

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Government Services Center, Commissioners' Room  
500 Fir Avenue W., Fergus Falls, MN  
Tuesday, September 18, 2007  
9:30 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, September 18, 2007, at 9:30 a.m. at the Otter Tail County Government Services Center with Commissioners Dennis Mosher, Chair; Syd Nelson, Vice-Chair; Bob Block, Roger Froemming, and Everett Erickson present.

**Approval of Agenda**

Motion by Froemming, second by Block, and unanimously carried to approve the County Board Agenda of September 18, 2007, with the following change:

9:45 a.m. – cancellation of Charles Kvare's request

**Approval of Minutes**

Motion by Nelson, second by Froemming, and unanimously carried to approve the County Board Minutes of September 11, 2007, as presented.

**Approval to Pay Bills**

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

**Devil's Lake Preliminary Plat Discussion**

Attorney, Robert Bigwood, and Developer's Bruce Jackim and Alan Olson, discussed with the Board, the situation with the proposed Devil's Lake Preliminary Plat. Mr. Bigwood provided a background regarding this proposed plat which was recommended for approval in 2003 by the Planning Commission and subsequently denied by the County Board on the following Tuesday. Mr. Bigwood stated that time was required to resolve ownership issues, which has culminated with the acquisition of the property by Lakes Development Partners. Lengthy discussion took place regarding the concerns that had been expressed and the Developer's opinion that, after issues were resolved, the next step of the process was to request approval from the County Board. County Attorney, David Hauser, advised that another hearing, by way of the Planning Commission, is appropriate in order for proper notice to occur for individuals who may be opposed to the subdivision. Motion by Froemming, second by Nelson, and unanimously carried to require that the Developers of the proposed Devil's Lake Preliminary Plat reapply with the changes in the plat proposal to be considered by the Planning Commission with the related fees waived for the reapplication process.

**Fergus Falls Transfer Station**

Solid Waste Director, Mike Hanan, summarized information regarding the proposed construction of the Fergus Falls Transfer Station and provided a handout which identified a potential cost savings of approximately \$500,000. Motion by Froemming, second by Erickson, and unanimously carried to approve the recommended changes as identified by the Solid Waste Director for bid specifications for the 2008 construction of the Fergus Falls Transfer Station.

**Recess & Reconvene**

At 10:30 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 10:33 a.m.

### **Value & Tax Capacity Comparisons**

Assessor, Bob Moe, provided value and tax capacity comparisons for assessment years 1996 through 2008. Mr. Moe reported estimated market value for Otter Tail County for 2008 as \$8,557,566,300, which is a 14.32% increase from 2007. He reported taxable market value for 2008 at \$7,388,900,200. Continued discussion took place regarding current market values, the JOBZ program, and classifications of property.

### **Correction to a Previous Bill Listing**

Motion by Froemming, second by Erickson, and unanimously carried to correct Attachment A of the September 4, 2007, Otter Tail County Board of Commissioners' Minutes as follows:

Dorel Travel Group should have read Hyatt Regency Milwaukee \$2,836.35

### **County Drainage Systems**

#### **County Ditch No. 39**

Ditch Inspector, Randy Wasvick, provided an estimate of \$8,500 from Delzers Construction on a clean out of County Ditch No. 39 in Western Township. Because of the water and mud, there was one area of uncertainty as far as cost of clean out. Mr. Wasvick stated that the mile where most of the cleaning is going to be completed is only a 2 ft. drop in elevation, so there is still going to be some flooding with very heavy rainfalls; however, the clean out will help reduce the standing water in less time. Motion by Mosher, second by Nelson, and unanimously carried to authorize the clean out of County Ditch No. 39 as recommended by the Ditch Inspector.

#### **County Ditch No. 62**

Motion by Erickson, second by Froemming, and unanimously carried to authorize Property Owner, Paul Dubbels, to do some maintenance work in County Ditch No. 62 at his expense. The work must also be approved by the Ditch Inspector.

### **Planning Commission Recommendations**

#### **Conditional Use Permit – Arvid C. & Beryl J. Rau:**

Motion by Mosher, second by Block, and unanimously carried to approve a Conditional Use Permit for stockpiling of material and restoration of land in conjunction with a highway project with a condition as recommended by the Planning Commission. The property is described as S1/2 SW1/4 (80 AC), Section 33 of Buse Township; Mustinka River (56-Trib) Tributary/Unnamed Lake (56-1414) NE.

#### **Preliminary Plat – “Lida West First Addition”/Richard & Phyllis Jo Gilbert:**

Motion by Erickson, second by Froemming, and unanimously carried to approve the Preliminary Plat entitled “Lida West First Addition” consisting of 1 single family residential lot with a condition as recommended by the Planning Commission. The property is described as S1/2 SW1/4 ex plat & ex tr & Lot 4 & pt NW1/4 SW1/4 & GL 3 (1.28 AC), Section 20 of Lida Township; Lake Lida (56-747), GD.

#### **Preliminary Plat – “Dandi Haven”/Daniel Bucholz & Andrea Dulski Bucholz:**

Motion by Block, second by Nelson, and unanimously carried to approve the Preliminary Plat entitled “Dandi Haven” consisting of 3 single family residential lots as presented. The property is described as E1/2 NE1/4 & GL 1 & 2 ex Sunny Beach Resort ex trs (134.52 AC), Section 25 of Gorman Township; Little Pine Lake (56-142), GD.

Preliminary Plat "Fosberg's Addition to Cha-Rosa Beach"/Michael Herbst et al, Margaret Reed & Evarae Herbst:

Motion by Erickson, second by Froemming, and unanimously carried to approve a Preliminary Plat entitled "Fosberg's Addition to Cha-Rosa Beach" consisting of 1 non-residential backlot to be attached to Lot 17 of Cha-Rosa Beach as presented. The property is described as Lots 1 & 2 ex platted ex trs, Section 12 of Scambler Township; Pelican Lake (56-786), GD.

Conditional Use Permit – "Olson's Big Pine Get-A-Way"/Phillip & Jo Olson:

Motion by Nelson, second by Froemming, and unanimously carried to approve a Conditional Use Permit to remove a garage and 3 remaining cabins to be replaced with 3 seasonal RV sites as presented. The property is described as Lots 32,33,34 & pt of Lot 35 Blk 1, Jackson & McKees Addn, Pt of GL 3, Section 14 and Pt of GL 1, Section 23 of Pine Lake Township; Big Pine Lake (56-130) GD.

Conditional Use Permit – Larry Scheffler:

Motion by Erickson, second by Block, and unanimously carried to approve a Conditional Use Permit for landscape topographical alterations and gazebo with a condition as recommended by the Planning Commission. The property is described as Lot 1 Blk 2, Crystal Springs 1<sup>st</sup> Addition & vacated road adj., Section 3 of Lida Township; Franklin Lake (56-759), RD.

Conditional Use Permit – Long Lake Land LLC, c/o David L. Johnson:

Motion by Mosher, second by Erickson, and unanimously carried to approve a Conditional Use Permit to build a water control structure dike with conditions as recommended by the Planning Commission. The property is described as SW1/4 SW1/4 & S 1255.33' of Lot 10, Section 2 of St. Olaf Township; Long Lake (56-390), RD/Urban & Tributary River (56-TR), TR.

**Snowmobile Trail Grant Agreements**

Motion by Froemming, second by Erickson, and unanimously carried to authorize the appropriate County officials' signatures to execute the following FY2008 Minnesota Snowmobile Assistance Program Maintenance and Grooming Grant Agreements with the Minnesota Department of Natural Resources with Otter Tail County acting as the fiscal agent:

Henning Sno Cruisers Snowmobile Trail	\$9,325.00
Otter Trail Riders Snowmobile Trail	\$41,776.00
Otter Country Trail Association (OCTA) Snowmobile Trail	\$64,902.00
Prairie Snow Drifters Snowmobile Trail	\$4,476.00
Lake Runners Trail Association (LRTA) Snowmobile Trail	\$28,721.00

### **Extensions for Filing Final Plats**

#### **"Eagle Crest":**

Motion by Mosher, second by Nelson, and unanimously carried to approve an extension request from Moore Engineering for filing the Final Plat entitled "Eagle Crest" until December 31, 2007. The property is located in Section 10 of Eagle Lake Township; Eagle Lake.

#### **"Brazel Oaks":**

Motion by Froemming, second by Block, and unanimously carried to approve an extension request of one year from Anderson, Howe, and Langley for filing the Final Plat entitled "Brazel Oaks". The property is located in Section 23 & 24 of Otter Tail Township; Long Lake.

#### **"Norway Estates"**

Motion by Mosher, second by Erickson, and unanimously carried to approve an extension request from Anderson, Howe, and Langley for filing the Final Plat entitled "Norway Estates" until July 1, 2008. The property is located in Section 34 of Tordenskjold Township; Stalker Lake.

### **Extensions or Modifications of Conditional Use Permits**

#### **"Norway Estates Second Addition"**

Motion by Mosher, second by Block, and unanimously carried to approve an extension of the Conditional Use Permit for the Common Interest Community (CIC) entitled "Norway Estates Second Addition" until July 1, 2008. The property is located in Section 34 of Tordenskjold Township; Stalker Lake.

#### **"Rose's Condominium"**

Motion by Nelson, second by Erickson, and unanimously carried to approve a one year extension request for the Conditional Use Permit for the CIC entitled "Rose's Condominium". The property is located in Section 8 of Hobart Township; Rose Lake (56-360).

#### **"Pelican View Estates":**

Motion by Erickson, second by Block, and unanimously carried to approve an extension of the Conditional Use Permit for the CIC entitled "Pelican View Estates" until December 1, 2007, for construction of the road to serve this community subject to using appropriate temporary erosion control methods. The property is located in Section 1 of Scambler Township on Pelican Lake.

### **Personnel Board of Appeals**

County Coordinator, Larry Krohn, briefed the Board and submitted the Findings of Fact, Decision and Order of a case heard before the Otter Tail County's Personnel Board of Appeals.

### **Bid Award – Salt Storage Building, Battle Lake**

The Bid Opening for C.P. 07:SALT, Salt Storage Building Construction in Battle Lake, was held at 1:00 p.m. on September 12, 2007, with one bid received from Greystone Construction Co. Motion by Mosher, second by Block, and unanimously carried to award the Salt Storage Building Construction Project in Battle Lake to Greystone Construction Co, of Shakopee, MN, in the amount of \$97,155.00. The Engineer's estimate was \$121,000.00.

### **Recess**

At 11:47 a.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:00 p.m.

**County Drainage System 16**

County Attorney, David Hauser, stated that, following the Public Hearing on August 23, 2007, the County Board discussed the matter and directed certain findings of fact to be written. Mr. Hauser presented the document of Findings of Fact and Order regarding Drainage System 16, in which the petition for a Clitherall Lake Outlet Engineering Study is denied.

Donald Davenport, spoke on behalf of Clitherall Township, as Clitherall Township is involved with County Ditch 16. He stated that the Township agrees that the petition should be rejected at this time. He questioned Item III of the petition stating that the ditch was 8 ft. wide at the bottom and 2 ft. deep and that there are 4 culverts underneath Township roads that lead from Belmont Lake to West Battle Lake. He submitted handouts with Ditch 16 Elevations and Culvert information. Lengthy discussion took place regarding changing out or adding a culvert, what requires a redetermination of benefits, as built provisions, potential water flow issues from Clitherall Lake to West Battle Lake, and the situation of the outlet for Clitherall Lake. Motion by Froemming, second by Erickson, and unanimously carried to approve the Findings of Fact and Order regarding Drainage System 16 as presented by the County Attorney.

**Recess**

**Closed to the Public – Labor Negotiation Strategies**

At 1:50 p.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. At 2:02 p.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners reconvened and closed to the public for purposes of discussing labor negotiation strategies relative to the Human Services and Professional Unions. Present were Commissioners Mosher, Nelson, Froemming and Erickson, the County Attorney, County Coordinator, Human Services Director and Board Secretary. Commissioner Block was present until 2:27 p.m., at which time, he left to chair the Otter Tail Family Services Collaborative meeting.

**Closed to the Public – Consideration of Sale of Real Estate**

At 2:49 p.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners closed to the public for consideration of the sale of real estate in reference to the U. S. Bank Building located on Cavour Avenue in Fergus Falls. The closed session is authorized under Chapter 13D.05 Subd. 3(c) (1). Present were Commissioners Mosher, Nelson, Froemming, and Erickson, the County Attorney, County Coordinator, County Auditor, Assessor, Physical Plant Manager, and Board Secretary.

**Adjournment**

Upon conclusion of the Closed Session, at 3:40 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, September 25, 2007.

Dated: \_\_\_\_\_

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_

Dennis R. Mosher, Board of Commissioners Chair

Attest: \_\_\_\_\_

Larry Krohn, Clerk



<b>WARRANTS APPROVED ON 9/18/2007 FOR PAYMENT 9/18/2007</b>	
<b><u>VENDOR NAME</u></b>	<b><u>AMOUNT</u></b>
A'VIANDS LLC	9,276.50
AMERICAN INSTITUTIONAL SUPPLY	105.40
AMERICAN WELDING-WILLMAR FIRE	16.55
ARVIG COMMUNICATION SYSTEMS	200.00
ATD AMERICAN CO	514.38
BOB BARKER COMPANY INC	372.21
BOUND TREE MEDICAL LLC	23.48
BRANDON COMMUNICATIONS INC	668.77
CATCO PARTS AND SERVICE	60.54
CELLULAR ONE	565.16
COLLEGE WAY AUTO INC	52.97
COMPANION ANIMAL HOSPITAL	30.33
COOPERS TECHNOLOGY GROUP	176.14
CRS INC DETENTION REPORTER	48.00
CULLIGAN WATER COND	78.37
CULLIGAN WATER CONDITIONING	10.65
CUTLER MAGNER COMPANY	1,631.92
DAKOTA CLINIC FARGO	4,573.00
KATHY DOMHOLT	46.08
SCOTT ERDMAN	18.00
ERICKSON ELECTRONICS	14.38
F-M TYPEWRITER SERVICE	387.50
FARGO FREIGHTLINER	405.23
FERGUS FALLS NEWSPAPERS INC	4,869.53
FERGUS FALLS POLICE DEPT	48.00
CITY FERGUS FALLS	6,099.20
FERGUS INTERNATIONAL INC	80.59
FERGUS TIRE CENTER	4,364.68
FERRELLGAS	85.90
BRENT FLODEN	18.00
FLOOR TO CEILING STORE	125.00
GALL'S INC	619.97
GEOCOMM	10,900.00
GR GRAPHICS INC ST LOUIS	301.16
PATRICK GRIFFIN	160.00
H & R CONSTRUCTION CO	1,890.00
HENNING HARDWARE	179.88
HENRY'S FOODS INC	1,243.81
COREY HOEFS	13.83
HOOTS SPORTS	442.41
HOUSTON ENGINEERING INC	3,347.65
ROBERT HUCKEY	79.13
INTERSTATE INC	950.20
KEEPRS INC CY'S UNIFORMS	21.27
KELLY SERVICES INC	1,332.50
LAKE REGION HEALTHCARE CORP	2,206.00
LAKELAND MENTAL HEALTH CENTER	398.00
LAKES COUNTRY SERVICE CO OP	60.00
LARRY OTT INC TRUCK SERVICE	320.00
BONNIE LUDDEN	65.98
MAIN STREET GAS & GOODS	1,640.31
MANNY'S - ROCKY'S BAIT	1,858.79
MCMASTER-CARR SUPPLY COMPANY	230.58
MINNERATH CONSTRUCTION INC	175,533.61
MN STATE AUDITOR	1,479.88
DEBORAH MORRIS	64.99

OTC Board of Commissioners' Minutes  
September 18, 2007  
Attachment A, Page 2

KURT MORTENSON	186.51
NAPA FERGUS FALLS	16.56
NARDINI FIRE EQUIPMENT	189.25
NELSON DODGE GMC	1,222.28
NELSON FORD LINCOLN MERCURY IN	3,224.17
NEW YORK MILLS HERALD	210.96
OLSON OIL CO INC	120.39
ONE CALL LOCATORS LTD	476.68
OTTER TAIL CO EMPLOYEES COMMIT	44.00
OTTER TAIL FAMILY SERVICES COL	300.00
OTTERTAIL TRUCKING INC	5,457.00
OVERLAND MECHANICAL SERVICES	2,037.20
PARK REGION CO OP	37.27
KRISTIE PARTAIN	12.21
PEMBERTON SORLIE RUFER KERSHNE	750.00
PEPSIAMERICAS	239.40
PERHAM CO OP CREAMERY	3,213.54
PERHAM ENTERPRISE BULLETIN	61.53
PETE'S AMOCO	2,235.49
PROSWEEP INC	245.00
QUARTERMASTER	156.09
RADIO SHACK	7.44
REVIEW ENTERPRISES INC	250.32
MATTHEW SAURER	14.34
CHERI SCHULTZ	44.95
SHERBROOKE TURF INC	9,800.00
THE STATE CHEMICAL MFG CO	251.20
STEINS INC	2,001.63
STREICHERS	141.60
THERMAL TECHNOLOGIES INC	3,890.74
TOM AVANT PAINTING	5,200.00
U S POSTMASTER	204.00
UNIFORMS UNLIMITED	735.42
VIKING COCA-COLA	172.55
WADENA CO AUDITOR TREASURER	5,260.00
WALLWORK TRUCK CENTER	4,521.86
WASTE MANAGEMENT	5,589.17
WELLS ROAD GRADING	450.00
WEST PAYMENT CENTER	2,089.50
WILKIN CO SHERIFF	1,739.66
4-H PLAT BOOK PROJECT	1,675.00
**** FINAL TOTAL.....	<u>\$304,781.32 ****</u>