

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS**  
New York Mills County Offices - Courtroom  
118 N. Main Avenue, New York Mills, MN  
Tuesday, January 16, 2007  
9:30 a.m.

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, January 16, 2007, at 9:30 a.m. at the Otter Tail County New York Mills Courtroom with Commissioners Dennis Mosher, Chair; Syd Nelson, Vice-Chair; Bob Block, Roger Froemming, and Everett Erickson present.

**Approval of Agenda**

Motion by Froemming, second by Erickson, and unanimously carried to approve the County Board agenda of January 16, 2007, as mailed.

**Approval of Minutes**

Motion by Nelson, second by Block, and unanimously carried to approve the County Board minutes of January 9, 2007, as mailed.

**Approval to Pay Bills**

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

**Extension Office - Ag Update**

Extension Educator, Vince Crary, briefed the Board on a recent water arsenic project dealing with arsenic that naturally occurs in water. The research was to identify whether the arsenic transferred from the water through the cows and into the milk. Mr. Crary explained the project and reported that the arsenic does not transfer into the milk and the final data on the tissue samples are currently being analyzed. Mr. Crary provided a handout entitled "Central Regional Partnership 2006 Project - Dairy Irrigated Pasture Investigation". Discussion also took place regarding the Donkey project to control thistles in pastures without using chemicals and organic milk production.

**Recess & Reconvene**

At 9:50 a.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 10:10 a.m.

**Otter Tail Sheriff's Operations Center Project**

Physical Plant Manager, Rick Sytsma, reported that Otter Tail County advertised for pre-qualification for bidding for the construction of the Sheriff's Outpost building in Otter Tail City. The County received seven responses to the pre-qualification process. Mr. Sytsma explained the scoring process. Motion by Block, second by Nelson, and unanimously carried to accept five qualified bidders through the pre-qualification process, who met the suggested qualifications, as recommended by the Architect and the County's Physical Plant Manager. Mr. Sytsma noted that the anticipated bid opening date for the Sheriff's Operations Center project is February 7, 2007 (not February 2, 2007, as previously documented in the 01/02/07 minutes).

### **Recess and Reconvene**

At 10:35 a.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 11:00 a.m.

### **Planning Commission Recommendations**

#### **Preliminary Plat – “Snyder Addition”/Janet & Anthony Snyder:**

Motion by Froemming, second by Nelson, and unanimously carried to approve the Preliminary Plat known as “Snyder Addition” consisting of 1 single family residential lot, with conditions as recommended by the Planning Commission. The property is described as NW¼ ex RR ex tr, Section 1, Compton Township; Non-Shoreland.

#### **Preliminary Plat – “Charlie’s Beach 2<sup>nd</sup> Addition”/Charlie Kirchenwitz:**

Motion by Nelson, second by Froemming, and unanimously carried to approve the Preliminary Plat known as “Charlie’s Beach 2<sup>nd</sup> Addition” consisting of one single family residential lot, with conditions as recommended by the Planning Commission. The property is described as Lots 4 & 5 ex cemetery ex plats, Section 28, Edna Township; Tenter Lake (56-348), NE and North Rice Lake (56-349), NE.

#### **Preliminary Plat – “Heisler’s 1<sup>st</sup> Addition”/Donald J. Heisler:**

Motion by Froemming, second by Erickson, and unanimously carried to approve the Preliminary Plat known as “Heisler’s 1<sup>st</sup> Addition” consisting of 3 single family residential backlots, with conditions as recommended by the Planning Commission. The property is described as N½ SW¼ W of public rd ex tr & GL 1 ex plat, Section 4, Otter Tail Township; Otter Tail Lake (56-242), GD.

#### **Preliminary Plat – “Pinke’s East Loon Lake Heights”/Paul Pinke:**

Motion by Erickson, second by Block, and unanimously carried to approve the Preliminary Plat known as “Pinke’s East Loon Lake Heights” consisting of 4 single family residential lots, with a condition as recommended by the Planning Commission. The property is described as Pt of GL 5 & 6, Section 2 and Pt of GL 3 & Lots 1 & 2 Block 1 Prieb’s Park, Section 1, Dora Township; Loon Lake (56-523), RD & Sybil Lake (56-387), RD.

#### **Conditional Use Permit – “Pelican View Estates”/DGD Enterprises, LLP:**

Land & Resource Director, Bill Kalar, explained that this CUP request is for a 40 unit Common Interest Community and to construct a road to serve the CIC. The Planning Commission recommended approval of the request on a split vote. Mr. Kalar referred to a letter received from the Zoning Administrator of Scambler Township, which states the position of Scambler Township that all areas of this development not in the shoreland district are under Scambler Township’s jurisdiction and the developers would need to obtain the appropriate permits from the township. Developer, Norman Robinson, provided a handout to the Board of aerial photos of the area and stated that the additional information since the Planning Commission meeting only addresses the conditions that were stipulated. Mr. Robinson also stated that the developers have met with the Scambler Township officials and felt there would be no problem obtaining the required permits as stated in the Township’s letter.

Planning Commission member, Rod Boyer, spoke in regards to the Planning Commission not having enough information relative to design, needed culverts, boat lifts, and relocating the entrance. The Developer and Steve Langley, of Anderson Land Surveying, responded to the issues presented by Mr. Boyer and comment was made that the storm water plan and the septic must be approved by the MPCA and also, the State Department of Health, so will be required to meet standards. Discussion took place regarding County and Township rules. Mr. Kalar stated that if a portion of the development is in the shoreland area, the complete development must meet County SMO rules. Scambler Township also has the authority to require permits outside of the 1,000 ft; therefore, the development is subject to both County and Township rules. Discussion continued.

In view of the fact that this development has cleaned up an unsightly area and has some support from the nearby property owners, Commissioner Block offered a motion to approve the Conditional Use Permit of DGD Enterprises, LLP, to change the usage from Commercial to a 40 unit CIC and to approve construction of a road to service the community with conditions as recommended by the Planning Commission. Commissioner Nelson seconded the motion. Chairman Mosher called for a roll call vote:

	<u>Yea</u>	<u>Nay</u>
Commissioner Erickson		X
Commissioner Froemming		X
Commissioner Block	X	
Commissioner Nelson	X	
Commissioner Mosher	X	

Motion carried 3 – 2. The property is described as Tax Parcel Numbers 55-000-01-0008-007, 55-000-01-0008-006, 55-000-01-0008-003, 55-000-01-0008-004, 55-000-01-0008-000; Section 1, Scambler Township; Pelican Lake (56-786), GD.

**Conditional Use Permit Extension Request**

Motion by Erickson, second by Froemming, and unanimously carried to approve extension of Conditional Use Permit #6355, until October 31, 2007, for Bridge Replacement over the Otter Tail River as requested by the Otter Tail County Highway Department.

**Final Plat Extension Requests**

Motion by Erickson, second by Nelson, and unanimously carried to grant an extension to file the Final Plat for “Lorene Shores” on Long Lake (56-784) in Elizabeth Township until April 30, 2007.

Motion by Erickson, second by Block, and unanimously carried to grant an extension to file the Final Plat for “Kvare’s Beauty Bay South Second Addition”, non-shoreland property, until March 15, 2007.

**Recess and Reconvene**

At 11:55 a.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:00 p.m.

**Public Hearing for the Petition to Impound Waters – Ditch No. 38**

Chairman Mosher opened the Public Hearing for the Impoundment of Waters on Ditch No. 38. County Attorney, David Hauser, referred to a petition submitted by Robert Sonnenberg, which was accompanied by an Engineer's Report. A Public Hearing is then held to determine whether or not the land owner shall be allowed to impound the waters. The Engineer's Report for this request has been on file in New York Mills and at the Auditor's Office in Fergus Falls.

Ditch Inspector, Randy Wasvick, showed the public a map and indicated where the control would be placed at the beginning of Branch One on Mr. Sonnenberg's property to maintain the wetland. He provided elevation information and stated that a control structure would be installed at the appropriate elevation along with a spill over point to protect the Tysdal property. The culvert under Highway 67 would control the flow of water.

Attorney Kurt Deter, representing Mr. Sonnenberg, referred to M.S. 227 and stated that the statute is clear that a permit shall be issued if requirements have been met. He stated that all relevant information shows that there is no adverse impact. He requested approval of the Impoundment Project so that it can be installed this spring.

Several property owners on Ditch No. 38 provided comments as follows:

- Why did the individual petitioning for impoundment previously petition to have the ditch cleaned out?
- How much rainfall was used in the engineering?
- Questions about the expense of the project.
- Are there government reimbursements for the wetland being created?
- Who is going to control the structure?

Engineer, Randy Clarksean, responded to the engineering questions. Mr. Wasvick explained that the full expense of the project will be paid by the petitioner, so there will be no expense to other property owners. He also stated that he would be responsible to monitor the installation of the project specifically in regards to the appropriate elevation. Mr. Sonnenberg stated that he has not asked for reimbursement from any federal, state, or county government for this project.

At 1:31 p.m., with no further questions on the impoundment petition, a motion was offered by Nelson to approve the requested Impoundment of Waters on Ditch No. 38 as presented and to direct the County Attorney to prepare a formal Order for the project. Commissioner Froemming seconded the motion. Chairman Mosher called for a roll call vote as follows:

	<u>Yea</u>	<u>Nay</u>
Commissioner Erickson	X	
Commissioner Froemming	X	
Commissioner Block	X	
Commissioner Nelson	X	
Commissioner Mosher	X	

Motion carried 5 – 0. Chairman Mosher closed the Public Hearing at 1:33 p.m. and declared the Board of Commissioners' meeting recessed for a short break.

**Reconvene**

At 1:39 p.m., Chairman Mosher declared the Board of Commissioners' meeting reconvened for continuing agenda items.

**Ditch No. 16 – Clitherall Township**

Discussion took place regarding a Petition Requesting Otter Tail County to clean/clear/dredge/maintain County Ditch No. 16. Discussion took place regarding the need for an informational meeting.

**Judicial Ditch No. 2 – Otter Tail/Wadena**

Mr. Wasvick reported that Wadena County does not have a problem with Otter Tail County allowing an individual to work on a Ditch System as long as there is no cost to Wadena County. Motion by Froemming, second by Erickson, and unanimously carried to authorize Property Owner, Donald Haman, to repair Judicial Ditch No. 2 (Otter Tail/Wadena) on this property at his expense.

**Inman Township Payment Request**

Mr. Wasvick explained that the culvert clean-out that Inman Township performed on a minimum maintenance road was billed to Otter Tail County. Mr. Wasvick had communicated to a Township official that there is no need to open the culvert until the beaver dams are removed as there was standing water in the ditches on both sides of the culvert. Motion by Erickson, second by Block and unanimously carried to deny payment, in the amount of \$385.00 as requested by Inman Township, because the County did not approve and is not responsible for the work performed.

**Adjournment**

At 1:59 p.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, January 23, 2007.

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

By: \_\_\_\_\_  
Dennis R. Mosher, Board of Commissioners Chair

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

CB/kd



1/16/2007  
13:54:07

OTTER TAIL COUNTY AUDITOR  
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IFD66

WARRANTS APPROVED ON 1/16/2007 FOR PAYMENT 1/16/2007

VENDOR NAME	AMOUNT
A'VIANDS LLC	3,135.84
RICHARD AKERMAN	5.75
ALEXANDRIA TECHNICAL COLLEGE	30.00
AMERICAN INSTITUTIONAL SUPPLY	245.26
AMERICAN TOWER CORPORATION	84.37
JEFFREY ARNDT	100.00
ARVIG COMMUNICATION SYSTEMS	200.00
ASSOCIATION OF TRAINING OFFICE	450.00
JOHN BARTHEL	216.77
BATTLE LAKE AUTO PARTS	57.14
BATTLE LAKE STANDARD	45.05
BAUCK PAINT & SUPPLY	37.33
BCA ST OF MN	180.00
BIELEMA FUNERAL HOME	195.00
BOBCAT OF OTTER TAIL COUNTY	379.83
RIAN BOSSE	300.00
BRANDON COMMUNICATIONS INC	2,091.90
CARQUEST AUTO PARTS	11.05
CELLULAR ONE	562.80
CO OP SERVICES INC	2,414.85
COMPANION ANIMAL HOSPITAL	20.22
COOPERS TECHNOLOGY GROUP	179.71
CRANE JOHNSON LUMBER CO	253.65
CULLIGAN WATER COND	71.87
CULLIGAN WATER CONDITIONING	10.65
DENZEL'S REGION WASTE INC	119.34
DEPT OF PUBLIC SAFETY	510.00
MARK ELLENSON	92.00
BRYAN EMMEL	251.61
FARMERS CO OP OIL ASSN	1,693.35
FARNAM'S GENUINE PARTS INC	1,017.78
FARNAM'S GENUINE PARTS INC PR	51.07
FERGUS FALLS MEDICAL GROUP	789.50
FERGUS FALLS NEWSPAPERS INC	575.95
FERGUS FALLS POLICE DEPT	495.30
FERGUS TIRE CENTER	1,945.38
GE CAPITAL	233.65
GERALD N EVENSON INC	2,143.49
GR GRAPHICS INC FARGO	50.00
PATRICK GRIFFIN	225.24
HALL TRUCK CENTER INC	334.24
NICOLE HANSEN	30.71
HEDAHLS HEADQUARTERS	291.09
HEISLERS COUNTRY OIL	1,669.81
HENNING HARDWARE	115.01
HILLTOP LUMBER INC	33.45
SANDY HOLO	182.64
INNOVATIVE OFFICE SOLUTIONS	364.12
INTERNATIONAL TRANSLATION SERV	157.25

1/16/2007 13:54:07      DGODEL      OTTER TAIL COUNTY AUDITOR  
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WARRANTS APPROVED ON 1/16/2007 FOR PAYMENT 1/16/2007

VENDOR NAME	AMOUNT
KEEPRS INC CY'S UNIFORMS	128.95
KELLY SERVICES INC	1,313.22
KNOWLEDGE TRANSFER CONSULTING	1,350.00
LAKE REGION DENTAL CENTER	1,314.00
LAKE REGION HEALTHCARE CORP	1,651.03
LAKEWAY MARKET LLC	3,209.99
LINDSAY ECOWATER SYSTEMS	202.44
LOCATORS & SUPPLIES INC	366.14
MACAI	75.00
MCCOLLOUGH WELDING	2,000.00
MICROPILOT INC	740.65
MN DEPT OF AGRICULTURE	200.00
MN MOTOR COMPANY	244.39
MN SHERIFFS' ASSOCIATION	134.34
MOCIC	200.00
DEBORAH MORRIS	250.16
NAPA OF PERHAM	74.39
NAPA STANDARD PARTS OF WADENA	289.37
NELSON FORD LINCOLN MERCURY IN	2,027.40
NORTHERN STATES SUPPLY INC	53.51
OFFICEMAX CONTRACT INC	455.51
OSI ENVIRONMENTAL INC	50.00
OTTER TAIL CO EMPLOYEES COMMIT	69.00
PAMIDA INC 008	14.35
PARK REGION CO OP	3,094.35
PENROSE OIL COMPANY	1,434.80
PERHAM ACE HARDWARE	34.29
PERHAM CO OP CREAMERY	3,217.10
PERHAM ENTERPRISE BULLETIN	39.06
PETE'S AMOCO	688.85
PRAIRIE IMPLEMENT INC	46.69
PRO AG FARMERS CO OP	6,621.43
PUBLIC SAFETY CENTER INC	665.54
QUICK'S NAPA AUTO PARTS	12.63
ROYAL TIRE INC	5,625.65
CHERI SCHULTZ	51.99
SERVICE FOOD SUPER VALU	81.38
SIMPLEXGRINNELL LP	711.36
WAYNE STEIN	303.96
STRAND ACE HARDWARE	41.23
STREICHERS	74.38
SWEENEY BROTHERS	294.91
TNT REPAIR INC	7.00
TRADEHOME SHOES	389.98
SUSAN ULSCHMID	33.61
UNIFORMS UNLIMITED	907.23
VARITECH INDUSTRIES	704.51
VERGAS ACE HARDWARE	109.20
WADENA MEDICAL CENTER LTD	375.00

