

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 Fir Avenue W., Fergus Falls, MN
Tuesday, September 19, 2006
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, September 19, 2006, at 9:31 a.m. at the Otter Tail County Government Services Center with Commissioners Roger Froemming, Chair; Dennis Mosher, Vice-Chair, Bob Block, Syd Nelson, and Malcolm Lee present.

Approval of Agenda

Motion by Mosher, second by Block, and unanimously carried to approve the County Board agenda of September 19, 2006, with the following additions:

Discussion – WACCO Request
Blue Heron Bay Update and Final Plat

Approval of Minutes

Motion by Froemming, second by Lee, and unanimously carried to approve the County Board minutes of September 12, 2006, 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 the official minutes.

Infrastructure Grant Applications – Proposed Ethanol Plant

Gordon Hydukovich from the City of Fergus Falls, briefed the County Board on the Minnesota Investment Fund (MIF) Grant Application, in the amount of \$366,000, for improvement of roads to service the proposed Ethanol Plant.

LOCAL GOVERNMENT RESOLUTION ECONOMIC DEVELOPMENT PROGRAM

Otter Tail County Resolution No. 2006 - 70

Motion by Mosher, second by Block, and unanimously carried to adopt the following resolution and supporting documentation, which include: Residential Antidisplacement and Relocation Assistance and Displacement Minimization Plan for Otter Tail County and Government Laws Compliance Certification.

BE IT RESOLVED that Otter Tail County act as the legal sponsor for project(s) contained in the Business and Community Development Application to be submitted on October 2, 2006 and that Otter Tail County Board Chairman and Otter Tail County Coordinator are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of Otter Tail County.

BE IT FURTHER RESOLVED that Otter Tail County has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that Otter Tail County has not incurred any costs and has not entered into any written agreements to purchase property.

BE IT FURTHER RESOLVED that Otter Tail County has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, Otter Tail County may enter into an agreement with the State of Minnesota for the above-referenced project(s), and that Otter Tail County certifies that it will comply with all applicable laws and regulations as stated in all contract agreements and described on the Compliance Certification of the Business and Community Development Application.

AS APPLICABLE, BE IT FURTHER RESOLVED that (N/A) Otter Tail County has obtained credit reports and credit information from (N/A) Company and (N/A) Owners. Upon review by (N/A) Otter Tail County and (N/A) Legal Counsel, no adverse findings or concerns regarding, but not limited to, tax liens, judgments, court actions, and filings with state, federal and other regulatory agencies were identified. Failure to disclose any such adverse information could result in revocation or other legal action.

NOW, THEREFORE BE IT RESOLVED that the Otter Tail County Board Chairman and Otter Tail County Coordinator or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project(s) on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the Otter Tail County Board of Commissioners of Otter Tail County on September 19, 2006.

SIGNED:

WITNESSED:

(First Authorized Official)

(Signature)

(Title)

(Date)

(Title)

(Date)

Community Development Housing Needs Certification

Motion by Lee, second by Nelson, and unanimously carried to authorize the appropriate Otter Tail County Board of Commissioners Officials to review, record, and sign the Community Development Housing Needs (CDHN) Certification upon completion of the Public Hearing.

Business Development Public Infrastructure Grant

Mr. Hydukovich reported that the BDPI Grant Application, in the amount of \$300,000, is also for road improvements for roads to service the proposed Ethanol Plant. Motion by Block, second by Mosher, and unanimously carried to authorize the appropriate County Officials signatures to execute the BDPI Declaration including the legal description for a portion of County Highway #116.

Discussion – Proposed Transfer Station

Solid Waste Director, Mike Hanan, discussed the need for the proposed Transfer Station. He explained that the proposed location is currently under review by the Minnesota Pollution Control Agency. Comments made regarding the Environmental Assessment Worksheet will be responded to and the result will be an EAW Findings of Fact. The MPCA will make a decision regarding further environmental review for the proposed site at their November 28, 2006, meeting. Commissioner Block asked about the possibility of keeping the present burner location and delay building a new Transfer Station for one year. Mr. Hanan discussed the permit situation at the current burner facility at the Regional Treatment Center, which is allowable as a temporary solution to transfer waste to landfill locations. Discussion took place regarding a combustion facility in conjunction with the Ethanol Plant and Mr. Hanan related his research. He stressed that new technology should always be considered; however, his opinion is that a new Transfer Station is still needed as new technology would likely take several years to implement and in the meantime, current waste disposal needs must be met.

South Turtle Lake Outlet

Highway Engineer, Rick West, provided a handout from Townsend Engineering to provide an update on the status of the project to lower the lake levels of North and South Turtle Lakes on a permanent basis. He presented a map showing three alignments that are currently being considered for recommendation. He stated that it appears that the middle route shown in red on the map may be the recommended route for an outlet for North and South Turtle Lakes. The pros and cons of the different routes were discussed. The next step will be to contact the US Fish & Wildlife Service regarding the project. A Public Hearing will also be required. Mr. West explained that the project would not happen until next spring. Commissioner Mosher and several property owners expressed concern because the pumping out of South Turtle Lake will end in September and water levels next spring are an unknown. A control structure between North and South Turtle was discussed as part of the project. Commissioners requested that this issue be placed on the Board Agenda next Tuesday, September 26, 2006, for a recommendation.

Detour Agreement for Trunk Highway No. 34 Project Otter Tail County Resolution No. 2006 - 71

Commissioner Lee offered the following and moved its adoption:

IT IS RESOLVED that Otter Tail County enter into Mn/DOT Agreement No. 90153 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use of County State Aid Highway No. 23 as a detour route during the emergency roadway repair construction and other associated construction to be performed upon, along and adjacent to Trunk Highway No. 34 from 0.5 miles east of junction Trunk Highway No. 32 to 0.9 miles west of junction County State Aid Highway No. 23 under State Projects No. 1404-15 and No. 5611-10 (T.H. 34 =182).

IT IS FURTHER RESOLVED that the Otter Tail County Board of Commissioners Chairman and the Otter Tail County Board of Commissioners Clerk are authorized to execute the Agreement and any amendments to the Agreement.

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

Adopted and signed this 19th day of September, 2006.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

Application for Cleaning County Road Ditch

Motion by Mosher, second by Nelson, and unanimously carried to approve the Application for Cleaning County Road Ditch on CH No. 88 in Sections 28 & 27 of Oscar Township submitted by Property Owner, Mike Haarstad.

Construction Update & Committee Approval

Mr. West briefed the County Board on two highway construction projects currently in process on CSAH 86 and 67.

Motion by Lee, second by Block, and unanimously carried to authorize the Highway Engineer to accept a six-year appointment to the Local Road Research Boards (LRRB) Research Implementation Committee. This committee is through the Mn/DOT Office of State Aid.

Recess & Reconvene

At 11:08 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 11:13 a.m.

Planning Commission Recommendations

Conditional Use Permit – Terrence & Linda Nelson et al:

Motion by Lee, second by Mosher, and unanimously carried to approve a Conditional Use Permit to do some earthmoving with a condition as recommended by the Planning Commission. The property is described as Pt GL 6 (7.55 AC) Section 10 of Friberg Township; Unnamed Lake (56-696).

Preliminary Plat – “Spring Lake Oaks”/Sam Montgomery:

Motion by Lee, second by Block, and unanimously carried to approve the Preliminary Plat known as “Spring Lake Oaks” consisting of 4 single family residential lots as presented with the new data received by the Land & Resource Management Office from the DNR regarding the Ordinary High Water Level of Spring Lake. The property is described as GL 3 N of Twp Rd, Section 33 of Aurdal Township; Spring Lake (56-682).

Conditional Use Permit – Dane Prairie Twp., c/o OTC Hwy Dept:

Motion by Nelson, second by Lee, and unanimously carried to approve a Conditional Use Permit to replace a deficient bridge over the Otter Tail River with a condition as recommended by the Planning Commission. The project is located at the crossing of

Ridgewood Circle and the Otter Tail River in NE¼ (Old Bridge No. L9095, New Bridge No. 56534, S.A.P. 56-599-54) in Section 5 of Dane Prairie Township; Otter Tail River (56-OTR).

Conditional Use Permit–Linden Park Resort/Jerry & Linda Loofe & Bob LeSage:

Motion by Froemming, second by Block, and unanimously carried to deny a Conditional Use Permit request for a resort conversion, as recommended by the Planning Commission. Reasons for the denial are as listed in the Planning Commission minutes dated September 13, 2006. The property is described as Hursh's 1st Addn-Linden Park, Lots 6 & 7 Blk B & vac alley adj & Pt GL 1 & 2, Section 26 of Girard Township; East Battle Lake (56-138).

Conditional Use Permit – Lake Five Resort/Fair Hills Inc:

Motion by Nelson, second by Lee, and unanimously carried to approve a Conditional Use Permit for a dwelling replacement on the resort as presented. The property is described as GL 5 ex part Sly of center line of Twp Rd (20.50 AC), Section 5 of Hobart Township; Lake Five (56-357).

Conditional Use Permit – Larry Ahlfs and Dwayne & Lisa Augustus:

Motion by Froemming, second by Mosher, and unanimously carried to deny a Conditional Use Permit to build a storage and boat and motor repair facility as requested by the Applicant by letter dated August 29, 2006. The property is described as SE¼ NE¼, GL 1 & 2 including Pt S of Brademeyer 3rd Addn ex platted ex trs, Section 17 of Leaf Lake Township; West Leaf Lake (56-114).

Conditional Use Permit – Timothy T. Crompton:

Motion by Lee, second by Block, to deny a Conditional Use Permit for this after-the-fact request for a retaining wall. Discussion followed regarding the process after a denial to fix the situation. Applicant, Timothy Crompton, stated that he has contacted an Engineering Firm in Fargo for their professional opinion on this project. He stated that he has some water issues with the property and a good size hill where the water runs onto the property. He requested time to work with the Land & Resource Office for a resolution. County Attorney, David Hauser, advised the Board that they may table the CUP request and look at additional information or deny the CUP request and the issue is left to enforcement action and resulting solutions/restoration. Commissioner Lee and Block withdrew their motion and second respectively. The applicant waived the 60-day requirement for a decision and Commissioner Lee offered a motion, seconded by Block, to table this after-the-fact Conditional Use Permit request for further engineering information. Motion carried unanimously. The property is described as Lots 11 & 12 Anderson Beach Addition & pt of GL 3 (.06 AC), Section 11 of Scambler Township; Pelican Lake (56-786).

Final Plat – “Twin Lake Shores”

Motion by Mosher, second by Nelson, and unanimously carried to approve the Final Plat of Secluded Land Company, LLC, known as “Twin Lake Shores” consisting of 13 lots in Section 24, Township 131N, Range 40W, Eagle Lake Township; Unnamed Lake (56-267).

Blue Heron Bay EIS Timeline

Land & Resource Director, Bill Kalar, presented a timeline for the completion of the Final Environmental Impact Statement (EIS) for the proposed Blue Heron Bay project. Comments to the EIS were received and responses to those comments will culminate into a Final EIS. The Final EIS is scheduled to be completed by September 29, 2006. Notice of the Final EIS will then be published in the EQB Monitor for comment.

Discussion – CUP for The Preserve at Echo Bay

Homeland Investment Company #1 Owner, Jim Morken, stated that because of the potential on-going issues with large projects, he requested approval to withdraw the Conditional Use Permit request except for the construction of the roads. He stated that construction of the roads will be needed to sell part of the property. Homeland Investment Company Attorney, Paul Jenson, stated that his client would like to vacate the plat except for the grade & fill portion of the CUP, because the owners need access to the property, so the request is to amend the CUP to include only the construction of the roads. Lengthy discussion followed. A decision will be delayed until next week, September 26, 2006.

Discussion - WACCO

Chairman Froemming stated that he had received a phone call from Western Area Cities Counties Organization Director, Laurie Mullen, regarding renting space from Otter Tail County. Commissioners acknowledged that there is space available in the Cavour Avenue Building and requested that the County Coordinator work with the Physical Plant Manager to determine space needs and corresponding cost. Commissioners would require that rent payments and membership fees are addressed as separate issues.

Approval of Legal Counsel

Motion by Lee, second by Mosher, and unanimously carried to approve Professional Services from Attorney, Scott Lepak, for legal counsel in dealing with issues with the new Plant Operations and Support Staff unions.

Adjournment

At 12:18 p.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, September 26, 2006.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming , Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

9/20/2006 10:15:51 DGODEL OTTER TAIL COUNTY AUDITOR RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 WARRANTS FOR PUBLICATION IFD66 PAGE 1

WARRANTS APPROVED ON 9/19/2006 FOR PAYMENT 9/19/2006

VENDOR NAME	AMOUNT
A'VIANDS LLC	2,709.87
ARK & SPARK	330.55
ART N SIGN INC	698.00
BEXAR CO FORENSIC SCIENCE CENT	408.00
HEATHER BRANDBORG	45.00
BRANDON COMMUNICATIONS INC	26,106.40
CARQUEST AUTO PARTS	75.24
CARR'S LAKE COUNTRY SUPERMARKE	49.94
CITIZENS ADVOCATE	176.49
COMPANION ANIMAL HOSPITAL	70.79
COOPERS TECHNOLOGY GROUP	818.50
DALLAS CHILDREN'S ADVOCACY CEN	410.00
DARLING'S SALES & SERVICE CO	106.00
DIAMOND VOGEL PAINTS	404.76
DIVERSION AUTO	283.41
ELECTION SYSTEMS & SOFTWARE IN	755.83
EVERGREEN EQUIPMENT INC	235.80
FERGUS FALLS MEDICAL GROUP	154.50
FERGUS FALLS NEWSPAPERS INC	1,104.43
FERGUS FALLS POLICE DEPT	445.83
FERGUS TIRE CENTER	354.18
FLEET SERVICES	19,660.94
BRENT FLODEN	47.41
FRONTIER PRECISION INC	165.29
G & K SERVICES	1,704.81
GALL'S INC	31.42
GATEWAY COMPANIES INC	879.14
GE CAPITAL	233.65
GENERAL PARTS & SUPPLY CO	33.79
GERALD N EVENSON INC	36.65
GOPHER STATE ONE CALL	30.45
GR GRAPHICS INC FARGO	79.96
GR GRAPHICS INC ST LOUIS	510.74
HEISLERS COUNTRY OIL	863.85
HENNING AUTO PARTS INC	38.21
HENNING HARDWARE	39.07
HEPPNER CONSULTING INC	2,124.68
HIGH PLAINS TECHNOLOGY	57.51
SHELDON HOLM	296.22
HOMESTEAD BUILDING SUPPLIES	11.92
HOOTS SPORTS	21.46
INDEPENDENT EMERGENCY SERVICES	331.48
INSIGHT PUBLIC SECTOR	974.93
JK SPORTS	84.99
KEEPRS INC CY'S UNIFORMS	1,671.00
KELLY SERVICES INC	2,388.60
SCOTT KOENNICKE	92.98
LAKE REGION HEALTHCARE CORP	1,510.00
LAKELAND MENTAL HEALTH CENTER	768.00

9/20/2006 10:15:51 DGODEL OTTER TAIL COUNTY AUDITOR RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 WARRANTS FOR PUBLICATION IFD66 PAGE 2

WARRANTS APPROVED ON 9/19/2006 FOR PAYMENT 9/19/2006

VENDOR NAME	AMOUNT
LAKEWAY MARKET LLC	3,404.90
LOCATORS & SUPPLIES INC	261.47
MARK SAND & GRAVEL CO	66,801.74
MATTHEW BENDER & COMPANY INC	71.60
MCCC MI 33	3,031.10
MARCUS MCMILLIAN	30.54
MIDWESTERN MAT RENTAL & SUPPLY	74.07
MN CO INSURANCE TRUST	354.00
MN COUNTIES INS TRUST	50.00
MN STATE BAR ASSOCIATION	291.50
JIM MYHRE	417.86
NANIK'S ELECTRIC	1,157.03
NELSON BROS PRINTING	1,139.92
NETWORK CENTER INC	11,499.41
NEWMAN TRAFFIC SIGNS	63.07
NIEMELA REPAIR	94.00
OFFICEMAX CONTRACT INC	190.82
OLSON OIL CO INC	236.35
ORANGE TREE EMPLOYMENT SCREENI	12.00
OVERLAND MECHANICAL SERVICES	64.19
PAMIDA PHARMACY	6,286.73
PARK REGION CO OP	37.27
PENROSE OIL COMPANY	2,077.87
PERHAM ACE HARDWARE	12.77
PERHAM ENTERPRISE BULLETIN	34.00
PHELPS FAMILY FORD	754.91
PREMIUM WATERS INC	29.13
REVIEW ENTERPRISES INC	283.75
DOROTHY SCOTT	31.84
SERVICE FOOD SUPER VALU	37.68
SIMPLEXGRINNELL LP	3,366.07
STEINS INC	2,327.93
STREICHERS	1,293.30
SUPER H	217.00
THERM-AIR SALES CORPORATION	2,499.62
THYSSEN KRUPP ELEVATOR CORPORA	200.00
UNIFORMS UNLIMITED	228.75
UNITED BUILDING CENTERS	61.11
KEITH VAN DYKE	16.58
VEOLIA ENVIRONMENTAL SERVICES	7,765.36
VICTOR LUNDEEN COMPANY	271.89
VOSS LIGHTING	42.81
WASTE MANAGEMENT	57,994.61
WEST CENTRAL LINEN SERVICE INC	5.00
WEST PAYMENT CENTER	2,081.95
ZIEGLER INC	136,954.43

**** FINAL TOTAL..... \$384,590.60 ****