

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Government Services Center, Commissioners' Room  
500 Fir Avenue W., Fergus Falls, MN  
Tuesday, November 15, 2005  
9:30 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, November 15, 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, and Syd Nelson present. Commissioner Malcolm Lee was absent.

**Approval of Agenda**

Motion by Mosher, second by Froemming, and unanimously carried to approve the County Board agenda of November 15, 2005, with the following changes:

9:35 a.m. – Cancel the MIS Director's Agenda Item

Cancel – Approval of Final Plat

**Annual Membership – Lakes Country Service Cooperative**

Motion by Nelson, second by Mosher, and unanimously carried to authorize payment to Lakes Country Service Cooperative, in the amount of \$250.00, for Otter Tail County's annual membership dues.

By consensus, the Board of Commissioners nominated Jim Fish for the CCOGA candidate to fill one four-year term on the Lakes Country Service Cooperative Board of Directors.

**Approval of Minutes**

Motion by Froemming, second by Mosher, and unanimously carried to approve the County Board minutes of November 8, 2005, as mailed.

**Approval to Pay Bills**

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

**Personnel Board Recommendation**

Because of levy limits, the non-union employees did not receive a COLA on January 1, 2004. When the County Board took this action on December 23, 2003, it was their intent to give the COLA back within three years. Motion by Block, second by Mosher, and unanimously carried to approve a 3.1% cost of living adjustment for non-union employees (does not include County Commissioners or Attorneys) effective for the December, 2005, non-union payroll, as recommended by the Personnel Board.

**Minnesota State Transportation Fund Resolution  
for Construction of County Bridge No. 56535  
Project No. S.P. 56-599-53  
Fed. Proj. No. BROS 5605(125)  
Otter Tail County Resolution No. 2005-70**

Commissioner Froemming offered the following and moved its adoption:

WHEREAS, Otter Tail County has applied to the Commissioner of Transportation for a Grant from the Minnesota State Transportation Fund for the Construction of County Bridge No. 56535 (Project No. S.P. 56-599-53) on 245<sup>th</sup> Street over the Otter Tail River, and;

WHEREAS, The amount of the grant has been determined to be \$193,138.53 by reason of lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED, That the County of Otter Tail does hereby affirm that any cost of the bridge in excess of the grant will be appropriated from the funds available to the County of Otter Tail, and that any grant monies appropriated for the bridge but not required, based on the final estimate, shall be returned to the Minnesota State Transportation Fund.

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

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

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

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

#### **Project Update**

Highway Engineer, Rick West, briefed the County Board on several projects recently completed. He stated that a quotation for leasing a temporary pumping system has been received and delayed a recommendation for one week for further research.

Commissioner Mosher was absent at 10:06 a.m.

#### **Reduction of Retainage**

Motion by Nelson, second by Froemming, and unanimously carried to authorize reduction of the retainage for Delzer Construction for the Lake Oscar Outlet Project to 1%, as recommended by the Highway Engineer.

#### **Engineering Promotion**

Motion by Nelson, second by Froemming, and unanimously carried to approve the promotion of Sharon Wicklund from an Engineering Technician II to an Engineering Technician III, based on her ability to perform engineering work at a higher level, effective November 1, 2005. This promotion meets with departmental standards for engineering staff.

#### **Tobacco License Applications**

Motion by Froemming, second by Nelson, and unanimously carried to approve the following applications for tobacco license:

JC's General Store  
Dalton, MN

Olson Tire & Oil, Inc.  
Ottertail, MN

Super H  
Elizabeth, MN

Zorbaz on Pelican Lake  
Pelican Rapids, MN

### **Grant Agreement for Snowmobile Trail Program Funding**

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair and Clerk of the County Board to sign on behalf of Otter Tail County, the State of Minnesota, Department of Natural Resources, Subgrant Agreement under the Federal Recreational Trail Program (Project Agreement #0004-05-1B).

### **2005 Highway Department Seasonal Asphalt**

Jim Cooper, owner of Quality Asphalt Company, Inc.; Highway Engineer, Rick West; and the County Board; discussed the bidding/quotation process typically followed regarding Seasonal Supply of Asphalt. They also discussed the process for using asphalt for particular highway projects throughout the County.

### **Veterans Service Office Commendation**

Chairman Block acknowledged receipt of correspondence from the State Department of Veterans Affairs commending Otter Tail County's Veterans Service Office for their excellent job assisting Minnesota's veterans and their dependents with Veterans' benefit programs.

### **Medical Flexible Spending Account**

Motion by Nelson, second by Froemming, and unanimously carried to authorize the maximum annual reimbursement amount of \$3,500 that employees could put in a medical flexible spending account for CY2006, as recommended by the Insurance Committee.

### **Recess & Reconvene**

At 10:43 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 11:00 a.m.

### **Planning Commission Recommendations**

#### **Conditional Use Permit – Gary Rutherford:**

Motion by Froemming, second by Nelson, and unanimously carried to approve a Conditional Use Permit to remove the broken down terrace retaining walls and replace as requested, without constructing a ramp or working in the mushy area, with no trees removed and the maximum fill allowed of 75 cubic yards as recommended by the Planning Commission. This approval is for #3 and #4 of the application only. The property is described as Lots 20 & 21, Pelican Bay Shores, Section 16 of Dunn Township; Fish Lake (56-768).

#### **Preliminary Plat – “Smith Acres”/Harold Woods”:**

Motion by Nelson, second by Froemming, and unanimously carried to approve the Preliminary Plat of Harold Woods known as “Smith Acres” consisting of 5 single family residential lots, with conditions as recommended by the Planning Commission. The property is described as NW¼ SE¼ ex tr, NE¼ NW¼ & Lots 2 & 3; & Sub Lot A of Lot 1 and Lot 6 ex tr & SW¼ SE¼, Section 26 of Dora Township; Elbow Lake (56-514).

#### **Preliminary Plat – “Turner Point 2<sup>nd</sup> Addition”/Delbert Turner:**

Motion by Froemming, second by Block, and unanimously carried to deny the proposed Preliminary Plat of Delbert Turner known as “Turner Point 2<sup>nd</sup> Addition” for the reasons as stated in the Planning Commission minutes of November 9, 2005. The property is described as Lot 4 Block 1, Turner Point, Section 8 of Everts Township; Otter Tail River (56-ORD).

Preliminary Plat & Conditional Use Permit—"Twin Lake Shores"/Marvin & Margaret Skov:

Motion by Block, second by Nelson, and unanimously carried to approve the Preliminary Plat entitled "Twin Lake Shores" consisting of 13 lots for single family residential use and a Conditional Use Permit to construct a road to service the proposed plat as presented. The property is described as SE $\frac{1}{4}$  SW $\frac{1}{4}$  ex W 35 Rds of S 37 Rds and SW $\frac{1}{4}$  SE $\frac{1}{4}$  (71.91 AC) and S 14 Rds of NW $\frac{1}{4}$  SE $\frac{1}{4}$  & S 14 Rds of E 45 Rds of NE $\frac{1}{4}$  SW $\frac{1}{4}$  (10.94 AC), Section 24 of Eagle Lake Township; Unnamed Lake (56-267).

Conditional Use Permit – Secluded Land Co., LLC:

Motion by Froemming, second by Nelson, and unanimously carried to approve a Conditional Use Permit to construct a gravel driveway with a condition as recommended by the Planning Commission. The property is described as Pt of GL 3 known as Lots 14, 15, 16 & 17, Section 18 of Everts Township; Silver Lake (56-302).

Preliminary Plat – "Mags Subdivision"/Donald R. & Robyn Ann Magnuson:

Motion by Froemming, second by Nelson, and unanimously carried to approve the Preliminary Plat known as "Mags Subdivision" consisting of 3 lots for single family residential use as presented. The property is described as Sub Lot B of Lot 1 ex part platted ex trs, Section 28 of Girard Township; West Battle Lake (56-239).

Preliminary Plat – "Kvare's Beauty Bay South 2<sup>nd</sup> Addition"/Charles C. Kvare:

Motion by Nelson, second by Froemming, and unanimously carried to approve the Preliminary Plat of Charles C. Kvare known as "Kvare's Beauty Bay South 2<sup>nd</sup> Addition" consisting of 8 lots for single family residential use with a condition as recommended by the Planning Commission. The property is described as NE $\frac{1}{4}$  ex trs & ex plat, Section 18 of Dunn Township; Non-Shoreland.

Conditional Use Permit – Marin Bay Condominium Association:

Land & Resource Director, Bill Kalar, reported that this request was originally denied and then, referred back to the Planning Commission on October 18, 2005. After further consideration, the Planning Commission agreed that the additional information submitted at the County Board meeting was not the reason for their recommended denial and reaffirmed their original recommendation. Applicants Don Gronbeck and John Bunnell provided a letter from Attorney Brant Beeson along with two dock configuration maps referred to as Exhibit 3A and Exhibit 3B. Lengthy discussion took place including a history of the CUP requests relative to the Marin Bay Condominiums. Motion by Block, second by Nelson, and unanimously carried to approve a Conditional Use Permit for the Marin Bay Condominium Association for their docking configuration as presented in Exhibit 3A and dated 11-9-05.

**Extension Requests**

Motion by Nelson, second by Froemming, and unanimously carried to extend Conditional Use Permit #6203, until July 1, 2006, for Richard E. Peterson, Peterson's Point, as presented.

Motion by Nelson, second by Froemming, and unanimously carried to extend Conditional Use Permit #6330, until December 1, 2005, for a road project for Olaf Lake Shores with the condition that appropriate temporary erosion control measures are applied. Fiber mat should be placed over all disturbed areas. This approval is given because this particular project is 800' from the lake and impact to the wetland should be minimal because the terrain is fairly level.

### **Law Enforcement Facilities Discussion**

Sheriff, Brian Schluetter, presented an expansion proposal entitled "Ottetail City Sheriff's Patrol Station". He submitted data and briefed the County Board on law enforcement space issues, demographic statistics, and community needs assessment. He spoke in favor of centralizing some facets of the Sheriff's Department. Architect, David Shultz, referred to a handout dated November 11, 2005, and explained four options that have been identified to deal with short and long-term law enforcement space needs. Lengthy discussion took place. Motion by Block, second by Froemming, and unanimously carried to authorize the Sheriff to proceed with a site analysis to determine an appropriate location for an Ottetail City Patrol Station.

### **Recess & Reconvene**

At 12:14 p.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:06 p.m. with Commissioners, Bob Block, Chair; Roger Froemming, Vice-Chair; Dennis Mosher, and Syd Nelson present.

### **Blue Heron Bay EIS Scoping Decision**

County Attorney, David Hauser, provided a draft EIS Scoping Decision for Blue Heron Bay dated 11-8-05, which incorporated comments from both the Developer and the Dead Lake Association. Attorney for the Developer, Bob Russell, and Dead Lake Association representatives presented language that they agreed should be included in the scoping decision. Don Fondrick of the DLA, spoke about the importance of a quality document for use in future decisions. Doug Martin of the DLA, spoke in favor of extending the tentative schedule for completion of the EIS. Discussion took place regarding boating studies. The County Attorney reviewed changes to the draft document. Motion by Nelson, second by Froemming, and unanimously carried to accept the "Scoping Decision For The EIS For Blue Heron Bay" dated 11/15/05.

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

Land & Resource Director, Bill Kalar, began discussion regarding the Shoreland Ordinance Rules Revision process. On October 1, 2005, the County Board received a series of discussions and comments from the Shoreland Rules Revision Committee made up of 45 volunteers. Mr. Kalar stated that two questions need to be answered; 1) Does the County Board wish to revise the SMO and 2) if yes, what changes does the County Board wish to make? By general consensus, the County Board agreed that some changes to the Shoreland Ordinance need to be made.

Stu Peterson, representing a smaller group of the Shoreland Rules Revision Committee, presented a document regarding proposed changes to the Shoreland Management and Subdivision Controls Ordinances. He stated that there were three criteria used to recommend proposed changes in five distinct categories. Discussion followed regarding the handout and an outline recently provided by Mr. Kalar. The County Board directed Mr. Kalar to compare the outline with the proposed changes submitted by Mr. Peterson.

### **Adjournment**

At 2:36 p.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, November 22, 2005.

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

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

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

Robert Block, County Board Chair

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

Larry Krohn, Clerk

11/15/2005  
12:33:22

OTTER TAIL COUNTY AUDITOR  
PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66  
WARRANTS FOR PUBLICATION PAGE 1

WARRANTS APPROVED ON 11/15/2005 FOR PAYMENT 11/15/2005

VENDOR NAME	AMOUNT
A-1 LOCK AND KEY	76.58
A'VIANDS LLC	4,669.09
ACCESS TELEVISION	100.00
AGGREGATE INDUSTRIES INC	12,031.16
AMERICAN INSTITUTIONAL SUPPLY	58.59
BATTLE LAKE AUTO PARTS	145.88
BATTLE LAKE MOTOR PATROL ASSN	37.50
BEAR GRAPHICS INC	37.59
BRAUN VENDING INC	27.44
BROGARD PLUMBING CO	900.00
CENTRAL STATES WIRE PRODUCTS I	1,592.18
CO OP SERVICES INC	2,841.22
COMMISSIONER OF TRANSPORTATION	5,725.13
COOPERS TECHNOLOGY GROUP	5,050.00
CORPORATE TECHNOLOGIES	40.00
CULLIGAN WATER COND	26.37
DAKOTA WOOD GRINDING INC	8,222.50
DALTON OUTDOORS	127.80
DENZEL'S REGION WASTE INC	168.48
EAST SIDE OIL COMPANIES	85.00
ROBERT EHLERT	328.79
HELEN ERKENBRACK	25.22
FARMERS CO OP OIL ASSN	1,121.13
FARNAM'S GENUINE PARTS INC	692.83
FERGUS ELECTRIC	97.53
FERGUS FALLS NEWSPAPERS INC	658.00
FERGUS INTERNATIONAL INC	348.35
FERGUS POWER PUMP INC	6,600.00
FERGUS TIRE CENTER	168.95
FERRELLGAS	116.49
GE CAPITAL	233.65
GR GRAPHICS INC ST LOUIS	200.16
HALL GMC INC	542.31
HANSON'S PLUMBING & HEATING IN	30.00
HEALTHCARE ENVIRONMENTAL SERVI	104.00
HEDAHL'S HEADQUARTERS	95.95
HEISLERS COUNTRY OIL	1,073.53
HENNING HARDWARE	247.21
HOMESTEAD BUILDING SUPPLIES	57.38
INSIGHT PUBLIC SECTOR	2,912.79
K-MART	27.66
KARVONEN FURNITURE	425.99
KELLY SERVICES INC	730.10
L & L SERVICE	52.05
LAKE REGION ELECTRIC CO OP	13,374.02
LAKE REGION HEALTHCARE CORP	1,740.95
LAKELAND MENTAL HEALTH CENTER	744.00
LAKEWAY MARKET LLC	4,412.35
LARRY OTT INC TRUCK SERVICE	830.00

11/15/2005 OTTER TAIL COUNTY AUDITOR IFD66  
12:33:22 PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56  
WARRANTS FOR PUBLICATION PAGE 2

WARRANTS APPROVED ON 11/15/2005 FOR PAYMENT 11/15/2005

VENDOR NAME	AMOUNT
LAWSON PRODUCTS INC	242.38
LOCATORS & SUPPLIES INC	298.42
LYLE SIGNS INC	185.26
M-R SIGN COMPANY INC.	1,150.96
MATTHEW BENDER & COMPANY INC	310.60
MCCC MI 33	4,144.00
WENDY METCALF	297.35
MIDWEST TESTING LABORATORY	4,821.00
MIDWESTERN MAT RENTAL & SUPPLY	34.56
MN CO INSURANCE TRUST	2,500.00
MN DEPT OF LABOR AND INDUSTRY	20.00
MN MOTOR COMPANY	31.65
MN POLLUTION CONTROL AGENCY	850.00
MN STATE AUDITOR	1,165.00
NAPA STANDARD PARTS OF WADENA	368.77
NELSON DODGE GMC	748.54
NELSON FORD LINCOLN MERCURY IN	770.80
NEW YORK MILLS HERALD	212.60
NORTH UNION TEXACO	117.15
NOVA FIRE PROTECTION	290.00
OFFICEMAX CONTRACT INC	105.56
OLSON OIL CO INC	2,841.19
OTTER TAIL CO EMPLOYEES COMMIT	118.00
OTTER TAIL CO TREASURER	254.07
OTTERTAIL MINN-DAKOTA COACHES	402.59
PAMIDA PHARMACY	10,228.98
PELICAN LAKE YACHT CLUB	2,056.00
PENROSE OIL COMPANY	2,672.78
PERHAM ACE HARDWARE	44.70
PERHAM AREA EMS	939.11
PERHAM CO OP CREAMERY	3,915.91
PERHAM ENTERPRISE BULLETIN	228.55
CITY PERHAM	76,671.09
PETE'S AMOCO	2,497.97
PHELPS FAMILY FORD	255.43
PITNEY BOWES	314.96
QUILL CORPORATION	350.30
RDO EQUIPMENT	65.41
REVIEW ENTERPRISES INC	203.88
ALLEN RICKS	178.48
MATTHEW SAURER	29.05
CHERI SCHULTZ	47.78
SCOTT HOFLAND CONSTRUCTION INC	6,430.00
SEWER SERVICE	420.00
STERLING SOLUTIONS INC	667.00
SUPER SEPTIC INC OF PELICAN RA	77.19
SWANSTON EQUIPMENT CORP	2,236.50
TASER INTERNATIONAL	80.00
GARY TORGERSON	129.99

11/15/2005 12:33:22 OTTER TAIL COUNTY AUDITOR  
PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66  
WARRANTS FOR PUBLICATION PAGE 3

WARRANTS APPROVED ON 11/15/2005 FOR PAYMENT 11/15/2005

VENDOR NAME	AMOUNT
TOUTGES SANITATION	49.14
TRI STAR RECYCLING	2,065.10
UNIFORMS UNLIMITED	119.65
UNITED BUILDING CENTERS	50.41
UNIVERSITY OF MN	15,856.59
UNIVERSITY OF MN-EXTENSION SER	112.00
VALLEY SOFT WATER LTD	28.76
VERGAS ACE HARDWARE	25.94
VICTOR LUNDEEN COMPANY	128.52
WADENA CO AUDITOR TREASURER	394.12
WARNER GARAGE DOOR	126.41
WASTE MANAGEMENT	486.66
WELDING SUPPLIES & FIRE EQUIPM	4.58
WEST PAYMENT CENTER	850.50
SHARON WICKLUND	261.16
ZARBOK CONSTRUCTION TRUCKING	675.00

\*\*\*\* FINAL TOTAL..... \$234,209.95 \*\*\*\*