

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Government Services Center, Commissioners' Room  
500 Fir Avenue W., Fergus Falls, MN  
Tuesday, March 20, 2007  
9:30 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, March 20, 2007, at 9:30 a.m. at the Otter Tail County Government Services Center with Commissioners Dennis Mosher, Chair; Bob Block, Roger Froemming, and Everett Erickson present. Vice-Chair Syd Nelson was absent.

**Approval of Agenda**

Motion by Froemming, second by Erickson, and unanimously carried to approve the County Board Agenda of March 20, 2007, with the following additions:

Highway Department Handout  
10:45 a.m. - Bruce Qvammen – Palms of Lida First Addition  
10:50 a.m. – Physical Plant Manager, Rick Sytsma

**Approval of Minutes**

Motion by Froemming, second by Erickson, and unanimously carried to approve the County Board Minutes of March 13, 2007, as presented. A correction on page 4 to read "(Commissioner Nelson absent from meeting at 11:45 a.m.)" instead of "(Chairman Nelson absent from meeting at 11:45 a.m.)" was made in the official minutes.

**Approval to Pay Bills**

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

**Transportation Legislative Update**

Highway Engineer, Rick West, submitted a handout entitled "Alliance Legislative Update" dated March 16, 2007. The Update provided a summary of current Senate and House transportation bills. Mr. West reported that the House may vote this Saturday and then the bills will move to conference committee.

**4-H Update**

Regional Educator, Donna Geiser, reported on two major events that are taking place in Otter Tail County this year: the 19<sup>th</sup> annual Otter Tail County Youth Health Conference for 9<sup>th</sup> Graders and Conservation Days for 5<sup>th</sup> Graders. She reported that these two very successful events have taken place annually for almost twenty years and require the assistance of volunteers to put together the agenda of events, speakers, lunch, etc.

**County Ditch No. 41**

Ditch Inspector, Randy Wasvick, reported that the City of New York Mills has requested to clean out a section, of about one mile, in Ditch No. 41 from Highway 10 just past the railroad tracks. The flow of water goes into an unnamed lake. He stated that DNR Hydrologist, Terry Lejcher, did not express concern with the clean out as long as there is no work performed in the lake basin. The City is making the request because of flooding problems. Motion by Froemming, second by Block, and unanimously carried to authorize the City of New York Mills to clean out a portion of County Ditch No. 41 from Highway 10 just past the railroad tracks, subject to the cost of the clean out being the responsibility of the City of New York Mills.

**Crooked Lake Outlet**

Motion by Mosher, second by Erickson, and unanimously carried to establish the Public Hearing for an Outlet into Ditch No. 21 for Crooked Lake on Thursday, April 12, 2007, at 7:00 p.m. The Public Hearing will be held in the County Board room at the Government Services Center in Fergus Falls.

Motion by Block, second by Erickson, and unanimously carried to appoint the following Ditch Viewers to establish the new beneficiaries to the Ditch No. 21 system for the proposed Crooked Lake Outlet:  
Richard Bergquist, Eldor Kugler, & Howard Goese

**License Applications**

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

*Matmar Foods d.b.a. Elmer's Authentic Texas Bar-B-Que Battle Lake, MN	On-Sale Intoxicating Liquor & Sunday Liquor (transfer 04/01/2007)
Hideout Saloon and Grill Dalton, MN	Tobacco
Peak Supper Club Clitherall, MN	Consumption and Display Permit
**Ten Mile Lake Resort Inc. Dalton, MN	Consumption and Display Permit
Wee Villa Lodge Fergus Falls, MN	Consumption and Display Permit

\*Subject to the submission of the proper insurance documents.

\*\*Subject to the payment of the County fee.

**Application for Exempt Permit**

Motion by Mosher, second by Erickson, and unanimously carried to approve, with no waiting period, the LG220 Application for Exempt Permit as submitted by the Fergus Falls Area Summerfest Inc. for an event scheduled for Saturday, June 9, 2007, at the Red Horse Ranch Arena.

**Correspondence to Anoka County**

Motion by Erickson, second by Block, and unanimously carried to authorize the Chairman to sign a letter, regarding County Costs for the State Court System, to Dennis D. Berg, Chair of the Anoka County Board of Commissioners, dated March 19, 2007.

**Recess & Reconvene**

At 10:15 a.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 10:25 a.m.

**Final Plat Extension**

Motion by Erickson, second by Block, and unanimously carried to authorize an extension for filing the Final Plat known as Beauty Bay South Second Addition until June 15, 2007, as requested by Developer, Charles Kvale.

### **Dental Insurance**

Motion by Froemming, second by Erickson, and unanimously carried to authorize the Chairman's signature on a document entitled "Application" to execute group policy no. G5,278,784, Dental Insurance.

### **Proposed Chemical Dependency Building**

Attorney, Kent Mattson, provided a copy of the Sublease between the State of Minnesota and Otter Tail County for the Chemical Dependency building. Mr. Mattson briefed the Board on the agreement, including continued discussion regarding the financing of the additional \$600,000 the State has agreed to pay as a result of increased construction costs. Lengthy discussion continued. Motion by Block, second by Erickson, and unanimously carried to authorize the appropriate County officials' signatures to execute a Sublease (No. 03-17-2007 – Sublease 11464) subject to correction of clerical issues, the Housing and Redevelopment Authority agreeing to move forward with the project, and agreement between the two parties regarding the \$600,000 debt service funding.

### **Palms of Lida First Addition Conservation Easement Discussion**

Developer, Bruce Qvammen, reported that there are no agencies in Otter Tail County that will record and take responsibility for a conservation easement, which is a CUP requirement for the plat known as the Palms of Lida First Addition. He requested that the requirement be changed from a Conservation Easement to Conservation Area and language be documented on the Plat accordingly and become part of the plat approval. Land & Resource Director, Bill Kalar, explained the background regarding this proposal and the Conservation Easement requirement. Mr. Kalar suggested shore impact zone requirements whereby there is 37.5' on General Development Lakes where earthmoving, mowing, boat access, and like activities are prohibited. This could be enforced on a day to day basis by the Land & Resource Office. The area would also be posted on the corner of each lot stating that this is a conservation area and removal of vegetation is prohibited. County Attorney, David Hauser, questioned the County's authority to enforce a Conservation Area and suggested that the County become the Conservation Easement Holder to provide for enforcement and monitoring. The County Attorney will research the matter further and return to the County Board in two weeks with a recommendation.

### **Physical Plant Operations**

Physical Plant Manager, Rick Sytsma, briefed the County Board on the closing of a tunnel on the GSC property, obtaining title from the State for the parking lot, and Mr. Sytsma being the contact person for the County in regards to the construction of the proposed CD building.

### **Closed to the Public**

At 11:15 a.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners closed to the public for purposes of discussing labor negotiation strategies relative to the Technical Collective Bargaining Unit that includes the Treasurer, Assessor, Recorder, Auditor and Land & Resource Departments and the Collective Bargaining Unit for the Facilities Operations Group. Present were Commissioners Mosher, Block, Froemming, and Erickson, the County Attorney, County Coordinator, Recording Secretary, Assessor, Land & Resource Director, Treasurer, and Physical Plant Manager. At 11:59 a.m., Chairman Mosher declared the closed session concluded and the Board meeting recessed for lunch break.

### **Reconvene**

At 1:05 p.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners reconvened in open session.

**Blue Heron Bay Development**

Attorneys, Peder Larson and Bob Russell, briefed the County Board regarding a change needed to the Conditional Use Permit that was issued in December of 2006 for Blue Heron Bay. Because the Minnesota DNR has interpreted how the Conditional Use Permit affects the appraisal in regards to interest in the property (Phase III) that is intended to be transferred to the DNR for a Wildlife Management Area, BHB Attorneys requested that the County Board clarify what was intended. They submitted three proposed language changes to the CUP, which were provided by Bob McGillivray, Senior Project Manager for The Trust for Public Land. Lengthy discussion followed regarding due process, notification, reconsidering CUP decisions, and federal funding available through the Trust that must be used by mid-April. DLA Member, Don Fondrick, spoke in favor of the sale to the DNR for Phase III property of the Blue Heron Bay Development to become a WMA for the environmental good of Dead Lake and requested that the County Board make this opportunity happen.

Motion by Block, second by Froemming, to amend the Conditional Use Permit issued December 19, 2006, for Blue Heron Bay Development to include changes as follows and included in the document entitled "ORDER", which removes Phase III out of the Blue Heron Bay permit. Chairman Mosher called for a roll call vote:

	<u>Yea</u>	<u>Nay</u>
Commissioner Erickson	X	
Commissioner Froemming	X	
Commissioner Block	X	
Commissioner Mosher	X	
Motion carried 4-0.		

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that a conditional use permit for the Blue Heron Bay cluster development on Dead Lake be granted with the following conditions:

1. That Phases I and II of the parcel as shown on the surveyor's drawing dated December 19, 2006, containing approximately 195.67 acres, shall be included in the cluster development. This includes the small peninsula in Government Lot 4 in Section 19 and Government Lot 10 in Section 20 of Dead Lake Township, but specifically excludes the small island in Government Lot 4 of Section 19 of Dead Lake Township (the included land hereafter referred to as the "Cluster Property").
2. Phase III, as shown on the surveyor's drawing dated December 19, 2006, containing approximately 54 acres, is excluded from the cluster development. That property may be developed consistent with applicable zoning ordinances by Applicant or any subsequent purchaser.
3. The number of dwelling units on the Cluster Property shall be limited to 94. The location of the dwelling units shall be limited to the lot sites indicated on the conditional use permit surveyor's drawing dated December 19, 2006. The developer shall be allowed to file registered land surveys for the property as the development proceeds by phases consistent with the surveyor's map dated December 19, 2006.

**Adjournment**

At 1:44 p.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, March 27, 2007.

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

By: \_\_\_\_\_  
Dennis R. Mosher, Board of Commissioners Chair

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

CB/kd



<u>WARRANTS APPROVED ON 3/20/2007 FOR PAYMENT 3/20/2007</u>	
<u>VENDOR NAME</u>	<u>AMOUNT</u>
A-1 TROPHY	32.60
A'VIANDS LLC	8,342.62
AAA STRIPING SERVICE CO	11,696.45
ABG MAINTENANCE INC	90.53
ALL CREATURES VET HOSPITAL	73.90
AMC	135.00
ARVIG COMMUNICATION SYSTEMS	1,705.36
JOHN BARTHEL	9.00
BATTLE LAKE STANDARD	7.39
BEN FRANKLIN	7.32
BEYER BODY SHOP INC	4,058.29
BIG FOOT GAS & GROCERY	399.82
BOBCAT OF OTTER TAIL COUNTY	24.99
RIAN BOSSE	367.50
BRIAN JORGENSON CONSTRUCTION	2,500.00
BRIGHT PAGES	231.00
CELLULAR ONE	563.30
RYAN CHESHIRE	57.23
CITY BAKERY	37.50
CLAY CO TREASURER	3,312.92
CO OP SERVICES INC	3,544.28
COOPERS TECHNOLOGY GROUP	30.19
CUSTOM BUSINESS FORMS	102.24
DACOTAH PAPER COMPANY	413.99
RICK DENZEL	102.15
DENZEL'S REGION WASTE INC	1,606.13
EAU CLAIRE CO CIRCUIT COURT	18.50
SCOTT ELLINGSON	16.16
EVERGREEN EQUIPMENT INC	116.92
FARNAM'S GENUINE PARTS INC	50.49
FERGUS ELECTRIC	6,811.05
FERGUS FALLS POLICE DEPT	4,541.83
FERGUS TIRE CENTER	2,358.20
FERRELLGAS	143.84
FLEET SERVICES	11,721.35
BRENT FLODEN	7.44
FOTH & VAN DYKE	18,288.91
SHARON FUNK	72.93
G & K SERVICES	1,562.72
G & S STAFFING SERVICES INC	10.00
GALL'S INC	5.04
GE CAPITAL (CA)	372.74
GENE PAYNE CONSTRUCTION	125.00
GENERAL PARTS LLC	91.33
GEOHERMAL RESOURCE TECHNOLOGI	7,400.00
GODFATHERS EXTERMINATING INC	321.08
GOODIN COMPANY	354.12
GOPHER STATE ONE CALL	4.35
GR GRAPHICS INC FARGO	50.00
GR GRAPHICS INC ST LOUIS	680.69
LARRIS GREWE	164.95
HALL TRUCK CENTER INC	466.28
HEARTLAND AUDIO INC	17,619.58
HEDAHL'S HEADQUARTERS	2.89
HEISLERS COUNTRY OIL	1,338.41
HENNING AUTO PARTS INC	509.33
HENNING HARDWARE	404.37
HINTERMEISTER INC	33.99
SHELDON HOLM	266.08
SANDY HOLO	133.36
ID AMERICA	249.07
JK SPORTS	20.00

OTC Board of Commissioners' Minutes  
 March 20, 2007  
 Attachment A, Page 2

KEEPRS INC CY'S UNIFORMS	100.81
KELLY SERVICES INC	2,871.21
JEFFREY KERR	15.32
KOEP'S CLITHERALL CORNER	829.29
JEREMIAS KRUPICH	17.47
DARREN KUNZ	40.00
L & L SERVICE	12.27
LAKE REGION HEALTHCARE CORP	1,510.00
LAKELAND MENTAL HEALTH CENTER	1,492.50
LAKES COUNTRY SERVICE CO OP	65.00
LAKEWAY MARKET LLC	2,564.63
LARRY BENNETT CONSTRUCTION	240.00
LARRY OTT INC TRUCK SERVICE	520.00
WILLIAM LEE	7.44
JERRY LOKEN	19.14
M-R SIGN COMPANY INC.	287.17
MAIN STREET GAS & GOODS	1,362.30
MANNY'S - ROCKY'S BAIT	1,229.33
MARK SAND & GRAVEL CO	115,330.64
MIDWESTERN MAT RENTAL & SUPPLY	74.07
MINNKOTA	29.00
MN DEPT OF CORRECTIONS	400.00
MN SAFETY COUNCIL	495.00
MN STATE BAR ASSOCIATION	492.00
MN SWCS	130.00
MOORE ENGINEERING INC	18,184.15
NELSON BROS PRINTING	404.04
NELSON DODGE GMC	2,149.63
NELSON FORD LINCOLN MERCURY IN	41,806.00
SIDNEY NELSON	67.99
JOYCE NERDAHL	1,155.00
NORTHERN SAFETY TECHNOLOGY INC	204.88
NTOA	150.00
OFFICE DEPOT	122.30
OFFICEMAX CONTRACT INC	184.22
OTTER TAIL CO EMPLOYEES COMMIT	368.00
OTTER TAIL CO RECYCLING	57.80
OTTER TAIL POWER COMPANY	5,712.38
OTTERTAIL AGGREGATE	1,247.00
OTTERTAIL TRUCKING INC	4,768.50
OVERHEAD DOOR COMPANY	32.00
OVERLAND MECHANICAL SERVICES	569.86
PACE ANALYTICAL SERVICES INC	710.00
PAMIDA PHARMACY	3,460.39
PARK REGION CO OP	1,618.00
PENROSE OIL COMPANY	2,714.78
PERHAM CO OP CREAMERY	2,066.54
PERHAM STEEL & WELDING	32.23
PETE'S AMOCO	1,046.17
PHILLIPE LAW OFFICE	111.83
PINE PLAZA TV APPLIANCE & CAMP	1,158.72
POSTMASTER	70.00
PRAIRIE IMPLEMENT INC	12.68
PREMIUM WATERS INC	35.08
PRO AG FARMERS CO OP	1,240.22
PRODUCTIVE ALTERNATIVES INC	191.65
QUARTERMASTER	114.93
REED BUSINESS INFORMATION	131.57
CHERI SCHULTZ	43.02
SEWER SERVICE	75.00
SHERATON BLOOMINGTON HOTEL	668.28
SHULTZ TORGERSON ARCHITECTS LT	10,965.00
SIGELMAN STEEL & RECYCLING INC	344.30
SPECIAL OPERATIONS TRAINING AS	150.00
STEINS INC	1,737.20

STEVE'S SANITATION INC	548.76
STRAND ACE HARDWARE	270.11
SUPER SEPTIC INC OF PELICAN RA	316.19
SUPERIOR LAMP INC	450.23
MARTIN TOSO	9.00
UNICEL	348.32
UNIFORMED SERVICES ALMANAC INC	157.40
UNIFORMS UNLIMITED	97.10
UNITED PARCEL SERVICE	30.43
UNIVERSITY OF MN CPHEO	168.00
VICTOR LUNDEEN COMPANY	569.89
VIKING COCA-COLA	172.55
VOSS LIGHTING	119.07
WADENA CO AUDITOR TREASURER	1,343.51
WASTE MANAGEMENT	31,623.73
WEST TOOL & DESIGN INC	58.50
WESTERN UNION FINANCIAL SERVIC	45.50
WHITE BANNER UNIFORM SHOP	145.00
911 MAGAZINE	47.95
<u>**** FINAL TOTAL.....</u>	<u>\$388,321.87 ****</u>