

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

Otter Tail County Courthouse  
Commissioners' Room, Floor 1-B

**Tuesday, October 16, 2001**

**9:30 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, October 16, 2001, at 9:31 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 Mosher, and unanimously carried to approve the County Board agenda of October 16, 2001, as presented.

**Approval of Minutes**

Motion by Lee, second by Nelson, and unanimously carried to approve the October 9, 2001, County Board minutes as presented.

**Approval of Lake Improvement District Minutes**

Motion by Nelson, second by Mosher, and unanimously carried to approve the October 9, 2001, Special Meeting minutes for the Pine Lake Improvement District public hearing.

**OTTER TAIL COUNTY RESOLUTION NO. 2001 – 54**

**RESOLUTION REQUESTING THE EXTENSION OF OTTER TAIL COUNTY COMPREHENSIVE  
LOCAL WATER PLAN**

Commissioner Lee offered the following resolution:

**WHEREAS**, The 1995 amendments to the Comprehensive Local Water Planning Act. M.S. 103B.301 gave the MN Board of Water and Soil Resources (BWSR) authority to extend the ending date of local water plans for a period not to exceed 2 years; and

**WHEREAS**, Otter Tail County has a current State approved and locally adopted Comprehensive Local Water Plan with an end date of June 30, 2002; and

**WHEREAS**, Otter Tail County on May 22, 2001, adopted Resolution No. 2001-27, transferring the Comprehensive Local Water Plan responsibilities to the East and West Otter Tail Soil & Water Conservation Districts.

**WHEREAS**, East & West Otter Tail Soil and Water Conservation Districts are active participants in the planning and implementation of the following projects:

- State Cost Share Implementation
- Feedlot Cost Share Program
- Perham Wellhead Protection
- Otter Tail River Improvement Project



## FINDINGS

### I.

The County Board adopted a Resolution of Intent to Re-Establish a Lake Improvement District as Resolution No. 2001-44, dated August 21, 2001.

### II.

The Department of Natural Resources and the Pollution Control Agency of the State of Minnesota were notified of the proposed lake improvement district.

### III.

The Town Boards of Hobart, Gorman, Corliss, Perham and Pine Lake Townships were given notice of the resolution and the public hearing.

### IV.

The owners of the property on Big Pine Lake, Little Pine Lake and along the Toad and Otter Tail Rivers north of the lakes to the Becker County line were notified of the public hearing by the lake owners associations.

### V.

Notices of the public hearing were published in the Fergus Falls Daily Journal on September 18 and 19 and October 2, 2001, and the Perham Enterprise Bulletin the weeks of September 24 and October 1, 2001.

### VI.

The purpose and objective of the Lake Improvement District is to provide a means by which the property owners can meet and deal with specific needs relating to water quality.

### VII.

The re-establishment of the Lake Improvement District is appropriate and will promote the public welfare.

### VIII.

All of the property included in the district will be benefited by the re-establishment of the district.

### IX.

The formation of the district will not cause or contribute to long-range environmental pollution, but provide an opportunity to address environmental concerns and limit pollution.

X.

Lake improvement districts are authorized by Minnesota Statutes §103B.501 through §103B.581.

### **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the Lake Improvement District is hereby re-established, and shall be named, The Otter Tail County Pine Lakes Improvement District.
2. That the boundaries of the district shall be: Any and all parcels that include lake/water frontage along the shores of Big Pine Lake and Little Pine Lake in Otter Tail County.
3. That the following water and related land resource management programs and services may be undertaken by the district:
  - a. Develop and implement a comprehensive plan to improve water quality;
  - b. Apply for private or public grants and/or enter into contracts with federal and state agencies for the study and treatment of pollution problems and related demonstration programs;
  - c. Enter into contracts with private contractors for the study and treatment of pollution problems and related demonstration programs;
  - d. Undertake research to determine the condition and development of the bodies of water included within the lake improvement district and to transmit the studies to the Land and Resource Management Department, the Department of Natural Resources, the Minnesota Pollution Control Agency and other interested authority;
  - e. Make cooperative agreements with the United States or state government or other county or city to effectuate water and related land resource programs;
  - f. Conduct programs of water improvement and conservation;
  - g. Implement a water quality monitoring system;
  - h. Serve as the local sponsor for state and federal projects or grants;
  - i. Provide input to the Soil and Water Conservation District regarding surface water use and applications as deemed necessary and reasonable;
  - j. Conduct plans, studies, developments and implementations as allowed or permitted by law and approved by the County Board from time to time; and
  - k. Coordinate with the proper governmental agencies for the planning and installation of cluster or community sewage and/or water supply systems.

4. That initial funding for the lake improvement district shall be raised by the Big and Little Pine Lake Property Owners Associations. The lake improvement districts' activities subsequently shall be funded by assessment of costs of projects upon benefited property within the district in the manner provided under Minnesota Statute, Chapter 429, the imposition of service charges on users of the lake improvement district, services within the district pursuant to Minnesota Statute §428A.05 and by the levy of an ad valorem property tax on property within the lake improvement district to be appropriated and expended solely on projects of special benefit to the district. No establishment of or increase in the ad valorem property tax will be allowed if it affects a county levy subject to state-imposed levy limits.

5. That the Board of Directors of the Lake Improvement District shall consist of nine members. The board members must own property within the lake improvement district, and a majority of the directors must be residents of the district. The initial directors shall be appointed three each to terms of one, two and three years. Thereafter, three directors shall be elected each year to serve three year terms. Directors may be removed by a two-thirds vote of the remaining board members or by a majority of the property owners present at an annual meeting. Vacancies in the Board of Directors may be filled by a majority vote of the remaining directors, subject to approval by a majority vote of the property owners present at the next annual meeting. A director elected to fill a vacancy shall serve the unexpired term. Insofar as there are qualified individuals willing to serve on the board, the board shall consist of four members who own property on Big Pine Lake, four members who own property on Little Pine Lake, and one member at large from one of the two lakes. If there are not qualified persons willing to serve from a particular geographic area, someone from elsewhere in the district may be elected.

6. That the Director of the Otter Tail County Office of Land and Resource Management shall be responsible for supervising the programs of the lake improvement district.

7. That this Order shall be published in the official newspaper of the County, and that the effective date of the establishment of the lake improvement district shall be thirty (30) days after publication.

8. That a copy of this Order shall be filed with the Secretary of State, the Pollution Control Agency and the Commissioner of Natural Resources.

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

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

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

**South Turtle Lake Improvement District**

Motion by Mosher, second by Block, and unanimously carried to approve the following Order to Establish the South Turtle LID:

**THE OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
ORDER ESTABLISHING THE OTTER TAIL COUNTY  
SOUTH TURTLE LAKE IMPROVEMENT DISTRICT**

The County Board of the County of Otter Tail, having held a public hearing in the Community Hall in the City of Underwood, Minnesota, on the 19th day of September, 2001, having reviewed the request of the South Turtle Lake Property Owners Association, having considered the comments made at the public hearing, and being fully advised in the premises, makes the following Findings and Order:

## **FINDINGS**

### I.

The County Board adopted a Resolution of Intent to Establish a Lake Improvement District as Resolution No. 2001-40, dated July 31, 2001.

### II.

The Department of Natural Resources and the Pollution Control Agency of the State of Minnesota were notified of the proposed Lake Improvement District.

### III.

The Town Boards of Sverdrup, Tordenskjold and Everts Townships were given notice of the resolution and of the public hearing.

### IV.

The owners of the property on South Turtle Lake were notified of the public hearing by mail.

### V.

Notices of the public hearing were published in the Fergus Falls Daily Journal on August 24, 25 and 29, 2001; and published in the Review Enterprise on August 22 and 29, 2001.

### VI.

The purpose and objective of the Lake Improvement District is to provide a means by which the property owners can meet and deal with specific needs relating to water quality and water management.

### VII.

The establishment of the Lake Improvement District is appropriate and will promote the public welfare.

### VIII.

All of the property included in the district will benefit by the establishment of the district.

IX.

The formation of the district will not cause or contribute to long-range environmental pollution, but provide an opportunity to address environmental concerns and limit pollution.

X.

Lake Improvement Districts are authorized by Minnesota Statutes §103B.501 through §103B.581.

**ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the Lake Improvement District is hereby established, and shall be named South Turtle Lake Improvement District.
2. That the boundaries of the Lake Improvement District shall be: All parcels of property with lake shore on South Turtle Lake, excluding agricultural land.
3. That the following water and related land resource management programs and services may be undertaken by the district as is consistent with powers authorized by Minnesota Statute §103B.551, Subd. 3:
  - a. Construct and operate dams or other water level control structures that are approved by the Commissioner of Natural Resources.
  - b. To conduct or participate in studies to define, evaluate, recommend and implement appropriate programs and practices to address water quality and water level concerns.
  - c. To conduct or participate in studies to define, evaluate, recommend and implement appropriate programs and practices to address water quality concerns in the South Turtle Lake Watershed as they relate to the inflow into the lake.

Any projects that change the course, current or cross section of public waters must be approved by the Commissioner of Natural Resources.
  - d. Work in conjunction with the Otter Tail County Department of Land and Resource Management and the Soil and Water Conservation District to recommend best management practices relating to water quality in the watershed within the boundaries of shoreland management district.
  - e. Work with and assist the County Land and Resource Management Department to manage, maintain and improve human waste disposal that would impact ground water.

- f. Apply for private or public grants and/or enter into contracts with federal and state agencies for the study and treatment of pollution problems, water level problems and related demonstration programs.
- g. Enter into contracts with private contractors for the study and treatment of pollution problems, water level problems and related demonstration programs.
- h. Serve as the local sponsor for state and federal projects or grants.
- i. Make cooperative agreements with the United States or state government or county or city government to effectuate water and water related land resource programs.
- j. Implement plans, studies, developments and implementations as are allowed or permitted by law, and approved by the County Board from time to time.

4. Funding for the Lake Improvement District shall be:

- a. Start-up fund from the South Turtle Lake Association.
- b. Lake Improvement District activities may be funded by the levying an ad valorem tax solely on the property within the district.
- c. Lake Improvement District activities may also be funded by assessment of costs of projects upon benefited property within the district in the manner provided under Minnesota Statutes Chapter 429.
- d. Lake Improvement District activities may also be funded by imposition of service charges on users of the Lake Improvement District services within the district pursuant to Minnesota Statutes §428A.05.
- e. No establishment or increase in the ad valorem property tax will be allowed if it affects the county levy subject to state-imposed levy limits.

5. That the Board of Directors of the Lake Improvement District shall consist of five members. The board members must own property within the Lake Improvement District, and a majority of the directors must be residents of the district. The initial directors shall be appointed by the County Board, two members for one-year terms and three members to two-year terms. Thereafter, directors shall be elected each year to serve two-year terms. Directors may be removed by a two-thirds vote of the remaining board members or by a majority of the property owners present at an annual meeting. Vacancies in the Board of Directors may be filled by a majority vote of the remaining directors, subject to approval by a majority vote of the property owners present at the next annual meeting. A director elected to fill a vacancy shall serve the unexpired term.

6. That the Director of the Otter Tail County Office of Land and Resource Management shall be responsible for supervising the programs of the Lake Improvement District.

7. That this Order shall be published in the official newspaper of the County, and that the effective date of the establishment of the Lake Improvement District shall be thirty (30) days after publication.

8. That a copy of this Order shall be filed with the Secretary of State, the Pollution Control Agency and the Commissioner of Natural Resources.

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

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

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

**Membership of Pine Lakes Improvement District**

Motion by Nelson, second by Mosher, and unanimously carried to appoint the following property owners to the Pines Lakes Improvement District Board of Directors:

Three Year Terms	Two Year Terms
Ken Johnson, Little Pine Lake (resident)	Carl Annalora, Big Pine Lake (resident)
Clint Brandt, Big Pine Lake (resident)	Dan Boedigheimer, Little Pine Lake (resident)
Sylvia Soeth, Big Pine Lake (non-resident)	Wayne Piper, Little Pine Lake (non-resident)
One Year Terms	
Todd Barney, Big Pine Lake (resident)	
Duane Haugen, Little Pine Lake (resident)	
George Taylor, At Large (non-resident)	

**Resolution Authorizing and Pledging Support  
for Voting Equipment Grant Application  
Otter Tail County Resolution No. 2001 - 55**

Commissioner Block offered the following resolution:

BE IT RESOLVED BY THE Otter Tail County Board of Commissioners:

1. Wayne Stein, Otter Tail County Auditor, is hereby authorized to submit an application for a voting equipment grant on behalf of Otter Tail County.
2. This application must be completed in accordance with Minnesota Statutes 204B.48, and submitted in accordance with the instructions provided by the Secretary of State and the Department of Administration.
3. Otter Tail County pledges to act to appropriate and expend funds in an amount sufficient to match any grant awarded as a result of this application and in a timely manner to implement the election administrator training and voter education schedule set forth in the application.

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

Adopted this 16th day of October, 2001.



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

Adopted this 16th day of October, 2001.

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

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

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

**Bid Award - S.A.P. 56-645-08**

After previously advertising for bids, Rick West, Highway Engineer, opened the following bids for S.A.P. 56-645-08 at 1:00 p.m. on September 12, 2001:

Riley Bros. Construction, Inc. Morris, MN	\$116,850.00
Midwest Contracting, LLC Marshall, MN	\$128,136.00
Mark Sand & Gravel Acquisition Co. Fergus Falls, MN	\$177,013.75

Motion by Froemming, second by Lee, and unanimously carried to award S.A.P. No. 56-645-08 (grading, agg. base, bit. surface, bit shoulders, agg. shoulders & bridge 56J17) to the low bidder, Riley Bros. Construction, Inc. in the amount of \$116,850.00.

**Bid Award - Electrical and Mechanical Improvements at Highway Garage No. 1**

After previously advertising for bids, Rick West, Highway Engineer, opened the following bids for Mechanical and Electrical Improvements at County Garage No. 1 at 1:00 p.m. on September 26, 2001:

Electrical Improvements		Mechanical Improvements	
Wahpeton Electric Wahpeton, ND	\$78,000.00	Dakota Plumbing & Htg Wahpeton, ND	\$93,696.00
Fergus Electric Fergus Falls, MN	\$79,890.00	Grant's Mechanical Inc. Fargo, ND	\$101,340.00
A-Mega-G Electric Fargo, ND	\$81,500.00	Manning Mechanical Fargo, ND	\$113,874.00
Marks Electric Detroit Lakes, MN	\$87,800.00		
Muehler Electric Wahpeton, ND	\$93,000.00		
Fritz Electric Fargo ND	\$109,000.00		

Discussion followed regarding the bids vs. budgeted total cost of the project. Motion by Nelson, second by Mosher, and unanimously carried to award the Electrical Improvements at County Garage No. 1 to Wahpeton Electric, in the amount of \$53,458, which includes lighting deletion and award the Mechanical Improvements at County Garage No. 1 to Dakota Plumbing and Heating, in the amount of \$90,487, which includes the deletion of secondary R/A filters, clogged filter lights,

and programmable clock. Additionally, the project was budgeted at approximately \$120,000; however, total cost will be approximately \$140,000. The difference will be made up by shifting dollars previously budgeted for anti-icing equipment.

### **Professional Services Agreement for Aerial Work**

Motion by Lee, second by Mosher, and unanimously carried to authorize the Highway Engineer to enter into an agreement between the Otter Tail County Highway Dept. and MARKHURD for aerial work for the following construction projects:

S.A.P. 56-682-07, CSAH 82, from the junction of CSAH 82 and MN TH 59, East to Dieseth Road	\$16,417
S.P. 56-605-06, CSAH 5 from the junction of CSAH 5 and MN TH 210, South to 180 <sup>th</sup> Street	\$11,417
S.A.P. 56-604-10, CSAH No. 4 from the junction of CSAH 4 and CSAH 31, East to a point 1,000 feet East of CSAH 41.	\$27,167

### **Transfer of Funds**

Motion by Mosher, second by Froemming, and unanimously carried to transfer \$3,582.26 from the Capital Improvement Budget to the Phelps Mill General Fund Budget to cover approved expenditures.

### **Invitation to Town & Country Days Expo**

Charlie Kampa from KBRF invited commissioners to the Lakes Radio Ag Expo, which is a five-day event at the Westridge Mall beginning on November 14, 2001. He specifically invited commissioners to the November 15, 2001, policy day, as discussion will focus around rural economic development. Other political leaders will be present on that day as well.

### **Planning Commission Recommendations**

#### Conditional Use Permit - Dead Lake Township/Rush Lake Township:

Motion by Nelson, second by Mosher, and unanimously carried to approve a Conditional Use Permit to black top existing roads with conditions as recommended by the Planning Commission. The roads to be blacktopped are 385<sup>th</sup> Ave, 397<sup>th</sup> St, 395<sup>th</sup> Ave, Marion Lodge Road, Marion Lodge Trail, Southview Lane, Section 1 & 2 of Dead Lake Township and a small section of Southview Lane in Section 6 of Rush Lake Township; Marion Lake (56-243).

#### Preliminary Plat - Dahl Addition to Summer Haven Beach/Howard Dahl:

Motion by Lee, second by Froemming, and unanimously carried to approve a Preliminary Plat known as "Dahl Addition to Summer Haven Beach" consisting of 3 non-residential lots with conditions as recommended by the Planning Commission. The property is described as Pt GL 3, W 389' of E 794' Ex Platted, Section 12 of Scambler Township; Pelican Lake (56-786).

#### Conditional Use Permit - Bruce Hudalla:

Motion by Nelson, second by Mosher, and unanimously carried to approve a Conditional Use Permit to add an addition to an existing structure for employees as presented. The property is described as Pt of GL 1 & Pt GL 2 & Squires Addition, Lot 13 Blk 2, Section 14 of Rush Lake Township; Rush Lake (56-141). No written comment was received before the meeting on this Conditional Use Permit.

Conditional Use Permit - Leaf Lake Partnership/John L. Ness:

Motion by Froemming, second by Lee, and unanimously carried to approve a Conditional Use Permit to expand a dwelling with conditions as recommended by the Planning Commission. The property is described as Pt GL 2, Section 23 of Leaf Lake Township; East Leaf Lake (56-116).

Conditional Use Permit - Timothy and Cynthia Hart:

Motion by Lee, second by Block, and unanimously carried to approve a Conditional Use Permit for a business in the home with conditions as recommended by the Planning Commission. The property is described as Lot 2 Block 1 of Historic Monument Beach 2<sup>nd</sup> Addition, Section 11 of Pelican Township; Prairie Lake (56-915).

Conditional Use Permit - David C. & Ann P. Nelson:

Motion by Lee, second by Mosher, and unanimously carried to approve a Conditional Use Permit to construct a driveway with conditions as recommended by the Planning Commission. The property is described as Pt NE1¼ & Pt GL 8, Section 30 & Pt of GL 2, Section 29, Friberg Township; West Red River Lake (56-711).

Conditional Use Permit - Royce's Resort/Richard & Priscilla Stegman:

Motion by Nelson, second by Mosher, and unanimously carried to attach a garage to the existing residence with conditions as recommended by the Planning Commission. The property is described as Lots 1, 2, & 3 of Birch Dale Resort & Tr 25' N & S & 217' E & WN, & adjoining lot 1 of Birch Dale Resort, Sections 10 & 3 of Hobart Township; Wimer Lake (56-355).

Conditional Use Permit - George & Kim Sholy:

Motion by Lee, second by Froemming, and unanimously carried to approve an after-the-fact Conditional Use Permit to remove fill and build retaining wall around foundation with conditions as recommended by the Planning Commission. The property is described as Crystal-Lida Bchs SD Lot 9 Blk 2, Lot 3 & strip beginning NE corridor of Lot 3 in Section 11 of Lida Township; Lake Lida (56-747).

Conditional Use Permit - Marvin C. & Jeanette A. Jurva:

Motion by Lee, second by Nelson, and unanimously carried to approve a Conditional Use Permit to alter terrain as presented. The property is described as Lot 9 Blk 1 Tri-Lakes 1st Addition, Section 9 of Lida Township; Lake Lida (56-747).

**Recess & Closed to the Public**

At 11:15 a.m., Chair Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. At 11:25 a.m., Chair Froemming declared the meeting of the Otter Tail County Board of Commissioners closed to the public to discuss pending litigation in the matter of West Silent Lake Retreat vs. the County of Otter Tail as authorized by attorney-client privilege, M.S. 471.705 Subd 1d. Present were all seated commissioners, the County Attorney, County Coordinator, Recording Secretary, and Land & Resource Director.

**Reconvene**

At 11:45 a.m., Chair Froemming declared the meeting of the Otter Tail County Board of Commissioners reconvened in open session.

**Budget Request - Rural Life Outreach Program**

County Coordinator, Larry Krohn, reported that the Rural Life Outreach Program had requested \$4,000 from the CY2002 budget. The County Board granted by motion \$1,000 from the CY2001 budget. Discussion followed. Motion by Froemming, second by Nelson, to grant the Rural Life Outreach Program \$2,000 from the CY2002 budget instead of \$1,000 from the CY2001 budget. Further discussion continued. Commissioners Froemming and Nelson amended the motion and second to leave the previous motion for \$1,000 in CY2001 and grant an additional \$1,000 from the CY2002 budget. The amended motion carried unanimously.

**Regional Treatment Center Reuse Task Force**

Chair Froemming appointed Commissioners Block and Mosher to the RTC Reuse Task Force.

**Adjournment**

At noon, a motion was offered by Lee and seconded by Mosher, to adjourn the meeting of the Otter Tail County Board of Commissioners until Tuesday, October 23, 2001. Motion carried.

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

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

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

CB/kd

Enc.

