

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

New York Mills Offices, Courtroom

118 N. Main, New York Mills, MN

Tuesday August 15, 2006

9:30 a.m.

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, August 15, 2006, at 9:30 a.m., at the Otter Tail County New York Mills Courtroom with Commissioners Roger Froemming, Chairman; Dennis Mosher, Vice-Chair; Bob Block, Syd Nelson, and Malcolm Lee present.

Approval of Agenda

Motion by Mosher, second by Lee, and unanimously carried to approve the County Board agenda of August 15, 2006, with the following additions:

10:25 a.m. – Howard Euneau – Road Closure Request

Addition to Land & Resource Dept. Agenda – Extension of Filing Date for 2 Final Plats

Approval of Minutes

Motion by Nelson, second by Lee, and unanimously carried to approve the County Board minutes of August 8, 2006, as mailed with two typographical corrections.

Approval to Pay Bills

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

Closure of the Motor Vehicle/Driver's License/Fish & Game Office

Motion by Mosher, second by Lee, and unanimously carried to close the Otter Tail County Motor Vehicle/Driver's License/Fish & Game Office on Thursday, September 14, 2006, to allow staff the opportunity to attend the annual Department of Public Safety Training.

License Application Approvals

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

Lenny's Dining and Dancing
Underwood, MN

2006 Tobacco License

Richville Lions
Richville, MN

On-Sale 3.2 Malt Liquor
Temporary - 1 Day (9/2/2006)

Payment Approval

Motion by Nelson, second by Mosher, and unanimously carried to approve payment, in the amount of \$2,363.20 to ShatterGARD, representing a 40% deposit on the purchase of materials.

Premise Permit
Otter Tail County Resolution No. 2006 - 60

Commissioner Lee offered the following and moved its adoption:

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

WHEREAS, the Cormorant Lakes Sportsman's Club, Audubon, MN, has made an application to the Gambling Control Board for the purpose of conducting lawful gambling at The Club, located at 44086 US Highway 59 in Pelican Township of Otter Tail County; and

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

WHEREAS, the Otter Tail County Board of Commissioners is aware of no reason to oppose the conduct of lawful gambling by the Cormorant Lakes Sportsman's Club, Audubon, MN, at The Club, located at 44086 US Highway 59 in Pelican Township of Otter Tail County.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby approves the conduct of lawful gambling by the Cormorant Lakes Sportsman's Club, Fergus Falls, MN, at The Club, located at 44086 US Highway 59 in Pelican Township of Otter Tail County, provided the applicant meets all the necessary criteria for the licenses and permits as required by the Gambling Control Board.

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

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

Adopted and signed this 15th day of August, 2006.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Roger Froemming , County Board Chair

Attest: _____

Larry Krohn, Clerk

Request for Forgiveness of Penalty

County Coordinator, Larry Krohn, presented a request for forgiveness of penalty by the Pepsi Cola Company, in the amount of \$299.63, because their main headquarters moved and they did not receive their tax statement. Commissioners requested additional information regarding whether or not the statement was returned to the County and if the statement had been mailed to the new address that should have been provided by the Company.

City of Perham Street & Utility Improvements

Motion by Nelson, second by Lee, and unanimously carried to authorize the appropriate County officials' signatures to execute an agreement between the County of Otter Tail and Ulteig Engineers of Detroit Lakes, MN for Engineering Services for the Second Street Phase 2 (CSAH 51 & 98) project in the City of Perham. This agreement is for design purposes only and includes the City of Perham's portion.

Intersection & Traffic Signal Improvements for CSAH 8 & Coney Street in Perham

Motion by Nelson, second by Lee, and unanimously carried to concur with the award by the City of Perham for the Intersection Improvements project for CSAH 8 & Coney Street to the low bidder, Lakes Paving Inc. of Detroit Lakes, MN, in the amount of \$317,106.93, with the understanding that Otter Tail County has no funding obligations for this project.

Bid Award – S.P. 56-683-09

After previously advertising for bids, Highway Engineer, Rick West, opened the following bids at 1:00 p.m. on August 2, 2006, for S.P. 56-683-09, Bridge Removal and Construction:

<u>Bidder</u>	<u>Bid Amount</u>
Korby Contracting Co., Inc. Fergus Falls, MN	\$578,943.43
Redstone Construction Co., Inc. Mora, MN	\$649,230.56
Robert R. Schroeder Construction, Inc. Glenwood, MN	\$654,799.03
M-K Bridge Construction Walnut Grove, MN	\$665,617.28
Wanzek Construction, Inc. Fargo, ND	\$745,379.30
Swingen Construction Co. Grand Forks, ND	\$759,751.80

Motion by Mosher, second by Block, and unanimously carried to award S.P. 56-683-09 to Korby Contracting Co. Inc. of Fergus Falls, MN as the low bidder at the bid price of \$578,943.43.

Ag Advisory Committee Update

Agriculture Extension Educator, Vince Crary, briefed the County Board regarding the Otter Tail County Ag Advisory Committee, who have been meeting for about 1½ years discussing uses of ag and land use planning. Their mission statement includes promotion and preservation of the long term viability of livestock and farming as well as preservation of lakes and streams in Otter Tail County. Mr. Crary stated that the group is looking for direction from the County Board. They would like to be a recommending body to the Board on any issues involving agriculture and land use and are requesting \$5,000 for 2007 for education and to bring in professional resources when issues arise. Commissioners expressed a desire to support agriculture in the County and referred the budget request to the Budget Committee.

Extension Update

Ag Extension Educator, Vince Crary, provided several handouts including Arsenic Study Current Status, Managing Plumeless Thistle in Pastures with Donkeys, and August 2006 Dairy Programs. He briefed the Board regarding each program and details of outcomes of the research. He also provided a University of Minnesota Extension Service brochure explaining the research in the use of donkeys to control thistles. Commissioners expressed particular appreciation for the Arsenic Study work and supported a letter of endorsement for the work.

Road Closure

Howard Euneau, Owner of the Silver Dollar in Elizabeth, requested special consideration to close two blocks of County Road 10 in Elizabeth for a benefit scheduled for Saturday, August 19th. Mr. Euneau explained that this is not an annual event and because of a misunderstanding, the benefit has already been advertised and the closure would ensure safety. The Highway Engineer expressed concern as the County's policy is to close County Roads for annual City events only. Motion by Lee to deny the request of Howard Euneau to close two blocks of County Road 10 in Elizabeth for a benefit on Saturday, August 19, 2006. Motion failed for lack of a second. Motion by Mosher, second by Block, to approve the closure of two blocks of County Road 10 in Elizabeth, as an exception only, on Saturday, August 19, 2006, from 5:00 p.m. to 1:00 a.m. to allow this benefit to proceed. This motion applies to this event only because of a misunderstanding and the motion endorses the Highway Engineer's policy not to close County Roads other than for City sponsored events. Chairman Froemming called for a vote. Motion carried unanimously.

Recess & Reconvene

At 10:50 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 11:00 a.m.

Planning Commission Recommendations

Conditional Use Permit – Melanie & Steven Cole:

Motion by Mosher, second by Lee, and unanimously carried to approve a Conditional Use Permit for an earthmoving project with a condition as recommended by the Planning Commission. The property is described as Lot 5 & SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ & Lots 8 & 3 ex tr, Section 3 of Sverdrup Township; Mud Lake (56-445) and Unnamed Lake (56-446).

Conditional Use Permit – Russ & Laurie Akkerman:

Motion by Mosher, second by Lee, and unanimously carried to approve a Conditional Use Permit to prepare for a walk-out basement with conditions as recommended by the Planning Commission. The property is described as Eagle's Nest Shores Lot 6 Blk 1, Section 34 of Tordenskjold Township; Stalker Lake (56-437).

Conditional Use Permit – Jason & Cindy Freeland:

Motion by Lee, second by Nelson, and unanimously carried to deny a Conditional Use Permit, as recommended by the Planning Commission, for this after-the fact application to allow a previously installed natural rock retaining wall to remain in place. The reason for denial is because it would not have been approved if requested prior to construction due to the environmental impact. The property is described as S 286.50' of N 886.50' of GL 8, Section 4 of Friberg Township; Tonseth Lake (56-690).

Preliminary Plat – “The Point At Rivers Bend”/Robert & Susan Mitchell:

Motion by Froemming, second by Mosher, and unanimously carried to approve the Preliminary Plat known as “The Point At Rivers Bend” consisting of 4 single family residential lots as shown on the revised map dated August 2, 2006, and with conditions as recommended by the Planning Commission. The property is described as Pt NW¼ SW¼ NE of River Ex Tr, Section 6 of Otto Township; Otter Tail River (56-OTR).

Preliminary Plat & Conditional Use Permit – “Pleasant Waters”/Helen L. Wells:

Land & Resource Director, Bill Kalar, stated that the proposed Preliminary Plat known as “Pleasant Waters” consists of 4 single family residential lots and a road to serve the plat. The Planning Commission recommended denial of the Plat and CUP for a variety of reasons as stated in the August 9, 2006, Planning Commission minutes. Applicant, Ben Schmidt, requested that this Preliminary Plat be approved or tabled to allow time to work on the concerns regarding the easement, which he felt was the main issue for the Planning Commission. Motion by Mosher, second by Lee, to deny, as recommended by the Planning Commission, the Preliminary Plat known as “Pleasant Waters” and the Conditional Use Permit to serve the plat for the reasons as stated in the August 9, 2006, Planning Commission minutes. Motion carried 3-2 with Block and Nelson opposed. The property is described as GL 2, 3 Ex S 19.52 Ac & 5, Section 8 of Sverdrup Township; Pleasant Lake (56-449).

Preliminary Plat & Conditional Use Permit – “Majestic Oaks of Rush Lake”/Robert & Carol Martinson and Juanita M. Gronda:

Mr. Kalar reported that the Planning Commission was recommending denial of the proposed Preliminary Plat known as “Majestic Oaks of Rush Lake” consisting of 33 single family residential lots. Applicant, Ben Schmidt, requested that this request be tabled as the main issue appeared to be penetration through vegetation which was mitigated by sharing boardwalks every 300'. The applicant stated that the boardwalks exceed the standard and he requested continuing discussion regarding the plat. Motion by Froemming, second by Nelson, and unanimously carried to deny, as recommended by the Planning Commission, the proposed Preliminary Plat known as “Majestic Oaks of Rush Lake” and the Conditional Use Permit to serve the plat, for the reasons stated in the August 9, 2006, Planning Commission minutes. The property is described as Pt of GL 2 & Pt GL 3..., SE¼ Ex Trs, GL 1 & 2 Ex Trs, Section 17, and Lot 4, Section 18 of Otto Township; Rush Lake (56-141).

Conditional Use Permit – Todd Walvatne:

Motion by Mosher, second by Lee, and unanimously carried to approve a Conditional Use Permit to build a storage building with 20 units with conditions as recommended by the Planning Commission. The property is described as Pt NW¼ NE¼ ... (4.10 AC), Section 14 of Buse Township; Unnamed Lake (56-830).

Preliminary Plat – “Williams Eagle Glen”/William E. Williams:

Motion by Mosher, second by Lee, and unanimously carried to approve the Preliminary Plat known as “Williams Eagle Glen” consisting of 2 single family residential lots as presented. The property is described as Bailey's Beach Pt Lot 1 Blk 4..., Section 1 of Sverdrup Township; East Lost Lake (56-378).

Preliminary Plat – “Eagle Crest”/Aimee Rakow, et al:

Motion by Mosher, second by Lee, and unanimously carried to approve the Preliminary Plat known as “Eagle Crest” consisting of 2 single family residential lots with conditions as recommended by the Planning Commission. The property is described as Pt GL 5 Ex Trs, Section 10 of Eagle Lake Township; Eagle Lake (56-253).

Preliminary Plat – “Maple Hollow”/Thomas Deegan & Susan Guthrie and Bruce C. Peterson:

Motion by Lee, second by Mosher, and unanimously carried to deny, as recommended by the Planning Commission, the proposed Preliminary Plat known as “Maple Hollow” consisting of 8 single family residential lots & 1 Outlot and a Conditional Use Permit to serve the plat for the reasons as stated in the August 9, 2006, Planning Commission minutes. The property is described as Pt GL 1, 2 & 5..., & GL 5 Ex Tr & N 66' of E 320' of GL 4..., Section 14, Star Lake Township; Star Lake (56-385).

Big Pine Resort Conversion

Mr. Kalar explained that the Big Pine Resort Conversion occurred about one year ago. He showed the plat/map consisting of 12 lake lots and an outlot created for drainage. The outlot was to be managed by an Association. Attorney’s for the developers later contacted the County and requested permission to manage this outlot by covenants rather than a homeowners agreement. The developers presented the covenant language and it seemed appropriate. When the developers began selling the lots, the State Commerce Department raised an issue with the covenants stating that the management of the outlot would be fixed by a majority vote of the property owners, which takes away County control if there are any issues. The County approved this plat so it met certain conditions and now the developers are asking that the County change those conditions. Continued discussion took place. No action was taken.

Filing Extensions for Final Plats

Motion by Froemming, second by Lee, and unanimously carried to approve an extension for filing the Final Plat known as “Lakeside Timber Estates” until September 1, 2006. The property is located in Section 10 of Parkers Prairie Township; Horsehead Lake (56-22).

Motion by Froemming, second by Block and unanimously carried to approve an extension for filing the Final Plat of James & Susan Lukken, known as “The Pier” until October 1, 2006. The property is located in Sections 21 & 28 of Otter Tail Township; Otter Tail Lake (56-242).

Blue Heron Bay

Mr. Kalar noted that August 15, 2006, is the cutoff date for public input for draft Environmental Impact Statement (EIS) comments for Blue Heron Bay.

Jail/Facility Long Range Planning

Commissioner Block provided information regarding a house that is currently for sale next to the 505 Court Street building. Mr. Krohn and Mr. Hauser briefed the Board regarding a recent Jail Planning Advisory Committee (JPAC) meeting.

Adjournment

At 11:47 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, August 22, 2006.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

CB/kd

8/15/2006 12:10:55 OTTER TAIL COUNTY AUDITOR PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66
WARRANTS FOR PUBLICATION PAGE 1

WARRANTS APPROVED ON 8/15/2006 FOR PAYMENT 8/15/2006

VENDOR NAME	AMOUNT
A'VIANDS LLC	7,321.56
AMERICAN SOLUTIONS FOR BUSINES	593.71
BRIAN ARMSTRONG	141.95
ART N SIGN INC	105.50
ARVIG COMMUNICATION SYSTEMS	200.00
BATTLE LAKE MOTOR PATROL ASSN	37.50
BATTLE LAKE STANDARD	134.95
BEN HOLZER UNLIMITED	25.77
BOB'S STANDARD BULK SERVICE	102.11
BRANDON COMMUNICATIONS INC	1,267.21
BROGARD PLUMBING CO	15.81
CARQUEST AUTO PARTS	6.74
CARRS TREE SERVICE	13.79
CENTRAL SPECIALTIES INC	49,960.00
CENTRAL STATES WIRE PRODUCTS I	1,762.58
COOPERS TECHNOLOGY GROUP	3,226.98
CULLIGAN WATER COND	80.66
CULLIGAN WATER CONDITIONING	10.65
DACOTA PAPER COMPANY	232.74
DENZEL'S REGION WASTE INC	3,588.00
EAST SIDE OIL COMPANIES	55.00
EGGE CONSTRUCTION INC	195.00
PAT EHLKE	250.00
FARNAM'S GENUINE PARTS INC	401.49
FERGUS ELECTRIC	285.52
FERGUS FALLS MEDICAL GROUP	602.50
FERGUS FALLS NEWSPAPERS INC	1,307.62
FERGUS FALLS POLICE DEPT	510.33
CITY FERGUS FALLS	11,147.65
FERGUS INTERNATIONAL INC	483.14
FERGUS POWER PUMP INC	79,667.00
FERGUS TIRE CENTER	2,578.00
FERRELLGAS	145.08
BRENT FLODEN	68.42
GALL'S INC	41.99
GR GRAPHICS INC FARGO	50.00
GRAINGER INC	574.14
PAT GRIESER	50.00
PATRICK GRIFFIN	95.20
HALL GMC INC	102.12
HEALTHCARE ENVIRONMENTAL SERVI	130.00
HEDAHL'S HEADQUARTERS	293.90
HENNING AUTO PARTS INC	78.33
HILL TOP TOWING	60.00
THE HOME SHOP	362.09
JJ'S COMPANY EXCAVATING LLC	1,440.00
KELLY SERVICES INC	1,045.20
L & L SERVICE	44.00
LAB SAFETY SUPPLY INC	188.94

8/15/2006 12:10:55 OTTER TAIL COUNTY AUDITOR PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66
WARRANTS FOR PUBLICATION PAGE 2

WARRANTS APPROVED ON 8/15/2006 FOR PAYMENT 8/15/2006

VENDOR NAME	AMOUNT
LAKE COUNTRY GARDENS	131.67
LAKE REGION HEALTHCARE CORP	321.20
LAKELAND MENTAL HEALTH CENTER	3,582.00
LAKES COUNTRY SERVICE CO OP	411.50
LARRY OTT INC TRUCK SERVICE	1,360.00
LINDSAY ECOWATER SYSTEMS	91.70
LOCATORS & SUPPLIES INC	53.20
M-R SIGN COMPANY INC.	5,914.98
MAIN STREET GAS & GOODS	1,502.32
VIOLA MANDERUD	130.87
MATTHEW BENDER & COMPANY INC	563.80
THE MIDWEEK	483.12
MIDWEST PRINTING CO	48.99
MIDWESTERN MAT RENTAL & SUPPLY	69.60
MN DEPT OF AGRICULTURE	10.00
MN MOTOR COMPANY	302.35
MN SHERIFFS ASSOC	600.00
MN STATE BAR ASSOCIATION	337.00
NAPA OF PERHAM	4.88
NELSON FORD LINCOLN MERCURY IN	25.68
JOYCE NERDAHL	256.00
NORTHERN STATES SUPPLY INC	329.49
OFFICE DEPOT	64.84
OLSON FUNERAL HOME	775.00
OLSON OIL CO INC	178.96
OTTER VFW POST 874	100.00
OTTERTAIL TRUCKING INC	6,821.25
OVERLAND MECHANICAL SERVICES	25.42
PAMIDA INC 008	12.76
PARK REGION CO OP	2,109.16
PAUL PUTNAM AMERICAN LEGION PO	100.00
PEPSIAMERICAS	183.20
PERHAM CO OP CREAMERY	4,897.26
PERHAM ENTERPRISE BULLETIN	172.98
CITY PERHAM	91,039.95
PETE'S AMOCO	2,583.02
PIONEER JANITORIAL	90.53
PREMIUM WATERS INC	17.23
PRODUCTIVE ALTERNATIVES INC	806.21
PROTECTION SYSTEMS INC	1,068.00
REVIEW ENTERPRISES INC	743.63
MATTHEW SAURER	71.67
CHERI SCHULTZ	52.24
SCOTT HOFLAND CONSTRUCTION INC	5,310.00
SE SERVICE AND CONSULTING	17,000.00
SERVICE FOOD SUPER VALU	58.51
SEWER SERVICE	250.00
RICK SHEILS	211.99
STEVE'S SANITATION INC	1,193.44

8/15/2006 12:10:55 OTTER TAIL COUNTY AUDITOR
PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66
WARRANTS FOR PUBLICATION PAGE 3

WARRANTS APPROVED ON 8/15/2006 FOR PAYMENT 8/15/2006

VENDOR NAME	AMOUNT
STREICHERS	46.80
SUPER SEPTIC INC OF PELICAN RA	77.19
TOUTGES SANITATION	49.14
TRI STAR RECYCLING	3,400.30
UNIFORMS UNLIMITED	252.17
VALLEY SOFT WATER LTD	27.50
VICTOR LUNDEEN COMPANY	361.73
WADENA CO AUDITOR TREASURER	2,735.36
GARY WASKOSKY	47.50
WASTE MANAGEMENT	54,454.90
DAVE WEINRICH	42.57
WELDING SUPPLIES & FIRE EQUIPM	5.27
WELLER OIL CO	161.20
WESTBY LAWN CARE	40.00
ZIEGLER INC	30.47
3 D SPECIALTIES INC	112.92
**** FINAL TOTAL.....	\$385,393.49 ****