

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Government Services Center, Commissioners' Room  
500 W. Fir Avenue, Fergus Falls, MN  
October 20, 2009  
9:15 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, October 20, 2009, at 9:16 a.m., at the Otter Tail County Government Services Center in Fergus Falls, MN, with Commissioners Everett Erickson, Chair; Roger Froemming, Vice-Chair; John Lindquist, Doug Huebsch and Lee Rogness present.

**Approval of Agenda**

Motion by Rogness, second by Froemming, and unanimously carried to approve the Board of Commissioners agenda of October 20, 2009, with the following additions:

10:20 a.m. – Personnel Committee Meeting  
Proposed Settlement – Stadsvold Case

**Approval of Minutes**

Motion by Froemming, second by Lindquist, and unanimously carried to approve the Board of Commissioners meeting minutes of October 13, 2009 as mailed.

**Approval to Pay Bills**

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

**Committee of the Whole Discussion**

The following items were discussed: 1) Fergus Falls Newsletter, 2) wind tower farms and ordinances, 3) concern for water leaving the County, i.e. Ditch 56 Pumping Project, and 4) Shoreland Management Ordinance as it relates to storage of recreational campers.

**Letter of Intent to Govern Perham Resource Recovery Facility**

Solid Waste Director, Mike Hanan, presented a Letter of Intent for the counties of Becker, Otter Tail, Todd and Wadena to develop a process to manage solid waste and govern the PRRF by forming a Joint Powers Board. Commissioner Huebsch reported that the Minnesota Pollution Control Agency (MPCA) is in favor of this collaboration between counties and funding is available in addition to what has already been appropriated. Total funding was estimated at about 8 million dollars. Motion by Rogness, second by Lindquist, and unanimously carried to support the "Prairie Lakes Municipal Solid Waste Authority Letter of Intent to Participate" and authorize the Chairman's signature to execute the document. The Letter of Intent will be provided to the State Capital Investments Committee.

**Equipment Purchases for Fergus Falls Transfer Station**

Motion by Huebsch, second by Froemming, and unanimously carried to purchase the following Pickup Truck and Plow from the State Bid through Nelson Auto in Fergus Falls as follows:

2010 Ford F-350 Regular Cab	\$23,667
Boss Snow Plow	4,925
Poly	250
Smart Lock	255

Motion by Froemming, second by Huebsch, and carried with Rogness abstaining, to purchase the following Skid Steer Loader from the State Bid through RDO Equipment (John Deere):

70 HP Skid Steer Loader	\$36,690
78" Construction Bucket	1,212
78" Grapple Bucket	3,150
85" Erskine Snowblower	5,700

**Meeting Schedule Change for December**

Motion by Rogness, second by Huebsch, and unanimously carried to schedule the Board of Commissioners' meetings on the following dates during December, 2009:

December 1<sup>st</sup>, 15<sup>th</sup>, 22<sup>nd</sup>, & 29<sup>th</sup>, 2009

**Association of Minnesota Counties Annual Meeting**

Motion by Huebsch, second by Lindquist, and unanimously carried to appoint Commissioner Froemming as the Otter Tail County Delegate at the AMC Annual meeting held December 7 through December 9, 2009, with Commissioner Erickson as alternate.

**Proposed Lake Olaf Outlet Project**

Motion by Erickson, second by Lindquist, and unanimously carried to authorize the appropriate County Officials' signatures to execute an agreement between the County of Otter Tail and Midwest Testing Laboratory, Inc. of Fargo, ND for a geotechnical investigation (soil borings) for the Lake Olaf Project at an approximate cost of \$7,000 to \$7,500.

**Final Payment for S.A.P. 056-661-006**

Motion by Rogness, second by Huebsch, and unanimously carried to approve Final Estimate No. 6, in the amount of \$18,617.36, payable to Lakes Paving Division of Strata of Detroit Lakes for completion of an overlay on CSAH 61.

**Drainage System #56**

Motion by Huebsch, second by Rogness, and unanimously carried to authorize the Chairman's signature to execute the Findings and Order Authorizing Outlet into County Ditch #56 for Unnamed Lake No. 56-1016 and County State Aid Highway No. 24, as presented by the County Attorney.

**Recess & Reconvene**

At 10:17 a.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners recessed for a Personnel Committee meeting. The Board of Commissioners' meeting was reconvened at 10:40 a.m.

**Maplewood State Park Boundaries**

DNR Staff, Mike Kovacovich and Jeff Fjestad presented a map and briefed the Board regarding a subdivision on the east side of the park on Lake Lida. They explained that the State Parks and Trail Division would never purchase small lots at high value for the park. For that reason, this subdivision will be excluded from the park's boundaries. A motion was offered to approve the DNR request; however, the motion was subsequently withdrawn as the County has no obligation regarding the boundaries.

### **Detention Facility Booking Fees**

Motion by Huebsch, second by Rogness, and unanimously carried to increase Booking Fees at the Detention Facility from \$10 to \$25 effective January 1, 2010.

### **Planning Commission Recommendations**

#### **Conditional Use Permit – Otter Tail Beach Club/Bernie Piotrowski:**

Motion by Froemming, second by Huebsch, and unanimously to approve a Conditional Use Permit to cover an existing roof of a manufactured home as presented. The property is described as 2.5 acre tract in GL 3 & 5, Section 12 of Amor Township; Otter Tail Lake (56-242), GD.

#### **Conditional Use Permit – Otter Tail Beach Club/Gary Fluto:**

Motion by Froemming, second by Lindquist, and unanimously carried to approve a Conditional Use Permit to remove a manufactured home and deck and replace with cement slab wooden structure as presented. The property is described as 2.5 acre tract in GL 3 & 5, Section 12 of Amor Township; Otter Tail Lake (56-242), GD.

#### **Conditional Use Permit – Al Buckmeier (Purchaser-Thomas Hanson, Zorbaz):**

Land & Resource Director, Bill Kalar, stated that this Conditional Use Permit request consists of the purchase of property next door to Zorbaz on Otter Tail Lake with intent to use the house as a business selling ice cream and clothing. The purchase would increase parking by 6 spaces. Letters of opposition to the request from John Mehl, Marcia Williams, Don Hopper, and the Taylor and Chisholm families were received by the Board members.

The following is a summary of comments made by the public against the CUP request:

Rick Bleichner, speaking on behalf of property owners along County Highway 72, expressed concern regarding inadequate parking which leads to safety issues and the continuing practice of parking on County Highway 72 in this area. He offered solutions to the issue such as removing the cabin after purchase and using the complete lot for parking and removing the video games in the current Zorbaz building and putting ice cream and clothing sales in that area. Keeping the sales in one building avoids the safety issue of running back and forth across the highway. He stated that property values in this area are an issue because of Zorbaz with the noise level late at night and the litter that occurs. He requested that the Board not allow additional businesses without sufficient parking space. A petition with twenty-nine signatures opposing the CUP was submitted.

Property Owner, Marcia Williams, expressed concern about safety and increase in traffic and parking that the additional business will create in an already congested area. She expressed concern that pizzas may be delivered across the road to the ice cream store which would create further congestion.

Supervisor of Everts Township, Marlyn Krushke, stated that parking has been an issue for a number of years on Highway 72 and the new request would make the situation worse. He noted that in 2011, a bridge will be installed at the outlet of Otter Tail Lake causing greater traffic issues at that time.

Karen Zell, previous owner of the Graystone, expressed concern about pedestrian safety and stated that, when the Graystone restaurant requested expansion, they were required to purchase additional property for increased parking spaces based on projected traffic created by the new business. She requested that this requirement be applied to this business as well.

Neighbor, Tim Chisholm, also speaking for the Taylor family, requested that Zorbaz stay the same because there is no room to grow in this residential area.

Owner of Zorbaz, Tom Hanson, spoke to the fact that he was told about 10 years ago to acquire more land in the area when possible. This purchase would create 6-8 more staff parking spaces. The primary purpose of the entire purchase is to obtain more parking and mitigate an expensive piece of property. He responded to commissioners' questions regarding traffic, safety, congestion, and the ice cream/clothing store adding to the problem.

Motion by Lindquist, second by Froemming, to remand the CUP Application of Al Buckmeier back to the Planning Commission for review and consideration of solutions suggested by surrounding property owners. County Attorney, David Hauser, stated that the applicant would be required to waive the 60-day notice period. The applicant was not present at the meeting; therefore, the motion was rescinded. Motion by Rogness, second by Froemming, to deny the Conditional Use Permit request of Al Buckmeier to allow Zorbaz to purchase the property and use the existing structure for ice cream/clothing sales for the following reasons: 1) the request is not compatible with the surrounding residential area, 2) the request creates a safety hazard by adding a business across Highway 72, 3) the request is not suitable for the area, 4) parking is inadequate and 6 additional parking spaces will not mitigate the increased parking need when adding a business – the ice cream/clothing store exacerbates the situation, and 5) precedence has been set by requiring the Graystone to acquire more property for parking purposes in a similar situation. Chairman Erickson called for a roll call vote as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>
Commissioner Rogness	X		
Commissioner Huebsch	X		
Commissioner Lindquist	X		
Commissioner Froemming	X		
Commissioner Erickson	X		

Motion carried. The property is described as Lot 2 Otter Tail River Park & strip 10' wide SW of & adjoining Lot 2 Otter Tail River Park, Section 4 of Everts Township; Otter Tail Lake (56-242), GD.

Preliminary Plat & Conditional Use Permit - Bal-View Estates 2<sup>nd</sup> Addition (Purchaser-John Young)

Motion by Lindquist, second by Froemming, and unanimously carried to approve a Preliminary Plat entitled "Bal-View Estates 2<sup>nd</sup> Addition" consisting of 17 non-shoreland lots and a Conditional Use Permit to construct a cul-de-sac to service the plat, with an extension to build the cul-de-sac as recommended by the Planning Commission. The property is described as Lot 1 Blk 1 & Lot 1 Blk 2 Bal-View Estates & that part of the NW1/4 SE1/4, which lies Nwly of the dedicated public road in Bal-View Estates & adjoins the W line of said NW1/4 SE1/4, Sec 31, Otter Tail Township; Otter Tail Lake (56-242), GD / Non-Shoreland.

Conditional Use Permit – Phillip & Patsi Douglas:

Motion by Erickson, second by Lindquist, and unanimously carried to approve a Conditional Use Permit to build a driveway to a building site with conditions as recommended by the Planning Commission. The property is described as Pt of GL 4 & SW1/4 NW1/4 (43.92 acres), Section 11, Friberg Township; High Island Lake (56-697), NE.

Conditional Use Permit – James & Pamela Haugen:

Motion by Rogness, second by Lindquist, and unanimously carried to approve a Conditional Use Permit to construct a road with a condition as recommended by the Planning Commission. The property is described as S1/2 SE1/4 of Sec 18, and NE1/4 NE1/4 of Sec 19, Eagle Lake Township; Jolly Ann Lake (56-370), NE.

Conditional Use Permit – Timberline Properties, LLC:

Motion by Huebsch, second by Froemming, and unanimously carried to approve a Conditional Use Permit to build an access road to property on the west side of Mason Lake as presented. The property is described as All GLS 4,5,7 & 8, NW1/4 SE1/4 & Pt GLS 2 & 3 Sublots, Section 22, Elizabeth Township; Mason Lake (56-879), NE.

**Closed to the Public**

At 12:01 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners closed to the public to discuss litigation in the matter of denial of a variance for Cyril and Cynara Stadvold. The closed session is authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Present were all five seated Commissioners, County Attorney, County Coordinator, Land & Resource Director and Board Secretary.

**Stadvold Settlement Agreement**

Upon conclusion of the closed session, at 12:14 p.m., Chairman Erickson declared the Board of Commissioners' meeting open to the public. Motion by Huebsch, second by Rogness, and unanimously carried to authorize the Chairman's signature to execute a Binding Mediated Settlement Agreement between the County of Otter Tail and Cyril and Cynara Stadvold in a matter of a decision of the Board of Adjustment to deny a variance request.

**Gambling Permit Approval**

Motion by Lindquist, second by Froemming, and unanimously carried, to approve with no waiting period, the LG220 Application for Exempt Permit as submitted by Lake Country Sportsman's Club of Otter Tail County for an event scheduled for Tuesday, February 16, 2010 at Amor Rumors Restaurant.

**WCRJC Meeting**

Motion by Erickson, second by Froemming, and unanimously carried to request the County Coordinator to attend the West Central Regional Juvenile Center meeting on Thursday, October 22, 2009.

**Adjournment**

At 12:21 p.m., Chairman Erickson declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, October 27, 2009.

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

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Everett P. Erickson, Board of Commissioners Chair

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



**WARRANTS APPROVED ON 10/20/2009 FOR PAYMENT 10/20/2009**

<b><u>VENDOR NAME</u></b>	<b><u>AMOUNT</u></b>
A-1 ENGRAVING	63.07
ABG MAINTENANCE INC	171.00
ACME ELECTRIC CO	175.18
AMERICAN WELDING & GAS INC	175.34
AUTO VALUE FERGUS FALLS	270.21
BATTLE LAKE AUTO PARTS	112.40
BCA ST OF MN	850.00
BECKLUND OIL CO	6,089.68
BEN HOLZER UNLIMITED	82.24
BRETZ HARDWARE	9.69
DOUG CANNELL	94.99
CAROLINA SOFTWARE	400.00
CARQUEST AUTO PARTS	126.92
CARR'S LAKE COUNTRY SUPERMARKE	122.85
CATCO PARTS AND SERVICE	62.73
CDW GOVERNMENT INC	222.13
CHEMSEARCH	432.98
CO OP SERVICES INC	962.82
COMPANION ANIMAL HOSPITAL	70.42
COUNTRY INN & SUITES	149.98
CULLIGAN	39.96
CULLIGAN WATER COND	36.82
RICK DENZEL	58.52
DESIGN ELECTRONICS	160.41
KATHY DOMHOLT	10.10
ELECTRIC MOTOR SERVICE	48.00
ELLENSON CAULKING CO	345.00
FARMERS CO OP OIL ASSN	934.73
FARNAM'S GENUINE PARTS INC	347.47
FASTENAL COMPANY	48.49
FERGUS ELECTRIC	1,089.52
FERGUS FALLS POLICE DEPT	2,136.36
CITY FERGUS FALLS	5,377.11
FERGUS POWER PUMP INC	8,140.00
FERGUS TIRE CENTER	26.71
GE CAPITAL (CA)	374.05
GENERAL PARTS LLC	122.11
GODFATHERS EXTERMINATING INC	688.97
GOPHER STATE ONE CALL	31.60
GRAINGER INC	275.07
HEDAHL'S HEADQUARTERS	108.62
HENNING AUTO PARTS INC	93.64
HENNING HARDWARE	68.54
INDEPENDENT EMERGENCY SERVICES	64.22
INNOVATIVE OFFICE SOLUTIONS	68.61
JJ'S COMPANY EXCAVATING LLC	3,244.73
JK SPORTS	92.50
KELLY SERVICES INC	2,524.82
LARRY OTT INC TRUCK SERVICE	1,625.00
LAWSON PRODUCTS INC	843.74
LEITCH EXCAVATING	225.00
LIBERTY TIRE RECYCLING SERVICE	3,457.36
LOCATORS & SUPPLIES INC	291.08
LONG WEEKEND SPORTSWEAR	1,704.00
MANNY'S - ROCKY'S BAIT	2,011.05
MARCO	873.75
MARCO INC ST LOUIS	320.89

MARSHALL CO CLERK OF COURT	6.60
MCCC MI 33	966.52
MEKALSON HYDRAULICS INC	460.26
WENDY METCALF	119.35
METRO SALES INC	319.00
RICK MICKELSON	3,887.58
MIDWESTERN MAT RENTAL & SUPPLY	79.99
MN CO INSURANCE TRUST	2,500.00
MN DEPT OF COMMERCE	45.00
MN MOTOR COMPANY	224.96
STEPHANIE MORRIS	228.80
NAPA STANDARD PARTS OF WADENA	220.76
NATIONAL BUSINESS SYSTEMS INC	12,650.00
NCELL SYSTEMS INC	14,675.00
NETWORK CENTER COMMUNICATIONS	460.00
NORTHSIDE WELDING	1,602.38
NORTHWEST DIVERS	2,137.50
OFFICE DEPOT	66.69
OFFICEMAX INCORPORATED	146.97
OTTER TAIL CO EMPLOYEES COMMIT	92.00
OTTER TAIL CO TREASURER	2,959.04
OTTERTAIL AGGREGATE	4,567.50
OTTERTAIL TRUCKING INC	12,734.00
OUTDOOR RENOVATIONS LANDSCAPE	570.45
PENROSE OIL COMPANY	1,530.00
PEPSIAMERICAS	612.95
PERHAM CO OP CREAMERY	408.53
PERHAM ENTERPRISE BULLETIN	220.14
PETE'S AMOCO	941.07
PETER'S LAWN SERVICE	128.25
PITNEY BOWES	2,893.00
PMR 2000	410.00
PRAXAIR DISTRIBUTION INC	447.81
PREMIUM WATERS INC	19.34
HENRY PRICE	140.00
PRO-WEST & ASSOCIATES INC	2,087.90
PRODUCTIVE ALTERNATIVES INC	86.30
RDO EQUIPMENT CO FARGO	258.94
THE RENTAL STORE	58.78
VICKI SCHWANKE	105.60
SIGELMAN STEEL & RECYCLING INC	71.94
JUDY SIGGERUD	149.09
SIMPLEXGRINNELL LP	485.62
SOUTHTOWN C-STORE	1,075.39
STEINS INC	1,571.46
STEVE'S SANITATION INC	4,234.44
STRINGER BUSINESS SYSTEMS INC	73.28
SUPER SEPTIC & EXCAVATION	77.19
THYSSEN KRUPP ELEVATOR CORPORA	1,570.00
TITAN ACCESS ACCOUNT	104.94
VERGAS 66	1,420.48
VIKING COCA-COLA	275.20
VISUAL GOV SOLUTIONS LLC	42.00
VOSS LIGHTING	862.15
WADENA ASPHALT INC	29,535.69
WALLWORK TRUCK CENTER	2,037.32
WASTE MANAGEMENT	25,813.98
WHITE BANNER UNIFORM SHOP	88.00
ZEE MEDICAL SERVICE	11.54
ZIEGLER INC	160.42
**** FINAL TOTAL.....	<u>\$190,282.27****</u>