

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Government Services Center, Commissioners' Room  
500 Fir Avenue W., Fergus Falls, MN  
Tuesday, February 14, 2006  
9:30 a.m.**

**Call to Order**

The Otter Tail County Human Services Board convened Tuesday, February 14, 2006, at 9:31 a.m. at the Otter Tail County Government Services Center with Commissioners Roger Froemming, Chair; Dennis Mosher, Vice-Chair; Malcolm Lee, Syd Nelson, and Bob Block present.

**Approval of Agenda**

Motion by Mosher, second by Block, and unanimously carried to approve the Human Services Board agenda of February 14, 2006, as mailed.

**Approval of Minutes**

Motion by Nelson, second by Lee, and unanimously carried to approve the Human Services Board minutes of January 24, 2006, as mailed.

**Court Services Department**

Court Services Director, Chuck Kitzman, briefed the County Board on a recent Jail Task Force meeting as it relates to long term planning and population projections for Otter Tail County for the next 20 years. He stated that juvenile case loads are down and the long term population projections show 100% growth in the senior population and the student population growth in the single digits.

**Public Health Department**

Public Health Director, Diane Thorson, updated the Board on the Pandemic Flu Conference scheduled at the Courthouse on Tuesday, March 14, 2006. She requested a Planning Session on March 7, 2006, at 1:00 p.m. at the Government Services Center for discussion regarding the Tobacco Control Grant and the next level of work towards smoke-free environments.

**Bills & Claims**

Motion by Mosher, second by Block, and unanimously carried to approve the Human Services bills and claims as presented.

**Human Services Contracts**

Human Services Director, John Dinsmore, presented a list of Purchase of Service Agreements categorized by program area for the 2005-2006 period.

Motion by Lee, second by Nelson, and unanimously carried to authorize the Chairman's signature to execute the following Purchase of Service Agreements:

<b>Vendor</b>	<b>Services Provided</b>	<b>Term of Contract</b>
Lifeline Systems, Inc.	Health related waived services for elderly or disabled individuals	01/01/06 – 12/31/06
REM Central Lakes, Inc.	Home & community based waived services for persons with mental retardation or related conditions	01/01/06 – 21/31/06
Golden Manor of Fergus Falls	Residential services/assisted living waived services for the elderly	01/01/06 – 12/31/06
Love and Care of Pelican Rapids	Residential services/assisted living waived services for the elderly	02/01/06 – 06/30/06
Vergas Assisted Living	Residential services/assisted living waived services for the elderly	01/01/06 – 12/31/06
Deane Williams	Residential services/homes plus/foster care	02/01/06 – 06/30/06
A Place to Belong	Social activities for persons with serious and persistent mental illness	01/01/06 – 12/31/06

### **Stepping Stone Program**

Bill Lopez, Executive Director of Share House, and Andi Johnson, Director of Share House, briefed the County Board on their Sister's Path Program. The Program provides a shelter with supportive chemical dependency related services for women and children. Mr. Lopez and Human Services Supervisor, Brad Vold, looked at the vacated space at the Nursing Home and it was determined that this space could not be adapted for this type of program. However, Mr. Lopez stated that the New York Mills Hotel, which is in good shape, would work very well for a facility for the Sister's Path Program and there is a waiting list for people waiting to start the program. Two letters, in support of developing a Sister's Path Program in New York Mills, written by NYM Mayor, Randy Clarksean, and Chief of Police, Brian E. Nelson, were received by the County Board. Mr. Lopez and Ms. Johnson have been at several community meetings to explain their program. Mr. Vold requested approval from the County Board to write a letter of support for the continued development of the Sister's Path Program at the New York Mills Hotel. Sherri Kawlewski spoke against moving forward with the program at this time. She stated that the meetings that were held were not advertised well and felt that the community was not in favor of the location of this proposed program. County Attorney, David Hauser, and Public Health Director, Diane Thorson, spoke in favor of the program and the supportive, safe environment that it creates for individuals in need of treatment. Commissioners requested that an additional meeting be held in New York Mills to obtain continued community interaction.

### **Closed to the Public**

At 10:37 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners closed to the public for the purpose of evaluating the performance of Human Services Director, John Dinsmore, 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 regular County Board meeting.

### **Adjournment**

At 10:55 a.m., upon conclusion of the Closed Session, Chairman Froemming declared the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, February 28, 2006.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: \_\_\_\_\_  
Roger Froemming, Human Services Board Chair

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

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, February 14, 2006, at 11:00 a.m. at the Otter Tail County Government Services Center with Commissioners Roger Froemming, Chair; Dennis Mosher, Vice-Chair; Malcolm Lee, Syd Nelson, and Bob Block present.

**Approval of Agenda**

Motion by Mosher, second by Lee, and unanimously carried to approve the County Board agenda of February 14, 2006, with the following change:

Gravel Extraction Tax Agenda Item - Canceled

**Approval of Minutes**

Motion by Froemming, second by Nelson, and unanimously carried to approve the County Board minutes of February 7, 2006, as mailed.

**Approval to Pay Bills**

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

**OTTER TAIL COUNTY RESOLUTION #2006 - 14**

Upon the motion of Nelson, seconded by Block, and passed by a unanimous vote, the County Board of Commissioners adopts the following resolution:

WHEREAS, Otter Tail County has had a Shoreland Management Ordinance since October 15, 1971; and

WHEREAS, in 1989, the Minnesota Department of Natural Resources revised the statewide standards for "management of shoreland areas" which were codified in Minnesota Rules as parts 6120.2500 through 6120.3900; and

WHEREAS, the Minnesota Department of Natural Resources informed Otter Tail County in a letter dated February 5, 1990, to the Chairman of the County Board, a copy of which letter is attached hereto, marked Exhibit A, and incorporated by reference, that the County had until February 5, 1992, to comply with the new rules; and

WHEREAS, prior to the 1989 statewide standards for management of shoreland areas, Otter Tail County had been treated as a single zoning district within the shoreland areas; and

WHEREAS, under the unique and special circumstances of Otter Tail County, the County Board determined that in order to best preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of water and related land resources, to continue the single district practice. All of

Otter Tail County was, and is, essentially classified under the Minnesota Rules as a "high density residential district;" and

WHEREAS, Otter Tail County has 1,049 lakes and 1,174 miles of river frontage. Most of the lake frontage and much of the river frontage has been developed. The development has been almost exclusively residential, with some resorts spread out across the County and some commercial development, none of which is concentrated. There are very few examples in the County of anything meeting the definition of industrial use, and these too are not concentrated in any area. There are no places outside of municipalities in Otter Tail County which would be considered concentrated urban, particularly commercial, land uses. There is no place in the County which would be an appropriate place for a general use district. There is no concentration of resorts, which would be appropriate in the County for a water-oriented commercial district. There are no "describeable" areas of Otter Tail County where no development is appropriate to be placed in a special protection district. While wetlands and bluffs can be found throughout the County, they are otherwise protected in Otter Tail County's Shoreland Management Ordinance, and are not susceptible to protection by districting; and

WHEREAS, all of Otter Tail County's shoreland areas, and especially those areas not previously developed, meet the criteria for high density residential districts; and

WHEREAS, when considering the criteria for land use zoning district designation as laid out in Minnesota Rule 6120.3200, Otter Tail County is appropriate for a single district, which was the intention of the County Board in adopting the statewide standards on February 5, 1992, remains the appropriate form of control for Otter Tail County and is "substantially compatible with the framework in subpart 4" (of Minnesota Rule 6120.3200), as is required by subpart 2 of Minnesota Rule 6120.3200; and

WHEREAS, Minnesota Rule 6120.2800, subpart 3, authorizes local governments, under special circumstances and with the Commissioners' approval, to adopt shoreland management controls that are not in strict conformity with the minimum standards and criteria provided, the purposes of Minnesota Statutes 103F.201 to 103F.221 are satisfied. In conformity with the implementation flexibility provisions of the Minnesota Rules, Otter Tail County requested relief from the strict zoning district requirements. A copy of a letter to Russ Schult, Shoreland Hydrologist, Department of Natural Resources Division of Waters, dated June 13, 1991, is marked Exhibit B, and incorporated by reference; and

WHEREAS, the DNR did, in fact, approve Otter Tail County's Shoreland Management Ordinance which authorized the use of planned unit developments, called cluster developments in the Ordinance. The County Board determined that planned unit developments, which are subject to conditional use permits, provide for greater protection of the environment and valuable shoreland resources, even with the potential for increased density, than traditional lot and block development. When applying the purposes of land use districts as outlined in Minnesota Rule 6120.3100 and the criteria for the districts as outlined in 6120.3200, the Board determined that all areas of Otter Tail County are appropriate for planned unit developments. A single district in Otter Tail County is compatible with the classes of public waters as outlined in Minnesota Rule 6120.300 and the standards for development vary depending upon lake classification. Because there are no areas within the County that cluster developments should not be allowed, they are specifically identified as

being allowed in all areas of the County. The provision of Minnesota Rule 6120.3800, subpart 2, which requires that if a local government allows planned unit developments, the land use districts in which they are allowed conditional uses must be identified in their official controls and on a zoning map is not applicable in Otter Tail County (the map would simply show all shoreland areas of Otter Tail County); and

WHEREAS, attached hereto, and marked Exhibit C and incorporated by reference is an October 19, 1992 letter to Otter Tail County from the Department of Natural Resources approving a grant for the administration of the County's Shoreland Management Ordinance. The letter specifically states, "Since your County has recently adopted a compliant Shoreland Management Ordinance, you are eligible for grant assistance." The Department of Natural Resources, which promulgated and enforces Chapter 6120 of the Minnesota Rules, has continually approved and supported Otter Tail County's Shoreland Management Ordinance as it was amended on February 5, 1992, to comply with the 1989 statewide standards and as subsequently amended. Also attached hereto, and marked Exhibit D and incorporated by reference is a December 19, 2000 letter from the Department of Natural Resources approving the January 1, 2001 revisions to the Shoreland Management Ordinance.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that Otter Tail County continue to enforce its Shoreland Management Ordinance, including the authorization for planned unit developments, also known as cluster developments.

NOW, THEREFORE, IT IS FURTHER RESOLVED that the attached map, dated February 14, 2006, which has been marked Exhibit E, and is incorporated by reference, represents a zoning map of Otter Tail County showing the shoreland management district classifications based upon the public waters classification system.

Adopted this 14th day of February, 2006.

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

By: \_\_\_\_\_  
 Roger Froemming, Board of Commissioners Chair

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

**Planning Commission Recommendations**

**Conditional Use Permit – The Preserve At Echo Bay/Homeland Investment Co. #1:**

Land & Resource Director, Bill Kalar, stated that the Planning Commission's recommendation is to approve the revised plan (dated January 31, 2006) that allows for 209 dwelling units and 60 boat slips subject to conditions as presented in the Planning Commission minutes dated February 8, 2006. Correspondence received from the Pelican Lake Property Owner's Association (PLPOA) was provided to the Board and a letter received by the County Board from the Vogel Law Firm was acknowledged.

Dave Majkrzak, PLPOA President, stated that the Association firmly objects to this project and believes that this is not the right thing for the lake. He expressed a need to keep this quiet amenity undeveloped for the lake and expressed concerns that property values may be reduced if this project is allowed to move forward. Mr. Majkrzak stated that a lot block

development would probably not be allowed in this area and he spoke against Planned Unit Developments. Mr. Majkrzak stated that he would strongly support the County Board's objection to the Conditional Use Permit proposal being presented today and the Planned Unit Development as well.

Bill Schlossman, a lifelong resident of Pelican Lake, stated that what is being proposed at Echo Bay is taking away fishing in the bay and enjoyment of the serene bay. He stated that this development would make the bay inaccessible to the members of the lake. He submitted to the Board that this is not an appropriate decision to change the inherent value that Pelican Lake has and people use every weekend. Mr. Schlossman stated that this project is highly inappropriate and urged the County Board to reject the Conditional Use Permit; and, if the CUP is granted, he requested that the County Board not allow docks in the Bay.

Attorney, Chris Svingen, representing the developers, stated that the Planning Commission has heard similar comments/objections at their February 8, 2006, meeting and the Planning Commission voted 6-2 to approve the revised plan for The Preserve At Echo Bay. Mr. Svingen stated that the proposed development of Echo Bay is probably not a factor relating to the estimated market value of property around Pelican Lake. He noted that the plan has been amended. The number of units and boat slips has been reduced, the plan has been phased in over a ten year period, a conservation easement is dedicated adjacent to the lake and river, which permanently preserves the area in its natural state. Mr. Svingen stated that the developers feel that the concerns of the Planning Commission, public, and County Board, have been addressed in the revised plan. The project falls within the requirements of the shoreland ordinance. He requested that the Conditional Use Permit be granted for the project, as recommended by the Planning Commission.

County Board discussion followed the public comments.

Commissioner Mosher stated that both of his Planning Commission members voted in favor of the revised plan and offered a motion to approve a Conditional Use Permit (with conditions as recommended by the Planning Commission) for the revised January 30, 2006 plan, for The Preserve At Echo Bay. The reasons for the approval of the plan is the information in the negative declaration for the need of an Environmental Impact Statement, information contained in the Environmental Assessment Worksheet and the additional material received, the resolution adopted regarding Districting, and the record of the Planning Commission. Commissioner Froemming seconded the motion and called for a roll call vote:

County of Otter Tail Board of Commissioners	<u>YEA</u>	<u>NAY</u>	<u>Other</u>
Roger Froemming	X		
Dennis Mosher	X		
Bob Block	X		
Syd Nelson	X		
Malcolm Lee		X	

Motion carried 4 – 1. Commissioner Lee explained that his negative vote is because of his concern with crowding on Pelican Lake which is already the most crowded lake in the County. He felt that the lake has been kept clean and beautiful because of the work of the lake association and lake improvement district. The property is described as NE $\frac{1}{4}$ NW $\frac{1}{4}$  & E 10 Rd of SE $\frac{1}{4}$ NW $\frac{1}{4}$  ; Pt NE $\frac{1}{4}$  SW $\frac{1}{4}$  & Pt NW $\frac{1}{4}$  SE $\frac{1}{4}$  ; E $\frac{1}{2}$ NE $\frac{1}{4}$  Ex Trs & SW $\frac{1}{4}$  NE $\frac{1}{4}$  & GL 1 Ex Trs, Section 20 and Pt Lot 6 & of SE $\frac{1}{4}$  SW $\frac{1}{4}$  S of River, Section 17 of Dunn Township; Fish Lake (56-768), GD; Unnamed Lake (56-771), Pelican River (56-PR).

**Preliminary Plat – Loony Acres:**

Motion by Lee, second by Block, and unanimously carried to approve a request of the Developer (Joshua Hanson), to relocate the proposed dedicated public road for the Preliminary Plat known as Loony Acres. This approval is based on the map received by the Land & Resource Management Office on January 17, 2006, and is subject to conditions as recommended by the Planning Commission. The property is located in Section 34 of Dora Township; Loon Lake.

**Final Plat – “Almora Shores”**

Motion by Froemming, second by Nelson, and unanimously carried to approve the Final Plat of Secluded Land Company, LLC, known as “Almora Shores”, GL 1, Section 35, Township 132N, Range 37W, Elmo Township, Almora Lake (56-49).

**Conditional Use Permit Extension**

Motion by Lee, second by Mosher, and unanimously carried to approve a two year Conditional Use Permit extension request of Steve & Holly Omberg, Hollywoods Resort, located in Section 34 of Dora Township, East Silent Lake (56-517).

**Review of Proposed State Wildlife Land Acquisition  
Otter Tail County Resolution No. 2006 - 15**

Upon the motion of Mosher, seconded by Block, and passed by a unanimous vote, the County Board of Commissioners adopts the following resolution:

WHEREAS, In accordance with Minnesota Statutes 97A.145 Subd. 2, the Commissioner of the Department of Natural Resources, on February 14, 2006, provided the County Board and the appropriate town officers with a description of lands to be acquired by the State of Minnesota for water and wildlife conservation purposes, and

WHEREAS, Lands to be acquired are described as follows:

E $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 33, T.131N., R. 44W

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of County Commissioners of Otter Tail County on February 14, 2006, that the State's proposed acquisition of the above described property be approved.

Adopted this 14th day of February, 2006.

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

By: \_\_\_\_\_  
Roger Froemming, Board of Commissioners Chair

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

### **Recess & Reconvene**

At 12:02 p.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:04 p.m.

### **Bonding Request for Proposed Ethanol Plant**

Attorney, Kent Mattson; President of Otter Tail Ag Enterprises, LLC, Jerry Larson, and proponents of the proposed Ethanol Plant provided background regarding the plant. They cited the economic benefits the project would provide for the area, the importance of clean burning, renewable fuel, and the process of funding the estimated \$95,500,000.00 facility. Lengthy discussion took place regarding the project.

### **RESOLUTION REGARDING THE PROPOSED ETHANOL PLANT**

#### **Otter Tail County Resolution No. 2006 - 16**

Commissioner Block offered the following and moved its adoption:

RESOLVED, That in order to facilitate the development, financing and construction of a 55 million gallon per year ethanol plant to be constructed in Otter Tail County by Otter Tail Ag Enterprises, LLC, and in order for the company to include County bonds as a source for its project funding, that the Otter Tail County Board of Commissioners:

1. Gives preliminary approval to the establishment of a Tax Abatement Program and Tax Abatement Area, establishment of a Business Subsidy Policy, and entering into a Business Development Agreement with Otter Tail Ag Enterprises, LLC.
2. Gives preliminary approval to the Issuance and Sale of General Obligation Tax Abatement Bonds in an amount necessary to make \$5,000,000.00 of proceeds available for the ethanol project, and entering into a loan agreement with Otter Tail Ag Enterprises, LLC to make the proceeds of the bonds available to the company through a loan for constructing its planned ethanol plant.

FURTHER RESOLVED, that the foregoing is subject to the following requirements, together with such other requirements as are deemed necessary and appropriate by the County's bond attorney and bond consultant:

1. Otter Tail Ag agrees to pay back the loan, including interest, capitalized interest, debt service reserve, costs of issuance and underwriters discount.
2. All costs of the bonding would be repaid by Otter Tail Ag.
3. The loan is secured by a mortgage filed against the ethanol facility, subordinate to first mortgage of the primary lender.

4. No bond proceeds will be distributed unless the project moves forward, the company successfully completes its equity drive, and the loan arrangements are concluded with the Company's primary lender.

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

Adopted and signed this 14th day of February.

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

By: \_\_\_\_\_  
Roger Froemming, Board of Commissioners Chair

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

#### **Payment Approved**

Motion by Block, second by Mosher, and unanimously carried to approve payment, in the amount of \$10,830.00, to Association of Minnesota Counties for the 2005 preparation of Otter Tail County's Cost Allocation Plan based on Fiscal Year 2004 pursuant to contract specification.

#### **Exempt Permit Application**

Motion by Nelson, second by Mosher, and unanimously carried to approve, with no waiting period, the LG220 Application for Exempt Permit as submitted by the Dead Lake Association for an event scheduled for July 2, 2006.

#### **Correction to January 24, 2006, Minutes**

Motion by Nelson, second by Mosher, and unanimously carried to amend the January 24, 2006, minutes to read as follows:

Was –

<b>Department -</b>	<b>Original Budget</b>	<b>Budget Change</b>	<b>Revised Budget</b>
Veterans Services	326,749	3,619	330,368

Reason – Balance of unexpended 2005 Grant.

Should have been –

<b>Department -</b>	<b>Original Budget</b>	<b>Budget Change</b>	<b>Revised Budget</b>
Veterans Services	326,749	2,357	329,106

Reason – Balance of unexpended 2005 Grant.

#### **Budget Correction for 2006**

Motion by Froemming, second by Mosher, and unanimously carried to approve the following amendment to Otter Tail County's 2006 Capital Improvement Budget as recommended by the Budget Committee:

<b>Department -</b>	<b>Original Budget</b>	<b>Budget Change</b>	<b>Revised Budget</b>
Sheriff	378,181	158,620	536,801

Reason – Was omitted in error from the County's 2006 Capital Budget.

### **Ditch Expenditures**

Motion by Nelson, second by Block, and unanimously carried to approve the following county ditch expenditures:

Corbin Pickar Excavating, Inc.	Ditch No. 38	190.00	Removed Beaver Dams
Corbin Pickar Excavating, Inc.	Ditch No. 29	285.00	Removed Beaver Dams

### **Certificate of Correction to Plat**

Motion by Nelson, second by Froemming, and unanimously carried to approve the attached (Attachment B) Land Surveyor's Certificate of Correction to the plat of Wegscheid 3<sup>rd</sup> Addition.

### **Blue Heron Bay Discussion**

Blue Heron Bay Owner, Jim Erickson, and Attorney, Bob Russell, discussed several items with the County Board. Mr. Erickson talked about the formal issue of the Environmental Impact Statement (EIS) process for Blue Heron Bay. He stated that he has deferred moving forward with the formal agreement to pay for the Consulting Services of Wenck & Associates until further information is gathered regarding water quality. He stated that this additional information will be available in March. Mr. Russell informed the County Board that a 49-acre parcel on the east side of Blue Heron Bay known as "The Preserve" has been listed on the MLS. Currently, discussions are occurring with the DNR in acquiring this parcel for the public. Discussion took place regarding a "Hybrid Project" as an alternative, described as a combination of lot block development and cluster development. Mr. Erickson stated that Mr. Russell could assist in drafting ordinance language to allow a hybrid development approach. The timeline for completion of the EIS for Blue Heron Bay is 280 days from the time notice was placed in the EQB Monitor. Mr. Kalar estimated that the EIS would need to be completed by November or December of 2006. Several individuals spoke in favor of the EIS moving forward with the Consultants, Wenck & Associates, who have been approved for the project.

### **Hazard Mitigation Plan**

Leon Heath from Northwest Regional Development, briefed the County Board on the requirements of an approved Hazard Mitigation Plan (HMP). An approved HMP is required in order for Otter Tail County to receive FEMA funding. Mr. Heath stated that the Plan is 150 plus pages with specific requirements from the state and requires information gathering from the public. NRD has completed nine HMP's for other entities and Emergency Services Manager, Tiny Holm, would assist with the information gathering. Motion by Mosher, second by Block, and unanimously carried to authorize the Emergency Services Director to enter into an agreement between Otter Tail County and Northwest Regional Development Commission for completion of a Hazard Mitigation Plan at a project cost, not to exceed \$30,000.00. The grant funding for this project has been received from the State of Minnesota. The motion further requires the approval of the County Attorney to approve the agreement.

### **Emergency Operations Plan**

Motion by Froemming, second by Block, and unanimously carried to approve the 2006 revisions to the Otter Tail County-Wide Emergency Operations Plan as submitted by the Emergency Services Director.

### **Recess & Reconvene**

At 2:47 p.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for a Highway Committee Meeting. The County Board meeting was reconvened at 3:01 p.m.

### **Final Payment – S.A.P. 56-688-03**

Motion by Lee, second by Mosher, and unanimously carried to approve Final Payment per Estimate No. 16, in the amount of \$91,034.44, payable to Mark Sand & Gravel Co. for completion of work on CSAH No. 88.

### **Bid Award – Purchase of Disk Mowers**

After previously advertising for bids, Highway Engineer, Rick West, opened the following quotations for purchase of four (4) John Deere 265 Disk Mowers:

Interstate, Inc. Fergus Falls, MN	4 mowers @ \$4,925.63	\$19,702.50*
Evergreen Equipment, Inc. Wadena, MN	4 mowers @ \$4,952.25	\$19,809.00*

\*Includes 6.5% MN State Sales Tax & 4 Used Disk Mower Trade-Ins

Motion by Nelson, second by Lee, and unanimously carried to approve purchase of four John Deere 265 Disk Mowers from Interstate, Inc. of Fergus Falls, MN, in the amount of \$19,702.50, as recommended by the Highway Engineer.

### **Rocky Ridge Road**

Mr. West reported that he met with the Henning Town Board and they did not make a decision to go ahead with their share of the paving work for Rocky Ridge Road. The Henning Board may defer the decision until their annual meeting. Mr. West stated that the County needs to proceed with the CSAH No. 65 project; therefore, the paving of Rocky Ridge Road will be a deducted alternate in the bid specifications so it could be removed if needed.

### **Resort Sign Program**

Mr. West reported that signs for resorts, cemeteries, and other entities are ordered and installed by the Highway Department. The Highway Department has been charging \$20 per sign, even though the actual cost of the material is \$71.57. Motion by Nelson, second by Block, and unanimously carried to increase the fee for the signs under the Resort Sign Program to \$100.00, which includes material costs and installation.

### **Reclassification**

Motion by Nelson, second by Mosher, and unanimously carried to approve a reclassification of the position of Secretary/Receptionist in the Highway Department from a Grade 8 to a Grade 9, with a title change to Office Assistant, effective January 1, 2006, as presented by the County Coordinator.

### **Performance Evaluation Summary**

Motion by Nelson, second by Mosher, and unanimously carried to approve the positive Performance Evaluation Summary of Land & Resource Director, Bill Kalar, as presented, and to direct that the summary be placed in his personnel file.

**Adjournment**

At 3:31 p.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, February 21, 2006.

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

By: \_\_\_\_\_  
Roger Froemming, Board of Commissioners Chair

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

CB/kd

2/14/2006 11:59:21 OTTER TAIL COUNTY AUDITOR  
 PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66  
 WARRANTS FOR PUBLICATION PAGE 1

WARRANTS APPROVED ON 2/14/2006 FOR PAYMENT 2/14/2006

VENDOR NAME	AMOUNT
A'VIANDS LLC	9,428.40
AMERICAN INSTITUTIONAL SUPPLY	203.26
AMERICAN TOWER CORPORATION	82.75
AMERIGAS	342.74
APPLE TIME INC	1,518.52
JEFFREY ARNDT	100.00
ARVIG COMMUNICATION SYSTEMS	245.78
BARBER RAZOR BLADE CO	122.50
BATTLE LAKE MOTOR PATROL ASSN	100.00
BATTLE LAKE STANDARD	72.60
BCA TRAINING & DEVELOPMENT	540.00
BIG FOOT GAS & GROCERY	1,100.06
BLUESTONE TECHNOLOGIES INC	9,000.00
BOB BARKER COMPANY INC	133.90
BRAUN VENDING INC	21.49
CARQUEST AUTO PARTS	12.38
CHECKERS	4.85
CO OP SERVICES INC	3,882.95
COMMISSIONER OF TRANSPORTATION	120.00
COMPANION ANIMAL HOSPITAL	40.45
COOPERS TECHNOLOGY GROUP	611.46
CORPORATE TECHNOLOGIES	20.00
CULLIGAN WATER COND	101.56
CUTLER MAGNER COMPANY	27,629.46
DAN'S TOWING & REPAIR	51.12
DATABANK IMX	24,973.08
DENZEL'S REGION WASTE INC	514.70
DEPT OF LABOR & INDUSTRY CAIS	20.00
DICK'S STANDARD SERVICE	56.00
DLT SOLUTIONS INC	1,912.00
FARGO FREIGHTLINER	124.78
FARGO GLASS AND PAINT CO	543.40
FARMERS CO OP OIL ASSN	3,523.95
FARNAM'S GENUINE PARTS INC	17.66
FERGUS FALLS MEDICAL GROUP	263.50
FERGUS FALLS NEWSPAPERS INC	517.46
FERGUS FALLS SMALL ENGINE & TR	5.93
FERGUS POWER PUMP INC	170.00
FLOOR TO CEILING STORE	1,068.94
GOPHER STATE ONE CALL	28.35
GR GRAPHICS INC ST LOUIS	417.80
HALL GMC INC	109.54
HEALTHCARE ENVIRONMENTAL SERVI	52.00
HEDAHL'S HEADQUARTERS	164.42
HEISLERS COUNTRY OIL	1,423.97
HIGH PLAINS TECHNOLOGY	57.51
SANDY HOLO	24.00
HOMESTEAD BUILDING SUPPLIES	46.39
ID AMERICA	238.00

2/14/2006 11:59:21 OTTER TAIL COUNTY AUDITOR  
 PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66  
 WARRANTS FOR PUBLICATION PAGE 2

WARRANTS APPROVED ON 2/14/2006 FOR PAYMENT 2/14/2006

VENDOR NAME	AMOUNT
IMAGE TECH SERVICES	67.38
THE INDEPENDENT	99.95
J CRAFT DIV OF CRYSTEEL MFG IN	759.95
KEEPRS INC CY'S UNIFORMS	809.85
KELLY SERVICES INC	1,416.76
KNUTSON ELECTRIC REBUILDING	118.53
L & L SERVICE	25.28
LAKE REGION DENTAL CENTER	282.00
LAKE REGION HEALTHCARE CORP	3,906.39
LAKELAND MENTAL HEALTH CENTER	6,484.50
LAKEWAY MARKET LLC	3,876.15
DARREL LEITCH	78.74
LOCATORS & SUPPLIES INC	224.91
M-R SIGN COMPANY INC.	884.62
MACPZA	100.00
MATTHEW BENDER & COMPANY INC	117.90
MIDWESTERN MAT RENTAL & SUPPLY	60.75
MN CO RECORDERS ASSOCIATION	250.00
MN MOTOR COMPANY	6,128.69
MN STATE BAR ASSOCIATION	302.00
MN TRANSP ALLIANCE	3,850.00
NANIK'S ELECTRIC	1,097.35
NAPA OF PERHAM	31.76
NAPA STANDARD PARTS OF WADENA	492.41
NELSON DODGE GMC	2,790.53
NELSON FORD LINCOLN MERCURY IN	1,054.76
NELSON INTERNATIONAL	207.35
NEW YORK MILLS HERALD	105.00
NORHTWEST RESPIRATORY SERVICES	49.44
NORTHERN STATES SUPPLY INC	1,193.11
NOVA FIRE PROTECTION	731.00
OFFICE DEPOT	102.40
ONE CALL LOCATORS LTD	11.50
OTTER TAIL CO AUDITOR	53,887.00
OTTER TAIL CO EMPLOYEES COMMIT	115.50
OUTDOOR RENOVATIONS LANDSCAPE	3,365.00
PAMIDA INC 008	13.17
PAMIDA PHARMACY	4,692.15
PARK REGION CO OP	4,113.13
PEBBLE LAKE TAKE 5	231.02
PENROSE OIL COMPANY	2,177.00
PEPSIAMERICAS	318.75
PERHAM ACE HARDWARE	109.38
PERHAM CO OP CREAMERY	1,297.98
PERHAM ENTERPRISE BULLETIN	162.00
PRAIRIE IMPLEMENT INC	7.33
QUICK'S NAPA AUTO PARTS	190.96
REED BUSINESS INFORMATION	837.40
CHERI SCHULTZ	41.39

2/14/2006 11:59:21 OTTER TAIL COUNTY AUDITOR  
PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66  
WARRANTS FOR PUBLICATION PAGE 3

WARRANTS APPROVED ON 2/14/2006 FOR PAYMENT 2/14/2006

VENDOR NAME	AMOUNT
SCOTT HOFLAND CONSTRUCTION INC	3,190.00
DOROTHY SCOTT	162.49
STEINS INC	800.37
STEVE'S SANITATION INC	177.84
STRAND ACE HARDWARE	76.69
SUPER SEPTIC INC OF PELICAN RA	77.19
TIRES PLUS	20.63
SUSAN ULSCHMID	60.86
VALLEY SOFT WATER	11.50
VALLEY SOFT WATER LTD	28.76
VICTOR LUNDEEN COMPANY	406.93
VIKING COCA-COLA	170.00
VOSS LIGHTING	140.64
WADENA HIDE & FUR COMPANY	175.52
WALLWORK TRUCK CENTER	1,145.74
WASTE MANAGEMENT	4,010.97
WCM TASK FORCE	5,000.00
WELDING SUPPLIES & FIRE EQUIPM	2,866.68
TIMOTHY WENK	5,558.00
WEST PAYMENT CENTER	2,707.65
WIDSETH SMITH NOLTING & ASSOC	364.50
ZIEGLER INC	55.38
**** FINAL TOTAL.....	\$228,238.07 ****



**LAND SURVEYOR'S CERTIFICATE OF CORRECTION TO PLAT**

Name of Plat: Plainview WEGSCHEID 3<sup>RD</sup> ADDITION

Pursuant to the provision of Chapter 505.175, Laws of Minnesota, 1957, Daniel W. Skinner, the undersigned, a Professional Land Surveyor in and for the State of Minnesota declares as follows:

1. That the plat of WEGSCHEID 3<sup>RD</sup> ADDITION, dated January 24, 2005 and filed on June 20, 2005 in the Office of the County Recorder, Otter Tail County, Minnesota in Book Q of Plats, Page 898 and Document Number 978375 was prepared by Daniel W. Skinner, Professional Land Surveyor, Minnesota License No. 40827.

2. That the plat contains the following errors to wit:

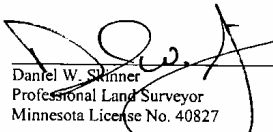
The areas as shown for Lot 1 and Lot 2, Block 3 in the area tables read as follows:

LOT 1 24,818 SF or 0.57 ACRES  
LOT 2 18,749 SF or 0.43 ACRES

4. That said plat is hereby corrected as follows, to wit:

The correct areas in the above mentioned Tables are as follows:

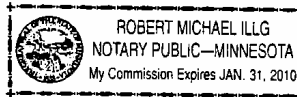
LOT 1 18,749 SF or 0.43 ACRES  
LOT 2 24,818 SF or 0.57 ACRES

  
Daniel W. Skinner  
Professional Land Surveyor  
Minnesota License No. 40827

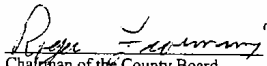
STATE OF MINNESOTA  
COUNTY OF OTTER TAIL

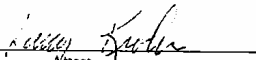
The foregoing instrument was acknowledged before me this 7 day of February, 2006 by Daniel W. Skinner.

  
Notary Public, Otter Tail County, Minnesota  
My Commission Expires 1-31-2010



This above Certificate of Correction to the plat of WEGSCHEID 3<sup>RD</sup> ADDITION has been approved by the Board of Commissioners of Otter Tail County, Minnesota at a regular meeting held on the 14<sup>th</sup> day of February, 2006.

  
Chairman of the County Board

  
Attest





STATE OF  
**MINNESOTA**  
DEPARTMENT OF NATURAL RESOURCES



DNR INFORMATION  
(612) 296-6157  
February 5, 1990

500 LAFAYETTE ROAD • ST. PAUL, MINNESOTA • 55155-40

The Honorable Sydney G. Nelson  
Chairman, Otter Tail County  
Board of Commissioners  
Route 3  
Sebeka, MN 56477

**RECEIVED**  
**FEB 08 1990**  
**LAND & RESOURCE**

Dear Commissioner Nelson:

**NOTICE TO ADOPT REVISED STATEWIDE SHORELAND MANAGEMENT RULES**

On July 3, 1989, the revised Statewide Standards for "Management of Shoreland Areas" rules became effective (Minnesota Rules Part 6120.2500 - 6120.3900). Under the authority of Minnesota Rules Part 6120.2800, Subp. 2, you are hereby notified that your City/County must upgrade its land use controls or shoreland ordinance by February 5, 1992, to comply with the new rules.

The rules were developed through a consensus process by 23 groups representing diverse interests from agriculture and environment to local and state governmental agencies including the Department of Natural Resources. A series of ten hearings before an Administrative Law Judge in the fall of 1988 completed the public review process.

The Legislature has provided grant monies to assist local units of government in adopting the new shoreland rules. A grant application form is enclosed. Please return the completed form by March 5, 1990, to the Shoreland Hydrologist serving your region (see attached map):

Regions 1, 2, 3

Russ Schultz, Shoreland Hydrologist  
DNR-Div. of Waters  
1601 Minnesota Drive  
Brainerd, MN 56401  
(218) 828-2605

Regions 4, 5, 6

DNR-Div. of Waters  
Shoreland Hydrologist  
1200 Warner Road  
St. Paul, MN 55106  
(612) 296-7523

The Shoreland Hydrologist is your primary contact for the grant application, contract, eligible expenses, and related questions. The Area Hydrologist serving your city/county (see attached map) will be your primary contact when it comes to the actual work of revising your zoning ordinance. Please feel free to call upon them for assistance.

Sincerely,

DIVISION OF WATERS

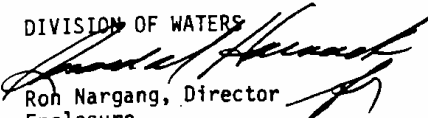
  
Ron Nargang, Director  
Enclosure

EXHIBIT A

cc: Jerry Paul, Regional Hydrologist  
Terry Lejcher, Area Hydrologist  
Malcom Lee, Z.A., Zoning Administrator  
EQUAL OPPORTUNITY EMPLOYER  
CITY OF OTTER TAIL COUNTY





Department of

# LAND & RESOURCE MANAGEMENT

COUNTY OF OTTER TAIL

Phone 218-739-2271

Court House

Fergus Falls, Minnesota 56537

June 13, 1991

Russ Schultz  
MDNR  
160 MN Dr.  
Brainerd, MN 56401

Dear Mr. Schultz,

As per our conversation of June 12, 1991, this letter will try to outline our ideas regarding Land Use Zoning Districts. While it is apparent that the Otter Tail County Ordinance and the Statewide standards have different approaches to the zoning districts, the objectives are similar. The Planning Commission, Board of Adjustment and County Board held a joint meeting concerning the adoption of the statewide standards. On the issue of implementing zoning districts, the Boards felt our methods were sufficient to promote the orderly development of lakeshore property within Otter Tail County. It was also felt the adoption of zoning districts, along with the other requirements of our Ordinance, would lead to unnecessary duplication of efforts.

The duplication of efforts comes about because a Conditional Use Permit is required by our Ordinance for all non-residential, non-agricultural land uses. We agree that Conditional Use Permits should be required for non-permitted uses. If we are required to zone each of our 1,049 lakes, it would be a very time consuming process, which we do not feel would benefit our development objectives.

Since we require a Conditional Use Permit there are adequate safeguards to prevent improper development of our shorelands. We intend to continue to consider each Conditional Use Permit application carefully, keeping in mind the 12 existing criteria in our current Ordinance. We can add additional criteria if necessary.

I have discussed this issue with the County Attorney's office and it does not appear that the outcome of the few situations in which we have had difficulty would have been significantly altered if we would have had zoning districts. Additionally, there are potential situations in which the creation of zones may result in less ability to deny a Conditional Use Permit.

EXHIBIT B

SHORELAND MANAGEMENT ORDINANCE — SUBDIVISION CONTROL ORDINANCE  
RIGHT-OF-WAY SETBACK ORDINANCE — SEWAGE SYSTEM CLEANERS ORDINANCE  
RECORDER, OTTER TAIL COUNTY PLANNING COMMISSION



Thank you for your consideration of these comments. If you desire, representatives of Otter Tail County would welcome the opportunity to discuss this with you further. As was discussed, we are tentatively planning to conduct the public meetings to consider the changes to our Ordinance in July. Any assistance you can provide us in meeting that objective would be appreciated.

Sincerely,

*Bill Kalar*

Bill Kalar  
Acting Administrator

ms





STATE OF  
**MINNESOTA**  
DEPARTMENT OF NATURAL RESOURCES

500 LAFAYETTE ROAD • ST. PAUL, MINNESOTA • 55155-40

DNR INFORMATION  
(612) 296-6157

October 19, 1992

RECEIVED

DEC 03 1992

LAND & RESOURCE

The Honorable Andy Lindquist  
Chair, Otter Tail County Board  
of Commissioners  
Route 1  
Fergus Falls, MN 56537

Dear Commissioner Lindquist:

**ADMINISTRATIVE GRANT APPLICATION FOR SHORELAND MANAGEMENT**

Enclosed are grant application forms designed to assist your county in administering shoreland management controls. Since your county has recently adopted a compliant shoreland management ordinance you are eligible for grant assistance. It is our expectation and hope this process will continue on a yearly basis.

A base line administrative grant will be given to all eligible applicants. Additional grant money can be requested as provided on the forms. The actual grant award can come from a combination of three categories below:

1. Base grant: \$3,000.
2. Expanded base grant for counties that demonstrate above average administrative costs.
3. New initiatives: (i.e., mapping land use districts, upgrading onsite sewage systems, develop ag. impact mitigation measures, develop stormwater plans, etc.).

Please return the completed application within 30 days to:

EXHIBIT C

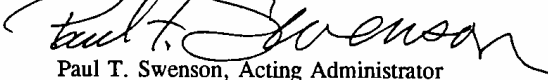
AN EQUAL OPPORTUNITY EMPLOYER



Page Two

Russ Schultz, Shoreland Hydrologist, DNR - Division of Waters, 1601 Minnesota Drive,  
Brainerd, MN 56401 or call (218) 828-2605.

Sincerely,  
DIVISION OF WATERS



Paul T. Swenson, Acting Administrator  
Permits and Land Use Section

PTS/RS/EF:fw

Enclosure

cc: Senator Dallas Sams  
Senator Cal Larson  
Representative Syd Nelson  
Representative Loren Thompson  
Representative Bob Anderson  
Jerry Paul, Regional Hydrologist  
Terry Lejcher, Area Hydrologist  
William Kalar, County Zoning Administrator





Minnesota Department of Natural Resources

500 Lafayette Road  
St. Paul, Minnesota 55155-40\_\_

December 19, 2000

DEC 26 2000  
LAND & WATER

Mr. William Kalar  
Otter Tail County Zoning Administrator  
Otter Tail County Courthouse  
Fergus Falls, MN 56537

Dear Mr. Kalar:

OTTER TAIL COUNTY SHORELAND MANAGEMENT, ZONING ORDINANCE

We have reviewed the proposed amendments to the Otter Tail County Shoreland Management Ordinance and find them to be compliant with and complimentary to the statewide standards for Management of Shoreland Areas. Our understanding is the livestock exclusion amendment is still discussed with the County Board. The remainder of the amendments are hereby approved.

Upon final adoption of the ordinance amendments, please send two certified copies of the amended ordinance to Area Hydrologist Terrence Lejcher at 1221 Fir Avenue East, Fergus Falls, MN 56537 for our files. Thank you.

For several years, Otter Tail County has been a statewide leader in the administration of shoreland zoning. We appreciate your efforts in these land use decisions and your excellent working relationship with the Fergus Falls DNR office. May we wish you continued good work in 2001.

Sincerely,  
DNR Waters

A handwritten signature in black ink, appearing to read "John Linc Stine".

John Linc Stine, Administrator  
Water Management Section

c: Larry Kramka, Regional Hydrologist  
Terrence R. Lejcher, Area Hydrologist  
Russ Schultz, Shoreland Hydrologist

EXHIBIT D

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929

An Equal Opportunity Employer  
Who Values Diversity



Printed on Recycled Paper Containing a  
Minimum of 10% Post-Consumer Waste



Exhibit E

