

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, August 20, 2002
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, August 20, 2002, at 9:37 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 Froemming, second by Nelson, and unanimously carried to approve the County Board agenda of August 20, 2002, with the following changes:

Closed Session for Labor Negotiations
Discussion Regarding Correspondence and the Regional Treatment Center Facility

Approval of Minutes

Motion by Froemming, second by Block, and unanimously carried to approve the County Board minutes of August 13, 2002, as mailed.

Approval to Pay Bills

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

E-911 Road Name Change

Don Hovey, owner of a campground named Hovey at Star, presented a request to change the E-911 name of Trailer Park Loop. Mr. Hovey suggested several other names and explained that Trailer Park Loop has a negative connotation. Lengthy discussion followed regarding the effect a change would have for the first responders because the new name would not be changed on the maps and the fact that the appeal process to change names has expired. Motion by Lee, second by Block, and unanimously carried to deny the request to change the road name of Trailer Park Loop.

Post Employment Health Plan Discussion

A representative of the Minnesota State Retirement System (MSRS) briefed the Board and provided several brochures on the new Post Employment Health Plan now available for groups of employees. The plan offers employees tax-free benefits for medical expenses upon separation of employment. To be eligible to participate, everyone within a bargaining unit or personnel policy must participate and be treated in the same manner. Union Representative, Merle King, stated that the Teamsters Public and Law Enforcement Employees' Union, Local No. 320, Supervisor's Unit, has requested participation in this plan. Motion by Block, second by Lee, and carried with Nelson opposed, to authorize the Chair's signature to execute a Memorandum of Understanding between Otter Tail County and Minnesota Teamsters Public and Law Enforcement Employees' Union, Local No. 320 (Supervisor's Unit). This Memo of Understanding authorizes the Post Retirement Health Insurance Plan through the MSRS.

Recess & Reconvene

At 10:45 a.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 10:50 a.m.

Planning Commission Recommendations

Conditional Use Permit – Hobart Township/Bonnie Neu:

Motion by Nelson, second by Froemming, and unanimously carried to approve a Conditional Use Permit to improve an existing road known as Adams Point Lane with conditions as recommended by the Planning Commission. The property is described as Fr'l SE¼ Ex Plat Rose Acres & Lot 3 Ex Tr & Ex Plat Rose Acres and Dedicated Road for plat of Rose Acres (AKA Adams Point Lane), Section 17 of Hobart Township; Rose Lake (56-360).

Conditional Use Permit – Dora Township, %Norbert Benke:

Motion by Lee, second by Block, and unanimously carried to approve a Conditional Use Permit to prepare roadway and place 24' tar mat on 335th Avenue with conditions as recommended by the Planning Commission. The project is proposed to take place on 335th Avenue, from Co. Highway 35 to Wildwood Dr - .7 mile; Section 13 of Dora Township; Big (West) McDonald Lake (56-386).

Conditional Use Permit – Richard & Rebecca Rice:

Motion by Nelson, second by Lee, and unanimously carried to approve a Conditional Use Permit for excavation of 482 cubic yards to be used for a new driveway with conditions as recommended by the Planning Commission. The property is described as Lot 1, Block 1, Wegscheid Addition to Paul Lake, Section 10 of Edna Township; Paul Lake (56-335).

Conditional Use Permit – Michael & Kristie Partain:

Motion by Lee, second by Froemming, and unanimously carried to approve a Conditional Use Permit to operate a gunsmith shop out of a garage on their property as presented. The property is described as Lot 1, Stenstrom Beach, Section 12 of Elizabeth Township; Long Lake (56-784).

Conditional Use Permit – Dora Township/John Condon:

Motion by Lee, second by Nelson, and unanimously carried to approve a Conditional Use Permit to improve slopes and prepare for tar on Minnesota St, Hill 'N Valley Rd & Meyer Beach Drive with conditions as recommended by the Planning Commission. The project is proposed to take place on Minnesota Street, Hill 'N Valley Rd, Meyer Beach Dr. and S½ SE¼ Ex Trs & Ex Plat & Lot 3 Ex Tr & Ex Plat (90.25 Acres), Section 23, 24, 25, & 26 of Dora Township, Big (West) McDonald Lake (56-386).

Conditional Use Permit – Richard & Linda West:

Motion by Mosher, second by Lee, and unanimously carried to approve a Conditional Use Permit to remove a wooden retaining wall and replace with keystone concrete block wall as presented. The property is described as Cedar Park Club, Lot 1 & Vac Rd. Adj Ex Tr, Section 30 of Dane Prairie Township; Swan Lake, (56-781).

Conditional Use Permit – Calvin S. Preston:

Motion by Lee, second by Froemming, and unanimously carried to approve a Conditional Use Permit to erect up to three (3) Stor N Lock buildings as presented, removing the requirement that the buildings must be earthtone in color. The property is described as Lot 1, 3 Ex Platted & Ex Trs in Lot 3, and SW¼ NW¼, Section 23 of Elizabeth Township; Jewett Lake (56-877).

Conditional Use Permit – Timothy D. & Christy Buss:

Motion by Nelson, second by Block, and unanimously carried to approve a Conditional Use Permit to lower a bluff with conditions as recommended by the Planning Commission. The property is

described as Lot 5 Block 1, Pine Lake Shores, Section 35 of Gorman Township; Little Pine Lake (56-142).

Conditional Use Permit – Paul & Stasia Dorn:

Motion by Nelson, second by Froemming, and unanimously carried to approve a Conditional Use Permit to lower a bluff with conditions as recommended by the Planning Commission. The property is described as Pine Lake Shores Lot 6 Block 1, Section 35 of Gorman Township; Little Pine Lake (56-142).

Conditional Use Permit – Tim McGeehan:

Motion by Nelson, second by Froemming, and unanimously carried to approve a Conditional Use Permit to remove existing lakeside/shoreline terracing & replace with boulder type retaining wall system with conditions as recommended by the Planning Commission. The property is described as Lot 10 Block 2, Scalp Lake Acres, Section 7 of Hobart Township; Scalp Lake (56-358).

Final Plat – “Mason Lake Estates”

Motion by Froemming, second by Nelson, and unanimously carried to approve the Final Plat of Danny Hanson et al known as “Mason Lake Estates” located in Section 23 of Girard Township, Lake No. 56-196.

Motion by Lee, second by Block, and unanimously carried to approve the Final Plat of Wesley & Rodney Hagen known as “Western Exposure” located in Section 29 of Scambler Township on Pete Lake (56-941).

Conditional Use Permit for C. John Barry

Land & Resource Director, Bill Kalar, reported that the Land & Resource Committee met this morning regarding the Conditional Use Permit application request for C. John Barry on Pelican Lake as was previously requested. Discussion took place regarding the fact that the CUP request had already been denied, the Soil & Water Conservation District had not sent a final approval on the project, and concern that the applicant could sell off wetland credits, so the mitigation may not have resulted in 15 to 1 restoration. Motion by Lee, second by Mosher, and unanimously carried to state that the County Board revisited the Conditional Use Permit request of C. John Barry and the County Board's position has not changed.

Proposed Schedule Change

Mr. Kalar requested permission for his office (Land & Resource) to be closed to the public from 8 – 9 a.m., beginning September 1, 2002, because the office is short staffed at this time. Motion by Lee, second by Nelson, and unanimously carried to close the Land & Resource Office from 8-9 a.m. to the public, effective September 1, 2002, on a trial basis, provided that one person in the office is designated to answer the phone and take messages. This request is being granted because the office is currently short staffed and an hour of quiet time may expedite completion of paperwork.

Recess & Reconvene

At 12:13 p.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:02 p.m. with all seated commissioners present.

Request for Reconsideration of the Petition for a Vote for Little McDonald (Kerbs) & Paul Lake Improvement District

Ambrose and Tim Moenkedick requested reconsideration of several signatures on the petition recently submitted requesting a vote in order to proceed with the formation of the Little McDonald (Kerbs) & Paul LID. He presented a handout detailing each requested change. County Attorney, David Hauser, stated that the Auditor has reported that the changes would not make enough difference to give the petition 26% of the base property owners in the District. Joan Covington read, for the record, a letter stating her position regarding the petition and the formation of the LID. Motion by Block, second by Froemming, not to reconsider the final results of the Petition described above. Chairman Mosher called for a roll call vote:

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

Motion carried unanimously.

Contract Approval – CSAH No. 12

Motion by Mosher, second by Froemming, and unanimously carried to authorize the Chair's signature to execute a contract between the County of Otter Tail and Central Specialties, Inc. of Alexandria, MN, for work on CSAH No. 12, S.A.P. 56-612-11 & Etc. subject to approval of the County Attorney.

**TERMINATION OF JOINT POWERS AGREEMENT
RESOLUTION NO. 2002 – 50**

Road Testing Equipment (Road Rater)

Commissioner Nelson offered the following and moved its adoption:

WHEREAS, all twelve (12) Mn/DOT District No. 4 counties entered into a Joint Powers Agreement in 1980 to purchase, operate, and maintain non-destructive testing equipment to determine existing roadway structural strength, to provide data in determining bituminous overlay thickness and to provide data for spring weight restriction postings; AND

WHEREAS, the road testing equipment is near the end of it's useful life and the number of tests that are being performed annually is very minimal; AND

WHEREAS, the Joint Powers Agreement provides for the termination of the Joint Powers Agreement under Article VIII, Section 1c; AND

WHEREAS, Otter Tail County finds it is no longer economically feasible to continue the operation of this road testing equipment.

NOW, THEREFORE, BE IT RESOLVED, that Otter Tail County agrees to terminate this Joint Powers Agreement effective the date of this County Board Resolution.

Commissioner Block seconded the motion and upon being put to a vote, the resolution was adopted 4 – 1 with Commissioner Lee opposed.

Adopted at Fergus Falls, Minnesota, this 20th day of August, 2002.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: _____ By: _____
Larry Krohn, Clerk Dennis R. Mosher, County Board Chair

Closed to the Public

At 1:50 p.m., Chair Mosher 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 Teamsters Public and Law Enforcement Employees' Union, Local No. 320, (Patrol & Detention Units). All seated commissioners were present along with the County Coordinator, County Attorney, and Recording Secretary.

Open to the Public

Discussion - Regional Treatment Center

At 1:55 p.m., upon conclusion of the closed session, Chair Mosher declared the meeting open to the public for the remaining agenda items. Mr. Mosher opened discussion regarding problems with services at the Regional Treatment Center. Discussion continued regarding the way the employees are being treated especially in dealing with the uncertainties of their future. Motion by Lee, second by Block, and unanimously carried to draft a letter to the responsible authority at the State of Minnesota in regards to the situation at the Fergus Falls Regional Treatment Center.

Adjournment

At 2:00 p.m., Chairman Mosher declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, August 27, 2002.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Attest: _____ By: _____
Larry Krohn, Clerk Dennis R. Mosher, County Board Chair

CB/kd