

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS**

**Otter Tail County Courthouse  
Commissioners' Room, Floor 1-B  
Tuesday, May 15, 2001  
9:30 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, May 15, 2001, at 9:29 a.m. at the Otter Tail County Courthouse with Roger Froemming, Chair; Dennis Mosher, Vice-Chair, Syd Nelson, Malcolm Lee, and Bob Block present.

**Approval of Agenda**

Motion by Lee, second by Nelson, to approve the County Board agenda of May 15, 2001, with the following changes:

10:30 a.m. - Cancel Agenda Item - Carlton Mortensen  
Add - Approval of May 8, 2001, General Revenue Bills

Motion carried.

**Approval of Minutes**

Motion by Lee, second by Mosher, and unanimously carried to approve the County Board minutes of May 8, 2001, as mailed.

**Approval to Pay Bills**

Motion by Froemming, second by Block, and unanimously carried to approve the payment of bills for May 8, 2001 (Attachment A on May 8<sup>th</sup> minutes) and per Attachment A of these minutes, including lodging payments as follows:

Kahler Hotel

Detention Officer Program Coordinator, Janice Aaberg

Detention Officers, Pat Grieser & Kevin Sonstebo

Radisson South

Public Information & Education Officer, Marie Tysdal

Holiday Inn

Land Title Specialists, Nancy DenBoer & Lynn Larson

**Henning Township Road**

Mike Hanan, Solid Waste Director, presented a handout regarding a meeting with the Henning Township Board held on May 1, 2001. The purpose of the meeting was to discuss the road leading to the Henning Solid Waste Transfer Station and Demolition Site. The concerns are nails on the road, dust, rough road, and vehicle speed. Lengthy discussion took place regarding previous traffic counts and the amount of money spent to date by Otter Tail County on this road for maintenance and upgrades. Highway Engineer, Rick West, estimated a cost of \$170,000 to tar the road which is 1.25 miles in length. Motion by Mosher, second by Froemming, and unanimously carried to refer this issue to the Budget Committee.

**Earth Tech Environmental**

Mr. Hanan reported that Earth Tech Environmental evaluates recycling facilities. They would like to evaluate 7-10 existing operations relative to efficiency, productivity, etc. The cost for this service is \$7,500. Mr. Hanan stated that there are some positive ideas that could result from the evaluation; however, this is not a budgeted item. Motion by Mosher, second by Lee, and unanimously carried not to participate in the Earth Tech Environmental recycling facility evaluation.

### **Ditch No. 25**

Ditch Inspector, Tiny Holm, reported that a culvert in the Ditch No. 25 system was plugged and the sides blew out from the flow of water. The farmer would like the County to help restore this crossing so he can get from one field to another. The Ditch No. 25 fund contains \$1,100. The County previously installed big culverts upstream and this has impacted the area where the culvert blew out. The County Attorney noted that the County's responsibility is to keep the water flowing in a Ditch System. As a maintenance issue to the Ditch System, the culvert could be fixed using Ditch funding. Mr. Holm will obtain an estimate of cost and return to the County Board for approval.

### **Ditch No. 17**

Mr. Holm stated that Ditch No.17 in Homestead Township runs into Blowers Township, is 8 miles long, and has never been cleaned out. Property owners would like to clean out about 1½ miles of the ditch system. Discussion followed. Motion by Nelson, second by Block, and unanimously carried to approve cleaning out about 1½ miles of Ditch No. 17 up to County Road No. 58 as originally designed.

### **Beaver Trapping Funding**

Mr. Holm reported that the County does not have any money appropriated to pay for trapping beavers. The hides from the beavers do not have much value anymore so it is very difficult to find people to take beavers. He requested authorization to offer a fee for each beaver taken out of a Ditch System. Motion by Block, second by Lee, to authorize the Ditch Inspector to offer \$15 per beaver, not to exceed \$350, for each Ditch System. Discussion followed. Commissioner Block amended the motion to remove the not to exceed figure of \$350. Motion carried.

### **Sentence to Service Contract Amendment**

Motion by Lee, second by Block, and unanimously carried to authorize the Chair's signature to execute Amendment No. 2 to Joint Powers Agreement No. A06155 between the County of Otter Tail Law Enforcement Center and the State of Minnesota Department of Corrections to provide housing for state inmates participating in the House Building program. This amendment is for the period of June 30, 2000 through June 30, 2001 in the amount of \$179,500; a decrease of \$25,000.

### **Highway Project Update**

Highway Engineer, Rick West, provided information regarding the status of construction and design (road, bridge, and culvert) projects.

### **Approval of Agreements for Tank Removal**

Motion by Lee, second by Mosher, and unanimously carried to authorize the Chair's signature to execute three agreements between the County of Otter Tail Highway Department and Widseth, Smith, & Nolting for additional subsurface investigation and reporting at the following sites: Vining, Battle Lake, and Pelican Rapids. Total additional cost was estimated at \$4,000.

### **Planning Commission Recommendations**

#### Conditional Use Permit - Michael & Verdell Stinar:

Motion by Lee, second by Mosher, and unanimously carried to approve a Conditional Use Permit to allow an after-the-fact erosion control project to stay in place with conditions as recommended by the Planning Commission. The property is described as Pt GL 2 & 3, Lillis Survey Plat AKA Lot 2, Section 16 of Dead Lake Township, Dead Lake (56-383).

Conditional Use Permit - Dora Township/Charles D. & Joanne G. Orvik:

Motion by Lee, second by Froemming, and unanimously carried to approve a Conditional Use Permit to lower a hill to facilitate visibility as presented. The property is described as Pt GL 3 & 4 ex trs, Section 14 (24.8 Ac) and W ½ NE ¼, Section 23 (80 Ac) of Dora township; Alice Lake (56-506).

Conditional Use Permit - Norma Jeanne Cannady & Bill Cannady:

Motion by Mosher, second by Lee, and unanimously carried to approve a Conditional Use Permit to start a knife sharpening business with conditions as recommended by the Planning Commission. The property is described as Otter Tail River Venture Lots 1 & 5 Blk 1, Section 4 of Everts Township, Otter Tail River (56-OTR), AG/Otter Tail Lake (56-242).

Conditional Use Permit - Maple Lane Resort/Judd D. & Barbara K. Young:

Motion by Froemming, second by Lee, and unanimously carried to approve a Conditional Use Permit to remove "Holman's Maple Lane Beach Lot 5" from usage under the resort and return the lot to a single family dwelling usage with conditions as recommended by the Planning Commission. The property is described as Holman's Maple Lane Beach Lot 5, Section 3 of Nidaros Township and Pt of GL 3, Section 35 of Girard Township; Stuart Lake (56-191), East Battle Lake (56-138).

Preliminary Plat & Conditional Use Permit - Park View/ James J. Allaire, et al:

Motion by Lee, second by Block, and unanimously carried to approve the Preliminary Plat of "Park View" consisting of 6 private residential single family lots and a Conditional Use Permit to construct a road to service the plat with conditions as recommended by the Planning Commission. The property is described as Part of Government Lot 3, Section 5 of Maplewood Township; Lake Lida (56-747).

Preliminary Plat & Conditional Use Permit - Beaver Dam Shores/Robert & Linda Honer:

Motion by Nelson, second by Lee, and unanimously carried to deny the Preliminary Plat of Beaver Dam Shores and Conditional Use Permit to realign a township road as recommended by the Planning Commission. The property is described as Pt of GL 1, Section 7 of Dead Lake Township; Star Lake (56-385).

Preliminary Plat & Conditional Use Permit - Lake Ridge Estates/Sandra K. Stueve:

Motion by Froemming, second by Nelson, and unanimously carried to deny the Preliminary Plat of Lake Ridge Estates and the Conditional Use Permit to construct a road as recommended by the Planning Commission. The property is described as Lots 14, 15, 16, and 17 Auditor's Subdivision #116, Section 22 of Leaf Lake Township; East Leaf Lake (56-116).

Preliminary Plat - Adair Acres/Patrick L. & Laurie A. Thompson:

Attorney, Kris Svingen, spoke on behalf of the applicant. Mr. Svingen stated that after reviewing the motion, grounds for the motion, and the Subdivision Controls Ordinance, he had concern that the reasons stated would not provide the County Board sufficient findings in order for the County Board to deny, approve with conditions, or approve the request. He requested that the County Board table the request and send it back to the Planning Commission to make more specific factual findings concerning their reasons for voting for denial. The applicant will comply with legitimate concerns the Planning Commission has and will make necessary changes to meet the Planning Commission's requirements when the objections are determined, and at that time, a decision could be made to approve, deny, or approve with conditions. That process would be more efficient to meet concerns with this project. Discussion took place regarding whether or not

these were buildable lots. The applicant stated that he had no intention to do anything with lots 1-4 at this time. Commissioner Mosher noted that this would be an alteration of the original request. Discussion took place regarding the possibility of a new application and the County Attorney noted that the reason for reapplication is to facilitate the notice process to neighboring property owners if the request changes. Mr. Svingen requested the application be tabled and sent back to the Planning Commission with a request that the Planning Commission re-notice all original people. Motion by Froemming to table the application, send it back to the Planning Commission, and waive the 60-day rule on condition that the applicant pay the fee that would have been paid for refiling if a new application was required. Motion died for lack of a second.

Neighboring property owner, John Lindner, spoke in opposition to the plan and expressed concern that there be enough time for the developer and the people living across the road to address various concerns and issues.

Motion by Froemming, second by Mosher, to waive the application deadline for the June 19, 2001, Planning Commission meeting for this Preliminary Plat request. Chair Froemming called for a roll call vote:

Commission District 5	Block	Nay
Commission District 2	Lee	Nay
Commission District 4	Froemming	Yea
Commission District 1	Nelson	Yea
Commission District 3	Mosher	Nay

Motion by Nelson, second by Lee, and carried with Mosher opposed, to deny the Preliminary Plat request of Adair Acres as recommended by the Planning Commission. The property is described as Pt SE1/4 NE1/4, Section 31 & Pt S1/2 NW1/4, Section 32, Girard Township; West Battle Lake (56-239).

Conditional Use Permit - Robert & Laura Rostad:

Motion by Lee, second by Froemming, and unanimously carried to deny a Conditional Use Permit for an after-the-fact request as presented and approve a Conditional Use Permit for a restoration plan with conditions as recommended by the Planning Commission. The property is described as Pt of GL 5 - Parcel A, Section 31 of Dunn Township; Lake Lizzie (56-760).

Conditional Use Permit - Taylor Investment Corporation:

Motion by Nelson, second by Lee, and unanimously carried to approve a Conditional Use Permit to construct a driveway to service 2 large lots per the revised plans dated April 13, 2001, with conditions as recommended by the Planning Commission. The property is described as Tract F & G; Pt GL 8 Sec 29, Pt of the NE1/4 of NE1/4 Sec. 32, Pt GL 5 Sec. 28 & Pt NW1/4 of NW1/4 Sec 33; Tract Q-U; Pt GL 5 & 6 Sec. 28 - All in Hobart township; Long Lake (56-388).

**CUP Extension - Opegard Estates 2<sup>nd</sup> Addition**

Motion by Froemming, second by Lee, and unanimously carried to extend the Conditional Use Permit until September 1, 2001, for Opegard Estates 2<sup>nd</sup> Addition.

### **The SWCD Water Plan Discussion**

Water plan discussion ensued on how to transfer the implementation of the Comprehensive Local Water Plan to the West Otter Tail and East Otter Tail SWCDs. Motion by Lee, second by Nelson, and unanimously carried to direct the County Attorney to prepare a resolution authorizing this transfer. This resolution will be presented to the County Board of Commissioners at the May 22, 2001 meeting.

### **Recess & Reconvene**

At 12:00 p.m., Chair Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break and a Personnel Committee meeting. The Otter Tail County Board of Commissioners' meeting was reconvened at 1:17 p.m.

### **Transportation Funding**

#### **Otter Tail County Resolution No. 2001 - 28**

Commissioner Nelson offered the following and moved its adoption:

WHEREAS, the transportation system remains a key component of the state's economy in getting people and goods where they need to be; and

WHEREAS, the State of Minnesota is facing increasing backlog of transportation projects due to funding shortages and increasing concern on the part of the public regarding the adequacy of the transportation system; and

WHEREAS, businesses rely on roadways and transit services to get employees to work; and

WHEREAS, the State of Minnesota faces a \$10 billion highway and transit shortfall over the 10 next years.

NOW, THEREFORE, BE IT RESOLVED, Otter Tail County supports these issues impacting transportation funding.

- Supports constitutionally dedicating 100% of the Motor Vehicle Excise Tax to the HUTDF.
- Supports a County sales tax exemption.
- Supports adequate operating funding for Greater Minnesota transit.
- Supports adequate operating funding for Metro transit.
- Supports \$11.725 million to replace revenue to the HUTDF from the 2000 tab fee reduction.
- Supports \$10 million to fund local bridge projects.
- Supports \$2.7 million to fund the local wetland mitigation program.
- Supports the Local Road Improvement Program.

Commissioner Froemming seconded the motion, and upon being put to vote, was unanimously carried.

Adopted this 15<sup>th</sup> day of May, 2001.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Roger Froemming, County Board Chair

Attest: \_\_\_\_\_  
Larry Krohn, Clerk

### **Approval of Credit Card Application**

Motion by Nelson, second by Froemming, and unanimously carried to approve the following Otter Tail county credit card application:

Marie Tysdal, Solid Waste

\$2,500.00 monthly maximum

Commissioners requested a report of the number of credit cards issued and types of purchases made via credit cards.

### **MHFA Community Fix Up Fund Loan Program**

Motion by Lee, second by Nelson, and unanimously carried to approve the recommendation of the Budget Committee to allocate an amount not to exceed \$15,000 to the Minnesota Housing Finance Agency Community Fix Up Fund Loan Program to be administered by the Fergus Falls/Otter Tail County Housing and Redevelopment Authority. These funds will be used to write down interest rates an additional 1% + for homeowners unable to get home improvement financing through conventional sources and for costs of budget counseling. The \$15,000 amount is to be used with first priority area being outside the City of Fergus Falls and with any remainder to be used as needed within the City of Fergus Falls only after the City of Fergus Falls funds of \$10,000 have been expended.

### **Approval of Licenses**

Motion by Mosher, second by Froemming, to approve the following applications for license:

Allen Floyd Chase  
Chase's Ethel Beach Resort and Rest.  
27521 County Hwy 5  
Battle Lake, MN

Consumption & Display Permit

Robin Johnson  
Lakeland General Store  
22438 Old 59 Road  
Pelican Rapids, MN

Off-sale 3.2 Malt Liquor

Thomas M. Lorine  
Peak Supper Club  
43517 Co. Hwy 38  
Clitherall, MN

On-sale Wine  
On-Sale 3.2 Malt Liquor

Gerald W. Schultz  
Ten Mile Lake Resort Inc.  
RR 1 Box 212  
Dalton, MN  
Subject to the submission of the insurance certificate.

On-sale Wine  
On/Off-sale 3.2 Malt Liquor

Thomas Weinhandl  
Tom's Standard & Grocery  
RR 1 Box 71  
Henning, MN  
Subject to the approval of the County Attorney's office.

Off-sale 3.2 Malt Liquor

Eleanor Solien  
Waterfront Grocery  
50535 Fish Lake Road  
Detroit Lakes, MN  
Subject to the approval of the County Sheriff's Office and to the approval of the County Attorney's Office.

Tobacco  
Off-sale 3.2 Malt Liquor

Marilyn A. Heit  
Wee Villa Lodge  
31126 County Highway 27  
Fergus Falls, MN

On/Off-Sale 3.2 Malt Liquor

Motion carried.

**Adjournment**

At 1:46 p.m., Chair Froemming declared the Otter Tail County Board of Commissioners meeting adjourned until Tuesday, May 22, 2001.

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

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Roger Froemming, County Board Chair

Attest: \_\_\_\_\_  
Larry Krohn, Clerk

CB/kd  
Enc.

