

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS**

**Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, July 24, 2001
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, July 24, 2001, at 9:31 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 Lee, second by Nelson, to approve the County Board agenda of July 24, 2001, with the following additions:

Under Land & Resource Director, Bill Kalar:

- Final Plat
- Summer Weed Intern Position
- Environmental Assessment Worksheet
- Request for Conditional Use Permit Extension

Motion carried.

Approval of Minutes

Motion by Nelson, second by Block, and unanimously carried to approve the County Board minutes of July 17, 2001, as presented.

Road Name Change Appeal

Rodney Wyland reviewed the handouts previously presented to the Commissioners at the July 10, 2001, County Board meeting and requested a road name change from Lyden's Beach Road to Boe's Drive. This appeal previously failed on a split vote; however, Chair Froemming requested that the issue be considered again when all commissioners would be present. Lengthy discussion took place regarding the E-911 addressing process. Commissioner Mosher referred to the township letter in favor of changing the road name to Boe's Drive and stated that an obligation exists to respect the wishes of our local government entities. Motion by Lee, second by Mosher, to approve the road name change from Lyden's Beach Road to Boe's Drive. Chair Froemming called for a roll call vote:

Commission District 5	Block	Nay
Commission District 2	Lee	Yea
Commission District 4	Froemming	Yea
Commission District 1	Nelson	Nay
Commission District 3	Mosher	Yea

**Review of Proposed State Wildlife Land Acquisition
Otter Tail County Resolution No. 2001 - 39**

Commissioner Froemming introduced the following resolution and moved its adoption:

In accordance with Minnesota Statutes 97.481, Subd. 2, the Commissioner of the Department of Natural Resources on July 24, 2001, provided the County Board and the appropriate town officers

with a description of lands to be acquired by the State of Minnesota for water and wildlife conservation purposes.

Lands to be acquired are described as follows:

SW¹/₄SE¹/₄, of Section 5 and the W¹/₂NE¹/₄ of Section 8, and the NW¹/₄SE¹/₄ of Section 8 all in Township 132N, Range 37W.

IT IS HEREBY RESOLVED, by the Board of County Commissioners of Otter Tail County on July 24, 2001, that the State's proposed acquisition of the above-described property is approved.

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

Adopted this 24th day of July, 2001.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, County Board Chair

Attest: _____
Larry Krohn, Clerk

Bills & Claims

Motion by Lee, second by Mosher, and unanimously carried to approve the Human Services bills and claims as presented.

Approval to Pay Bills

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

Sheraton Inn Midway
reimbursable by MCCC

Sheriff, Gary Nelson

Motion carried.

Recess & Reconvene

At 10:02 a.m., Chair Froemming recessed the meeting of the Otter Tail County Board of Commissioners for a Highway Committee meeting. The Chairman reconvened the meeting at 10:21 a.m.

Bid Award

After previously advertising for bids, Highway Engineer, Rick West, opened the following bids on July 19, 2001, for S.P. 56-605-06:

Lake Region Surveying Pelican Rapids, MN	\$ 9,200.00
Anderson Land Surveying, Inc. Fergus Falls, MN	\$ 11,940.00

Ackerman Land Surveying, Inc. Wahpeton, ND	\$ 12,466.00
Interstate Engineering Fergus Falls, MN	\$ 15,200.00
Widseth, Smith, and Nolting Alexandria, MN	\$ 21,705.00

Motion by Lee, second by Block, and unanimously carried to award the bid for S.P. 56-605-06, CSAH No. 5 Reconstruction from TH 210 to 180th Street, to the lowest bidder, Lake Region Surveying of Pelican Rapids in the amount of \$9,200.

GPS Research Project

Mr. West informed the Board of a Global Positioning System research project through the State of Minnesota that provides snow plow drivers with a display of the road when plowing during poor visibility situations. The State is looking for five counties willing to participate in the project at a cost of \$25,000 per county. Of the \$25,000, the GPS signaling equipment is \$8,000. Commissioner Lee noted that this is the future and offered a motion, seconded by Block, to proceed with this research project through the State of Minnesota at a contribution cost of \$25,000. Discussion followed with several questions regarding longevity of the equipment and the State's responsibility to do this research without a large county cost. Commissioner Lee and Block withdrew their motion and second respectively. Mr. West will research the project further and bring the issue back to the Board for further consideration.

Recess & Reconvene

At 10:29 a.m., Chair Froemming recessed the meeting of the Otter Tail County Board of Commissioners for a Personnel Committee meeting. The Chairman reconvened the meeting at 10:47 a.m.

Agriculture Update

Extension Educators, Vince Crary and Doug Holen, reported that the Extension Service has been involved with the Dairy Diagnostics Project with the University of Minnesota acting as the fiscal agent for the program. Mr. Crary requested that the County act as fiscal agent for this project to provide more local control to manage the system more effectively. The funds are obtained from the MN Department of Agriculture. The Dairy Diagnostics Project provides funding to work with dairy producers to improve profitability. Mr. Crary reported that there are many peaks and valleys relative to the price of milk and the Extension Service is encouraging producers to contract for their milk when prices will afford a profit. Motion by Mosher, second by Nelson, and unanimously carried to approve Otter Tail County to act as fiscal agent for the Dairy Diagnostics Project administered through the Extension Service contingent upon approval of the County Auditor. Additional topics of discussion included; 1) encouraging farmers to sign up for the feed lot program, 2) controlling leafy spurge and reestablishing desirable plants, 3) County fairs, 4) Red River Valley Association, 5) recent meeting with the Commissioner of Ag, 6) small grain plot tour on Richard Vigar's property, 7) thistle research plots in Henning, and 8) problems controlling potato beetles.

Planning Commission Recommendations

Conditional Use Permit - Nidaros Township:

Motion by Froemming, second by Lee, and unanimously carried to approve a Conditional Use Permit to replace a culvert and to reshape ditch to move the water to the south side of road for

safety of traffic as presented. The property is described as 220th St., Section 2 of Nidaros Township; East Battle Lake (56-138).

Conditional Use Permit - Northern Lights Resort / Mike & Cheryl Harris:

Motion by Nelson, second by Lee, and unanimously carried to approve a Conditional Use Permit to improve cabins on the resort with conditions as recommended by the Planning Commission. The property is described as GL 9, Com S $\frac{1}{4}$ Cor Section 25, N 2021.91', W 223.26'.(7.81 Ac), Section 25 of Dead Lake Township; Dead Lake (56-383).

Conditional Use Permit - Bruce A. Braaten:

Land & Resource Director, Bill Kalar, noted that several citizens had concern with this CUP request at the Planning Commission meeting. Adjacent property owner, Jay Mackie, spoke in opposition to this request. Discussion followed. Motion by Mosher, second by Block, and unanimously carried to deny a Conditional Use Permit, as recommended by the Planning Commission, to build a road along the north end of a slough. The property is described as Tract X & Y, Government Lot 1, Section 23 of Dora Township; Hoffman Lake (56-1627).

Conditional Use Permit - Alan Davey:

Motion by Nelson, second by Mosher, 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 Pt of GL 5 & 6, known as Lot V, Section 28 of Hobart Township; Long Lake (56-388).

Conditional Use Permit - Fred & Jana Mission:

Motion by Lee, second by Froemming, and unanimously carried to deny a Conditional Use Permit, as recommended by the Planning Commission, to remove approximately 125 yds. of dirt to taper back of house to sloped bank. The property is described as Lot 5, Blk 1 Trowbridge Acres in Section 16 of Candor Township; Trowbridge Lake (56-532).

Conditional Use Permit - Carolyn Jorgenson Markle:

Motion by Lee, second by Mosher, and unanimously carried to approve a Conditional Use Permit to haul-in and stock pile fill material, fill the inslope in the Township right-of-way, and extend the culvert with conditions as recommended by the Planning Commission. The property is described as Poss Beach Add'n #2 - Lot 1, Blk 1 (#1772 & #370-029) not to be split, Section 31 of Dunn Township; Lake Lizzie (56-760).

Conditional Use Permit - Karen Odden and Gerald & Sandra Vandermay:

Motion by Nelson, second by Lee, and unanimously carried to approve a Conditional Use Permit to build a driveway as presented in the revised plan with conditions as recommended by the Planning Commission. The property is described as Pt GL 8, Section 29 & Pt NE $\frac{1}{4}$ NE $\frac{1}{4}$, section 32 (known as Tracts C & D) of Hobart Township; Long Lake (56-388).

Conditional Use Permit - Kevin & Julie Johnson and Steven & Vicki Primoli:

Motion by Lee, second by Nelson, and unanimously carried to approve a Conditional Use Permit to construct a driveway as presented. The property is described as Pt GL 5 (known as Lot M) and GL 5 & 6 (known as Lot N), Section 28 of Hobart Township; Long Lake (56-388).

Conditional Use Permit - Jack Seitz:

Motion by Nelson, second by Lee, and unanimously carried to approve a Conditional Use Permit to construct a driveway with conditions as recommended by the Planning Commission. The property is described as Pt NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 32; Pt. GL 8, Section 29 & Pt NW $\frac{1}{4}$ NW $\frac{1}{4}$, (known as Tract E) Section 33 in Hobart Township; Long Lake (56-388).

Conditional Use Permit - Duane J. Sirek:

Motion by Nelson, second by Lee, and unanimously carried to approve a Conditional Use Permit to construct a driveway as presented. The property is described as The E 330.00' of the W 990.00' of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ (known as Tract HH), Section 33 of Hobart Township; Long Lake (56-388).

Conditional Use Permit - Terry Kolodjki:

Motion by Nelson, second by Froemming, and unanimously carried to approve a Conditional Use Permit to construct a driveway as presented. The property is described as Pt GL 2 & Pt NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Tract CC), Section 33 of Hobart Township; Long Lake (56-388).

Conditional Use Permit - Dwight E. Myers:

Mr. Kalar reported that this request to raise the road and house was recommended for denial by the Planning Commission. Applicant, Dwight Myers, showed pictures of the house and property. He is requesting to lift the house 4' off the existing foundation, pour concrete, and set the house back down. He stated that he purchased 2 $\frac{1}{2}$ acres of property and has about 1 acre left because of the high water. Lengthy discussion followed regarding the possibility of moving the home to higher ground, holding tank and septic issues, etc. Motion by Nelson, second by Lee, and unanimously carried to deny a Conditional Use Permit, as recommended by the Planning Commission, to raise the road and house out of the water to pour a new foundation. The property is described as Lot 4, Blk 1, Sterling Heights, Section 6 of Perham Township; Devils Lake (56-245).

Conditional Use Permit - Terry B. & Kathryn L. Burgau:

Motion by Mosher, second by Froemming, 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 Lot 3, Block 1, East Indian shores, Section 22 of Dane Prairie Township; Indian Lake (56-639).

Approval of Final Plat - "Connie Olson Development"

Motion by Lee, second by Block, and unanimously carried to approve the Final Plat known as "Connie Olson Development" located on GL 1, Section 14 and 23, Township 137, Range 43, Scambler Township.

Summer Weed Intern Position

Land & Resource Director, Bill Kalar, reported that the grant from the U.S. Fish & Wildlife Service to do biological control of leafy spurge will end July 27, 2001. He requested authorization to retain the summer intern for an additional two weeks because the full time Ag & Weed position is currently vacant. Motion by Lee, second by Mosher, and unanimously carried to authorize the Land & Resource Director to retain the summer weed intern an additional two weeks as requested.

Needs Determination - "Adair Acres"

Mr. Kalar reported that he has received a notice from the Environmental Quality Board that an Environmental Assessment Worksheet (EAW) needs to be prepared for "Adair Acres" on West

Battle Lake. Motion by Mosher, second by Froemming, and unanimously carried to authorize the Planning Commission to determine if there is a need to prepare an EAW for "Adair Acres".

Conditional Use Permit Extension Request

Mr. Kalar presented a request from John Walsh to extend a Conditional Use Permit for a property on Clitherall Lake. Motion by Mosher, second by Lee, and unanimously carried to extend the CUP for "Clitherall Lake Townhomes" owned by John Walsh on Lot 1, Blk 1, Old Town Camp in Section 12 of Clitherall Township until September 1, 2002.

Recess & Reconvene

At 12:25 p.m., Chair Froemming recessed the meeting of the Otter Tail County Board of Commissioners for lunch break. The Chairman reconvened the meeting at 1:34 p.m.

Discussion - Ditch No. 4

Acting Ditch Inspector, Tiny Holm, opened discussion regarding Ditch No. 4. He referred to the recent Public Hearing held July 18th and stated that there are two issues the Board needs to address: 1) Does the County Board want the Ditch Viewers to re-examine the properties that were questioned at the Public Hearing? and, 2) Does the County Board want further cost estimates to clean out the next mile of the Ditch System?

Motion by Froemming, second by Block, and unanimously carried to direct the Ditch Viewers to re-examine the following properties in the Ditch No. 4 system as requested at the recent Public Hearing:

John Kamphake	Glenn Herdman
Bob Curtis	Romaine Stephan
Melvin Hollatz	Al Lutz
Dale Kobernick	Chuck Davis
Charles Moe	LeRoy Turchin
Michael Currie	

Lengthy discussion continued regarding additional clean out of the system. Mr. Holm will obtain cost estimates to clean out an additional 1½ miles of the system and return to the County Board with the additional information.

Conveyance of Property - Warranty Deed

Motion by Mosher, second by Nelson, and unanimously carried to authorize the Chair's signature to execute a warranty deed to convey the following property to the U.S. Fish & Wildlife Service for the sum of \$5,000.00:

Township One Hundred Thirty-two (132) North, Range Forty-four (44) West, Fifth Principal Meridian: Section Sixteen (16), Commencing at the Northwest corner of Section 16, thence East along the North line of Section 16, 700 feet to the point of beginning, thence South 12 degrees 51 minutes East 531.6 feet, thence East and parallel to the North section line a distance of 250 feet, thence North 7 degrees 30 minutes West 522.7 feet to the section line, thence West 300 feet along the section line to the point of beginning, containing 3.33 acres, more or less.

Resolution Of Intent To Establish A Lake Improvement District Otter Tail County Resolution #2001-40

Upon the motion by Mosher, seconded by Lee, and passed by the County Board on a unanimous vote, the following resolution is adopted:

WHEREAS, Minnesota law provides that in order to preserve and protect the State of Minnesota and to increase and enhance the use and enjoyment of its lakes, it is in the public interest that there be established a statewide lake improvement program to preserve, protect and improve the quality of the lakes; and

WHEREAS; Minnesota law permits the creation of lake improvement districts initiated by request and established by resolution of a County Board; and

WHEREAS; the Otter Tail County Board of Commissioners has received a petition from 52 members of the South Turtle Lake Property Owners Association (apparently more than 26 percent of the property owners within the proposed lake improvement district).

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Otter Tail County Board of Commissioners hereby declares its intent to establish the South Turtle Lake Improvement District.

BE IT FURTHER RESOLVED that the following information be provided, as required by Minnesota Statute §103B.515, Subd. 1:

1. The boundaries of the proposed district shall be 1,000 feet from the ordinary high water level of South Turtle Lake, excluding agricultural land.
2. The water and related land resource management programs to be undertaken by the district include:
 - a. Construct and operate dams or other water level control structures.
 - b. To conduct or participate in studies to define, evaluate, recommend, and implement appropriate programs and practices to address water quality and water level concerns.
 - c. To conduct or participate in studies to define, evaluate, recommend and implement appropriate programs and practices to address water quality concerns in the South Turtle Lake Watershed as they relate to the inflow into the lake.
 - d. Work in conjunction with the Otter Tail County Department of Land and Resource Management and the Soil and Water Conservation District to recommend best management practices relating to water quality in the watershed within the boundaries of shoreland management district.
 - e. Work with and assist the county Land and Resource Management Department to manage, maintain and improve human waste disposal that would impact ground water.
 - f. Apply for private or public grants and/or enter into contracts with federal and state agencies for the study and treatment of pollution problems, water level problems and related demonstration programs.

- g. Enter into contracts with private contractors for the study and treatment of pollution problems, water level problems and related demonstration programs.
 - h. Serve as a local sponsor for state and federal projects and grants.
 - i. Make cooperative agreements with the United States or state government or county or city government to effectuate water and related land resource programs.
 - j. Implement plans, studies, developments and implementations as are allowed or permitted by law, and approved by the County Board from time to time.
3. Funding for the lake improvement district shall be:
- a. Start-up fund from the South Turtle Lake Association.
 - b. Lake improvement district activities shall be funded by the levying of an ad valorem tax solely on the property within the district (excluding agricultural land adjacent to the lake).
 - c. Lake improvement district activities may also be funded by assessment of costs of projects upon benefited property within the district in the manner provided under Minnesota Statute, Chapter 429.
 - d. Lake improvement district activities may also be funded by imposition of service charges on users of the Lake Improvement District services within the district pursuant to Minnesota Statute §428A.05.
 - e. No establishment or increase in the ad valorem property tax will be allowed if it affects a county levy subject to state-imposed levy limits.
4. The Administrator of the Otter Tail County Department of Land and Resource Management shall be responsible for supervising the programs of the district.
5. A public hearing on whether the South Turtle Lake Improvement District should be established shall be held on the 19th day of September, 2001, at 7:00 p.m. at the Community Center in the City of Underwood.

Adopted this 24th day of July, 2001.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, County Board Chair

Attest: _____
Larry Krohn, Clerk

Approval of Amendment for Compensation Study

County Coordinator, Larry Krohn, reported that the Personnel Board discussed the need for completion of a salary survey and updating of the compensation plan. Motion by Mosher, second by Nelson, and unanimously carried to approve the DMG-MAXIMUS proposal and authorize the Chair's signature to execute the Amendment to the Agreement to Provide Human Resource Management Consulting Services for the Maintenance of the Classification and Compensation Study for Otter Tail County. The professional fee for the consulting service is \$5,450 plus expenses (expenses not to exceed \$500).

Signature Approval

Motion by Lee, second by Block, and unanimously carried to authorize County Coordinator/Administrator, Larry Krohn, to act as signatory for all documents relative to the COPS in School grant.

Facilities Planning Group

Mr. Krohn reported that the Facilities Planning Group has been meeting regularly and is recommending that the County enter into negotiations to acquire the New York Mills office space. By consensus, the Commissioners authorized the County Coordinator to negotiate the acquisition of the New York Mills building.

Adjournment

At 2:29 p.m., Chair Froemming declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, July 31, 2001.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, County Board Chair

Attest: _____
Larry Krohn, Clerk

CB/kd

Enc.

