

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Government Services Center, Commissioners' Room  
500 Fir Avenue W., Fergus Falls, MN  
Tuesday, March 21, 2006  
9:30 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, March 21, 2006, at 9:33 a.m., at the Otter Tail County Government Services Center with Commissioners Roger Froemming, Chair; Dennis Mosher, Vice-Chair; Bob Block, Syd Nelson, and Malcolm Lee present.

**Approval of Agenda**

Motion by Mosher, second by Block, and unanimously carried to approve the County Board agenda of March 21, 2006, as mailed.

**Approval to Pay Bills**

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

**Approval of Minutes**

Motion by Mosher, second by Lee, and unanimously carried to approve the County Board minutes of March 14, 2006, with correction of a typographical error on Page 6, under the heading "Sidewalk/Bike Path – City of Underwood" where there was reference to Highway 10 which should read Highway 210.

**Proposal for Recycled Concrete for Septic Systems**

Paul Klettenberg of Alexandria Concrete, brought samples of recycled concrete and referred to Minnesota Statute Chapter 7080. He requested approval to use recycled concrete as an alternative to rock for drain fields. He stated that finding a use for the recycled concrete would be good and it has been approved for use in both Douglas and Kandiyohi counties. Discussion followed. Land & Resource Director, Bill Kalar, expressed some concern with the fine dust that comes from recycled concrete, that in time, could cause a problem with plugging the screens in septic systems. Commissioners expressed a desire to use recycled products; however, requested that additional research be completed regarding the performance of recycled concrete for drain fields including more information where it has actually been used.

**Boards of Review Calendar**

Assessor, Bob Moe, presented the Boards of Review calendar for April and May of 2006. Discussion followed regarding notifications of the meetings that have been mailed and valuation issues.

**WOT SWCD 2006 Annual Plan**

Auditor, Wayne Stein, provided Board members with copies of the West Otter Tail Soil & Water Conservation District 2006 Annual Plan.

**Land Surveyor's Certificate of Correction to Plat**

Motion by Froemming, second by Mosher, and unanimously carried to approve the Land Surveyor's Certificate of Correction to the Plat of Albrecht's Addition to Nirvana as prepared by Curtis J. Stoeckel, Registered Land Surveyor No. 13077. A copy of the Land Surveyor's Certificate of Correction to Plat is attached to these minutes as Attachment B.

**Recess & Reconvene**

At 10:26 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed until 11:00 a.m, when Chairman Froemming declared the meeting reconvened to continue with scheduled agenda items.

**Planning Commission Recommendation**

**Environmental Assessment Worksheet Needs Determination—"Walker Lake Preserve":**

Land & Resource Director, Bill Kalar, stated that the Planning Commission met March 15, 2006, for the purpose of conducting an EAW Needs Determination. A negative declaration for the preparation of an EAW was recommended by the Planning Commission and copies of those minutes and findings were provided. Mr. Kalar explained that the County previously received a petition from the EQB which set into motion the need to do an EAW Needs Determination. He explained that the County Board options are either to agree with the Planning Commission recommendation or to decide that an EAW is necessary. Once the decision is made, the rules require a Notice of Decision that must be sent to the EQB within five days of the decision. Mr. Kalar felt that the Planning Commission did a thorough study and concluded that the items of concern can be mitigated by current rules and regulations in the Conditional Use Permit process. He stated that 38 letters have been received; however, no communication was received from the DNR regarding the EAW process. Commissioner, Bob Block, asked about a letter he received stating that the County used the wrong standards in the EAW process. Assistant County Attorney, Michelle Eldien, stated that the EAW process has been in place prior to 1999, when the County Attorney's office prepared a worksheet or process to help the Planning Commission in these matters because there needs to be a process in place where the decision is not arbitrary and capricious. The process has worked well with the Planning Commission to give them a format to follow. Ms. Eldien felt the process used was based on the rules and the criteria the Planning Commission is supposed to use. Discussion took place regarding the snow cover which prevented viewing of the site and the EAW and CUP process. Motion by Froemming, second by Mosher, to make a negative declaration on the need for an EAW for the proposed cluster development of "Walker Lake Preserve", as recommended by the Planning Commission. This motion is based on the identified concerns being mitigated through the Conditional Use Process and the Findings of Fact dated March 20, 2006 (Attachment C). Chairman Froemming called for a roll call vote as follows:

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

Motion carried. "Walker Lake Preserve" is located in Section 11 of Amor Township, Walker Lake (56-310).

**2006 Natural Resources Block Grant**

Motion by Lee, second by Nelson, and unanimously carried to authorize the Chairman's signature to execute the 2006 Natural Resources Block Grant Agreement between the State of Minnesota BWSR and the County of Otter Tail for the period of July 1, 2005 through June 30, 2007. The grant amount for is \$102,700.00.

**Approval of Final Plats**

Motion by Froemming, second by Lee, and carried with Mosher abstaining, to approve the Final Plat of Donald and Robin Magnusson known as "Mags Subdivision", Section 28, Township 133, Range 39, Girard Township, West Battle Lake (56-239).

Motion by Mosher, second by Block, and unanimously carried to approve the Final Plat of Olson Properties known as "Canterbury Sands First Addition" Section 28, Township 133, Range 40, Everts Township, Silver Lake (56-302).

**Blue Heron Bay Adequacy Decision**

Mr. Kalar reported that the Environmental Quality Board decided that the decision of adequacy for the EIS for Blue Heron Bay should remain with the County and denied the Dead Lake Association petition in the matter.

**Adjournment**

At 11:23 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, March 28, 2006.

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

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

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



3/21/2006  
12:33:41

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

IFD66  
PAGE 1

WARRANTS APPROVED ON 3/21/2006 FOR PAYMENT 3/21/2006

VENDOR NAME	AMOUNT
A'VIANDS LLC	5,038.26
AMERICAN INSTITUTIONAL SUPPLY	199.49
AMERIGAS	438.64
RYAN ANDERSON	218.74
BEYER BODY SHOP INC	239.63
BIG FOOT GAS & GROCERY	810.89
ARDELL BOLLES	11.10
BOUND TREE MEDICAL LLC	3.18
CALL ONE INC	25.08
CHECKERS	167.00
CO OP SERVICES INC	4,297.28
COOPERS TECHNOLOGY GROUP	649.48
DEX MEDIA EAST	19.40
DYNAMIC IMAGING SYSTEMS INC	53.83
EGGE CONSTRUCTION INC	127.50
CHUCK EHRENBERG	119.95
FARNAM'S GENUINE PARTS INC	61.96
FERGUS ELECTRIC	88.00
FERGUS FALLS NEWSPAPERS INC	6,078.31
FERGUS FALLS POLICE DEPT	1,540.45
CITY FERGUS FALLS	60,801.80
FERRELLGAS	80.49
ELROY FINKELSON	179.88
FIRST LINE MEDICAL	606.67
FORCE AMERICA	2,365.03
G & K SERVICES	1,996.80
GALL'S INC	27.05
GE CAPITAL	233.65
GENE'S SPORT SHOP	479.25
GR GRAPHICS INC ST LOUIS	1,352.37
HALL GMC INC	183.44
HEISLERS COUNTRY OIL	2,466.82
HENNING AUTO PARTS INC	20.74
HENNING HARDWARE	261.03
DAVID HOLMGREN	78.65
INSTITUTE OF LOCAL GOVERNMENT	102.00
K-MART	46.97
KEEPRS INC CY'S UNIFORMS	855.90
KELLY SERVICES INC	2,023.06
ANDREW KLINNERT	83.10
KNUTSON ELECTRIC REBUILDING	989.56
KOEP'S CLITHERALL CORNER	1,714.61
KOLPAK	84.16
LAKE REGION DENTAL CENTER	182.00
LAKE REGION HEALTHCARE CORP	1,005.50
LAKELAND MENTAL HEALTH CENTER	768.00
LAKEWAY MARKET LLC	6,313.33
LARRY OTT INC TRUCK SERVICE	515.00
LOCATORS & SUPPLIES INC	464.23

3/21/2006 12:33:41 OTTER TAIL COUNTY AUDITOR PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 WARRANTS FOR PUBLICATION IFD66 PAGE 2

WARRANTS APPROVED ON 3/21/2006 FOR PAYMENT 3/21/2006

VENDOR NAME	AMOUNT
M-R SIGN COMPANY INC.	2,274.33
MARTIN'S PAINTING & MORE	818.80
MCCOLLOUGH WELDING	291.43
MCHRMA	80.00
MIDWEST PRINTING CO	115.00
MIDWESTERN MAT RENTAL & SUPPLY	60.75
MN DEPT OF CORRECTIONS	400.00
MN MOTOR COMPANY	331.66
MOORE MEDICAL CORP	66.60
NANIK'S ELECTRIC	52.50
NAPA AUTO PARTS	382.04
NORTHERN STATES SUPPLY INC	1,022.06
OFFICEMAX CONTRACT INC	133.54
OTTERTAIL TRUCKING INC	5,548.80
OVERHEAD DOOR COMPANY	452.48
PARK REGION CO OP	5,071.84
PENROSE OIL COMPANY	1,953.49
PEPSIAMERICAS	170.00
PERHAM CO OP CREAMERY	6,863.80
PERHAM MEMORIAL HOSPITAL & HOM	15.00
PERHAM SAND & GRAVEL	143.10
PETE'S AMOCO	1,731.11
PRO AG FARMERS CO OP	2,711.13
QUALITY TOYOTA	462.77
RAPID CHEK INC	466.47
RAY'S OIL COMPANY	2,019.45
THE RENTAL STORE	129.91
ALLEN RICKS	59.97
ROYAL TIRE INC	1,048.43
SCHOOL DIST 544	63.01
SERVICE FOOD SUPER VALU	9.90
SHERWIN WILLIAMS	426.56
STEINS INC	1,202.15
TINA TUNGSETH	83.07
UNIVERSITY OF MN	16,100.00
UNIVERSITY OF MN-EXTENSION SER	7.00
VACATIONLAND PLUMBING	430.00
VIKING COCA-COLA	106.25
VOSS LIGHTING	496.42
WADENA CO AUDITOR TREASURER	499.73
WALLWORK TRUCK CENTER	176.11
GARY WASKOSKY	47.50
WASTE MANAGEMENT	2,777.64
WELDING SUPPLIES & FIRE EQUIPM	391.29
WEST PAYMENT CENTER	2,100.52
ZIEGLER INC	1,278.00

\*\*\*\* FINAL TOTAL..... \$167,540.87 \*\*\*\*

**LAND SURVEYOR'S CERTIFICATE OF CORRECTION TO THE PLAT OF  
ALBRECHT'S ADDITION TO NIRVANA**

By: Curtis J. Stoeckel, RLS 13077

Pursuant to the provisions of Chapter 505.175 Laws of Minnesota, Curtis J. Stoeckel, the undersigned, a Registered Land Surveyor in and for the State of Minnesota, declares as follows:

1. That the plat of ALBRECHT'S ADDITION TO NIRVANA, dated July 20, 1908 and filed on July 23, 1908 was prepared by a Registered Land Surveyor who is now deceased.
2. That the existing land description of said plat contains errors thus: The description makes specific bearing and distance calls along the shoreline of Stuart and East Battle Lake and leaves a strip of land between lot lines and the lakes. It also begins at the same government corner and in reality there are two government corners involved.
3. That the following land description hereby corrects said deficiencies and was prepared from existing plat data and that I did not perform a field survey to determine actual locations:

All of Government Lot 8, Section 34 and that part of Government Lot 3, Section 35, both of Township 133 North, Range 39 West, and that part of Government Lots 2 and 3, Section 3, Township 132 North, Range 39 West, Otter Tail County, Minnesota, described as follows:

Commencing at the southwest corner of said Section 35;

thence on an assumed bearing of EAST along the south line of said Section 35 a distance of 230 feet;

thence North 48 degrees East 367 feet;

thence North 43 degrees East 230 feet to the point of beginning of the land to be described;

thence reversing South 43 degrees West 230 feet;

thence South 48 degrees West 367 feet;

thence South 45 degrees West 131 feet;

thence South 78 degrees East 187 feet;

thence South 72 degrees East 98 feet;

thence South 64 degrees East 75 feet;

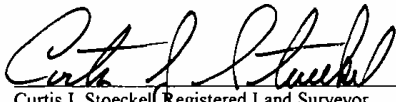
thence SOUTH 48 feet more or less to the shoreline of Stuart Lake;

thence westerly along said shoreline to the east line of Lot 27, NIRVANA, according to the recorded plat thereof;

thence NORTH along said east line 80 feet more or less to the shoreline of East Battle Lake;

thence northeasterly, northerly and southeasterly along said shoreline of East Battle Lake to the intersection of a line bearing North 29 degrees East from the point of beginning;

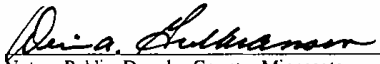
thence South 29 degrees West 392 feet more or less to the point of beginning.



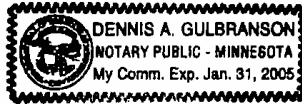
Curtis J. Stoeckel Registered Land Surveyor  
Minnesota Registration Number 13077

STATE OF MINNESOTA  
COUNTY OF DOUGLAS

The foregoing was acknowledged before me this 22<sup>nd</sup> day of July, 2002 by Curtis J. Stoeckel.



Notary Public, Douglas County, Minnesota  
My commission expires: 1-31-2005



The above Certificate of Correction to the plat of ALBRECHT'S ADDITION TO NIRVANA has been approved by \_\_\_\_\_

OFFICE OF COUNTY RECORDER  
COUNTY OF OTTER TAIL, MINN.

I hereby certify that the within Instrument was filed in this office for record on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20 \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ and was duly recorded as Document No. \_\_\_\_\_

\_\_\_\_\_  
County Recorder

**PLANNING COMMISSION FINDINGS  
ON EAW NEEDS DETERMINATION  
FOR THE CLUSTER DEVELOPMENT OF  
WALKER LAKE PRESERVE**

At a public hearing held on March 15, 2006, the Planning Commission of Otter Tail County considered the need for an Environmental Assessment Worksheet prior to further action concerning the application for the proposed cluster development of Walker Lake Preserve. Planning Commission members present at the hearing were: Bert Olson, Chairman; Bob Schwartz, Les Estes, Leona Zimmerman, Rick Wilson, Joe Maske and Rod Boyer. Bill Kalar and Marsha Bowman of the Land & Resource Management Office were present. Michelle M. Eldien, Assistant Otter Tail County Attorney, was also present.

The Planning Commission received comments from Robert Russell, attorney on behalf of the developers, along with developers Jim Morgan and Chris Tjornholm. The Planning Commission also received comments from petitioners, Kathy Satre-Wagnild, Mark Vandriessie and Tim Rundquist, attorney at law. In addition, the Planning Commission received items of correspondence which were summarized by Bill Kalar as containing 34 letters in favor of the EAW, and four letters against the EAW.

Based on all the information presented and on observations made by the Planning Commission members, the Commission makes the following Findings of Fact, Conclusion and Recommendation:

**FINDINGS OF FACT**

I.

The application submitted by Jim Morgan and Chris Tjornholm is a proposal for a 34 unit residential cluster development described as Walker Lake Preserve, within the shoreland area of Walker Lake, and said property being more particularly described as:

LOT 1 & E 8 AC. OF N1/2 NW1/4 & E 4 AC. OF N1/2 S1/2 NW1/4  
LIFE ESTATE JAMES & DORIS SCHWIEGER

N 40 RODS OF LOT 2.  
LIFE ESTATE JAMES & DORIS SCHWIEGER

N1/2 SW1/4 EX TRS: S1/2 S1/2 NW1/4 & S 120 RODS OF LOT 2  
LIFE ESTATE JAMES & DORIS SCHWIEGER

II.

A copy of the application and surveyor's drawing of Walker Lake Preserve is on file in the Office of Land & Resource Management.

III.

Walker Lake Preserve is a proposed development intended for residential use. The land is suitable for residential land use and multi-family use. The Commission found that there may be some potential for crowding and possible mitigation could be addressed by requiring 1 ½ acres of lot area per unit. The Commission identified no specific topographical features that the ordinance or Minnesota Pollution Control Agency could not mitigate. Specifically, the Commission found that the storm water management and on-site sewage system could adequately be dealt with by the Otter Tail County Shoreland Management Ordinance and the Minnesota Pollution Control Agency and Otter Tail County Lake Sewer District. The Planning Commission specifically noted that any

potential adverse impact of such topographical alterations would be adequately mitigated. The Commission found that there would be no impact by the current usage of surrounding parcels and no impact as to the soil type.

IV.

The proposed development does include wetlands, and the Planning Commission noted that there may be some impact by the proposed project concerning the wetlands. Specifically, the area near the bridge, Lots 3 through 13, and along the south entrance road. The Commission noted that it is difficult to determine impact due to existing snow cover and the inability to make observations. However, the Commission noted that any adverse impact to the identified wetlands could be mitigated through the Conditional Use Permit process and the Wetland Conservation Act.

V.

The proposed development does not fall within an identifiable flood plain.

VI.

The proposed development would not require any forest land conversion.

VII.

The Planning Commission found that there would be no adverse impact by on-site erosion. Although the Commission noted that there were bluffs identified on the surveyor's drawing, the proposal indicates that there would be no proposed activity in such areas.

VIII.

The Planning Commission did not identify any historical sites onsite. However, it appears that there are locations with historical sites nearby. The Commission noted that

any impact that may be later identified could be mitigated through requirements on the developer under the Conditional Use Permit process, as well as the State Historic Preservation Office regarding historical sites.

IX.

There are no known hazards to present or future property owners or adjacent property owners created by the proposed project.

X.

There are no known hazardous or chemical waste disposal areas within the proposed plat.

XI.

The proposed development does not have the potential for significant adverse impact on plant and wildlife habitat. Although the Commission noted that there is always some minimal impact with a development on wildlife and plant habitat, the Commission found that it would be no more than any other development. Testimony was received by the Commission concerning the possibility of bald eagle nests within the proposed project area. The Commission noted that the bald eagle is identified as an endangered species and mitigation processes are in place for the protection of such endangered species and could also be dealt with through the Conditional Use Permit process.

XII.

It does not appear that the proposed plat will generate any long term unacceptable levels of noise, other than the usual noise associated with single family residences or multi-family residences.

XIII.

As with some other proposed developments, there would be some potential for additional development onsite, as the developers do own the adjacent property to the proposed project. However, the potential for such development is no more than any other proposed project and any future development must comply with the requirements of the Otter Tail County Shoreland Management Ordinance and Subdivision Controls Ordinance.

XIV.

The proposed development would have no effect on the air quality.

XV.

The Commission noted that there would be no specific adverse impact on traffic conditions.

XVI.

That there would be no significant adverse impact concerning the land slope, aquatic vegetation or water depth. The Commission did note that it was somewhat difficult to determine the potential impact due to existing snow cover and inability to view the area.

XVII.

The proposed development would not have an impact on shore aquatic conditions.

XVIII.

The proposed plat would have minimal impact on fish and wildlife habitat. However, in comparison to other developments, it would be minimal based on centralized

docking and the maximum of 28 boat slips. The Commission did receive some testimony concerning a fish hatchery in the area, but noted that there was no identifiable impact.

XIX.

There are no identified or known endangered or threatened special concern species of aquatic, animal or plant life identified, but the Commission noted that it was impossible to determine due to existing ice cover.

XX.

There are no specific hazards identified within the proposed development. However, the Commission did receive some testimony as to boat traffic increase by the proposed project, and some hazard to swimmers in the area.

**CONCLUSION**

The Planning Commission found that because of snow cover and other conditions making it difficult to view the entire proposed project, the project may have the potential for significant adverse impact as to historical sites, the wetlands, wildlife and habitat on land and water, the density of the lot sizes, noise level and water depth.

The potential for any significant adverse impact as to each of the areas was addressed by the Planning Commission. The Commission found that the concerns could be mitigated by later processes through the Conditional Use Permit process and other forums.

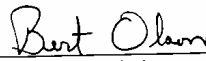
A motion was made by Bob Schwartz that the Environmental Assessment Worksheet on the proposed development was not necessary (Negative Declaration). Said motion was seconded by Joe Maske, and said motion carried. Bert Olson, Chairman, opposed said motion.

**RECOMMENDATION**

Thus, the Otter Tail County Planning Commission recommends to the Otter Tail County Board of Commissioners that an Environmental Assessment Worksheet for the proposed cluster development of Walker Lake Preserve is not necessary.

Submitted by:

Dated: 3-20-06



\_\_\_\_\_  
Bert Olson, Chairman  
Otter Tail County Planning Commission