

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS**  
Government Services Center, 500 Fir Ave. W.  
Commissioners' Room  
Tuesday, May 18, 2004  
9:30 a.m.

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, May 18, 2004, at 9:30 a.m. at the Otter Tail County Government Services Center with Commissioners Syd Nelson, Chair; Bob Block, Vice-Chair; Roger Froemming, Dennis Mosher, and Malcolm Lee present.

**Approval of Minutes**

Motion by Block, second by Mosher, and unanimously carried to approve the County Board minutes of May 11, 2004, as presented.

**Correction to May 4, 2004, County Board Minutes**

Motion by Froemming, second by Nelson, and unanimously carried to amend the County Board minutes of May 4, 2004, as follows:

In Otter Tail County Resolution No. 2004-25, Commissioner Mosher was documented as seconding the motion to approve the resolution. This motion should read that it was seconded by Commissioner Block.

Under the Heading "Consideration of Ditch No. 38 Redetermination of Benefits", a property owner's name was misspelled as Calvin Mukala and should appear as Calvin Muckala.

**Approval of Agenda**

Motion by Froemming, second by Nelson, and unanimously carried to approve the County Board agenda of May 18, 2004, with the following additions:

10:10 a.m. – Carolyn Drude of Ehlers & Associates

11:45 a.m. – Personnel Committee Meeting – Steve Andrews

Closed Session Under Attorney-Client Privilege

**Welfare Fraud Investigation Services Cooperative Agreement**

Motion by Froemming, second by Lee, and unanimously carried to authorize the appropriate County officials' signatures to execute a Cooperative Agreement for Welfare Fraud Investigation Services between the State of Minnesota Department of Human Services and the County of Otter Tail for the period of May 1, 2004 through December 31, 2004. The agreement provides terms and conditions for fraud investigation services and reimbursement from the Federal Government.

**Discussion - District Court Space Needs**

Court Administrator, Kathy Ouren, presented a handout prioritizing seven spatial needs for the Court system. Ms. Ouren and Physical Plant Manager, Rick Sytsma, stated that they have plans to meet most of the short-term spatial needs as identified. Mr. Sytsma stated also, that the County can accommodate all of the short term space needs that have been requested to-date. Discussion continued regarding the need to relocate some departments

and/or specific areas of a department. The request to move the Guardian Ad Litem Coordinator to Fergus Falls from New York Mills will not take place at this time because rental of the space is required.

**Resolution for Acreage Modification in the Fergus Falls JOBZ Subzone  
 Otter Tail County Commissioners Resolution No. 2004 - 26**

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**, whereas the City of Fergus Falls wishes to modify the acreage in their Job Opportunity Building Subzone; and

**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	80.00	Reduced by 1.03 acres
Mark Thorson	06000010009000	38.61	
Thomas C. Graham and Henry C. Harms	71003991532000	1.03	Partial 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: \_\_\_\_\_

Sydney Nelson, County Board Chair

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

Larry Krohn, Clerk

**Human Services Contract**

Motion by Lee, second by Block, and unanimously carried to authorize the appropriate County officials' signatures to execute a Purchase of Services Contract between Otter Tail County Human Services and the State of Minnesota Department of Human Services for the period of January 1, 2004 through December 31, 2004. Services will be provided through the Minnesota Extended Treatment Options Program for crisis services for the developmentally disabled. Otter Tail County is the Host County for the contract.

**Veterans Home Bond Refinancing Discussion**

Ehlers & Associates Inc. Executive Vice President, Carolyn Drude, presented financial information to the Board regarding the potential to refinance the Veterans Home Bonds.

**Liquor License Applications**

Motion by Mosher, second by Froemming, and unanimously carried to approve the following applications for licenses:

Corner Store, The  
28027 County Highway 145  
Battle Lake, MN 56515

Off-Sale 3.2 Malt Liquor

Fair Hills  
PO Box 6  
Detroit Lakes, MN 56515

On-Sale Wine and On-Sale 3.2 Malt Liquor

Lakeland General Store, Inc.  
22438 Old 59 Road  
Pelican Rapids, MN 56572

Off-Sale 3.2 Malt Liquor

Maple Beach Resort  
23532 State Highway 108  
Pelican Rapids, MN 56572

Tobacco

Woodland Beach Resort  
26477 State Highway 78  
Battle Lake, MN 56515

On/Off-Sale 3.2 Malt Liquor

### **Exempt Permit Applications**

Motion by Lee, second by Block, and unanimously carried to approve the LG220 Application for Exempt Permits as submitted by the following:

Pelican Rapids Area Chamber of Commerce has scheduled an event for Saturday, October 9, 2004, at the Bluewater Restaurant and Sports Bar, and

Holy Cross Church has scheduled an event for Sunday, September 12, 2004, at the Holy Cross Church

### **County Ditch No. 38**

Auditor, Wayne Stein, presented a petition relative to Ditch No. 38 as requested by several property owners on the Ditch No. 38 System. The petition is the same petition that was presented at the County Board meeting on May 4, 2004.

### **Payment for Judicial Ditch No. 2 Project**

Motion by Mosher, second by Lee, and unanimously carried to authorize payment from the Otter Tail County General Fund to Houston Engineering, Inc. in the amount of \$2,045.37, for services provided to Judicial Ditch No. 2 to be reimbursed either from the outlet fee paid to the Ditch Fund or from the Road and Bridge Fund upon completion of the Oscar Lake Outlet process.

Chairman Nelson was absent at 10:35 a.m. until 10:40 a.m.

### **Premise Permit Otter Tail County Resolution No. 2004 – 27**

Commissioner Mosher offered the following and moved its adoption:

WHEREAS, the responsibility for the regulation of lawful gambling and the issuance of licenses and permits for the conduct of lawful gambling lies with the Minnesota Gambling Control Board; and

WHEREAS, the VFW Post 612 Auxiliary, Fergus Falls, MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at Elks Point, located at 20970 Elks Point Rd in Dane Prairie Township of Otter Tail County; and

WHEREAS, Minnesota Statute 349.213 provides that the Gambling Control Board may not issue a premise permit unless they receive a resolution from the Otter Tail County Board of Commissioners approving the application for a permit; and

WHEREAS, the Otter Tail County Board of Commissioners is aware of no reason to oppose the conduct of lawful gambling by the VFW Post 612 Auxiliary, Fergus Falls, MN, at Elks Point, located at 20970 Elks Point Rd in Dane Prairie Township of Otter Tail County.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby approves the conduct of lawful gambling by the VFW Post 612 Auxiliary, Fergus Falls, MN, at Elks Point, located at 20970 Elks Point Road in Dane Prairie Township of Otter Tail County, provided the applicant meets all the necessary criteria for the licenses and permits as required by the Gambling Control Board.

IT IS FURTHER RESOLVED, that notice of this application and approval shall be provided to the Township of Dane Prairie by sending them a copy of this resolution.

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

Adopted and signed this 18th day of May 2004.

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

By: \_\_\_\_\_  
Sydney Nelson, County Board Chair

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

#### **Approval to Pay Bills**

Motion by Froemming, second by Lee, and unanimously carried to approve payment of the County Board bills per Attachment A of these minutes, which includes the following lodging payment:

Holiday Inn Express

Corrections Sergeant, Anne Mueller

#### **Annual Performance Evaluation**

At 10:37 a.m., the meeting of the Otter Tail County Board of Commissioners was closed to the public for the purpose of completing an Annual Performance Evaluation for County Coordinator, Larry Krohn, pursuant to M.S. Chapter 13D.05 Subd. 3. All five seated Commissioners were present for the evaluation. A summary of performance conclusions will be provided at the next regularly scheduled County Board meeting.

#### **Meeting Reconvened**

At 11:00 a.m., upon completion of the performance evaluation, Chairman Nelson declared the meeting opened to the public for consideration of additional agenda items.

### **Planning Commission Recommendations**

#### **Preliminary Plat – “Riedel’s Cove”/Laurel & Juerlienne Riedel:**

Motion by Froemming, second by Mosher, and unanimously carried to approve the Preliminary Plat known as “Riedel’s Cove” consisting of nine (9) single family residential lots with conditions as recommended by the Planning Commission. The property is described as E $\frac{1}{2}$  SE $\frac{1}{4}$  ex RR, SW $\frac{1}{4}$  SE $\frac{1}{4}$  & E $\frac{1}{2}$  SW $\frac{1}{4}$  ex Hwy ex tr, Section 27 and NE $\frac{1}{4}$  NW $\frac{1}{4}$  ex tr & N $\frac{1}{2}$  NE $\frac{1}{4}$  ex RR, Section 34 of Parkers Prairie Township; Non-Shoreland.

#### **Conditional Use Permit – Mark & Cindy Paul:**

Motion by Lee, second by Block, and unanimously carried to approve a Conditional Use Permit to build a driveway and level a pad for a home site as presented. The property is described as Fr'l S $\frac{1}{2}$  SW $\frac{1}{4}$  ex tr (62.06 AC) Section 18 & Lot 3 (21.25 AC) Section 19 of Scambler Township; Harrison Lake (56-934).

#### **Conditional Use Permit – Friberg Twp/Raymond Duenow/Greg & Mary Jo Marcus:**

Motion by Lee, second by Mosher, and unanimously carried to approve a Conditional Use Permit to move a township road for public safety with conditions as recommended by the Planning Commission. The property is described as Lot 1, Lot 2 ex flowage & ex tracts & 290<sup>th</sup> Street, Section 31 of Friberg Township; Otter Tail River (56-OTR).

#### **Preliminary Plat – “Wilmont Estates”/Ron & Joanne Wilner:**

Land & Resource Director, Bill Kalar, stated that Wilmont Estates is a proposed plat in a non-shoreland area in Section 31 & 32 of Aurdal Township. The Planning Commission approved the project with conditions. Jim Holly, resident of Birchwood Estates, expressed concern regarding the poor conditions of Birchwood Estates Road which would service this plat. He stated that Aurdal Township refuses to do maintenance on the road because it is located in Dane Prairie Township and Dane Prairie Township refuses to do maintenance because they do not receive any taxes to maintain the road. He requested that this Preliminary Plat not be allowed to move forward unless one of the townships agrees to maintain the road. Mary Velo expressed the same concerns. County Attorney, David Hauser, stated that often townships work out a cooperative agreement to provide for maintenance of roads in this situation. Because the County does not have jurisdiction over township decisions, a motion was offered by Lee and seconded by Froemming, to approve the Preliminary Plat of “Wilmont Estates” consisting of 21 lots for single family residential use with conditions as recommended by the Planning Commission. The property is described as Lot 9 ex tr & ex platted & ex tr (13.12 AC) Section 31 and Lots 2 & 3 except plat & ex trs (12.59 AC) Section 32 of Aurdal Township; Non-Shoreland. Discussion continued. Chairman Nelson called for a roll call vote. Motion carried unanimously.

#### **Preliminary Plat & Conditional Use Permit – “Squires Acres”/Clark Squires & John Squires:**

Motion by Nelson, second by Mosher, and unanimously carried to approve the Preliminary Plat known as “Squires Acres” consisting of six (6) single family residential lots and a Conditional Use Permit to construct a road to service the proposed plat with conditions as recommended by the Planning Commission. The property is described as NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  (39.5 AC) & Gov’t Lot 3 except tracts (.43 AC) Section 13 of Rush Lake Township; Rush Lake (56-141).

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

Motion by Froemming, second by Lee, and carried with Mosher abstaining, to approve an extension for Conditional Use Permit No. 5981 for Paul & Becky Jensen on West Lake Resort on West Lost Lake, until September 19, 2006.

### **2004 Natural Resources Block Grant**

Mr. Kalar reported that the County has received the 2004 Natural Resources Block Grant. He provided a handout showing the total grant amount of \$102,700.00 and the distribution of usage of the dollars. Mr. Kalar requested that some of the funds from the block grant be used for the salaries of two temporary summer positions to work on the sewage system abatement program. Motion by Lee, second by Froemming, and unanimously carried to authorize two summer, temporary positions to help with the sewage system abatement program and to approve the funding of the 2004 Natural Resources Block Grant as presented by the Land & Resource Director. The grant will increase the Intergovernmental Revenue Budget by \$102,700.00 and increase budgeted expenditures by the same amount.

### **Recess & Reconvene**

At 11:50 a.m., Chairman Nelson recessed the meeting of the Otter Tail County Board of Commissioners for a Personnel Committee meeting and lunch break. The meeting was reconvened at 1:05 p.m.

### **Technology Training**

MIS Director, Tim Brand, provided information and a tour of the County's computer network hardware.

### **Recess & Reconvene**

At 1:31 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners recessed for a Personnel Committee meeting. The meeting was reconvened at 1:45 p.m.

### **Eagle Display**

Motion by Block, second by Lee, and unanimously carried to authorize Rud Wasson to move the Eagle Display currently in the former Commissioners' Room in the Courthouse subject to a written approval from the Osander Family (original owners of the display) and that the U.S. Fish & Wildlife Service is responsible for moving the display to the Prairie Wetland Center at no expense to the County.

### **Performance Evaluation Summary**

Motion by Block, second by Froemming, and unanimously carried to approve the excellent performance evaluation summary as presented, for Highway Engineer, Rick West, and directed that the summary be placed in his Personnel File.

### **Temporary Authorization**

Motion by Lee, second by Mosher, and unanimously carried to authorize a temporary position in the Treasurer's office to assist during tax collection time from May 6, 2004 through May 18, 2004.

**Correction to April 13, 2004, Minutes**

Motion by Lee, second by Froemming, and unanimously carried to amend the April 13, 2004 Minutes under the Heading of "Approval of Common Interest Community" as follows:

The Common Interest Community name was recorded as "Oak Lodge Resort".

The correct name of the Community is "Oak Lodge Summer Village".

**Mileage Rate Changed**

Taking into consideration increased transportation costs, a motion was offered by Nelson, seconded by Lee, and carried with Mosher opposed, to approve a change in the mileage reimbursement for employees for CY2004 from \$.33 per mile to \$.375 per mile (IRS rate).

**Closed Session**

At 2:01 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners closed to the public to discuss threatened litigation as authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Pending litigation is relative to Lisa and Wayne Helland vs. Otter Tail County and the Minnesota Environmental Rights Act lawsuit regarding development on Dead Lake. Present were Commissioners Nelson, Block, Mosher, Froemming, and Lee, the County Attorney, County Coordinator, and Board Secretary.

**Funding for Public Health Nursing Equipment**

At 2:17 p.m., upon completion of the closed session, Chairman Nelson declared the meeting open to the public. Motion by Block, second by Nelson, to authorize \$900 to be used for stethoscopes and scales for the Public Health Department if matching funds can be obtained through Charity organizations. Chairman Nelson called for a roll call vote. Motion carried 3-2 with Lee and Mosher opposed.

**Adjournment**

At 2:21 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, May 25, 2004.

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

By: \_\_\_\_\_  
Sydney Nelson, County Board Chair

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