

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, March 18, 2003
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, March 18, 2003, at 9:30 a.m. at the Otter Tail County Courthouse with Commissioners Malcolm Lee, Chair; Syd Nelson, Vice-Chair; Dennis Mosher, Roger Froemming, and Bob Block present.

Approval of Agenda

Motion by Mosher, second by Froemming, and unanimously carried to approve the County Board agenda of March 18, 2003, with the following change:
Agenda Item for Boat & Water Grant - canceled

Approval of Minutes

Motion by Nelson, second by Block, and unanimously carried to approve the County Board minutes of March 11, 2003, as mailed.

Approval of Minutes – Ditch #53

Motion by Mosher, second by Nelson, and unanimously carried to approve the Ditch #53 Public Hearing minutes dated March 4, 2003.

Approval to Pay Bills

Motion by Nelson, second by Froemming, and unanimously carried to approve payment of County Board bills per Attachment A of these minutes, which includes the following lodging payment:

Radisson Hotel

Solid Waste Director, Mike Hanan
HHW Coordinator, David Stadum

Presentation of “Years of Service” Awards

The Employees' Committee presented “Years of Service” awards to employees completing 5, 10, 15, 20, 25, & 30 years of service. Commissioners expressed their appreciation for their dedication to Otter Tail County.

Employees' Committee Role

Joyce Thompson, acting as spokesperson for the Employees' Committee, outlined a handout explaining several issues the Employees' Committee is dealing with or will be dealing with when employees begin to move to the new GSC building. Committee members asked the County Board if they feel this committee serves an important role and if the Board wishes the committee to continue to fund the annual County Christmas party and summer picnics. Commissioners stated that the Christmas party and picnics are very valuable and the only opportunity to get the employees gathered together. The Board requested that the Employees' Committee meet with department heads and submit recommendations to the County Board to solve the identified issues.

Public Meeting for Todd & Gordon Johnson Feedlot

At 10:00 a.m., Chairman Lee called the Public Meeting to order for the pending issuance of a Minnesota Pollution Control Agency Interim Permit for Todd and Gordon Johnson, Section 13

of Orwell Township in Otter Tail County. Todd Johnson was present and stated that the plan expands the feedlot by about 300 cows. At 10:05 a.m., with no one from the public present, Chairman Lee closed the Public Meeting.

Request to Hire Temporary Assistance

Human Services Director, John Dinsmore, requested authorization to hire temporary assistance for a limited number of hours per week until current employees are able to return from leaves of absence. Motion by Block, second by Froemming, and unanimously carried to approve Mr. Dinsmore's request to hire temporary assistance as presented.

Closed to the Public Reconvene

At 10:07 a.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners closed to the public to discuss threatened litigation as authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Present were all five seated commissioners and the County Attorney, Human Services Director, and Board Secretary.

At 10:22 a.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners open to the public for the remainder of the agenda items.

Civil Process Fees

Sheriff, Brian Schlueter, reported that he reviewed the current Civil Process Fee-for-Service Schedule. He requested an increase of \$5.00 for the "Service Fee" and the "Not Found" Fee. Motion by Nelson, second by Block, and unanimously carried to increase the following Otter Tail County Civil Process Fees effective April 1, 2003:

Service of Process Fee	\$30.00
Service Attempted/Not Found	\$25.00

Ditch #53

County Auditor, Wayne Stein, informed the Board that he has received a letter from Rush Lake Township committing \$5,000 towards the Ditch #53 project. He clarified that the \$5,000 includes the Rush Lake Township assessment for this ditch project.

Approval of Licenses

Motion by Froemming, second by Nelson, and unanimously carried to approve the following applications for license.

Balmoral Golf Course	On Sale Liquor
28294 St. Highway 78	On Sale Sunday Liquor
Battle Lake, MN 56515	

Doug and Mary's	Renewal of Consumption and Display Permit
30626 Edgewater Dr.	
Henning, MN 56551	

Huckleberry's	Tobacco
29961 415 th St.	
Dent, MN 56528	

Payment Approval

Motion by Mosher, second by Froemming, and unanimously carried to approve payment to Stephanie Krog, in the amount of \$250.00, for services provided under the provision of M.S. 609.35.

Premise Permit

Otter Tail County Resolution No. 2003 - 14

Commissioner Froemming offered the following and moved its adoption:

WHEREAS, the responsibility for the regulation of lawful gambling and the issuance of licenses and permits for the conduct of lawful gambling lies with the Minnesota Gambling Control Board; and

WHEREAS, the Henning Lions Club, Henning, MN, has made an application to the Gambling Control Board for a premise permit to conduct lawful gambling at the Oakwood Supper Club, in Henning Township of Otter Tail County; and

WHEREAS, Minnesota Statute 349.213 provides that the Gambling Control Board may not issue a premise permit unless they receive a resolution from the Otter Tail County Board of Commissioners approving the application for a permit; and

WHEREAS, the Otter Tail County Board of Commissioners is aware of no reason to oppose the conduct of lawful gambling by the Henning Lions Club, Henning, MN, at The Oakwood Supper Club, in Henning Township of Otter Tail County.

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby approves the conduct of lawful gambling by the Henning Lions Club, Henning, MN, at the Oakwood Supper Club, in Henning Township of Otter Tail County, provided the applicant meets all the necessary criteria for the licenses and permits as required by the Gambling Control Board.

IT IS FURTHER RESOLVED, that notice of this application and approval shall be provided to the Township of Henning by sending them a copy of this resolution.

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

Adopted this 18th day of March, 2003.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Malcolm K. Lee, County Board Chair

Attest: _____

Larry Krohn, Clerk

Request for Tax Abatement for Mark Sand & Gravel

City of Fergus Falls officials presented information as it relates to Mark Sand & Gravel Company. Economic Development Executive Director, Lee Danielson, reported that Mark Sand & Gravel is being asked to exit their current space because Minnesota Motors is planning to expand. He stated that Mark Sand & Gravel is a good payer, good provider of benefits, and a good purchaser in the county and community. They have purchased property outside of the city limits where they wish to expand. The City of Fergus Falls needs to annex the property and provide city water and sewer to that location. Mr. Danielson explained that this would be an expensive project and requested assistance from the County in the form of a fifteen-year tax abatement. Lengthy discussion followed regarding tax abatement, tax deferral, special levy, TIF financing, and orderly development. Several commissioners expressed support for keeping Mark Sand & Gravel Company in Fergus Falls for the economic benefit of the employees, community, and county.

Planning Commission Recommendations

"Kellogg's Paradise Point" / Les Kellogg:

Motion by Nelson, second by Mosher, and unanimously carried to approve the Preliminary Plat known as "Kellogg's Paradise Point" consisting of 7 single family residential lots with conditions as recommended by the Planning Commission. The property is described as Pt. of GL 6, Section 27 of Hobart Township; Long Lake (56-388).

Conditional Use Permit / James & Betty Spanswick:

Motion by Froemming, second by Block, and unanimously carried to approve a Conditional Use Permit to add a second home to this farm as requested. The property is described as Pt. of GL 1, of GL 2, of NE $\frac{1}{4}$ SE $\frac{1}{4}$ & of S $\frac{1}{2}$ SE $\frac{1}{4}$ in Section 21 of Otter Tail Township; Otter Tail Lake (56-242).

"Scott's Subdivision" / William & Patricia Scott:

Motion by Mosher, second by Block, and unanimously carried to approve the Preliminary Plat known as "Scott's Subdivision" consisting of 2 lots for single family residential use as presented. The property is described as Pt of GL 2 (7.6 Ac) in Section 34 of Tordenskjold Township; Stalker Lake (56-437).

Conditional Use Permit / Otter Tail County Highway Department

Motion by Froemming, second by Block, and unanimously carried to approve a Conditional Use Permit for State Project No. 56-605-06, reconstruction of CSAH No. 5, with conditions as recommended by the Planning Commission. The property is described as from 400' N of the SW corridor, Section 5 to 775' S of the NW corridor, Section 8 (CSAH No. 5 from TH 210 S, 3.2 Miles; 1,175 feet within shoreland area) Sections 5, 6, 7 & 8 of Nidaros Township; Bullhead Lake (56-171).

Conditional Use Permit / David Koppe:

Motion by Froemming, second by Mosher, and unanimously carried to level and reclaim an existing gravel pit with conditions as recommended by the Planning Commission. The property is described as Lot 5 (34.2 Ac) in Section 24 of Otter Tail Township; Gourd Lake (56-139).

Natural Resources Block Grant Awards

Mr. Kalar provided the 2003 Natural Resources Block Grant Awards after the unallotment of \$70,790 for Otter Tail County. The County will received \$10,803 from the Board of Water and Soil Resources 2003 Natural Resources Block Grant.

Letter Read for the Record

A letter from Charles Ponto was received regarding the proposed road location for "Kellogg's Paradise Point" development. Mr. Kalar read the letter for the record. No action was taken.

Health Information Policy

Motion by Block, second by Mosher, and unanimously carried to approve the Otter Tail County Health Information Policy as presented by the County Attorney for Health Insurance Portability and Accountability Act compliance.

New and Vacant Positions

Motion by Lee, second by Nelson, and unanimously carried to require that all new and vacant positions be reviewed by the County Board before hiring for the position.

**Resolution Designating County State Aid Highway Location
County State Aid Highway No. 5
Otter Tail County Resolution No. 2003 - 15**

Upon a motion by Froemming, seconded by Mosher, and unanimously carried, the following resolution was adopted:

WHEREAS, it appears to the County Board of Commissioners of the County of Otter Tail that the highway right of way required for County State Aid Highway No. 5 under Project No. S.P. 56-605-06 should be accurately described and located by a highway right of way plat.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Commissioners of the County of Otter Tail that the Board of County Commissioners for the County of Otter Tail is hereby designating the definite location of County State Aid Highway No. 5 in Sections 5, 6, 7, 8, 17, 18, 19 and 20 all in Township 132 North, Range 39 West, of the 5th Principal Meridian as shown on the 3 pages of OTTER TAIL COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 11.

Adopted at Fergus Falls, Minnesota, this 18th day of March, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

Adjournment

At 11:44 a.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, March 25, 2003.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

CB/kd