as various administrative changes. Mr. Novak reported no new transportation funding; however, he reported that there are expectations that new transportation funding could be approved next year. Mr. Carlson presented figures for the long-term General Fund and indicated that there is reason for concern as it appears the current State spending may not be sustainable. He presented data showing that the economy is slowing down, which would affect State revenues.

### **60-Bed Facility on Western Avenue**

Communications & External Relations Director Nick Leonard and Community Development Director Amy Baldwin reported that Lakes Country Service Cooperative (LCSC) provides services to schools in our region for the Emotionally Behaviorally Disturbed (EBD) Level 4 program. Ms. Baldwin reported that a new space is needed for the program. LCSC is currently renovating the former army reserve building to house this program which is expected to be completed by January 1, 2020. They are in need of a temporary, short-term location in the interim. Motion by Johnson, second by Rogness, and unanimously carried to authorize a short-term rental lease for the County-owned Western Avenue building with LCSC to house the EBD program. A public hearing will be required to requalify the bonds for the building. The motion included authority for the Administrator to sign the lease on behalf of the County and schedule a public hearing. Mr. Leonard and Ms. Baldwin are pursuing options for long term use of the building.

**Discussion Regarding Private Driveway Concerns**

John Dinsmore, Administrator, briefed the Board on an East Lost Lake private property dispute between two parties (Gardner/Hale). Mr. Dinsmore submitted the following facts:

- The Gardner's have been in contact with numerous Otter Tail County Departments since 2005
- A Conditional Use Permit (CUP) was granted in 2005, creating shared driveways across six lake lots.
- A second CUP, approved on 09/30/13, was granted to the Gardner's allowing them to create a separate driveway for access to their property. This CUP was considered an addition to, and not a replacement of, the original shared driveway created by the 2005 Conditional Use Permit.

Otter Tail County Departments conclude:

- This is a private dispute between two property owners
- There is no recommendation to modify or amend the CUPs previously approved.
- If one or both parties are seeking further remedy of this property dispute, they should follow the district court process

Motion by Johnson, second by Lindquist and unanimously carried to affirm staff recommendations identified above that the Gardner/Hale dispute is a civil matter. A copy of a letter previously written by then Land & Resource Management Director Bill Kalar in September 2013 and the current recommendations will be provided to the applicable parties.

**Constituent Concerns**

Administrator Dinsmore discussed with Commissioners a proposed protocol for responding to constituent concerns.

**Shooting Range Southeast of Rush Lake**

Discussion took place in response to concerns expressed with the noise level and hours of operation of a shooting range located southeast of Rush Lake. Attorney Eldien presented M.S. Chapter 87A regulating shooting ranges. Motion by Rogness, second by Murphy and unanimously carried to refer the individual to his township as the local unit of government with jurisdiction for regulation of the shooting range. The location of the shooting range is outside of the County's Shoreland Management area.

**Adjournment**

At 12:25 p.m., Chair Huebsch declared the Otter Tail County Board of Commissioners meeting adjourned. The next Board meeting is scheduled at 8:30 a.m. on Tuesday, June 11, 2019, at the Government Services Center in Fergus Falls, MN.

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Douglas A. Huebsch, Board Chair

Attest: \_\_\_\_\_  
John W. Dinsmore, Clerk

<u>Vendor Name</u>	<u>Amount</u>
ALBANY RECYCLING CENTER	4,287.72
ALLSTREAM	370.39
AMAZON CAPITAL SERVICES, INC	1,865.83
AMERIPRIDE SERVICES INC	176.64
ANDERSON RPR/CHERI	52.50
AVERY, ATTORNEY AT LAW/JILL	685.75
BAKKEN/BRODY	10.22
BALDWIN/AMY	267.90
BAUER BUILT INC	3,444.64
BEN HOLZER UNLIMITED WATER LLC	46.00
BERG/PRESTON	13.32
BEYER BODY SHOP INC	150.00
BLACK/KATIE	52.20
BRAUN INTERTEC CORPORATION	4,060.00
BRIAN'S REPAIR & TIRE SERVICE	90.00
BUILDERS FIRST SOURCE	956.44
BUY-MOR PARTS & SERVICE LLC	1,882.30
CARR'S LAKE COUNTRY SUPERMARKET	27.95
CERTIFIED AUTO REPAIR	141.10
CHS NEW HORIZONS	105.00
CI SPORT	387.47
CITIZENS ADVOCATE	32.00
CODE 4 SERVICES, INC	5,155.70
CONCEPT CATERING	892.50
COOPERS TECHNOLOGY GROUP	44,285.67
DACOTAH PAPER COMPANY	120.17
DAILEY ELECTRIC LLC	137.50
DAN'S TOWING & REPAIR	504.55
DEM-CON MATERIALS RECOVERY LLC	1,111.72
DENNY'S WELDING	322.60
DENZEL'S REGION WASTE INC	138.06
DICK'S STANDARD	100.95
DIGINEER CONSULTING LLC	35.00
DIGITAL ALLY INC	45.00
DOUBLE A CATERING	149.75
EAST OTTER TAIL FAIR ASSOC	150.00
EAST OTTER TAIL FAIR ASSOC	50.00
ENTERPRISE LEASING COMPANY	780.00
ENVIROTECH SERVICES INC	6,348.10
FERGUS FALLS/CITY OF	8,132.00
FERGUS POWER PUMP INC	615.00
FERGUS TIRE CENTER	273.90

<u>Vendor Name</u>	<u>Amount</u>
FIDLAR TECHNOLOGIES, INC	6,518.33
FIRST LUTHERAN CHURCH	1,260.00
FISCHER/JUDD R	420.06
FOREMOST PROMOTIONS	280.00
FORUM COMMUNICATIONS COMPANY	2.80
FORUM COMMUNICATIONS PRINTING	14,367.73
FOTH INFRASTRUCTURES & ENVIROMEN	2,130.97
FRANZ REPROGRAPHICS INC	46.85
GALLS LLC	2,000.84
GEIS/BRIAN	733.80
GREAT LAKES MANUFACTURING INC	291.00
GREATAMERICA FINANCIAL SVCS	825.66
GREEN LIGHTS RECYCLING INC	2,227.32
GREENE/JULIE	121.64
HAWES SEPTIC TANK PUMPING LLC	90.00
HEALTHCARE ENVIRONMENTAL SERVICE	119.30
HOLIDAY INN DULUTH	372.39
INDEPENDENT/THE	216.67
INNOVATIVE OFFICE SOLUTIONS	730.42
J.P. COOKE CO	112.20
JJ'S COMPANY EXCAVATING LLC	1,000.00
JK SPORTS	327.00
JOHN'S HEATING & AC INC	4,932.00
JONES LAW OFFICE	185.00
KOLLE/BRUCE	195.24
L & O ACRES TRANSPORT INC	2,322.63
LAKE REGION ELECTRIC (HWY DEPT)	44,286.97
LAKE REGION HEALTHCARE	445.45
LAKES COUNTRY SERVICE CO OP	1,478.50
LANGSTON/LISA	48.72
LARRY OTT INC TRUCK SERVICE	3,050.00
LARSON/ASHLEY	6.88
LARSON/DOUG	428.76
LEE/THOMAS	576.84
LEVANG/MARIE	52.20
LIBERTY TIRE RECYCLING LLC	772.45
LIEN/ERIC	9.88
LOCATORS & SUPPLIES INC	317.07
LUMBER DEPOT LLC	98.64
MAILFINANCE	2,568.24
MALMSTROM/WESTON	212.86
MARCO INC ST LOUIS	1,004.98



<u>Vendor Name</u>	<u>Amount</u>
MARCO TECHNOLOGIES LLC	743.85
MARKS FLEET SUPPLY INC	231.62
MCKESSON MEDICAL-SURGICAL INC	8.76
MEND CORRECTIONAL CARE	475.48
MID-CENTRAL EQUIPMENT INC	42.00
MIDSOTA MANUFACTURING INC	42.46
MIDWEEK INC/THE	105.00
MINNESOTA MOTOR COMPANY	47.14
MINNKOTA ENVIRO SERVICES INC	436.04
MN ST BOARD OF ASSESSORS	1,275.00
MOORE ENGINEERING INC	1,905.00
MUNICIPAL SERVICE CO, INC	2,100.00
NELSON AUTO CENTER	119,998.28
NELSON AUTO CENTER	22,904.57
NEW YORK MILLS DISPATCH	32.00
NEWVILLE/DARREN	364.20
NORTHSTAR	347.12
OK TIRE STORE - WAHPETON	200.94
OK TIRE STORES - MOTLEY	539.45
OLIPHANT/GLEN	15.00
OLSON/BENJAMIN	236.64
OTTER ELECTRIC LLC	181.70
OTTER RISERS KIWANIS	102.00
OTTER TAIL CO SHERIFF'S POSSE	1,503.20
OTTER TAIL CO TREASURER	160.00
OTTER TAIL TIRE INC	886.72
OTTERTAIL AGGREGATE	2,394.52
OTTERTAIL BAKERY	154.40
OTTERTAIL TRUCKING INC	12,815.57
OVERHEAD DOOR CO OF FERGUS FALLS	150.50
PACE ANALYTICAL SERVICES INC	10,784.00
PERFORMANCE PAVING & SEALCOATING	375.00
PERHAM AREA COMMUNITY CENTER	145.00
PERHAM AREA EMS	1,405.00
PERHAM FOCUS	49.00
PETE'S AMOCO	392.00
PHOENIX SUPPLY	85.48
POWERPLAN OIB	2,096.11
PRECISE MRM LLC	1,180.00
PREMIUM WATERS INC	42.19
PRO AG FARMERS CO OP	88.44
PRODUCTIVE ALTERNATIVES INC	106.49

<u>Vendor Name</u>	<u>Amount</u>
PRUDHOMME/BRYCE	9.78
RAMBOW	252.54
RDO EQUIPMENT CO	19.10
RINGDAHL AMBULANCE INC	150.00
SANITATION PRODUCTS INC	677.81
SCHIERER/STEVE	246.86
SCHMALTZ/CAROL	530.20
SELLIN BROTHERS INC	200.00
SERVICE FOOD SUPER VALU	17.17
SHEA/PAUL	28.58
SHEILS/RICK	28.00
SHI CORP	16,867.00
SIGNWORKS SIGNS & BANNERS LLC	2,302.00
SKILLPATH	149.00
SMITH/GENE	42.38
SONSALLA/NICK	538.11
SOUKUP/TOBBIE	52.20
SRF CONSULTING GROUP INC	6,995.98
STAR EQUIPMENT INC	235.40
STEINS INC	862.12
STONEBROOKE ENGINEERING INC	2,810.97
SUMMERVILLE ELECTRIC, INC.	47,355.64
SUMMIT FOOD SERVICE, LLC	19,861.35
SUNSET LAW ENFORCEMENT	4,549.68
TB INDUSTRIES INC	4,990.00
THIS WEEKS SHOPPING NEWS	58.20
THOMSON REUTERS - WEST	1,374.98
THYSSEN KRUPP ELEVATOR CORPORAT	375.00
TNT REPAIR INC	775.20
TOSHIBA FINANCIAL SERVICES	403.80
TUNGSETH/TODD	11.94
VAUGHN AUTO & MARINE CO	519.90
VERIZON WIRELESS - VSAT	50.00
VICTOR LUNDEEN COMPANY	50.00
VICTORY CORPS	311.86
VORDERBRUGGEN/KENNETH	516.92
WALETZKO/PATRICK	238.96
WASTE MANAGEMENT	30,387.24
WATER RESCUE INNOVATIONS INC	3,990.00
WEETS CUSTOM SERVICES	17,434.80
WEST OTTER TAIL CO FAIR ASSOCIATION	125.00
ZIEGLER INC	475.21
<b>Final Total:</b>	<b>539,660.58</b>

