

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Otter Tail County Courthouse  
Commissioners' Room, Floor 1-B  
Tuesday, February 19, 2002  
9:30 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, February 19, 2002, at 9:30 a.m. at the Otter Tail County Courthouse with Dennis Mosher, Chair; Malcolm Lee, Vice-Chair; Syd Nelson, Roger Froemming, and Bob Block present.

**Approval of Agenda**

Motion by Lee, second by Froemming, and unanimously carried to approve the County Board agenda of February 19, 2002, with the following addition:

Regional Treatment Center Coalition Membership

**Approval of Minutes**

Motion by Lee, second by Froemming, and unanimously carried to approve the County Board minutes of February 12, 2002 as mailed.

**Approval to Pay Bills**

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

**Regional Treatment Center (RTC) Coalition Membership**

Commissioner Bob Block opened discussion regarding the County's current RTC Coalition membership. He suggested that a representative from Public Health be appointed to the Coalition in addition to the two commissioners currently serving. Chairman Mosher requested that this item be placed on next week's agenda for further discussion.

**Exempt Permit Application**

Motion by Mosher, second by Froemming, and unanimously carried to approve the Maidens of the Prairie to Lakes Ducks Unlimited Application for an Exempt Permit - LG220, with no waiting period, for an event scheduled for Tuesday, April 16, 2002, at the Peak Supper Club.

**Appointment - Board of Adjustment**

Motion by Nelson, second by Froemming, and unanimously carried to appoint Mark Steuart to the Board of Adjustment for CY2002 representing the First District.

**Partners Living at Home/Block Nurse Program (LAH/BNP)**

Chairman of the Partners LAH/BNP, Bob Westfall, and Program Director, Sharon Torgerson, briefed the County Board regarding this volunteer organization located in Rothsay. The program is designed to assist individuals 65 and over to remain in their homes while living as independently and safely as possible. A brochure and other statistics were provided. The program has been operating for approximately 11 years and currently has 80 volunteers in the community. The program is not designed to duplicate current services, but to fill in the gaps in services. The organization wishes to extend their services to Carlisle Township by applying for a Community Services Grant through the DHS. Motion by Mosher, second by Nelson, and unanimously carried to offer a letter in support of the grant application being submitted by Partners LAH/BNP.

**Public Employees Retirement Association Resolution  
Police Officer Declaration  
Otter Tail County Resolution No. 2002 - 09**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others, and

WHEREAS, Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police departments whose position duties meet the requirements stated therein and listed below.

BE IT RESOLVED that the Otter Tail County Board of Commissioners of Otter Tail County hereby declares that the position titled Deputy Sheriff, currently held by Mark M. Haberer, meets all of the following Police and Fire membership requirements:

1. Said position requires a license by the Minnesota peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed;
2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;
3. Said position charges this employee with the prevention and detection of crime;
4. Said position gives this employee the full power to arrest, and
5. Said position is assigned to designated police or sheriff's department.

BE IT FURTHER RESOLVED that this governing body hereby requests that the above-named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire salary deduction by the governmental subdivision.

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

Adopted at Fergus Falls, MN this 19<sup>th</sup> day of February, 2002.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Dennis Mosher, County Board Chairman

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

**Lakeland Mental Health Center Annual Meeting**

Motion by Lee, second by Block, and unanimously carried to authorize County Commissioners to attend the Annual Lakeland Mental Health Center meeting scheduled on Monday, February 25, 2002.

**Discussion - RTC Programs**

Lake Region Healthcare Corporation Officials, Kent Mattson and Ed Mehl, reported that LRH would like to be a part of the process to find a solution for the proposed RTC closure. They

encouraged a joint effort including LRH, Otter Tail County, and the City of Fergus Falls to put together a proposal to the State in terms of a responsive plan for the RTC. They requested that a joint committee be set up with two goals in mind; 1) to keep the MI and CD/Detox programs in Fergus Falls, and 2) to keep as many jobs as possible in the community. Lengthy discussion continued. Motion by Block, second by Mosher, and unanimously carried to support the concept of designing a proposed plan for the current State MI program and appoint Commissioners Block and Mosher as well as County Coordinator, Larry Krohn, to the Joint MI Restructuring Committee

### **Planning Commission Recommendations**

#### Conditional Use Permit - Steve & Ruth Lorshbough:

Motion by Lee, second by Froemming, and unanimously carried to approve a Conditional Use Permit for Steve & Ruth Lorshbough to retain a 16' wide road with conditions as recommended by the Planning Commission. The property is described as Pt of GL 3, being permanently attached to Lot 7, 1<sup>st</sup> Addition to Stenstrom Beach, Section 12 of Elizabeth Township; Long Lake (56-784).

### **Ordinance Discussion**

Land & Resource Director, Bill Kalar, reported that the Planning Commission discussed the possibility of developing a Tubing Ordinance. The Planning Commission recommended that the County Board should consider drafting a Tubing Ordinance and use Becker County's Ordinance as a guide.

The County Board discussed the process of going through the Planning Commission when Townships and the County need approval for road projects. Mr. Kalar noted that, at times, when roads are washing out and there is a safety issue, the process is too slow. The value of increasing the Land & Resource's authority to approve Grade & Fill Permits over 300 cubic yards was discussed. The County Board would need to determine the proposed SMO changes, a draft ordinance would be developed, and a Public Hearing would be held before enacting the changes.

At 11:20 a.m., Chairman Mosher opened the floor for public comment/input. Dave Anderson of Anderson Land Surveying expressed concern that the Planning Commission process is getting bogged down. He stated that an on-site pre-application meeting could reduce delays and reduce tension because the developer or owner has not spent a great deal of money at that point.

Douglas Kramer, a Realtor, questioned what action and course of direction the County Board plans to take regarding some of the discussed SMO changes. County Attorney, David Hauser, responded that a list has not been drafted at this point; however, a list would be available at a Public Hearing.

Discussion continued regarding the requirement to attach backlots to frontlots. Mr. Kalar continued discussion of the outline (PC Minutes, 2/13/02, Page 4) including Water Oriented Accessory Structures (WOAS), Stringline, Retaining Wall, Recreational Camping Area, Attached Structure, and Township Exemption for Conditional Use or Grade/Fill Permits. Commissioners suggested that an increase in yardage for public road authorities might be appropriate. Mr. Hauser stated that the County Board needs to identify the changes the Board wants to the SMO so a final list can be prepared. For example, creating special protection areas is a change that would require research unlike a simpler change i.e. expanding Grade & Fill Permits.

Melvin McGowan reported that he is a representative on an Individual Sewer Treatment System (ISTS) body that looks at rules and regulations. He expressed concern with holding tanks as the

cost to pump them continues to increase. He requested that Otter Tail County adopt Chapter 7080 regulations for septic systems because the State regulations require one foot of natural soil and the County requires two feet. He stated that this change could eliminate 50% or more of the holding tanks in the County because many would not be able to meet the three-foot separation.

The Planning Commission discussed the current Setback Ordinance, which conflicts with other ordinances. One solution would be to adjust the wording of the Setback Ordinance to match the SMO setback. In non-shoreland areas, the County Engineer would like a 40-ft. setback for possible expansion in the future. Our ordinance should be limited to Otter Tail County roads, not township or state roads.

Chairman Mosher requested that proposed zoning changes be discussed at the next County Board meeting. Each proposed change should include a reason/intent.

#### **Tax Court Settlements**

Motion by Block, second by Nelson, and unanimously carried to authorize the Chair's signature to execute two stipulations for tax court settlement for the following businesses:

Nash Finch Store (Sun Mart)  
Colonial Village Apartments

#### **Adjournment**

At 12:23 p.m., Chair Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, February 26, 2002.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Dennis Mosher, County Board Chair

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