

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Government Services Center, Commissioners' Room  
500 Fir Avenue W., Fergus Falls, MN  
Tuesday, June 6, 2006  
9:30 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, June 6, 2006, at 9:30 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 Lee, second by Mosher, and unanimously carried to approve the County Board agenda of June 6, 2006, with the following change:

11:10 a.m. – Solid Waste Committee Meeting canceled

11:10 a.m. – Selvin Brenden – Solid Waste Issue

**Approval of Minutes**

Motion by Nelson, second by Block, and unanimously carried to approve the County Board minutes of May 23, 2006, as presented.

**Approval to Pay Bills**

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

**Charity Motorcycle Ride**

Representatives of Prometheus M.C., presented information about the 21<sup>st</sup> Annual Charity Motorcycle Ride planned for June 23, 24, and 25, 2006. All proceeds go toward the Chahinkapa Park Zoo in Wahpeton, ND. Motion by Lee, second by Mosher, and unanimously carried to support this event and to waive the Otter Tail County Shows & Exhibition Ordinance.

**Work Release Contract**

Motion by Lee, second by Mosher, and unanimously carried to authorize the Chairman's signature to execute a Joint Powers Agreement between the State of Minnesota and County of Otter Tail for the Corrections Work Release Program for the period of July 1, 2006 through June 30, 2007.

**County Ditch Systems**

Motion by Nelson, second by Mosher, and unanimously carried to authorize Jim Nelson to install a 36" culvert and an approach in County Ditch No. 17 to allow his cattle to cross this pasture area. There is some debris that will need to be cleaned out close to County Road 19 and the culvert is the same size as the one upstream. The motion included that all expenses and maintenance for this work will be paid by the property owner, Jim Nelson.

Motion by Mosher, second by Block, and unanimously carried to authorize Paul Moe to install a 48" culvert on his property, in County Ditch No. 52 which goes through his pasture. The

culvert is the same size as the one upstream and all expense and maintenance costs of the work will be paid for by Property Owner, Paul Moe.

Motion by Nelson, second by Froemming, and unanimously carried to authorize a clean-out of approximately  $\frac{3}{4}$  of a mile in Ditch System No. 29 in Sections 30, 31, & 32 of Otto Township from the lagoon by Rush Lake going south. The Ditch Inspector reported that everyone that attended the Public Information meeting regarding this clean-out was in favor of proceeding with the project and a preliminary estimate of cost was reported as \$7,000 to \$8,000.

### **Norway Lake High Water Discussion**

Ditch Inspector, Randy Wasvick, reported that several property owners around Norway Lake are concerned about the flooding and asked to discuss the situation with the County Board. Mr. Wasvick discussed joining either County Ditch 21 to the North or County Ditch 37 to the South. Some of the issues discussed with joining a ditch included 1) both ditches are running at full capacity at this time, 2) Ditch No. 37 is a tile system and would be expensive to enlarge tiles to keep the water moving, 3) a petition would be required along with a \$10,000 bond, 4) an Engineer's Study would be required that probably would cost more than \$10,000, 5) a determination of benefits would need to be completed, 6) the process before the project could move forward would take at least one year, and 7) if the project was not able to proceed for any reason, the person(s) signing the petition would be responsible for the preliminary expenses, such as the Engineer's Study and the determination of benefits.

Several concerned property owners were present at the meeting and expressed the following opinions or concerns:

1. the natural flow for the Norway Lake watershed is south
2. Bass Lake is 17 ft. lower than Norway Lake now
3. one property owner reported a loss of 100 acres of land because of flooding
4. water is restricted with an 18" culvert under County Road 5 creating a dam
5. DNR is worried about the carp coming up and going into Norway Lake
6. concern was expressed that no water was running out of Bass Lake all last winter because it is plugged

County Attorney, David Hauser, reviewed the following items:

1. a petition to use a ditch for an outlet for the Norway Lake watershed would be required
2. the Drainage Authority must give due diligence to determine if the ditch has the capacity and then would need to set an outlet fee and other requirements
3. the cost vs. benefit analysis of the drainage project would need to be considered
4. benefits of the new drainage area need to be determined because they are subject to costs of the project
5. a Public Hearing would be required
6. only one person is required to submit a petition
7. the ditch uses and outlets statute is MS 103E.401

Commissioner Mosher stated that going to Ditch System No. 37 may be a better option than going to Ditch System No. 21.

### **Highway Department High Water Discussion**

Highway Engineer, Rick West, reported that pumping water northwest to the Pelican River to save County Highway 88 from flooding will begin in about two weeks with the goal to pump down enough to handle rainfall and the snow melt next spring.

Mr. West briefed the County Board on Federal Highway Disaster funds for secondary roads. Otter Tail County has flooding issues on CR 5, 24, 30, 18, and two locations on CR 10. Preliminary paperwork to apply for these federal funds has begun.

Mr. West reported that letters have been sent to property owners on South Turtle Lake as they are part of the proposed Storm Water System. He expressed the need for the South Turtle Lake Improvement District to become a leader in this process and levy through the LID to pay for the project rather than the County defining the benefited area. County Attorney, David Hauser, stated that if the South Turtle LID were to take on this project as the taxing authority, they would need to address this at their annual meeting this summer. A concern had been expressed that the outlet between North Turtle and South Turtle had been minimized more than the motion indicated previously. Mr. West stated that it was checked and it appeared that the outlet was at the same level as it was on May 15, 2006. It was reported that there is very little change in the lake level of North Turtle Lake. South Turtle Lake has been lowering  $\frac{1}{4}$  of an inch per day; however, they lose ground when heavy rains come through. Concern was expressed because the South Turtle LID is going to run out of money to keep pumping. Discussion took place about starting the bid process as soon as the engineering specifications are complete so the cost information is available at a Public Hearing.

Commissioner Bob Block was absent at 10:50 a.m.

### **Highway Contract**

Motion by Froemming, second by Nelson, and unanimously carried to authorize the Chairman's signature to execute a contract between the County of Otter Tail and Quality Asphalt Co., Inc. of Deer Creek, MN, for supply of hot mix bituminous for maintenance patching.

### **Joint Powers Agreement between Otter Tail County and MN DNR Central Lakes Trail Maintenance Otter Tail County Resolution No. 2006 - 43**

Commissioner Nelson offered the following and moved its adoption:

WHEREAS, pursuant to Minnesota Statutes 84.026 and 471.59, subd. 10, the State is empowered to engage such assistance as deemed necessary and the State is in need of routine maintenance services on the Central Lakes Trail in Otter Tail County, AND

WHEREAS, Otter Tail County is agreeable to provide the routine maintenance services as described in the Joint Powers Agreement for an annual rate of \$1,100.00 per mile.

BE IT RESOLVED, that Otter Tail County will provide the maintenance services as per the Joint Powers Agreement expiring June 30, 2006, at the annual rate of \$1,100.00 per mile on the Central Lakes Trail.

BE IT FURTHER RESOLVED, the County Board Chair and the County Board Clerk are hereby authorized and directed for and on behalf of the County of Otter Tail to execute and enter into an agreement with the MN Commissioner of Natural Resources prescribing the terms and conditions of same Joint Powers Agreement for the routine maintenance of the Central Lakes Trail expiring June 30, 2006.

Commissioner Mosher seconded the motion, and upon being put to vote, the above resolution was adopted on a 4-0 vote with Commissioner Block absent:

Adopted at Fergus Falls, Minnesota, this 6<sup>th</sup> day of June, 2006.

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

By: \_\_\_\_\_  
Roger Froemming, County Board Chair

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

#### **Recess & Reconvene**

At 11:01 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 11:06 a.m.

#### **Assessor's Office Proposed Fees**

Assessor, Bob Moe, submitted a proposed Assessor's Office Fee Schedule. He requested that the Commissioners review the proposed fees and address the matter at a future County Board meeting. Commissioners requested an approximate dollar amount that this proposed fee schedule would generate based on previous work completed in the identified areas.

#### **State Board of Equalization Orders**

Mr. Moe provided the MAAO Region 7 State Board of Equalization orders which showed only two counties with changes; Grant County with some increases and Wadena County with some decreases.

#### **Summary of Draft EIS for Blue Heron Bay**

Land & Resource Director, Bill Kalar, provided an Executive Summary for the Draft Environmental Impact Statement for Blue Heron Bay – Development on Dead Lake, dated June 5, 2006. He requested that commissioners review the summary as it will be discussed at a future County Board meeting along with the actual Draft EIS for Blue Heron Bay. Mr. Kalar stated that if the County Board is comfortable with the draft document, the Environmental Quality Board (EQB) would publish the draft and the public comment period would begin.

#### **Final Plat – “Bagley Bay First Addition”**

Motion by Lee, second by Mosher, and unanimously carried to approve the Final Plat known as “Bagley Bay First Addition”, GL 3, Section 27, T.136, R. 42, Lida Township; Lake Lida (56-747).

**Solid Waste Issue Discussion**

Property Owner, Selvin Brenden, explained that he has received a letter from the County's Solid Waste Department that he must get rid of a pile of tires stored on his property and has received a court date because he has not disposed of the tires. Lengthy discussion took place regarding the situation. Mr. Brenden explained that there is a dairy farmer that wants the tires for covering tarps over silage and hay piles. Solid Waste Director, Mike Hanan, stated that would be acceptable; however, he would need to talk with the individual receiving the tires to make sure the tires are being used legally and not simply stored at a different location.

**Recess & Reconvene**

At 11:47 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break and attendance at a conference sponsored by the Family Services Collaborative at the Bigwood Event Center. The meeting was reconvened at 1:24 p.m. with Commissioners Roger Froemming, Chair; Dennis Mosher, Vice-Chair; Syd Nelson, and Malcolm Lee present.

**Petition for Impoundment of County Ditch #38**

Auditor, Wayne Stein, submitted for the record, a Petition for Impoundment from Robert Sonnenberg, a landowner within the assessed area of Otter Tail County Ditch #38. The petition is presented pursuant to Minnesota Statutes 103E.227.

**Ditch System Maintenance Expenses**

Motion by Froemming, second by Mosher, and unanimously carried, to approve the following drainage system expenditures:

Dick Wilken	Beaver Removal -	\$600.00	County Drainage System No. 04
Bruce Hanstad	Beaver Removal -	\$100.00	County Drainage System No. 11
Bruce Hanstad	Beaver Removal -	\$100.00	County Drainage System No. 21

**Correction to April 6, 2006, Minutes**

Motion by Nelson, second by Mosher, and unanimously carried to make the following change to the April 6, 2006, minutes regarding the transfer of funds to the County Highway Department: "transfer of \$500,000 from Otter Tail County's Reserve Fund" to read as "transfer of \$500,000 from Otter Tail County's General Revenue Fund".

**Liquor License Applications**

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

Balmoral Golf Course Inc Balmoral Golf Course 28294 State Highway 78 Battle Lake, MN 56537	On-Sale Liquor and Sunday Liquor
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Raymond Rogers Big Chief 33518 Big Chief Road Fergus Falls, MN 56537	3.2 Off-Sale Malt Liquor
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B.P. O. Elks Lodge # 1093  
20970 Elks Point Road  
Fergus Falls, MN 56537

On-Sale Liquor

Bruce Finkelson  
Clear Lake Resort  
12296 275<sup>th</sup> Ave  
Dalton, MN 56324

3.2 On/Off-Sale Malt Liquor - June 1, 2006  
through June 30, 2006  
Consumption and Display Permit (Set-up)

The Corner Store OTL Inc  
The Corner Store  
28027 County Highway 14  
Battle Lake, MN 56515

3.2 Off-Sale Malt Liquor

J Steven Gribble Revocable Living Trust  
Cozy Cove Resort  
38811 Cozy Cove Rd  
Dent, MN 56528

3.2 On/Off-Sale Malt Liquor

Duffer's Bar and Grill LLC  
Duffer's Bar and Grill  
47420 County Highway 16  
Henning, MN 56551

On Sale Liquor and Sunday Liquor

Marvin Heisler  
Heisler Country Store Inc  
32021 County Highway 4  
Vergas, MN 56587

3.2 Off-Sale 3.2 Malt Liquor

Thomas M Lorine  
Peak Supper Club  
43517 County Highway 38  
Clitherall, MN 56524

On-Sale Wine and 3.2 On/Off-Sale  
Malt Liquor

Cyril A Flem  
Rolling Hills Golf Course  
49470 County Highway 9  
Pelican Rapids, MN 56572

3.2 On/Off-Sale Malt Liquor

St. Lawrence Church  
46404 County Highway 14  
Perham, MN 56573

Temporary 3.2 On-Sale Malt Liquor

Stalker Lake Golf Course LLC  
Stalker Lake Club House  
15786 Golf Course Road  
Dalton, MN 56324

On-Sale Liquor and Sunday Liquor

Ten Mile Lake Resort Inc.  
Ten Mile Lake Resort  
12303 County Highway 35  
Dalton, MN 56324  
Wee Villa Resort PRT

On-Sale Wine  
3.2 On/Off Sale Malt Liquor

3.2 On/Off-Sale Malt Liquor

Wee Villa Lodge  
31126 County Highway 27  
Fergus Falls, MN 56537

Zorbaz of Little Pine Lake, Inc.  
Zorbaz of Little Pine Lake  
45738 County Highway 51  
Perham, MN 56573

On-Sale Liquor and Sunday Liquor

**OTTER TAIL COUNTY RESOLUTION #2006 - 44**

Upon the motion of Mosher, seconded by Lee with Block absent, and passing on a 4 -0 vote, the County Board of Commissioners adopts the following resolution:

WHEREAS, Otter Tail County is working with the City of Fergus Falls to promote economic development in the community by facilitating the placement of an ethanol plant just west of the city limits; and

WHEREAS, JOBZ lands will be transferred from the City of Fergus Falls to the ethanol plant location by the City; and

WHEREAS, County Highway #116 will need to be upgraded to handle the weight of the larger vehicles going to and from the plant; and

WHEREAS, Otter Tail County has committed to provide \$300,000.00 toward the cost of upgrading the highway; and

WHEREAS, the City of Fergus Falls is applying for a grant to help fund the balance of the cost of the highway upgrade; and

WHEREAS, the Otter Tail County Highway Engineer will be managing the project; and

WHEREAS, the City of Fergus Falls and County will benefit from the project.

NOW, THEREFORE, BE IT RESOLVED, that Otter Tail County and the City of Fergus Falls will continue to work together to promote the ethanol plant, upgrade the highway and seek grant funds to aid in the economic development.

Adopted this 6<sup>th</sup> day of June, 2006.

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

By: \_\_\_\_\_  
Roger Froemming, County Board Chair

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

**Proposed Ethanol Plant Discussion**

The County Attorney and County Coordinator reported on a new concept regarding the funding of the Ethanol Plant which was not known before. There is an IRS ruling that would allow a separate 12 million dollar bond, whereby the County would be a conduit for the revenue bonds with no general obligation. Lengthy discussion followed. Continued discussion on this matter will take place at the next regular County Board meeting.

**Adjournment**

At 2:19 p.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, June 13, 2006.

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

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

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

6/06/2006 12:00:19 OTTER TAIL COUNTY AUDITOR  
PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66  
WARRANTS FOR PUBLICATION PAGE 1

WARRANTS APPROVED ON 6/06/2006 FOR PAYMENT 6/06/2006

VENDOR NAME	AMOUNT
A-1 TROPHY	79.88
A'VIANDS LLC	3,261.53
ALL TEC	500.00
AMERICAN SOLUTIONS FOR BUSINES	27,580.26
ANDERSON LAND SURVEYING INC	1,000.00
ARK & SPARK	83.20
AUTO VALUE FERGUS FALLS	123.88
BCA TRAINING & DEVELOPMENT	400.00
BEN HOLZER UNLIMITED	25.77
BEYER BODY SHOP INC	347.56
BLUELINE INDUSTRIES	53.50
BOB BARKER COMPANY INC	80.46
BOB'S STANDARD BULK SERVICE	173.18
BOUND TREE MEDICAL LLC	70.56
BRANDON COMMUNICATIONS INC	2,480.94
CHARLES D CENTER POST 3289	100.00
CHECKERS	99.16
BERNET CICHY	285.10
CLAY CO TREASURER	95.52
COMMISSIONER OF TRANSPORTATION	496.63
CONVERGENT STORAGE SOLUTIONS	114.88
COOPERS TECHNOLOGY GROUP	532.17
CORNELL SYVERSON POST 17	100.00
CULLIGAN WATER CONDITIONING	10.65
DACOTAH PAPER COMPANY	541.51
DEANS COUNTRY MARKET	10.49
DENZEL'S REGION WASTE INC	3,100.52
DETROIT LAKES OVERHEAD DOOR SE	233.78
KATHY DOMHOLT	108.58
E & J PRESS	474.99
ERIC'S ODD JOBS PLUS	1,448.40
HELEN ERKENBRACK	9.24
EVERGREEN EQUIPMENT INC	42.87
FERGUS ELECTRIC	1,109.15
FERGUS FALLS MEDICAL GROUP	3,708.00
FERGUS FALLS NEWSPAPERS INC	421.01
FERGUS FALLS POLICE DEPT	4,836.74
CITY FERGUS FALLS	19,105.95
FERGUS INTERNATIONAL INC	31.99
FERGUS TIRE CENTER	268.52
FERRELLGAS	136.17
FIRST LAB	182.50
FRAZEE FORUM INC	47.04
FRONTIER PRECISION INC	235.15
BERNARD GAMBER	142.85
GARAGE DOOR STORE	2,150.00
GEORGE BERGEM POST 3489	100.00
GILMORE WEIK VFW POST 5252	100.00
GODFATHERS EXTERMINATING INC	119.28

6/06/2006 12:00:19 OTTER TAIL COUNTY AUDITOR PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66  
 WARRANTS FOR PUBLICATION PAGE 2

WARRANTS APPROVED ON 6/06/2006 FOR PAYMENT 6/06/2006

VENDOR NAME	AMOUNT
JOHN GOOD	58.24
GOVERNMENT FINANCE OFFICERS AS	50.00
GRAINGER INC	147.86
GRAND VIEW LODGE	1,680.00
HAIMERL AMERICAN LEGION POST 1	100.00
HENNING AMBULANCE	351.00
HENNING AUTO PARTS INC	170.43
HENRY'S FOODS INC	616.92
HILL TOP TOWING	125.00
HILLTOP LUMBER INC	47.15
SHELDON HOLM	199.47
HOUG-HAMMER AMERICAN LEGION PO	100.00
IMAGE TECH SERVICES	101.30
INNOVATIVE OFFICE SOLUTIONS	4,241.11
INSIGHT PUBLIC SECTOR	165.00
INTERSTATE BATTERIES	57.95
JOHNSTON FARGO CULVERT INC	31,770.87
KELLY SERVICES INC	3,158.07
SCOTT KOENNICKE	11.05
L & L SERVICE	38.00
LAKES X-TERM LLC PEST CONTROL	325.00
LARRY OTT INC TRUCK SERVICE	1,795.00
PAT LARUM	39.27
LEWIS WELDING & EQUIPMENT	105.38
LINK RECREATIONAL INC	21.29
LOCATORS & SUPPLIES INC	30.35
M-R SIGN COMPANY INC.	11,540.33
VIOLA MANDERUD	218.45
MATERIALS MANAGEMENT DIVISION	500.00
MCCC MI 33	3,031.10
METEORLOGIX	1,908.00
MIDWESTERN MAT RENTAL & SUPPLY	69.60
MINNESOTA REVENUE	411.00
MN BOARD OF AELSLAGID	120.00
MN MOTOR COMPANY	114.21
MN OFFICE OF ENTERPRISE TECHNO	1,200.00
MN ST BOARD OF ASSESSORS	645.00
MN STATE AUDITOR	1,071.50
ROBERT MOE	136.96
NACVSO	30.00
NEW HILL SERVICES	278.90
CITY NEW YORK MILLS	175.00
NORTH DAKOTA LAW REVIEW	30.00
NORTHERN SAFETY TECHNOLOGY INC	647.21
KENNETH NURMI	3,100.00
OFFICE DEPOT	227.51
OLSON-STITZEL AMERICAN LEGION	100.00
OTIS ELEVATOR CO	96.25
OTTER TAIL CO PUBLIC HEALTH	450.00

6/06/2006 12:00:19 OTTER TAIL COUNTY AUDITOR  
 PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66  
 WARRANTS FOR PUBLICATION PAGE 3

WARRANTS APPROVED ON 6/06/2006 FOR PAYMENT 6/06/2006

VENDOR NAME	AMOUNT
OTTER TAIL CO TREASURER	186.07
OTTER TAIL TELCOM	138.80
OTTERTAIL TRUCKING INC	12,073.40
PAMIDA INC 008	70.33
PELICAN RAPIDS PRESS	90.10
PEPSIAMERICAS	229.00
PERFORMANCE PAVING & SEALCOATI	2,880.00
PERHAM CO OP CREAMERY	817.95
PERHAM MEMORIAL HOSPITAL & HOM	30.00
CITY PERHAM	89,753.74
PETE'S AMOCO	227.88
PETE'S BODY SHOP & TOWING	234.83
PHELPS FAMILY FORD	1,653.91
PROSWEEP INC	7,250.00
RDO EQUIPMENT	1,377.25
RELIABLE OFFICE SUPPLIES	214.39
REVIEW ENTERPRISES INC	987.32
ROYAL TIRE INC	835.78
RUND BROS AA TIRE CO	203.50
SCOTT HOFLAND CONSTRUCTION INC	5,940.00
SE SERVICE AND CONSULTING	9,000.00
SHESHUNOFF INFORMATION SERVICE	255.95
SHULTZ TORGERSON ARCHITECTS LT	18,500.00
JUDY SIGGERUD	18.61
SIGNWORKS	1,510.98
PAUL SIMENGAARD	63.30
SIMPLEXGRINNELL LP	626.11
SOUTHTOWN C-STORE	42.80
STEINS INC	1,202.01
STINAR STURDEVANT STOLZ POST 1	100.00
STRAND ACE HARDWARE	56.63
STRATEGIC EQUIPMENT	80.93
STREICHERS	2,322.54
THERMAL TECHNOLOGIES INC	89.00
TNT REPAIR INC	46.18
TOOL CRIB OF THE NORTH	93.66
TRANQUILITY BUILDING SERVICES	569.78
TRI STAR RECYCLING	6,259.80
TRIMIN SYSTEMS INC	1,195.31
ULTEIG ENGINEERS	20,207.23
VICTOR LUNDEEN COMPANY	72.72
VIKING COCA-COLA	106.25
WALLWORK TRUCK CENTER	4,180.22
XEROX CORPORATION	139.67
ZIEGLER INC	3,195.00

\*\*\*\* FINAL TOTAL..... \$343,495.22 \*\*\*\*