

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Government Services Center, Commissioners' Room  
500 Fir Avenue W., Fergus Falls, MN  
Tuesday, November 1, 2005  
9:30 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, November 1, 2005, at 9:30 a.m., at the Otter Tail County Government Services Center with Commissioners, Bob Block, Chair; Roger Froemming, Vice-Chair; Dennis Mosher, Syd Nelson, and Malcolm Lee present.

**Approval of Agenda**

Motion by Froemming, second by Mosher, and unanimously carried to approve the County Board agenda of November 1, 2005, with the following addition:

10:40 a.m. – Ditch No. 63

**Approval of Minutes**

Motion by Nelson, second by Lee, and unanimously carried to approve the County Board minutes of October 25, 2005, as mailed.

**Approval to Pay Bills**

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

**Scoping Discussion for Blue Heron Bay Development**

Land & Resource Director, Bill Kalar, provided copies of a Draft Scoping Decision for the Blue Heron Bay Project and also, copies of the comments that have been submitted during the public comment period. County Attorney, David Hauser, stated that the Court directed that the County look at each item on the Environmental Assessment Worksheet (EAW) to determine if there is more information needed. The draft scoping decision follows the EAW worksheet. The County Board will review these documents and next week, the Board may decide what changes need to be made. Discussion took place regarding the timing of hiring a consultant and it was felt that the timeline for completing the Scoping Decision would not allow for hiring a consultant before November 17<sup>th</sup> when the Scoping Decision must be completed. Mr. Hauser reviewed some items in the Draft Scoping Decision document dated 11-1-05. He referred to the following items where a recommendation for more information is contained:

- #6. Description – should look at entire 257 acres and alternate building projects
- #8 Permits and approvals required – needs updating
- #9 Land use – this is related to what the land was used for, which apparently, was a farm, and could be related to the nitrate levels. This is one area the Court stated needs to be included in the EIS
- #11 Fish, wildlife and ecologically sensitive resources – this relates to boat traffic and also, additional information was requested in the comments by both the DNR and the Dead Lake Association, so may need more information in this area.

- #15 Water surface use – this is an area the Court has determined that we need additional information
- #17 Water quality: surface water runoff – this relates to nitrate levels
- #18 Water quality: wastewaters – the Court specifically directed the County to obtain more information in this area
- #19 Geologic hazards and soil conditions – relates to nitrates
- #21 Traffic – the Dead Lake Town Board requested some information on how this would affect 370<sup>th</sup> Street and Murray Road
- #25 Nearby resources – additional archaeological studies that need to be done
- #31 Summary of issues – this is a repeat of all the items that the EIS shall include

Attorney for the Developer, Peder Larson, provided a proposed timeline schedule for the Environmental Impact Statement (EIS). One timeline is the scoping schedule and the other is the decision-making schedule for the EIS preparation. Mr. Larson spoke in favor of hiring a consultant. He referred to the DNR letter and will proceed with gathering data requested by the DNR. He spoke in favor of the scoping process that has been outlined. He suggested that a draft EIS be completed by the middle of January, which would need to be published in the EQB Monitor with the proposed publication date of January 30, 2006. Then there is a public comment period on the draft EIS, with a revision prepared and the final EIS published in April of 2006.

Don Fondrick, from the Dead Lake Association, spoke in favor of the County hiring a consultant and delaying the scoping decision for thirty days. He expressed his opinion that the Dead Lake Association's consultant, the developer's consultant, and the County's consultant could then work on this project together to come to a consensus.

Mr. Kalar advised the County Board that, from past experience, the County has learned that the rules only have flexibility if all parties agree to a delay. If the decision to delay is challenged in Court, the rules (timelines, etc.) do not have flexibility. Mr. Hauser asked that all parties involved review the draft Scoping Document. This item was placed on the November 8, 2005, County Board agenda.

#### **Shoreland Ordinance Rules Revision**

Mr. Kalar stated that last Thursday night was the final committee meeting of the large Shoreland Rules Revision Committee. He provided copies of an outline completed based on comments from these meetings. Included in the packet as well, was a copy of a newsletter from the Association of Minnesota Counties that contains possible shoreland management ordinance changes on the state level and also general land use planning information. He stated that the input/comment gathering is basically completed. Mr. Kalar stated that the County Board needs to make a decision as to whether or not the County wants to change the SMO. Potential changes to the SMO will be discussed at the November 15, 2005, County Board meeting.

#### **Conditional Use Permit Extension**

Motion by Lee, second by Froemming, and unanimously carried to approve an extension request for Joshua and Francesca Bakken (Conditional Use Permit #6228) until November 30, 2005, for a driveway project in Section 30 of Edna Township; Big McDonald Lake (56-386).

### **Recess & Reconvene**

At 10:33 a.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 10:40 a.m.

### **County Ditch No. 63**

Ditch Inspector, Randy Wasvick, referred to Ditch No. 63 on CR 118, which needs repair because of some tile that has blown out in several locations. At the meeting on October 18<sup>th</sup>, the cost estimate was approximately \$8,000 - \$10,000. Now, the estimate for materials alone will be \$8,000 - \$10,000. Mr. Wasvick stated that the contractor (Corbin Pickar) estimates \$15,000 unless he runs into problems. Then it would cost more. Discussion followed regarding the issues with the whole Ditch System.

### **Discussion – Residential Ordinance within the Shoreland Area**

Planning Commission Member, Joe Maske, provided language from the City of Pelican Rapids that addresses the storage of inoperable vehicles. He suggested that the same type of language be adopted by the County for residential lots in the shoreland area. Chairman Block requested that this be considered along with the proposed changes in the Otter Tail County Shoreland Management Ordinance.

Mr. Maske stated that, in his opinion, County Highway maintenance projects, such as riprap work or replacing a culvert should go through the Land & Resource Office and not be required to go through the Planning Commission process. Discussion followed. Mr. Hauser explained that to exempt County Highway projects, in certain circumstances, from the requirements of the Shoreland Management Ordinance, would require a change in the language of the SMO.

### **Resolution for Acreage Modification in the Fergus Falls JOBZ Subzone Otter Tail County Resolution No. 2005 - 68**

Commissioner Mosher offered the following and moved its adoption:

**WHEREAS**, the Otter Tail County Board of Commissioners, on September 9, 2003, passed a resolution approving certain County parcels to be included in a regional application for a Job Opportunity Building Zone; and

**WHEREAS**, the City of Fergus Falls was a participant in the regional Job Opportunity Building Zone application done by the West Central Initiative Fund; and

**WHEREAS**, the regional application submitted by the West Central Initiative Fund was approved by the Department of Employment and Economic Development; and

**WHEREAS**, the City of Fergus Falls wishes to modify the acreage in their Job Opportunity Building Subzone.

**BE IT RESOLVED**, the Otter Tail County Board of Commissioners upon careful consideration and review hereby approve the modifications as identified in the following table:

<b>Owner/Developer</b>	<b>Parcel Number</b>	<b>Acreage</b>	<b>Modification</b>
Fergus Falls:			
Midwest Regional Development	71003500195007	27.59	
Merwin Adams	71003500195904	3.45	
Merwin Adams	71003500202005	40.35	
Aasness/Bjorgum	71003500195050	2.81	
Aasness/Bjorgum	71003991519000	.46	
Aasness/Bjorgum	71003500195039	2.47	
DFA	71003500003000	2.7	
DFA	71003500004002	2.03	
DFA	71003500002000	1.96	
DFA	71003500004004	22.44	
Jason Hintermeister	71003500006000	7.17	
Fergus Falls Port Authority	71003990853901	.46	
Fergus Falls Port Authority	71003500004006	2.38	
City of Fergus Falls	71003500004005	6.61	
Burlington Northern Railroad	71001500048000	.99	
State of Minnesota	71003500007000	77.17	
Thiele Technologies	71003991430006	1.38	
Daniel Larson	71003991430901	1.20	
Fergus Falls Port Authority	71003991430005	1.33	
Fergus Falls Port Authority (UPS)	71003991430004	1.32	
Fergus Falls Port Authority	71003991550000	5.88	
Fergus Falls Port Authority	71003500007008	1.01	
Fergus Falls Port Authority	71003991558000	5.13	
Fergus Falls Port Authority	71003991559000	5.36	
Fergus Falls Port Authority	71003991560000	7.52	
TNT Properties LTD	71003991551000	10.38	
Robert Bunkowski	26000320196000	79.40	
Mark Thorson	06000010004003	18.50	
Mark Thorson	06000010008000	63.28	Reduced by 4.14 acres
Mark Thorson	06000010009000	38.61	
Thomas C. Graham and Henry A. Harms	71003991532000	1.03	
Robert W. & Helen D. Johnson	71003991430002	1.32	
ShoreMaster, Inc.	71003991433000	6.42	
Innova Properties	71003991431001	3.29	
T & R Properties	71003991554000	4.14	Parcel added
T & R Properties	71003991555000	.52	Part of parcel added

Commissioner Froemming seconded the motion and upon being put to a vote, the above resolution was adopted as follows:

Yes: 5                      No: 0                      Absent: 0

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

By: \_\_\_\_\_  
Robert Block, Board of Commissioners Chair

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

**Application for Exempt Permit**

Motion by Nelson, second by Mosher, and unanimously carried to approve the Make-A-Wish Foundation of Minnesota's LG220 Application for Exempt Permit for an event scheduled for July 22, 2006, at The Cactus located at 43521 Fort Thunder Road in Perham Township.

**Sale of Tax Forfeited Property**

Motion by Nelson, second by Lee, and unanimously carried to set the opening bid price at \$8,800 and to establish 9:00 a.m. on Friday, December 9, 2005, for the private sale of the following described parcel of tax forfeited property:

Parcel 40-000-99-0382-000  
Southside Addition to New York Mills  
West 75' of the Southerly 144' of Lot C Block 1

**Approval to Issue a County Credit Card**

Motion by Mosher, second by Lee, and unanimously carried to authorize the following employee to be issued an Otter Tail County Credit Card with Express One Master Card:

Scott Wagner                      Sheriff's Department                      \$1,000.00

**Highway Department Contract Approval**

Motion by Lee, second by Mosher, and unanimously carried to authorize the Chairman's signature to execute a Contract between the County of Otter Tail and Structural Specialties, Inc. of Hutchinson, MN, for S.P. 56-599-53, Aurdal Township Bridge No. 56535 replacement.

**Tuition Assistance Agreement**

Motion by Lee, second by Froemming, and unanimously carried to approve Tuition Assistance Agreements in the Highway Department as follows:

Wade J. Bugbee                      Bituminous Plant I Course  
Ryan D. Anderson                      Bituminous Street I & Grading & Base II Courses

**Performance Evaluation Summary**

Motion by Nelson, second by Lee, and unanimously carried to approve the Performance Evaluation Summary for Public Health Director, Diane Thorson, as presented and to direct that the summary is placed in her personnel file.

**Reclassifications Approved**

Motion by Lee, second by Mosher, and unanimously carried to approve the following reclassifications as recommended by the consultant, Government Management Group:

Secretary/Receptionist (Job #1306)	Coordinator's Office	from Grade 7 to Grade 10
Land Title Specialist (Job #2203)	Recorder's Office	from Grade 10 to Grade 14
Adm. Deputy I, Vital Statistics (Job #2204)	Recorder's Office	from Grade 9 to Grade 11
Adm. Deputy II, UCC/CNS (Job #2205)	Recorder's Office	from Grade 10 to Grade 12

**AMC Annual Meeting**

Motion by Mosher, second by Lee, and unanimously carried to approve Commissioner Roger Froemming as the MCIT Board of Directors' Delegate for the annual Association of Minnesota Counties meeting in December of 2005, with Commissioner Syd Nelson serving as the Alternate Delegate.

**Adjournment**

At 11:40 a.m., a motion was offered by Froemming, seconded by Mosher, and unanimously carried, to declare the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, November 8, 2005.

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

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_

Robert Block, County Board Chair

Attest: \_\_\_\_\_

Larry Krohn, Clerk

11/01/2005 12:18:54 OTTER TAIL COUNTY AUDITOR  
PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66  
WARRANTS FOR PUBLICATION PAGE 1

WARRANTS APPROVED ON 11/01/2005 FOR PAYMENT 11/01/2005

VENDOR NAME	AMOUNT
A-1 LOCK AND KEY	44.73
A'VIANDS LLC	3,639.41
AMERICAN INSTITUTIONAL SUPPLY	235.20
ASSOCIATION OF MN COUNTIES	105.00
BATTLE LAKE MARINE INC	175.81
BEXAR CO FORENSIC SCIENCE CENT	640.00
BEYER BODY SHOP INC	100.00
BOB'S STANDARD BULK SERVICE	188.18
BRETZ HARDWARE	18.73
CLAY CO TREASURER	574.69
COMSTOCK CONSTRUCTION INC	4,194.00
COOK SIGN CO	3,084.00
COOPERS TECHNOLOGY GROUP	246.74
CULLIGAN WATER CONDITIONING	10.65
DAKOTA WOOD GRINDING INC	7,906.25
DENZEL'S REGION WASTE INC	1,998.13
DEX MEDIA EAST	19.40
ROBERT DIEDERICH	42.98
EARL F ANDERSEN INC	1,058.62
EXPENSE RECOVERY SERVICES	3,405.36
FARGO FREIGHTLINER	180.00
FERGUS ELECTRIC	232.96
FERGUS FALLS NEWSPAPERS INC	144.00
FERRELLGAS	93.18
BILL FOLGER	109.62
GODFATHERS EXTERMINATING INC	119.28
GREAT PLAINS CLAIMS	1,000.00
HALL GMC INC	103.57
HERITAGE BUILDING SPECIALTIES	40.00
HOLIDAY INN WILLMAR	152.32
HOMESTEAD BUILDING SUPPLIES	25.54
INNOVATIVE OFFICE SOLUTIONS LL	2,192.54
INSIGHT PUBLIC SECTOR	153.89
INTERSTATE INC	580.09
INTOXIMETERS INC	2,496.36
JOHN E REID AND ASSOCIATES INC	790.00
KELLY SERVICES INC	1,157.30
ANDREW KLINNERT	172.60
LAKE REGION ELECTRIC CO OP	15.00
LAKES COUNTRY SERVICE CO OP	542.40
LARRY OTT INC TRUCK SERVICE	1,330.00
LIGHT RETURNS RECYCLING	212.13
MARTINS PAINTING & MORE	1,385.00
MIDWESTERN MAT RENTAL & SUPPLY	22.37
MINN KOTA COMMUNICATIONS INC	88.50
MN MOTOR COMPANY	72.50
MN STATE AUDITOR	10,678.00
MOORE MEDICAL CORP	166.06
NANIK'S ELECTRIC	681.20

11/01/2005  
12:18:54

OTTER TAIL COUNTY AUDITOR  
PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66  
WARRANTS FOR PUBLICATION PAGE 2

WARRANTS APPROVED ON 11/01/2005 FOR PAYMENT 11/01/2005

VENDOR NAME	AMOUNT
NELSON FORD LINCOLN MERCURY IN	1,081.71
NOVA FIRE PROTECTION	400.00
OFFICE DEPOT	148.29
OTIS ELEVATOR CO	180.96
OTTER TAIL CO TREASURER	68.80
ANN PACKER-SMITH	687.50
PAMIDA INC 008	24.68
PELICAN RAPIDS PRESS	108.15
PERHAM CO OP CREAMERY	730.85
PHELPS FAMILY FORD	59.76
PMR 2000	134.53
POLK CITY DIRECTORIES	258.80
HENRY PRICE	208.00
PRINT AUDIT INC	293.26
PRODUCTIVE ALTERNATIVES INC	503.87
PUBLIC SAFETY CENTER INC	319.44
RAY'S OIL COMPANY	143.68
VICKI SCHWANKE	43.65
SHERBROOKE TURF INC	511.97
SHOOTING SPORTS OUTLET	69.95
GREGORY SMITH MD	694.85
STADUM PLUMBING & GRAVEL LLP	1,849.37
STEINS INC	1,821.91
SUPERIOR JETTING INC	1,057.50
THERMAL TECHNOLOGIES INC	1,347.00
THYSSEN KRUPP ELEVATOR CORPORA	607.60
TIRES PLUS	33.73
TRI STAR RECYCLING	4,230.20
ULTEIG ENGINEERS	85,042.61
UNIFORMED SERVICES ALMANAC INC	119.80
VICTOR LUNDEEN COMPANY	35.63
VOSS LIGHTING	50.57
WALTERS PHOTOGRAPHY	37.24
ZIEGLER INC	8,435.84
4 M'S COMMUNICATIONS COMPANY	201.15

\*\*\*\* FINAL TOTAL..... \$164,167.14 \*\*\*\*