

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, April 8, 2003
9:30 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, April 8, 2003, at 9:30 a.m. at the Otter Tail County Courthouse with Commissioners Malcolm Lee, Chair; Syd Nelson, Vice-Chair; Roger Froemming, Dennis Mosher, and Bob Block present.

Approval of Agenda

Motion by Froemming, second by Nelson, and unanimously carried to approve the Human Services agenda of April 8, 2003, as mailed.

Approval of Minutes

Motion by Mosher, second by Block, and unanimously carried to approve the Human Services Board minutes of March 25, 2003, as mailed.

Respite Care Program Update

Virginia Hanson of Lutheran Social Services provided the 2002 LSS Caregiver Support and Respite Program Annual Report. The program focuses on the well being of the caregiver who is taking care of a chronically ill person at home or in a facility. Ms. Hanson reviewed the program's first successful year and offered to update the County Board on an annual basis on this program.

WC Regional Juvenile Center

Court Services Director, Chuck Kitzman, introduced discussion regarding the WCRJC. Commissioner, Syd Nelson, reported on a recent Advisory Board meeting and conveyed concern regarding the financial status of this detention center as well as concern how future funding may effect detention centers throughout the State. Lengthy discussion followed. Commissioners requested that the Director of the WCRJC meet with the Human Services Board.

**Proposed Grant Redesign Policy and Funding Concepts
Local Public Health Act (145A/145.88)
Otter Tail County Resolution No. 2003 - 21**

Commissioner Block offered the following and moved its adoption:

WHEREAS, the Minnesota Department of Health (MDH) is establishing a Local Public Health Grant consolidating thirteen categorical grant funds into one block grant to Local Community Health Boards and Tribal Governments in Minnesota; and

WHEREAS, the formula designating fund distribution to Local Community Health Boards and tribal governments in Minnesota will be part of the 2003 revisions to Minnesota Statute 145.A, known as "The Local Public Health Act"; and

WHEREAS, MDH currently retains a significant proportion of federal funds for administration and technical assistance to local community health boards,

NOW, THEREFORE, BE IT RESOLVED, the Otter Tail County Board of Commissioners hereby adopts and supports the following principles to be used in advocating for an equitable Local Public Health Grant formula design:

1. Funds must be targeted to areas with the greatest health issues in order to make measurable progress in statewide health outcomes, such as infant mortality, low birth weight, teen pregnancy, uninsured children, immunization rates, tuberculosis, diabetes, asthma, and cardiovascular disease.
2. Formula design must reflect Otter Tail County's at risk populations such as poverty, communities of color, refugees and immigrants, and other cultural groups.
3. Formula design must recognize the spending and eligibility requirements associated with the sources of the funds that are incorporated into the local public health grant such as TANF and MCH Block Grant.
4. The formula determined in 2003 is applied for no more than two years at which time it would be reviewed.
5. Remaining funds from the Tobacco Endowment be re-allocated to community health boards according to the established formula instead of being retained by the Minnesota Department of Health.
6. The proportion of federal MCH dollars allocated to community health boards should be increased from 66% to 75%.

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

Adopted at Fergus Falls, Minnesota, this 8th day of April, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

Receipt of Letter Acknowledged

Motion by Mosher, second by Block, and unanimously carried to acknowledge receipt of a letter from Cheryl Mostue. The letter was referred to the Human Resource Director.

Bills & Claims

Motion by Mosher, second by Block, and unanimously carried to approve the Human Services bills & claims as presented.

Adjournment

At 10:44 a.m., Chairman Lee declared the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, April 22, 2003.

Dated: _____ OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____
Malcolm K. Lee, Human Services Chair

Attest: _____
Larry Krohn, Clerk

Call to Order – County Board

The Otter Tail County Board of Commissioners convened Tuesday, April 8, 2003, at 11:00 a.m. at the Otter Tail County Courthouse with Malcolm Lee, Chair; Syd Nelson, Vice-Chair; Roger Froemming, Dennis Mosher, and Bob Block present.

Approval of Agenda

Motion by Block, second by Mosher, and unanimously carried to approve the County Board agenda of April 8, 2003, with the following additions:

11:50 a.m. – Sheriff's Department - Boat & Water Grants

Approval of Minutes

Motion by Froemming, second by Nelson, and unanimously carried to approve the County Board minutes of April 1, 2003, as mailed.

Approval to Pay Bills

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

Court Expenses

Court Administrator, Kathy Ouren, reported that, when public defenders make application to the Court for services for their clients, under M.S. 611.21, the County is responsible for payment of those services. The past expenses in this category have been for interpreter services. The judge signs an order and generally, includes a not to exceed dollar amount. Ms. Ouren intends to pay for these expenses out of her current County budget and will monitor the account as necessary.

2003 Natural Resources Block Grant

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair's signature to execute the 2003 Natural Resources Block Grant Agreement, in the amount of \$10,699.00. The County agrees to provide an in-kind match of \$10,699.00 in order to apply for the grant.

Hauler's Application

Motion by Froemming, second by Nelson, and unanimously carried to approve the Hauler's application from West Central Rolloff of Vining, MN.

Storage Building at Northeast Landfill

After previously advertising for bids, Solid Waste Director, Mike Hanan, opened the following bids for a new 40' x 60' storage building and shop at the Northeast Landfill:

<u>Bidder/Company Name</u>	<u>Option #1</u>	<u>Option #2</u>
Hexum Building	\$62,390.00	

Richter Const.	\$80,450.00	
Henry Building	\$94,531.00	
Olson-Truax	\$84,453.00	\$81,983.00
Layman Excav.	\$97,000.00	
Monson Const.	\$69,590.00	
All Building Corp	\$97,700.00	

Motion by Mosher, second by Block, and unanimously carried to award the bid for a 40' x 60' storage building and shop at the Northeast Landfill to the low bidder, Hexum Building, in the amount of \$62,390.00.

Furniture Bid Package for the Government Services Center

After previously advertising for bids, Physical Plant Manager, Rick Sytsma, opened the following line item bids, for furniture for the Government Services Center, Project # 0202, as follows:

Item	Description	Coopers	Hannaher's	Macro	Office Source	WorkXite
1	Workstations	\$516,067.03	\$559,556.54	No Bid	No Bid	\$730,483.65
1A	Simplified Electrical	(\$4,581.33)	(\$12,429.17)	No Bid	No Bid	(\$9,606.68)
1B	Monolithic Panel	(\$27,425.46)	(\$63,120.61)	No Bid	No Bid	(\$118,364.78)
2A	Personal Workstation Storage	\$187,704.10	\$82,312.68	No Bid	No Bid	\$261,819.06
2B	Supplementary Storage	\$21,762.85	\$103,456.18	No Bid	No Bid	\$27,654.16
3	Conference Tables	\$37,322.85	\$33,978.83	\$37,065.00	No Bid	\$36,478.18
4	Hospitality and Media Carts	\$9,633.35	\$8,304.86	No Bid	\$10,362.00	\$9,018.00
5	Occasional Tables	\$3,399.48	\$2,956.44	No Bid	No Bid	\$3,292.23
6	Children's Furniture	\$2,030.38	\$1,838.47	No Bid	No Bid	\$1,730.09
7	Task Seating	\$98,745.95	\$101,084.14	\$98,181.37	No Bid	\$115,328.44
8	Guest Seating	\$47,798.58	(1) \$17,776.98	\$45,365.05	\$54,800.00	\$44,347.83
9	Lounge Seating	\$20,310.86	\$16,720.53	No Bid	No Bid	\$19,135.44
10	Waiting Seating	\$11,396.35	\$14,921.17	No Bid	No Bid	\$11,563.30
11	Conference Seating	\$30,164.00	No Bid	\$23,094.90	\$26,276.00	\$26,870.44
12	Public Comm & Dining Seating	\$27,295.74	No Bid	No Bid	No Bid	\$23,198.38

13	Commissioner's Seating	\$5,946.96	No Bid	No Bid	\$5,995.00	(2) \$2,307.17
14	Bulk Shelving & Storage	\$5,998.76	\$3,934.11	No Bid	\$3,190.00	\$6,576.52
15	Mail Room Furniture	\$4,237.02	\$3,198.14	No Bid	\$7,548.00	\$4,539.13
16A	Lockers	\$2,199.23	\$1,504.85	No Bid	No Bid	No Bid
16B	Brochure Rack	\$804.28	No Bid	No Bid	No Bid	No Bid
16C	Foot Rest	No Bid	\$46.11	No Bid	No Bid	No Bid
16D	Coat Rack	\$650.72	\$584.02	No Bid	No Bid	No Bid
16E	Post and Rope Dividers	\$1,067.13	\$994.42	No Bid	No Bid	No Bid
16F	Waste Receptacles	\$3,076.79	\$2,826.89	No Bid	No Bid	No Bid
16G	Plan Rack	\$538.68	\$406.65	No Bid	\$467.00	\$505.75
16H	Plan Files	\$5,565.69	\$4,269.48	No Bid	\$4,829.00	\$5,308.39
16I	Plan Rack	\$11,482.83	\$8,803.86	No Bid	\$9,885.00	\$10,759.41
16J	Set-up Room Furniture	\$11,983.70	\$9,187.60	No Bid	\$11,195.00	\$12,244.25
	Total Per Vendor	\$842,427.52	\$93,782.68	\$23,094.90	\$3,190.00	\$69,276.30
TOTAL FURNITURE BID PACKAGE \$1,031,771.40						
(1) Incomplete Bid						
(2) Gross Error						

Motion by Block, second by Mosher, and unanimously carried to award the following recommended furniture bids for the Government Services Center as follows:

Item	Description	Bidder/Company	Bid Amount
1	Workstations	Coopers	\$516,067.03
2A	Personal Workstation Storage	Coopers	\$187,704.10
2B	Supplementary Storage	Coopers	\$21,762.85
3	Conference Tables	Hannaher's	\$33,978.83
4	Hospitality and Media Carts	Hannaher's	\$8,304.86
5	Occasional Tables	Hannaher's	\$2,956.44
6	Children's Furniture	WorkXite	\$1,730.09
7	Task Seating	Coopers	\$98,745.95
8	Guest Seating	WorkXite	\$44,347.83
9	Lounge Seating	Hannaher's	\$16,720.53
10	Waiting Seating	Coopers	11,396.35

11	Conference Seating	Marco	\$23,094.90
12	Public Comm & Dining Seating	WorkXite	\$23,198.38
13	Commissioner's Seating	Coopers	\$5,946.96
14	Bulk Shelving & Storage	Office Source	\$3,190.00
15	Mail Room Furniture	Hannaher's	\$3,198.14
16A	Lockers	Hannaher's	\$1,504.85
16B	Brochure Rack	Coopers	\$804.28
16C	Foot Rest	Hannaher's	\$46.11
16D	Coat Rack	Hannaher's	\$584.02
16E	Post and Rope Dividers	Hannaher's	\$994.42
16F	Waste Receptacles	Hannaher's	\$2,826.89
16G	Plan Rack	Hannaher's	\$406.65
16H	Plan Files	Hannaher's	\$4,269.48
16I	Plan Rack	Hannaher's	\$8,803.86
16J	Set-up Room Furniture	Hannaher's	\$9,187.60
	Total Furniture Bid Package		\$1,031,771.40

Space Planning

Mr. Sytsma reported that the County is nearing completion of the remodeling project at the Government Services Center building. He requested that the County authorizes planning for the next phase and he presented a proposal from Shultz Torgerson Architects, not to exceed \$15,000, for this preliminary space planning. Motion by Mosher, second by Block, and unanimously carried to proceed with the Facility Master Plan Phase 2 planning proposal as presented by Shultz Torgerson Architects in the amount of \$15,000. Further, the motion directed that this expenditure would be paid from the GSC Project Capital Improvement Fund.

Boat & Water Grant Agreements

Sheriff, Brian Schlueter, presented federal and state Boat & Water Grant Agreements and requested the Chair's signature. He reported that the County will receive \$5,000 less from these grants; therefore, the Sheriff's Department will cut back one Boat and Water Patrol position. Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair's signature to execute the Federal Boating Safety Supplement Grant Agreement and the State of Minnesota Annual County Boat and Water Safety Grant Agreement for CY2003.

Opposing Passage of Legislation Which Would Institute a Reverse Referendum On Tax Levy Increases Otter Tail County Resolution No. 2003 – 22

Commissioner Nelson offered the following and moved its adoption:

WHEREAS, Article 5, Sec. 1 Subd. 9 of H.F. 751 as introduced in the 2003 session of the Minnesota Legislature calls for creation of law which would implement a reverse referendum procedure on tax levy increases; and,

WHEREAS, this reverse referendum requirement could lead to the eventual dismantling of local government services to citizens and to diminishing the quality of life of Minnesotans; and

WHEREAS, said legislation flies in the face of the principles of representative democracy, dating back to the days of Thomas Jefferson and James Madison; and,

WHEREAS, the citizens of Minnesota already have an enhanced role through electing local officials to become knowledgeable and to make informed decisions on behalf of their constituents, and through extensive citizen involvement on a daily basis; and,

WHEREAS, such a proposal breaks with long-standing historical legislative policy allowing for local control and local accountability, two of the most appropriate constraints on property taxes; and,

WHEREAS, the duly elected Commissioners of the respective 87 Minnesota counties annually construct and prudently adopt an annual budget which results in property tax levies suited to the needs of the county; and,

WHEREAS, ample opportunities to influence the annual property tax levy are granted to citizens through public meetings of budget committees or the full Board of Commissioners as well as the annual Truth in Taxation process; and'

WHEREAS, such a referendum would create an expensive unfunded mandate of a special election which tend to have mediocre voter turnouts and, as a result, the outcome of the vote can be a poor representation of the will of the majority; and,

WHEREAS, County Commissioners stand before their constituents with a willingness to accept full responsibility for property tax increases that are justified, fiscally prudent, and serve the best long-term interests of the community even if short-term "political" considerations might dictate otherwise; and,

WHEREAS, other than raising fees, county governments in Minnesota have only the property tax levy available to meet the inflationary and population-driven demands of the mandated and essential services delivered to citizens; and,

WHEREAS, implementation of a local reverse referendum on property tax decisions could seriously jeopardize and cloud bond ratings and the ability to adequately fund debt service on existing debt; and,

WHEREAS, the necessary increases in the tax levy do not in and of themselves raise property taxes, which are affected by numerous other factors including class rate reductions, limited market value, programmatic aids, and property tax relief determined by the state legislature:

NOW, THEREFORE, BE IT RESOLVED the Otter Tail County Board of Commissioners hereby opposes passage of legislation, which would impose a reverse referendum on tax levy increases.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Governor Tim Pawlenty; Senate Majority Leader John Hottinger; Speaker of the House of Representative Steve Sviggum; Senator Larry Pogemiller, Chair of the Senate Committee on Taxes;

Representative Ron Abrams, Chair of the House Taxes Committee; local state legislators; and the Association of Minnesota Counties (AMC).

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

Adopted this 8th day of April, 2003.

Dated: _____ OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____
Malcolm K. Lee, Human Services Chair

Attest: _____
Larry Krohn, Clerk

Performance Evaluation Summary

Motion by Froemming, second by Block, and unanimously carried to approve the satisfactory performance evaluation as submitted for GIS Coordinator, Brian Armstrong, and to direct that the summary be placed in his personnel file.

Corrections to March 25, 2003, Minutes

Motion by Mosher, second by Froemming, and unanimously carried to approve corrections/clarifications to the March 25, 2003 Board of Commissioners' minutes relative to the Blue Heron Bay EIS Needs agenda topic. The following will replace the language previously approved:

Planning Commission Recommendations – Blue Heron Bay

Chairman Lee requested that Land & Resource Director, Bill Kalar, begin discussion regarding the recent Planning Commission meeting. Mr. Kalar stated that the Planning Commission met on March 19, 2003, to consider the Environmental Assessment Worksheet prepared for the proposed development of Blue Heron Bay on Dead Lake. A summary of all letters received during the comment period was provided and considered. The Planning Commission looked at additional information as well. Mr. Kalar, read for the record, the recommendation of the Planning Commission regarding whether or not an Environmental Impact Statement for the proposed development of Blue Heron Bay is necessary as follows: "A motion by Schwartz, second by Maske, to recommend a Negative Declaration, since there is not a potential for significant environmental impact (see attached Findings of Fact)." This recommendation passed on a 7 – 3 vote.

Chairman Lee stated that the public comment period regarding an EIS for Blue Heron Bay ended March 5, 2003; however, Chairman Lee opened the floor for additional comments.

Developer, Jim Erickson, management partner of R. Murray Partnership, LLP, stated that if issues arise during this meeting, he is present to respond. The developer expressed pride in the EAW prepared by the County's staff and confidence in the recommendation of the Planning Commission. He noted that all of this information will again, be in front of the Planning Commission, during the conditional use permit process. County Attorney, David Hauser, asked Mr. Erickson to explain the book provided to the Board entitled "Response to Public Comments on the EAW" dated March 19, 2003. Mr. Erickson explained that tab 1 was

a redline version of the proposed findings of fact. In addition, there is information regarding the bass tournaments held on Dead Lake, letters submitted to the Planning Commission and the summary of those letters, and a small map to address the issue of the shallow bay with a proposed slow or "no wake" zone around the peninsula. Mr. Hauser asked about a letter from Bonnie Swanson regarding archaeological investigation. Mr. Erickson stated that this is a neighbor with historic knowledge of the peninsula who has been invited onto the property to point out any area where there may be Indian Mounds.

Attorney, Chuck Krekelberg, representing the Dead Lake Association, expressed concerns regarding the action of the Planning Commission. He stressed that this is an extremely fragile area in Otter Tail County with tremendous potential for environmental damage. He stated that the Dead Lake Association believes that the Planning Commission did not give enough consideration to numerous concerns expressed regarding the cumulative effect that could happen from that development because of issues such as depth of the bay, shallowness of the bay, effect of motors and props stirring up sediment, and archaeological information. He stated that the Planning Commission erroneously assumed existing regulations would address environmental concerns caused by this particular project. He used the "no wake" zone idea as an example. The County doesn't have a "no wake" zone ordinance and how would that regulation be enforced to prevent environmental damage? Mr. Krekelberg expressed concern regarding effect and irreversibility – once the damage is done, no regulation can fix environmental damage. He objected to the manner in which the EAW was adjusted on the day of the hearing. In summation, Mr. Krekelberg, reiterated that the County did not have enough information to determine environmental impact and an EIS is how you obtain that information.

County Attorney, David Hauser, stated that the Environmental Impact Statement shall be ordered for projects that have potential for significant environmental effects. If a determination is made that there is insufficient Information, that information can be requested as part of an EIS or a decision can be postponed for not more than 30 days in order to obtain the lack of information. The decision shall be either a negative declaration or a positive declaration. If an EIS is determined to be necessary, the scope of the EIS must be provided. The record must include comments on the EAW, which was the purpose of the summary of comments for the Planning Commission. In deciding whether potential for significant environmental effects exists, the responsible governmental unit shall compare impacts from the project with the criteria as outlined in the Findings of Fact. Mr. Hauser then lead the County Board through the Findings of Fact submitted as part of the minutes of the Planning Commission meeting. The following comments were received:

Section X of the Findings of Fact: "That there are two islands adjacent to the main part of the development. Although they may support limited development, they are suitable to be part of the project. The determination as to the number of units the project can support is subject to the conditional use permit process."

Spencer Schram, Dead Lake Association Environmental Committee member, objected to modification of any part of the project and asked that this modification not be allowed or considered.

Attorney for the developer, Bob Russell, responded that the responsible unit of government should listen to amendments and should research each finding.

Section XII of the Findings of Fact: “The vacation of the township road poses no potential for significant environmental effects. The construction of any new road would be subject to the conditional use permitting process.”

Jim Erickson explained that the application to vacate the minimum maintenance road has not been submitted to the township at this point. The township currently has an easement.

Section XIII of the Findings of Fact: “The project is in a shoreland area of a natural environment lake, and the standards for the cluster development will be subject to standards designed for a natural environment lake.”

Commissioner Nelson asked what the standards are for a project in the shoreland area of a natural environment lake. Mr. Kalar responded that the minimum requirements for residential lot/block development are 200' frontage and 80,000 sq. ft. per lot. If backlots are proposed, then the ordinance requires the numbers to be doubled. In a cluster development, in determining density, you take into account the minimum lot sizes and the usable area of the property (tiers) On a natural environment lake, the first tier goes back 400'. The maximum number of units allowable for this property, is 139; however, that number does not need to be approved. During the CUP process, that number could be approved along with conditions on how development could occur, where buildings are allowed to be located, etc.

Section XIV of the Findings of Fact: “The project is a large one; however, the parcel is large, suitable for development, and will be subject to the conditional use process and rules relating to cluster developments. Some variances are being requested with regard to the height of barns; the number, size, and location of water oriented accessory structures; and the number of dock spaces. Approval would be necessary both through the conditional use process and the variance process. With the volume of information available, appropriate conditions can be imposed to prevent any potential significant environmental effects.”

Jim Erickson stated that the developers filed 4 variances; however, have now withdrawn one, will ask the Board of Adjustment to act on the height of the barns, and defer action on the WOAS and number of docks until a later date.

Section XVIII of the Findings of Fact: “Based on the substantial benefits of the proposed wastewater system, no issues are identified that would result in the potential for significant environmental effects. Further, ongoing regulatory authority of the MPCA and the County mitigates the impacts from the wastewater system. Based on the description of the project, no issues are identified that have the potential for significant environmental effects.”

Discussion took place regarding the proposed septic system. This type of septic system has not been previously installed under the County's jurisdiction. This system would be permitted/licensed under the MPCA and the County's regulatory authority would be to ensure that each unit is hooked up to an appropriate system.

Section XXI of the Findings of Fact: “The additional residential units on the lake will add to boat traffic. At present, it appears there are 28 acres of lake per residential unit. With this project, there would be 17 acres of lake per residential unit. If all of the shoreline of the lake

were developed, there would be eight acres of lake per residential unit. The project does not pose a potential for significant environmental effect to the lake as a whole.”

Mr. Krekleberg objected to this finding as an assumption that the project does not pose a potential for significant environmental effect to the lake as a whole, and ignoring the shallowness of the lake. Discussion took place regarding the number of boats coming into the lake from the public access and as part of the fishing tournaments. It was mentioned that a “no wake” zone was proposed in letters from the DNR. Gary Ruehmann objected to the “no wake” zone as not enforceable.

Continued Discussion:

Jim Erickson formally requested that the Board look at the developer’s proposed findings and judge the appropriateness of the additional proposals. He stated that the process would be well served to look at additional proposals. There has been discussion about Dead Lake being a waterfowling lake and, Mr. Erickson, for the record, stated that waterfowling and the impact on migrating birds is greatest in October and November, therefore, management would make every effort to take boats and docks out of the lake before migrating season.

Ernie West stated that Dead Lake Township does not endorse this project as brought to them and it is premature to assume that the public township road would be abandoned.

Chairman Lee closed comments from the floor at 2:19 p.m. Discussion continued. Leona Zimmerman, Dick Sha, and Joe Maske of the Planning Commission answered commissioners’ questions regarding cluster developments.

Motion by Nelson, second by Block, to adopt the Findings of Fact as attached to the March 19, 2003, Planning Commission minutes, except to delete Paragraph XXI. Motion carried unanimously.

Adjournment

With no further action requested, on April 8, 2003, at 12:20 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, April 15, 2003.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Malcolm K. Lee, County Board Chair

Attest: _____

Larry Krohn, Clerk