

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, June 19, 2001
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, June 19, 2001, at 9:30 a.m. at the Otter Tail County Courthouse with Roger Froemming, Chair; Dennis Mosher, Vice-Chair, Syd Nelson, Malcolm Lee, and Bob Block present.

Approval of Agenda

Motion by Mosher, second by Lee, and unanimously carried to approve the County Board agenda of June 19, 2001, with the following additions:

Discussion - High Water
Request for Approval of Resolution for a Public Hearing
for a Project by Lake Region Healthcare Corporation
Budget Discussion

Approval of Minutes

Motion by Nelson, second by Lee, and unanimously carried to approve the County Board minutes of June 12, 2001, as mailed.

Phelps Mill Bridge Discussion

County Attorney, David Hauser, reported that, in his opinion, there is no evidence to show that Otter Tail County owns the Phelps Mill Bridge. The bridge is the responsibility of the township because the township road goes across it. However, he did not foresee a problem if the County would choose to take over the bridge. He has received an opinion from Pat Reinsnour of Interstate Engineering that the bridge has not moved since November 5, 1999. Discussion followed. Motion by Lee, second by Froemming, and unanimously carried to authorize Otter Tail County to take over ownership of the Phelps Mill Bridge to be used as a pedestrian walkway. Several property owners near Phelps Mill Bridge spoke in favor of the County's decision.

Emergency Services/Flooding Update

County Coordinator, Larry Krohn, briefed the commissioners on the recent tornado disaster that occurred June 13th in the eastern portion of the County. Discussion occurred regarding the need for further education for property owners regarding the procedure to apply for funding for flooding or other disasters. Mr. Krohn will request that a staff member from the State Department of Emergency Management meet with the County Board to explain the options for citizens experiencing these disasters.

Request for Approval to Remove a Name/Sign from a Private Drive

Don & Jan Gladson presented a request to remove the name of Bullrush Loop from a driveway that services their rental units. Mr. Gladson explained that the residence house numbers are signed off of 340th Avenue which is the township road servicing the duplexes. He presented pictures showing no obstructed view from 340th Avenue. Commissioner Mosher stated that he had the opportunity to view this property, the request is reasonable, and does not effect the E-911 system. Commissioner Block expressed concern in setting a precedence outside of the

addressing system rules. Lengthy discussion followed. Commissioners agreed to send this request to the Road Naming Committee to be held Friday, June 22, 2001. Appeals from that committee may be heard by the County Board.

Henning Township Road Discussion

Solid Waste Director, Mike Hanan, opened discussion regarding the township road that accesses the Henning Transfer Station. Mr. Hanan explained several options as follows:

- 1) Conduct a new traffic count and determine the use of the road for the purpose of determining who should share in the cost of the improvement.
- 2) The County could pay 100% of the cost to pave the road.
- 3) The County could continue to pay for 50% of the blading, graveling, and maintenance of the road per current agreement.
- 4) The County could do nothing, as this is a township road.
- 5) Close the Henning Transfer Station which would solve the road issue

Lengthy discussion followed regarding the cost to pave the road, township ownership of the road, and the resurfacing project of a section of Hwy 65 that is scheduled for year 2004. Kristen Noshish stressed that the City of Henning certainly wants the transfer station at its present location and not everyone feels that the County is responsible to pave the road that accesses the transfer station. Motion by Block, second by Lee, and unanimously carried to authorize the Solid Waste Director to draft a letter to the Henning Town Board and request that the Town Board submit their proposal regarding the Henning Township Road to the County in writing.

Extension Update

Extension Educator, Angela Berge, reported on a recent symposium she attended on the issue of soft drinks in our schools. Several areas of concern are dental erosion of enamel in children's teeth, osteoporosis issues, and obesity in our children. How schools are funded is another aspect of the issue as pop revenues pay for many extracurricular activities. She briefed the Board on Clothing Day scheduled for July 11th and 12th.

Approval to Pay Bills

Motion by Mosher, second by Nelson, to approve payment of bills per Attachment A of these minutes, which includes the following lodging payment:

Sheraton Inn Midway

Assessor, Robert Moe

Motion carried.

Recess and Reconvene

At 11:08 a.m., Chair Froemming recessed the meeting of the Otter Tail County Board of Commissioners for a short break. The meeting was reconvened 11:12 a.m.

Planning Commission Recommendations

Conditional Use Permit - Margaret Kaiser Tst/David D. Gordon Trustee:

Motion by Lee, second by Froemming, and unanimously carried to approve a Conditional Use Permit to approve a revised plan to install a french drain system with conditions as recommended by the Planning Commission. The property is described as Lot 6, Sunlight Hills; W 30' of Lot 5, Murphy's 1st Addition to Sunlight Hills and Pt. Gov. Lot 4, Section 3 of Dunn Township; Pelican Lake (56-786).

Recommendation for Culvert Review - Plat of "Sunlight Beach":

Motion by Lee, second by Block, and unanimously carried to approve that the existing road (servicing Sunlight Beach) being on the adjacent property, be reviewed by the County Engineer to determine the appropriate level of the existing culvert as recommended by the Planning Commission.

Conditional Use Permit - Tradition Ventures LLC:

Motion by Mosher, second by Nelson, and unanimously carried to approve a Conditional Use Permit to build a driveway with conditions as recommended by the Planning Commission. The property is described as NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 AC & NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 AC, Section 25 of St. Olaf Township; Unnamed Lake (56-410).

Conditional Use Permit - Brian & Cindy Fox:

Motion by Lee, second by Froemming, and unanimously carried to approve a Conditional Use Permit to improve a driveway for snow and drainage control with conditions as recommended by the Planning Commission. The property is described as Lot 7 Blk 1, Bridgeview, Section 27 of Friberg Township; West Red River Lake (56-711).

Conditional Use Permit - Richard & Jennifer Smestad:

Motion by Mosher, second by Block, and carried with Lee opposed, to improve driveways as presented. The property is described as Pt NE $\frac{1}{4}$ NW $\frac{1}{4}$ & Pt SE $\frac{1}{4}$ NW $\frac{1}{4}$ & Pt Gov. Lot 1 & Gov. Lot 2, Section 29, Dane Prairie Township; Swan Lake (56-781).

Conditional Use Permit - MN North Dist Lutheran Church / Lutheran Island Camp:

Motion by Froemming, second by Nelson, and unanimously carried to approve a Conditional Use Permit to make 6 level spots to park campers as presented. The property is described as Lots 3 & 4, Section 25 and Lot 5, Section 26, Girard Township; East Battle Lake (56-138).

Preliminary Plat - "Juniper Shores"/Gerald & Deborah Moltzan:

Motion by Lee, second by Mosher, and unanimously carried to approve the Preliminary Plat of "Juniper Shores" consisting of 3 single family residential lots with conditions as recommended by the Planning Commission. The property is described as Pt. SE $\frac{1}{4}$ SW $\frac{1}{4}$; Pts. of Gov. Lots 8 & 10, Section 21 of Candor Township; Hook Lake (56-547).

Conditional Use Permit - Gerald & Deborah Moltzan:

Motion by Lee, second by Froemming, and unanimously carried to deny a Conditional Use Permit to construct an 18' wide driveway to service Tracts A-E as recommended by the Planning Commission. The property is described as Pt. SE $\frac{1}{4}$ SW $\frac{1}{4}$; Pts. of Gov. Lots 8 & 10, Section 21 of Candor Township; Hook Lake (56-547).

Preliminary Plat - "Wall Estates"/Wendell Wall, et al & Thomas Gedde:

Motion by Froemming, second by Lee, and unanimously carried to approve the Preliminary Plat of "Wall Estates" consisting of 3 single-family residential lots. The property is described as Part of GL 2 (1.78AC), Section 29 of Otter Tail Township; Otter Tail Lake (56-242).

Preliminary Plat & Conditional Use Permit - "Oaks At Sand"/ Bogenbrook, Inc:

Motion by Lee, second by Block, and unanimously carried to approve the Preliminary Plat of "Oaks At Sand" per the revised plan dated June 4, 2001, and a Conditional Use Permit to construct a road to service the plat with conditions as recommended by the Planning Commission. The

property is described as Lots 4, 5, & SE¼ and Lot 6, SE¼SW¼ & SW¼SE¼, Section 36 of Scambler Township; Sand Lake (56-942).

Conditional Use Permit - Charlotte & Richard Burns:

Motion by Froemming, second by Lee, and unanimously carried to deny a Conditional Use Permit as recommended by the Planning Commission. The property is described as Residential Lot A, Hatfield Addition, Section 32 of Maine Township; West Lost Lake (56-481).

Conditional Use Permit - Riverfront Lounge

Land & Resource Director, Bill Kalar, reported that he has received a letter from Beatrice Richardson, owner of the Riverfront Lounge, requesting that her name be removed from the Conditional Use Permit allowing tube rentals from the business. County Attorney, David Hauser, researched the issue and reported that the language of the statute states that once granted, the Conditional Use Permit exists unless conditions are violated. The Conditional Use Permit runs with the land and it is not issued to the individual. The County Attorney will draft a letter in response to her request.

Recess and Reconvene

At 12:05 p.m., Chair Froemming recessed the meeting of the Otter Tail County Board of Commissioners for lunch break and a committee meeting. The meeting was reconvened 1:28 p.m. with Commissioner Nelson, Lee, Froemming, and Block present and Commissioner Dennis Mosher absent.

Approval of Payment

Motion by Nelson, second by Block, and unanimously carried, to approve payment to the Otter Tail County Humane Society, in the amount \$557.50, for costs incurred under Minnesota Statute 343.23 (Compliance checks and removal costs – Ken Teeters).

Authorization for Exemption for Lawful Gambling Application

A motion by Nelson, second by Froemming, and unanimously carried, to approve, with a 30 day waiting period, the St. Lawrence Church's application for exempt permit for an event scheduled for August 5, 2001.

Approval of License Applications

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

*Battle View Landing Steven Heidenson 22540 Co Hwy 5 Henning, MN	On-Sale Wine On/Off-Sale 3.2 Malt Liquor
**Galaxy Resort Ronald J. Bina	Off-Sale 3.2 Malt Liquor On-Sale Liquor On-Sale Sunday Liquor
*Huckleberry's Bar & Grille RR 1 Box 436A Dent, MN 56525	On-Sale Liquor On-Sale Sunday Liquor Off-Sale 3.2 Malt Liquor
Lakeside Market	Off-Sale 3.2 Malt Liquor

Roger Vie

Lakeway Golf Course
Robert A. Purdon

On/Off-Sale 3.2 Malt Liquor

Oakwood Golf Course
Kern, Inc.

On/Off-Sale 3.2 Malt Liquor

***Perry's

Off-Sale 3.2 Malt Liquor
On-Sale Liquor
On-Sale Sunday Liquor

The Pier
Pier Hospitality

On-Sale Liquor
On-Sale Sunday Liquor

Rocky's Resort
Stephen Kunz

Consumption and Display Permit

Silver Moon Lounge and Steakhouse
Teresa Ternus

Off-Sale 3.2 Malt Liquor
On-Sale Liquor
On-Sale Sunday Liquor

St. Lawrence Church
Jerome Nordick

Temporary On-Sale 3.2 Malt Liquor

Vacation Land Resort
Lynn J. Johnson

On-Sale 3.2 Malt Liquor

Woodland Beach
Eugene B. Floersch, Jr.

On/Off-Sale 3.2 Malt Liquor

*Subject to the approval of the County Attorney's office, the County Sheriff's office and to the approval of the Township.

**Subject to the approval of the County Attorney's office and to the approval of the County Sheriff's office.

***Subject to the approval of the County Attorney's office, the County Sheriff's office, to the submission of the appropriate applications and to the submission of the appropriate insurance certificates.

**Resolution Calling For A Public Hearing
On A Project By
Lake Region Healthcare Corporation
Under Minnesota Statutes, Chapter 469
Otter Tail County Resolution No. 2001 - 32**

Commissioner Block introduced the following Resolution and moved its adoption:

BE IT RESOLVED, by the Board of County Commissioners (the "Board") of Otter Tail County, Minnesota (the "Issuer"), as follows:

1. Authority. Minnesota Statutes Sections 469.152 through 469.165, as amended (the "Act"), authorizes a municipality or redevelopment agency to issue revenue obligations to finance a project consisting of any properties, real or personal, used or useful in connection with a revenue producing enterprise engaged in providing health care services, including hospitals, nursing homes, and related medical facilities.

1. The Project.

a. Representatives of Lake Region Healthcare Corporation, a Minnesota nonprofit corporation and organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and commonly known as Lake Region Hospital and Lake Region Skilled Nursing Facility (the "Borrower"), have advised the Issuer that the Borrower desires to undertake the following project: general updating, remodeling and equipping of its nursing home and 108- bed hospital; remodeling and equipping a portion of its nursing home for use as an in-patient rehabilitation unit, reducing the number of skilled nursing home beds from 44 to 14; and construction of an approximately 4,273 square foot addition to the hospital and nursing home facilities to house rehabilitative services (collectively, the "Project").

a. The Project is located within the jurisdiction of the Issuer.

a. The proposed Project is a "project" under Section 469.153, Subdivision 2 of the Act.

1. The Obligations. The Borrower has requested that the Issuer and the City of Fergus Falls, Minnesota cooperate, through a joint powers agreement, to finance the Project through the issuance of obligations by the Issuer pursuant to the Act. The Borrower has requested that the Issuer issue such obligations, in one or more series, in order to finance the cost of the Project (the "Obligations").

1. Issuance of Obligations.

a. The Obligations shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the Issuer, and the Obligations, when, as and if issued, shall recite in substance that the Obligations, including interest thereon, are payable solely from the revenues received from the Borrower and the property pledged to the payment thereof and shall not constitute a debt of the Issuer within the meaning of any constitutional or statutory limitation.

a. All details of and conditions precedent to the issuance of the Obligations and the provisions for payment thereof shall be subject to final approval of the Issuer.

1. Public Hearing. The Issuer will conduct a public hearing on the issuance of the Obligations and the proposal to undertake and finance the Project, pursuant to the requirements of Minnesota Statutes, Section 469.154, Subd. 4, and Section 147(f) of the Internal Revenue Code of 1986, as amended.

1. Authorization to Staff.

a. The Clerk is authorized and directed to complete the public notice, substantially in the form attached hereto as *Exhibit A*, and cause the notice to be published in the official newspaper of the Issuer and a newspaper of general circulation in the jurisdiction of the Issuer not less than 14 days nor more than 30 days prior to the date set for the public hearing; provided that if the official newspaper of the City is a newspaper of general circulation in the jurisdiction of the Issuer, the notice may be published only once.

a. The administrative staff of the Issuer and its agents are hereby authorized to take such further action necessary to carry out the intent and purpose of this resolution and the requirements of the Act and the Bond Allocation Act.

1. Issuer Costs. Approval of this resolution is subject to the agreement by the Borrower that it will pay the administrative fees of the Issuer and pay, or, upon demand, reimburse the Issuer for payment of, any and all costs incurred by the Issuer in connection with the Project and the issuance of the Obligations, whether or not the Project is carried to completion, or the Obligations are issued.

1. Rights Reserved. Nothing in this resolution shall be construed as an indication of an intent to approve this Project and issue the proposed Obligations. The Board specifically reserves the right to approve or disapprove the request after said public hearing.

1. Declaration of Official Intent. This resolution constitutes a declaration of official intent under U.S. Treasury Regulations, §1.150-2.

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

Adopted: June 19, 2001.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, County Board Chair

Attest: _____
Larry Krohn, Clerk

Safety/Emergency Services Director

Motion by Block, second by Froemming, and unanimously carried to certify Sheldon Holm as Otter Tail County's Safety and Emergency Services Director effective June 18, 2001.

Salary Grade Classifications

Motion by Lee, second by Block, and unanimously carried to authorize a salary grade 8 for the position of full time Secretary/Receptionist in the Public Health Department as recommended by DMG/MAXIMUS.

Motion by Lee, second by Froemming, and unanimously carried to authorize a reclassification from salary grade 13 to salary grade 16 for the position of Benefits Coordinator/County Board Secretary as recommended by DMG/MAXIMUS effective April 1, 2001.

**Resolution Authorizing Execution of Agreement
Otter Tail County Resolution No. 2001 - 33**

Commissioner Froemming introduced the following Resolution and moved its adoption:

BE IT RESOLVED the Otter Tail County Sheriff's Office will enter into a cooperative agreement with the Office of Drug Policy and Violence Prevention in the Minnesota Department of Public Safety. Gary A. Nelson, Sheriff of Otter Tail County is hereby authorized to execute such agreements and amendments, as are necessary to implement the project on behalf of the West Central Minnesota Drug Task Force.

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

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, County Board Chair

Attest: _____
Larry Krohn, Clerk

**Resolution Requesting A Presidential Declaration
of a Major Disaster
Otter Tail County Resolution No. 2001 – 34**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, the County of Otter Tail has sustained severe losses of major proportion, caused by the storm on June 13, 2001; and

WHEREAS, Otter Tail County is a public entity within the State of Minnesota; and

WHEREAS, substantial damage to public and private property, as outlined in the attached damage assessment forms; and

WHEREAS, the cost of recovery from this disaster is beyond the resources available within the county, and state and federal resources are necessary; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners, for and on behalf of the citizens of Otter Tail County, request the Governor of the State of Minnesota to petition the President of the United States to declare the County of Otter Tail, Minnesota, to be a major disaster area, through appropriate channels.

BE IT FURTHER RESOLVED that this request is for:

1. The Public Assistance (Infrastructure Support) and Human Service Programs as offered through P.L. 93-288
2. The Hazard Mitigation Program, as offered through P.L. 93-288.

BE IT FURTHER RESOLVED that the County Emergency Management Director is authorized to coordinate the damage survey teams with local government, and assist in the administration of the disaster recovery process, as needed.

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

Adopted this 19th day of June, 2001.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Roger Froemming, County Board Chair

Attest: _____

Larry Krohn, Clerk

Tax Court Stipulations

Motion by Lee, second by Nelson, and unanimously carried to approve three tax court stipulations as follows:

- Neitzke Family Trust - Payable Year 2000
- Wensman Seed Company - Payable Year 1999
- Wensman Seed Company - Payable Year 2000

Adjournment

At 2:10 p.m., Chair Froemming declared the Otter Tail County Board of Commissioners meeting adjourned until Tuesday, June 26, 2001.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Roger Froemming, County Board Chair

Attest: _____

Larry Krohn, Clerk

CB/kd

Enc.

