

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, November 20, 2001
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, November 20, 2001, at 9:45 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 Block, and unanimously carried to approve the County Board agenda of November 20, 2001, with the following additions:

Under Highway Engineer – Central Lakes Trail Agreement
Discussion – Tumuli Township

Approval of Minutes

Motion by Lee, second by Mosher, and unanimously carried to approve the November 13, 2001, County Board minutes with one change as follows: Page 5, under Ditch System No. 19, fourth sentence, remove the words "and cleaning out".

Approval to Pay Bills

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

Request for Forgiveness of Penalties

Treasurer Deputy, Lori Gilbertson, presented a request for forgiveness of penalty from Ardell & Marcia Wiegandt, in the amount of \$59.76. The late payment was a result of the purchase of a new home. Motion by Mosher, second by Block, and unanimously carried to deny the request for forgiveness of penalty, in the amount of \$59.76 on parcel #20-000-99-0485-000. The late payment was not a result of a county error and when a home is purchased, it is the responsibility of the new homeowner to know the amount of taxes due and the deadline for paying the taxes.

Property Owner, Cindy Dean, presented a request for forgiveness of penalty, in the amount of \$20.46. The tax statement was sent out after the tax deadline date because of purchase of a home. Motion by Block, second by Nelson, and unanimously carried to deny forgiveness of the penalty request of \$20.46 for parcel #71-003-99-0956-000 because the late fee was not a result of a county error and when a home is purchased, it is the responsibility of the new homeowner to know the amount of taxes due and the deadline for paying the taxes.

Tuition Assistance

Highway Engineer, Rick West, requested tuition assistance for Inspector certification classes for Wade Bugbee. Motion by Lee, second by Mosher, and unanimously carried to approve tuition and expense costs for two certification classes (Aggregate Production and Grading & Base I) for Wade Bugbee. Mr. Bugbee has agreed to work for Otter Tail County for the 2002 construction season or reimburse the County for all expenses paid out relative to these certification classes.

Request for Approval of Contracts

Motion by Mosher, second by Lee, and unanimously carried to authorize the Chair's signature to execute the following agreements with the County of Otter Tail for work required at County Highway Garage No. 1 contingent upon the approval of the County Attorney:

Wahpeton Electric

Electrical Work

Dakota Heating and Plumbing

Mechanical Work

Final Payment - Salt Storage Building Foundation Work

Motion by Lee, second by Nelson, and unanimously carried to approve final payment per Purchase Order No. 61001, in the amount of \$8,100, payable to Heitkamp Construction Company for C.P. 99:Salt-1, Salt Storage Building foundation work.

DNR Grant Agreement for the Central Lakes Trail

Motion by Lee, second by Block, and unanimously carried to authorize the Chair's signature to execute an agreement between the State of Minnesota Department of Natural Resources and Otter Tail County (#R013-01-1B) to appropriate \$250,000 for the local match for the federal funds to pave the Central Lakes Trail.

County State Aid Highway No. 15 Right-of-Way Acquisition Project No. S.A.P. 56-615-16, Negotiation No. 10 Otter Tail County Resolution No. 2001 - 62

Commissioner Froemming introduced the following resolution and moved its adoption:

WHEREAS, Otter Tail County proposes to reconstruct and improve County State Aid Highway No. 15, including portions in Section 5 of Buse Township and specifically Negotiation No. 10 of the above-mentioned project; and

WHEREAS, the reason for the construction of this segment of County State Aid Highway No. 15 is due to the existing highway's poor condition and the unsafe intersection with County Road No. 1; and

WHEREAS, this improvement is necessary to provide for the safety of the traveling public; and

WHEREAS, Otter Tail County has the right to acquire the right-of-way after an award of damages has been filed with the County Auditor in accordance with Minnesota Statute §163.12; and

WHEREAS, all necessary additional highway right-of-way has been acquired for reconstruction except the tract being purchased by Bruce Holman and Bruce Holman, guardian for the estate of Raymond L. Holman from Gary R. Becklund under a contract for deed:

A strip of land over and across the following described tract:

That part of the Northeast quarter of the Southeast quarter (NE1/4SE1/4), together with that part of the Northwest quarter of the Southeast quarter (NW1/4SE1/4) of Section Five (5), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, Otter Tail County, Minnesota, described as follows:

Commencing at the East quarter section corner of said Section Five (5); thence North 87 degrees 40 minutes 48 seconds West (assumed bearing) along the East-West Quarter

Section Line of said Section Five (5) a distance of 1215.15 feet to the West line of the East 1215.00 feet of said Northeast Quarter of the Southeast Quarter (NE1/4SE1/4), said point being the point of beginning; thence South 01 degree 24 minutes 41 seconds West along the West line of the East 1215.00 feet of said Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) a distance of 1234.70 feet to the Northeasterly right-of-way line of said Interstate Highway Number 94; thence Northwesterly along said right-of-way line on a nontangential curve concave to the Northeast a distance of 551.61 feet, said curve having a central angle of 05 degrees 38 minutes 03 seconds, a Radius of 5609.58 feet and a Chord Bearing of North 37 degrees 55 minutes 40 seconds West; thence North 07 degrees 32 minutes 56 seconds West; thence North 07 degrees 32 minutes 56 seconds East not tangent to the last described curve a distance of 817.10 feet to the East-West Quarter Section line of said Section Five (5); thence South 87 degrees 40 minutes 48 seconds East along said East-West Quarter Section Line a distance of 262.20 feet to the point of beginning. Containing 7.46 acres. Subject to an easement over and across the most 40 Northerly feet thereof for County Road No. 15.

NOW, THEREFORE, BE IT RESOLVED that the Otter Tail County Board of Commissioners hereby authorizes the acquisition of the right-of-way as described above pursuant to Minnesota Statute §163.12 and to take title and possession of that land after an award of damages has been filed with the County Auditor in accordance with Minnesota Statute §163.12.

Adopted this 20th day of November, 2001.

Commissioner Mosher 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

Public Meeting - Feedlot Expansions

A Public Meeting was held in reference to the Jennie-O Turkey feedlot expansions per M.S. §116.07, Subd. 7(1). Dennis Anderson, Manager of Live Growing Services for Jennie-O Turkey Store, presented information regarding two feedlot expansion proposals located as follows:

Jennie-O Turkey Store, Inc. has made two applications to the Minnesota Pollution Control Agency in Detroit Lakes for a permit to expand each feedlot with a capacity of more than 500 animal units.

Big Valley Farm feedlot is located in the Northwest ¼ of Section 10, Township 133N, Range 43W, Fergus Falls Township, Otter Tail County, Minnesota. The expanded feedlot will house 41,550 head (748) animal units of confined turkeys.

Lone Pine & Sand Hill Farms are located in the Southwest ¼ of Section 2 and the Southeast ¼ of Section 3, Township 132N, Range 42W, Dane Prairie Township, Otter Tail County, Minnesota. The expanded feedlot will house 86,350 head (969 animal units) of confined turkeys.

Approval of Demolition Work

Motion by Lee, second by Block, and unanimously carried to approve demolition of the former Sylvia Field house in the City of Pelican Rapids by Egge Construction at an estimated cost of \$2,000 - \$3,000 not including dump fee charges at the Gwinner Landfill for disposal of burnt demolition debris.

Planning Commission Recommendations

Conditional Use Permit - Wil-O-Wood/Tim & Heidi Lambertson:

Land & Resource Director, Bill Kalar, stated that the Planning Commission made a motion to approve the applicant's revised plan dated October 2, 2001; however, the motion failed and the request was denied. Applicant's Tim & Heidi Lambertson, requested approval from the County Board of the revised plan for adding 29 units. Motion by Nelson, second by Lee, to approve the revised plan dated October 2, 2001 (29 units) subject to the conditions as stated by the Planning Commission in the November 14, 2001, motion. Discussion followed regarding the neighbor's ability to add a number of RV units with less land and resorts quitting and moving into condo or other land situations which is hurting tourism in the County. The property is described as All of Sublots 7 & 8 of Gov. Lots 3 & 4, Section 23 of Rush Lake Township; Rush Lake (56-141). Chair Froemming called for a roll call vote:

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

Motion carried.

Conditional Use Permit - Kevin & Leilyn Honeyman:

Mr. Kalar stated that the Planning Commission made a motion to approve a CUP with conditions; however, the motion failed and the request was denied. Kevin and Leilyn Honeyman represented the application. Kevin Honeyman addressed the issues of cutting through the steep slope causing erosion issues and crossing wetlands. He stated that the neighbors have no major objections to their plan. Mr. Kalar discussed provisions of avoidance and/or minimization of impact on wetlands. Discussion continued on these issues as well as a need for the applicant to be located closer to the lake on the flat area because of a disability. In considering ADA issues, a motion was made by Mosher and seconded by Block, to approve a Conditional Use Permit for Kevin & Leilyn Honeyman to cut a road through a steep slope and bring in fill contingent upon the conditions cited in the November 14, 2001, Planning Commission motion and an additional condition as follows: An erosion control plan be developed in coordination with the Soil & Water Conservation District (SWCD). The property is described as Freedom Flyers Estates, Lot 13 in Section 29 of Hobart Township; Long Lake (56-388). Chair Froemming called for a roll call vote:

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

Motion carried.

Conditional Use Permit - Jeff Hillius:

Motion by Lee, second by Nelson, and unanimously carried to approve a Conditional Use Permit for request #1 to construct a level driveway as presented and to table request #2 to cut in front of the dwelling for drainage purposes as recommended by the Planning Commission. The property is described as Crystal Springs First Addition Lot 6 Blk 2 in Section 3 of Lida Township; Franklin Lake (56-759).

Preliminary Plat & Conditional Use Permit - North Oaks/Don Dreyer:

Motion by Nelson, second by Mosher, and unanimously carried to approve the Preliminary Plat known as "North Oaks" consisting of 11 single family residential lots and a Conditional Use Permit to construct a dedicated road to service the proposed plat with conditions as recommended by the Planning Commission. The property is described as Part Gov. Lot 1, Section 1 of Otter Tail Township and Lots 26 & 27 of Paulson's Timberland Addition, Section 36 of Rush Lake Township; Buchanan Lake (56-209).

Preliminary Plat - Geralyn Lyseng:

Motion by Lee, second by Nelson, and unanimously carried to approve the Preliminary Plat known as "West Otter Shores" consisting of 5 lots combined into 3 single family residential lots as presented on the map dated 10/22/01. The property is described as Pt of GL 5 in Section 31 of Candor Township; Otter Lake (56-577).

Conditional Use Permit - David & Vicki Danielwski:

Mr. Kalar stated that he has not received an alternate plan for this after the fact CUP request for a retaining wall on Eagle Lake. The property is described as West 50' of Lot 12 of Evander Beach in Section 10 of Eagle Lake Township; Eagle Lake (56-253). Motion by Mosher, second by Nelson, and unanimously carried to authorize the Land & Resource Director to send a 10 day notice to the applicants to submit their alternate plan and written statement to waive the 60 day rule or the request will be denied.

Financial Assistance Specialist (Lead Worker)

Motion by Nelson, second by Mosher, and carried with Lee opposed, to establish the new position of Financial Assistance Specialist Lead Worker, job #2431, at a compensation grade 15 as recommended by MAXIMUS.

Collections Assistant Position

Motion by Froemming, second by Lee, and unanimously carried to authorize the County Attorney to proceed with the process of submitting a job description (CPQ) to MAXIMUS for the new Collections Assistant position.

Employer Contribution for CY2002

Motion by Lee, second by Block, and unanimously carried to approve an Otter Tail County employer benefit contribution of \$525 for CY2002 for all non-union employees.

Lease Agreement - U.S. Bank Building

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a Lease Extension Agreement for the U.S. Bank Building with an \$8 per sq. ft. rental fee.

Closed to the Public

At 12:47 p.m., Chair Froemming 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 Human Services Professional and Support Specialist collective bargaining units. All seated commissioners were present along with the County Coordinator, County Attorney, and Recording Secretary.

Adjournment

At 1:26 p.m., Chair Froemming declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, November 27, 2001.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, County Board Chair

Attest: _____
Larry Krohn, Clerk