

Moench Excavating	<u>4,500</u>
TOTAL	\$22,470

Otter Tail County Highway Dept. \$531.07 (for survey work)

Association of Minnesota Counties Annual Dues

Motion by Nelson, second by Block, and unanimously carried to authorize payment of the AMC annual dues for CY2002, in the amount of \$14,183.

Payment Approval - Tax-Forfeited Sites

Motion by Lee, second by Mosher, and unanimously carried to authorize payment to Widseth, Smith, and Nolting, in the amount of \$384.00, for environmental services at the following two tax forfeited sites: (Newton Township - \$220.00 and Rothsay City - \$164.00)

Judicial Ditch No. 2

Motion by Mosher, second by Lee, and unanimously carried to authorize payment for Judicial Ditch No. 2 to Wilkin County, in the amount of \$18,484.03, for 2001 expenses. Mr. Stein noted that assessments were levied last December for collection for this year.

**Payable 2002 Tax Levy Resolution
 Otter Tail County Resolution No. 2001 - 65**

The following resolution was offered by Commissioner Lee, who moved for the adoption of the payable 2002 Gross and Net Property Tax Levies:

WHEREAS, the Otter Tail County Board of Commissioners recognizes the requirement to adopt Otter Tail County's final payable 2002 Gross and Net Property Tax Levy no later than Thursday, December 27, 2001, and the Otter Tail County Board of Commissioners is required to certify Otter Tail County's final payable 2002 Gross and Net Property Tax Levy on or before December 28, 2001.

NOW, THEREFORE, BE IT RESOLVED, That the Otter Tail County Board of Commissioners levies for the payable year 2002, upon the net tax capacity of the property of Otter Tail County the following amounts as detailed below:

**Fund Breakdown
 Net Tax Capacity Based Levies**

	Fund Number	Gross Levy	HACA	Net Levy
Revenue –				
General	01	8,506,632	1,310,087	7,196,545
Lake Improvement District	20	168,000	0	168,000
Regional Library System	09	289,654	44,380	245,274
Human Services –				
Social Services	03	4,835,472	744,699	4,090,773
Administration	04	1,143,891	176,168	967,723
Public Health	05	368,135	56,696	311,439
Court Services	06	173,824	26,770	147,054

Road and Bridge	02	1,200,000	184,809	1,015,191
Debt Service –				
Veterans Home Bonds	07	146,231	0	146,231
Capital Improvement Fund	08	<u>1,659,708</u>	<u>255,607</u>	<u>1,404,101</u>
Total		18,491,547	2,799,216	15,692,331

The resolution was seconded by Commissioner Nelson and carried, with the members of the Otter Tail County Board of Commissioners voting as follows:

Commissioner	For	Against
Malcolm Lee	Yea	
Sydney Nelson	Yea	
Dennis Mosher	Yea	
Roger Froemming	Yea	
Robert Block	Yea	

Adopted at Fergus Falls, Minnesota this 18th day of December 2001.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, County Board Chair

Attest: _____
Larry Krohn, Clerk

**Resolution Adopting the Final Calendar Year 2002 Budget
Otter Tail County Resolution No. 2001 - 66**

The following resolution was offered by Commissioner Lee, who moved for the adoption of the calendar year 2002 budget for the General Fund, for the Budgeted Special Revenue Funds, and for the Debt Service Fund.

WHEREAS, the Otter Tail County Board of Commissioners recognizes the requirement to adopt Otter Tail County's final calendar year 2002 budget for the General Fund, for the Budgeted Special Revenue Funds and for the Debt Service Fund no later than Thursday, December 27, 2001 and the requirement to adopt the final calendar year 2002 budget after the adoption of the final payable 2002 Gross and Net Property Tax Levy.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners adopts the amount of \$47,565,190 as the County's calendar year 2002 budget for the General Fund, for the Budgeted Special Revenue Funds and for the Debt Service Fund, as summarized in Attachment B and as detailed in Attachment C.

The above resolution was seconded by Commissioner Froemming and carried with the members of the Otter Tail County Board of Commissioners voting as follows:

Commissioner	For	Against
Malcolm Lee	Yea	
Sydney Nelson	Yea	
Dennis Mosher	Yea	
Roger Froemming	Yea	
Robert Block	Yea	

Adopted at Fergus Falls, Minnesota this 18th day of December 2001.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, County Board Chair

Attest: _____
Larry Krohn, Clerk

Road Name Change Request

Pat & Rollie Karels requested that their E-911 road name be changed from Goosedrop Drive to Goose Drive. There are two residences on the road with both parties in agreement to drop the last portion of the name. Mr. & Mrs. Karels did not receive information regarding the appeal time or procedures as they spend a lot of time out of town. Motion by Mosher, second by Block, and unanimously carried to grant the request to change the E-911 road name of Goosedrop Drive to Goose Drive.

Pomme de Terre River Meeting

Otter Tail County's representative, Norman Fjestad, briefed the County Board on the recent Pomme de Terre Watershed meeting and three projects to be completed in Otter Tail County.

Minnesota Rural Counties Caucus

MRCC Director, Dan Larson, thanked the County Board for Otter Tail County's membership. He spoke of the MRCC's success over the past five years in bringing counties together with rural issues and the MRCC's lobbying efforts on behalf of these issues.

Recess & Reconvene

At 10:43 a.m., Chair Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 11:02 a.m.

Department of Corrections Lease Agreement in New York Mills

Physical Plant Manager, Rick Sytsma, briefed the Board on a lease agreement between the County of Otter Tail and Department of Corrections for the DOC to rent space from the County in the New York Mills building at a rate of \$12 per square foot.

Planning Commission Reappointments

Motion by Nelson, second by Mosher, and unanimously carried to reappoint the following Planning Commission members to the Otter Tail County Planning Commission for a three year term effective January 1, 2002.

<u>Member</u>	<u>Term Expires</u>
Bert Olson (Mosher)	12/31/2004
Robert Schwartz (Froemming)	12/31/2004

Linda Bergerud (Block)
Rod Boyer (Nelson)

12/31/2004
12/31/2004

Planning Commission Recommendations

Preliminary Plat - "Heyer's Addition to Pelican Lake"/Jim Heyer:

Motion by Lee, second by Mosher, and unanimously carried to approve the Preliminary Plat known as "Heyer's Addition to Pelican Point" consisting of 4 non-residential backlots with conditions as recommended by the Planning Commission. The property is described as Pt of SW $\frac{1}{4}$ in Section 4 of Dunn Township; Pelican Lake (56-786).

"Preliminary Plat - "Round Lake Beach Second Addition"/Harlan L. Nelson:

Motion by Mosher, second by Lee, and unanimously carried to approve the Preliminary Plat known as "Round Lake Beach Second Addition" consisting of 5 non-residential backlots with conditions as recommended by the Planning Commission. The property is described as Lot 2, Blk 1, Round Lake Beach First Addition in Section 5 of Everts Township; Round Lake (56-297).

Conditional Use Permit - Darrell & Marlene Gast:

Motion by Froemming, second by Lee, and unanimously carried to approve a Conditional Use Permit for drainage improvements and driveway overlay with conditions as recommended by the Planning Commission. The property is described as Pt of Reserve 2 Oak Ridge Beach in Section 14 of Amor Township; Otter Tail Lake (56-242).

Conditional Use Permit - Old Town Camp/Jack & Pauline Plantin:

Motion by Mosher, second by Lee, and unanimously carried to approve a Conditional Use Permit to separate 6 acres from an 11-acre tract of land as presented. The property is described as Pt SL F & of SL G & of GL 2 in Section 12 of Clitherall Township; Clitherall Lake (56-238).

Conditional Use Permit - Hans Hermanson:

Motion by Lee, second by Mosher, and unanimously carried to approve a Conditional Use Permit to improve Dolphin Trail Road, level 2 metal building sites on Lot 5, and level off a building site on Lot 4 and a driveway with conditions as recommended by the Planning Commission. The property is described as Lots 1-5, Blk 2 & Res Lot L, Pelican Heights Subdivision in Section 2 of Dunn Township; Little Pelican Lake (56-761).

Preliminary Plat - "Lake Hovland Estates"/Larry Scheffler & Helen Scheffler:

Motion by Lee, second by Nelson, and unanimously carried to approve the Preliminary Plat of "Lake Hovland Estates" consisting of 3 single-family residential lots as presented. The property is described as GL 1 (9.80 acres) of Section 26 of Trondhjem Township; Hovland Lake (56-1014).

Conditional Use Permit - Dennis & Lori Bartunek:

Motion by Lee, second by Block, and unanimously carried to deny a Conditional Use Permit, as recommended by the Planning Commission, to convert a house into a commercial business. The property is described as Pt GL 4 beginning North Ln Hwy 20 & E Ln GL 4 North 274.53' WLY 170.6', SLY 260', ELY 192' on curve to beginning (1.10 acres) in Section 6 of Dunn Township; Pelican Lake (56-786).

Conditional Use Permit - Olson's Big Pine Get-A-Way / Phillip T. Olson:

Motion by Nelson, second by Mosher, and unanimously carried to approve a Conditional Use Permit to remove 2 cabins and replace 1 attached garage and addition to existing lodge as

presented. The property is described as Jackson McKee' Addition Lots 32, 33, & 34 & Pt of Lot 35 & 36 in Section 14 of Pine Lake Township; Big Pine Lake (56-130).

Conditional Use Permit - Mark K. & Mary E. Johnson:

Applicant, Mary Johnson, explained that she had car trouble on the way to the recent Planning Commission meeting and, consequently, the application was denied due to lack of representation. Discussion followed regarding the request. The applicant agreed to waive the 60-day rule. Motion by Nelson, second by Froemming, and unanimously carried to refer the CUP request of Mark K. and Mary E. Johnson back to the Planning Commission for a recommendation.

Conditional Use Permit - Beverly Enterprises:

Motion by Froemming, second by Nelson, and unanimously carried to approve a Conditional Use Permit for an 8' x 10' structure to be used for a smoke shack for employees as presented. The property is described as GL 1, (17.76 acres) Section 32 of Amor Township; Otter Tail County (56-242).

Preliminary Plat - "Rolling Meadows"/George Perszyk and Paul & Florian Lonski:

Land & Resource Director, Bill Kalar, stated that "Rolling Meadows" on Berger Lake is a proposed 33 single family residential lot development. He stated that the Planning Commission offered a motion to approve the Preliminary Plat; however, the motion failed on a 4 - 5 vote. Scott Seeley of Taylor Investment Corporation, requested that commissioners approve the plat as all lots exceed minimum standards and concerns of the Planning Commission had been addressed with revisions to the plan. Attorney, Robert Bigwood, representing Dan Hokanson, requested that the Board uphold the Planning Commission's recommendation for denial. Mr. Bigwood raised issues of existence of bald eagle nesting sites, the threat of water quality to Berger Lake because it is a very shallow lake, unsuitable topography, and the railroad right of way. He stated that the fact that these lots meet minimum standards is not the only reason to approve. The subdivision does not meet land suitability requirements. Dave Kirkpatrick presented a soils survey from the Natural Resources Conservation Service for this area. All of the soils that are contained within the proposed "Rolling Meadows" development have a severe rating for septic tank absorption fields. David Landecker, Land Surveyor assisting the applicant, spoke in favor of the development and noted that all previous concerns of the Planning Commission had been addressed. He stated that test holes had been dug for viewing, and the soils certainly appear suitable for drain field activities. Motion by Nelson, second by Froemming, to deny the Preliminary Plat of "Rolling Meadows" and the Conditional Use Permit for construction of a road, based on the soils information provided from the NRCS that indicates sensitive soils for septic systems. Chair Froemming called for a roll call vote:

<u>District</u>	<u>Commissioner</u>	<u>For</u>	<u>Against</u>
Fifth District	Block	Yea	
Second District	Lee		Nay
Third District	Mosher		Nay
Fourth District	Froemming	Yea	
First District	Nelson	Yea	

Motion passed 3 - 2.

Final Plats

Motion by Lee, second by Mosher, and unanimously carried to approve the Final Plat known as "Sunset Bay Second Addition" located on GL 1 of Section 26, Township 137, Range 43, Scambler Township.

Motion by Lee, second by Nelson, and unanimously carried to approve the Final Plat known as "Juniper Shores" located on GL 10 & GL 8 in Section 21, Township, 137N, Range 41W, Candor Township; Hook Lake (56-547).

Motion by Mosher, second by Lee, and unanimously carried to approve the Final Plat of Delbert Turner et al known as "Turner Point" located in Section 5 & 8, Township 133, Range 40, Everts Township; Otter Tail River (56-OTR).

Motion by Nelson, second by Lee, and unanimously carried to approve the Final Plat of Helen Boedigheimer Family Trust known as "St. Lawrence Estates First Addition" located in Section 18, Township 135N, Range 38, Otto Township.

"North Ten Mile Estates" - Bond Request for Final Plat

Scott Seeley, of Taylor Investment, returned to the Board to request approval to submit a bond of \$108,520 to the County of Otter Tail to ensure completion of the road that services the North Ten Mile Estates plat. Discussion followed. After checking with the township, motion by Mosher and second by Nelson, to approve the Final Plat of "North Ten Mile Estates" and the bond request of \$108,520 from Taylor Investment with a construction completion date of June 30, 2002 for the roadway servicing North Ten Mile Estates. Chair Froemming called for a roll call vote:

<u>District</u>	<u>Commissioner</u>	<u>For</u>	<u>Against</u>
Fifth District	Block	Yea	
Second District	Lee		Nay
Third District	Mosher	Yea	
Fourth District	Froemming	Yea	
First District	Nelson	Yea	

Motion passed 4 -1.

Recess

At 11:56 a.m., Chair Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break and a committee meeting.

PGOLID Public Hearing

At 2:00 p.m., Chair Froemming reconvened the Otter Tail County Board of Commissioners' meeting and opened the meeting as the Public Hearing for consideration of amendments for the Pelican Group of the Lakes Improvement District. County Attorney, David Hauser, explained that the PGOLID already exists; however, a proposal has been made to amend the order that established the district to essentially 1) add ag lands into the district that were formerly out of the district, and 2) add some specific powers that a county is allowed to delegate to the LID, to specify those powers, and include in the order. This Public Hearing must be held by the County Board to take information from the public and then, at the next County Board meeting, the Board will make a decision on the issue. The County Board solicited comments from the public for this Public Hearing. There were many comments received by mail and fax. Mr. Hauser read the following summary of those comments for the record.

Summary of the Public Hearing Comments for the PGOLID Proposed Amendments to Order Establishing District

There were 2 letters received in favor of the proposed amendments and 25 letters received in opposition of the proposed amendments.

Letters in favor cited the following reasons:

- Benefits to put in sewer and water – concern with current systems.
- Improvements around the lake will benefit all property owners like Big Detroit Lake has benefited from their improvements.
- Better water quality

Letters opposed cited the following reasons:

- Opposition to Section 1.g – “Directors of the PGOLID Board may be removed by a two-thirds vote of the remaining board member(s) or by a vote of the majority of the property owners present at an annual meeting.” Opposed because this takes away representation by the voters and could force a member out for having a minority opinion.
- Opposition to Section 1.f - “No director may serve more than two successive complete terms.” An individual shall be eligible for re-election to the Board of Directors after three years absence.” Opposed because this essentially eliminates term limits.
- Opposition to Section 1.c.ix & 1.c.xv – “The Board (Otter Tail County Commission Board) delegates to the PGOLID the power and authority to: construct a water, sewer, or water and sewer system in the manner provided by section 444.075 or other applicable laws.” AND “The Board (Otter Tail County Commission Board) delegates to the PGOLID the power and authority to: finance sewer, water, joint sewer and water, storm water and related improvement programs and projects as provided in Chapter 429 and section 444.075.” Opposed because cost of the water and sewer project is prohibitive and will force undue hardship on the cabin owners.
- Lakeshore owners were assured that they would be able to vote on the water and sewer project by ballot – No such vote has occurred.
- There is no assurance that the PGOLID will abide by majority vote.
- Current septic regulations should be followed rather than pushing exorbitant septic and water systems.
- Updated water quality analysis is needed before approving larger authority to the PGOLID.
- Several writers state - MN Statute calls for a property owner vote on any project over \$5,000.
- Many property owners have already installed expensive septic systems.
- Opposed to expenditures that could be approved by the PGOLID Board without a vote of the membership of the District.
- Members do not have enough information to warrant a 24 million-dollar septic/water project.
- The PGOLID does not represent interests of the public/membership.
- Request that property owners approve all amendments to the Order Establishing District before the County Board approves.
- Opposition to expanded authority.
- Opposed to public hearing being held at a time when many property owners are out of the area.

Attorney, John Kolb, spoke on behalf of the PGOLID Board of Directors. Mr. Kolb reviewed the required procedures followed by the Board of Directors. Public notice was published, notice was given to Dunn and Scambler Townships, and on November 28, 2001, a copy of the notice was mailed to all property owners within the boundaries of the district. Mr. Kolb submitted copies of this information for the record.

Mr. Kolb stated that the LID Board of Directors is not requesting that the County Board approve the sewer and water project. By law, there has to be a vote by the district membership at an annual meeting. The B.O.D. has investigated the possibility of the sewer and water project. At this time, the B.O.D. is gathering more information and completing a feasibility study, information will be sent to property owners with a straw ballot to determine the level of support in the district. If the sewer

project is not supported, the B.O.D. will re-direct their efforts to other projects. Mr. Kolb stated that the amendments clarify the authority of the district to undertake and implement certain projects of the district and to allow some funding mechanisms for these projects. The LID cannot move forward with a project costing more than \$5,000 without a membership vote.

Chair Froemming opened the public hearing to public comment. The following property owners provided comment:

Terry Donnan, Pelican Lake	Gary Danielson, Fish Lake
Bob Wiltsey, Little Pelican Lake	Bob Lamb, Pelican Lake
Cynthia Sillers, Fish Lake	Brad Olson, Little Pelican Lake
Christine Butler, Pelican Lake	Justine Kingham, Pelican Lake
Rod Smith, Pelican Lake	Don Anderson, Bass Lake
Ed Ohman, Pelican Lake	Mike Ostbye, Pelican Lake
Fred Manuel, Little Pelican Lake	Bruce Winterfeldt, DNR

Comments at the public hearing included the desire to vote by an alternative procedure (possibly absentee ballot) on projects over \$5,000, not just voting at an annual meeting. Ag land to be included in the district are those ag properties that have changed from ag use to residential use. Concerns were expressed regarding expansion and congestion. Some property owners expressed concern with giving the LID additional authority and requested that authority stay with the County. Other property owners were in favor of giving the LID additional authority in order to keep the decisions about the lake under local control. Mr. Winterfeldt, of the DNR, questioned the intent of the amendment to give authority to the LID to maintain public beaches, docks, and other water access sites. Hearing no additional comments, Chair Froemming closed the public hearing at 3:20 p.m.

Exception to Personnel Rules

Motion by Lee, second by Froemming, and unanimously carried to allow a one-time exception to the personnel rule that does not allow employees to carry over compensatory time after the end of the year for the Land & Resource Department. This motion will allow employees of the Land & Resource Department to use compensatory time until March 1, 2002.

Employment Contract

Motion by Mosher, second by Block, and unanimously carried to authorize the Chair's signature to execute an employment contract between the County of Otter Tail and County Coordinator, Larry Krohn as presented.

Reclassification

Motion by Lee, second by Mosher, and unanimously carried to approve reclassification for the HR & Risk Management Coordinator from compensation grade 17 to compensation grade 20 as recommended by MAXIMUS, effective August 1, 2001.

Snowmobile Trail Permit

Motion by Froemming, second by Nelson, and unanimously carried to authorize the Chair's signature to execute a Snowmobile Trail Permit agreement between the County of Otter Tail and the Henning Snow Cruisers Snowmobile Club, to establish and maintain a snowmobile trail.

**Closed to the Public
Adjournment**

At 3:34 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, Human Services Director, and Recording Secretary.

At 3:46 p.m., Chair Froemming declared the meeting of the Otter Tail County Board of Commissioners adjourned until Thursday, December 27, 2001.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, County Board Chair

Attest: _____
Larry Krohn, Clerk

