

**MINUTES OF THE
 OTTER TAIL COUNTY BOARD OF COMMISSIONERS
 Otter Tail County Courthouse
 Commissioners' Room, Floor 1-B
 Tuesday, May 6, 2003
 9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, May 6, 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 Froemming, second by Nelson, and unanimously carried to approve the County Board agenda of May 6, 2003, with the following additions:

11:30 a.m. – Dave Anderson – String Test Issue
 1:50 p.m. Physical Plant Manager, Rick Sytsma

Approval of Minutes

Motion by Block, second by Mosher, and unanimously carried to approve the County Board minutes of April 22, 2003, as mailed.

Approval to Pay Bills

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

Property Appraisal Discussion

Property Owner, Tom Helcl, expressed concern with the appraisal process on his resort and home property. He stated that this past January, he received a form stating that he needed to reapply for his homestead classification; however, the deadline to apply for homestead is in December. He then lost his resort classification to a seasonal classification and his homestead to a non-homestead classification. Discussion followed. Commissioners requested another meeting with Mr. Helcl and the Assessor to further discuss the issues.

Household Hazardous Waste Mobile Collection Contracts

Motion by Mosher, second by Block, and unanimously carried to authorize the Chair's signature to execute the following Household Hazardous Waste Collection agreements:

Contract	HHW Collection Date
County of Otter Tail & City of Pelican Rapids	Wednesday, August 13, 2003
County of Otter Tail & City of New York Mills	Tuesday, September 16, 2003
County of Otter Tail & City of Underwood	Tuesday, May 6, 2003
County of Otter Tail & City of Ottertail	Friday, June 6, 2003
County of Otter Tail & City of Henning	Tuesday, June 10, 2003
County of Otter Tail & City of Perham	Wednesday, July 23, 2003

Ash Disposal Agreement

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair's signature to execute an Ash Disposal Agreement between the County of Otter Tail, Tri County Solid Waste Management Commission, and the City of Perham.

Rate Increase Proposal from Waste Management

Motion by Block, second by Mosher, and unanimously carried to accept the recent rate increase proposal from Waste Management for transportation of waste from the Henning Transfer Station as follows:

- Increase the rate from \$4.25 to \$4.50 per ton for transportation of waste from Henning to Gwinner
- Increase from \$1.65 to \$1.70 per ton for transportation from Perham to Fergus Falls

Phelps Mill Park Update

Historical Museum Executive Director, Chris Schuelke, provided information for upcoming activities and goals for the Phelps Mill Park. Over the winter, there have been new laminated signs that explain specific functions of the machines added to the mill for historical interpretation. There will be a consulting group (Partners in Time) putting together a planning package to make the Mill more of a historical interpretive center. A foundation, wishing to contribute to the Mill, has provided \$5,000 for this planning process. Mr. Schuelke discussed a desire to recover the turbine from the old Parkdale Mill that has fallen into the Pomme de Terre River and use it at Phelps Mill because it is the same type of turbine.

Amendment to the ICWC Contract

Motion by Mosher, second by Block, and unanimously carried to authorize the Chair's signature to execute Amendment No. 1 to the Institution Community Work Crew Contract (A19048) which reduces the funding for FY2002 from \$219,000 to \$209,000.

Recess & Reconvene

At 10:20 a.m., Chair Lee declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 10:36 a.m.

Lease Agreement

Motion by Nelson, second by Froemming, and unanimously carried to authorize the signature of the County Recorder to execute a lease agreement between the County of Otter Tail and Xerox for leasing two copiers (one with a built-in fax and a larger one) for \$200 per month for a five year term.

Resolution Establishing the Minnesota Service Cooperatives VEBA Post Retirement Health Care Savings Plan for Otter Tail County Human Services Management Team Members Otter Tail County Resolution No. 2003 - 30

Commissioner Mosher offered the following and moved its adoption:

WHEREAS, the Otter Tail County Board wishes to offer tax preferred and tax free benefit plans to eligible current and former employees:

NOW, THEREFORE, BE IT RESOLVED:

1. The Otter Tail County Board will take whatever steps are necessary to establish a Voluntary Employees' Beneficiary Association ("VEBA") for the provision of a Post Retirement Health Care Savings Plan ("PRHCSP") for retired employees.
2. The Otter Tail County Board hereby adopts the Minnesota Service Cooperatives VEBA Plan and Employee Benefits Trust Agreement, which is intended to qualify as a VEBA

under Section 501(c)(9) of the Internal Revenue Code, and consents to the appointment of Wells Fargo Corporation as Trustee.

3. The effective date of the establishment of the VEBA and Health Care Expense Account shall be on or before May 30, 2003.

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

Adopted on the 6th day of May, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

Planning Commission Recommendations

Conditional Use Permit – Terry L. Davis:

Motion by Froemming, second by Nelson, and unanimously carried to authorize a Conditional Use Permit for this grade & fill project as presented. The property is described as Lots 8 & 9, Blk 1, South Oaks, Section 1 of Otter Tail Township; Buchanan Lake (56-209).

Conditional Use Permit – Star Lake Resort/Phyllis Reimer:

Motion by Lee, second by Mosher, and unanimously carried to approve a Conditional Use Permit to sell a portion of land to the Department of Natural Resources and construct a home on remaining property as presented. The property is described as GL 1 ex N 1.3 Ac ex platted (23.37 Ac), Section 35 of Dora Township; Star Lake (56-385).

Conditional Use Permit – Daniel F. Primoli:

Motion by Nelson, second by Froemming, and unanimously carried to approve a Conditional Use Permit to construct a garage with attached shop and a driveway with conditions as recommended by the Planning Commission. The property is described as Pt of GL 5... (Tract P), Section 28 of Hobart Township; Long Lake (56-388).

Conditional Use Permit – Pierre & Mary duCharme:

Motion by Lee, second by Mosher, and unanimously carried to approve a Conditional Use Permit to expand a commercial business as presented. The property is described as Pt GL 1...(1.12 Ac), Section 4 of Star Lake Township; Star Lake (56-385).

Conditional Use Permit – Al & Genelle Sather:

Commissioners discussed this project. Rob Goral represented the applicant. Motion by Lee, second by Froemming, and carried with Block and Mosher opposed, to approve a Conditional Use Permit to fill a swale and regrade a parking area with conditions as recommended by the Planning Commission. The property is described as Pt GL 4...(10.65 Ac), Section 9 of Candor Township; Leek/Trowbridge (56-532).

Conditional Use Permit – Walter E. Yonker Tst/Taylor Investment Corporation:

Motion by Lee, second by Mosher, and unanimously carried to deny, as recommended by the Planning Commission, a Conditional Use Permit to construct a drive-way. The Property is described as Pt GL 4 ex tr 472.80' x 410' in NW cr (37.95 Ac), Section 22 of Dunn Township; Elbow Lake (56-774).

Conditional Use Permit – William S. Corbin:

Motion by Lee, second by Block, and unanimously carried to deny, as recommended by the Planning Commission, an after-the-fact Conditional Use Permit to construct a retaining wall. The property is described as Betty Johnson Addition Lot 6 Blk 1, Section 20 and Pt SW¼ SW¼ ...(.42 Ac), Section 21 of Dunn Township; Lake Lizzie (56-760).

Final Plats

Motion by Froemming, second by Mosher, and unanimously carried to approve the Final Plat for a 3-lot subdivision known as "Wall Estates" owned by Wendell A. and Shirley Wall located on GL 2, Section 29, Township 134, Range 39, Otter Tail Township; Otter Tail Lake (56-242).

Motion by Mosher, second by Lee, and unanimously carried to approve the Final Plat known as "Koep's Subdivision" owned by Joseph A. & Eileen C. Koep located in Section 17, Township 131N, Range 39W on Spitzer Lake.

Discussion - String Test Relating to the Shoreland Management Ordinance

Dave Anderson, owner of property on Big McDonald Lake (Big McDonald Shores First Addition), expressed concern regarding the use of the string test in newer subdivisions where, in his opinion, there should be no exceptions to the setback requirement. Mr. Anderson objected to the use of a trailer as a structure in applying the string test. He noted that the language in the SMO (page 24 under Administrative Officer, Section E) uses the word "may" which means possibility, not an automatic permit. Mr. Anderson requested that his neighbor not be allowed to use the string test; rather that he be required to setback his home 100' from both lakes. Land & Resource Director, Bill Kalar, stated that the permit for Mr. Anderson's neighbor was revoked last fall because there weren't structures on both adjoining lots to apply the string test. After revocation, the neighbor informed Mr. Kalar that there were structures on both lots. The Land & Resource Office confirmed this information, brought this back to the County Board, and the permit was reinstated. Mr. Kalar stated that in the past, the County has given applicants the benefit of the string test if it applies in their situation. No action was taken.

Recess & Reconvene

At 12:08 p.m., Chair Lee declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:16 p.m.

Bid Award – C.P.03:TM

After previously advertising for bids, Highway Engineer, Rick West, opened the following bids for 2003 County Wide Traffic Marking at 1:00 p.m. on April 23, 2003, as follows:

Interstate Road Management Alexandria, MN	\$102,905.50
Traffic Marking Services, Inc. Buffalo, MN	\$105,353.50

AAA Striping Service Co. \$107,080.40
Rogers, MN

Tri-State Striping Service Co. \$114,852.75
Fargo, ND

Motion by Nelson, second by Block, and unanimously carried to award the 2003 County Wide Marking Traffic project to the low bidder, Interstate Road Management, in the amount of \$102,905.50.

Contract Approval – Hot Mix Bituminous Contracts

Motion by Lee, second by Nelson, and unanimously carried to authorize the Chair's signature to execute a contract between the County of Otter Tail and Sherbrooke Asphalt, Inc. for seasonal supply of hot mix bituminous material for North Otter Tail County.

Motion by Froemming, second by Nelson, and unanimously carried to authorize the Chair's signature to execute a contract between the County of Otter Tail and Central Specialties, Inc. for seasonal supply of hot mix bituminous material for East Otter Tail County.

Motion by Mosher, second by Block, and unanimously carried to authorize the Chair's signature to execute a contract between the County of Otter Tail and Central Specialties, Inc. for seasonal supply of hot mix bituminous material for West Otter Tail County.

Motion by Froemming, second by Nelson, and unanimously carried to authorize the Chair's signature to execute a contract between the County of Otter Tail and Wadena Asphalt, Inc. for seasonal supply of hot mix bituminous material for East Otter Tail County.

Contract for S.A.P. 56-652-12

Motion by Froemming, second by Mosher, and unanimously carried to authorize the Chair's signature to execute a contract between the County of Otter Tail and Central Specialties, Inc. for the CSAH No. 52 project from TH 106 to TH 29, North of Deer Creek (S.A.P. 56-652-12).

Resolution Requesting Approval of the "Hazard Mitigation Grant Program" in Otter Tail County Otter Tail County Resolution No. 2003 – 31

Commissioner Froemming offered the following and moved its adoption:

WHEREAS, the Division of Emergency Management in the Minnesota Department of Public Safety has released monies for the program entitled "Hazard Mitigation Grant Program (HCMP)" for Presidential Disaster Declaration FEMA 1419-DNR-MN; and

WHEREAS, Otter Tail County is a public entity within the State of Minnesota; and

WHEREAS, substantial damage can occur to public and private property; and

WHEREAS, safety for our citizens is very important; and

WHEREAS, there are many mobile home parks in Otter Tail County with no shelters; and

WHEREAS, HMGP funding will be used toward building shelters in mobile home parks in Otter Tail County, and

WHEREAS, all multi-jurisdictional agencies in the County (townships and cities) are in agreement with the need for shelters in mobile home parks; and

WHEREAS, all multi-jurisdictional agencies have agreed to sign Sub Grant Resolutions; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners, for and on behalf of the citizens of Otter Tail County, do hereby support the HMPG application.

BE IT FURTHER RESOLVED that the County Emergency Management Director is hereby authorized to sign and execute all grant agreements for the Hazard Mitigation Grant Program.

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

Adopted this 6th day of May, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

Payment Approval

Motion by Mosher, second by Nelson, and unanimously carried to approve payment to the Otter Tail County GIS Department for the following:

County Drainage System 21	6.5 hours field time	\$325.00
	5.5 hours of office time	\$220.00
County Drainage System 38	15 hours field time	\$750.00
	7.5 hours office time	<u>\$300.00</u>
Total		\$1,595.00

License Applications

Motion by Lee, second by Froemming, and unanimously carried to approve the following applications for license:

Hidden Acres 29985 Candor Hall Rd. Vergas, MN 56587	On/Off-Sale 3.2 Malt Liquor
Maple Beach Resort 23532 State Highway 108 Pelican Rapids, MN	Tobacco

Application for Exempt Permit

Motion by Lee, second by Nelson, and unanimously carried to accept an Application for Exempt Permit (LG220) for an event scheduled for August 4, 2003, at the Blue Water Restaurant and Sports Bar.

Underwood Grain Elevator Demolition Project

Auditor, Wayne Stein, presented the following quotations for demolition of the Underwood Grain Elevator:

Delzer Construction, Inc.	\$33,471.00
Houg Incorporated	\$43,500.00
Botner Excavation Services	\$62,392.00

Motion by Mosher, second by Block, and unanimously carried to award the Underwood Grain Elevator Demolition Project to Delzer Construction in the amount of \$33,471.00.

Payment Approval

Motion by Mosher, second by Block, and unanimously carried to approve payment, to Lake Region Healthcare, in the amount of \$450.00, for services provided under the provision of Minnesota Statutes 609.35.

Government Services Building

Motion by Mosher, second by Block, and unanimously carried to approve a date stone for the GSC building, and, motion by Froemming, second by Block, and unanimously carried to approve a name plaque in the entry area of the GSC building.

Physical Plant Manager, Rick Sytsma, requested authorization to add a turn lane on Fir Avenue, widen 4th Street, and resurface the circle drive area along with the State project that consists of some pave and curb work at the RTC site. Commissioners requested that Mr. Sytsma work with the County Attorney in order to plan completion of this work.

Reverse Referendum Procedure

Motion by Nelson, second by Lee, and unanimously carried to authorize the County Coordinator to send a draft letter to state legislators opposing the proposed reverse referendum procedure.

RESOLUTION OPPOSING IMPLEMENTATION OF A REVISED COUNTY AIDS FORMULA UNTIL IMPACTS OF BUDGET CUTS CAN BE DETERMINED Otter Tail County Resolution No. 2003 – 32

Commissioner Nelson offered the following and moved its adoption:

WHEREAS, the State of Minnesota is struggling to balance a \$4.2 billion budget deficit; and,

WHEREAS, county governments are being asked to help relieve a significant portion of the state budget deficit; and,

WHEREAS, the governor has proposed a plan that would bundle several existing county aids into one county aid package, reduce the funding for the new combined aid package, and redistribute the newly reduced aid under a new distribution formula; and,

WHEREAS, significant cuts are being proposed to other areas of county budgets that have the potential to cause serious impacts on future county budgets; and,

WHEREAS, the depth and impacts of these cuts cannot be immediately determined or understood:

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners opposes the implementation, this year, of a new formula on the combined aid package, and urges the formula be implemented in the 2004 legislative session when impacts and needs resulting from current budget cuts will be more clear.

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

Adopted this 6th day of May, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

**Otter Country Trail Association
Otter Tail County Resolution No. 2003 – 33**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, Otter Tail County has sponsored Grant-In-Aid Systems in the past; and

WHEREAS, acceptance of the Grant-In-Aid Systems proposed extensions are subject to the review and approval of the County Attorney.

THEREFORE, BE IT RESOLVED that Otter Tail County shall continue to sponsor Grant-In-Aid Trail Systems as they exist for Otter Country Trail Association and proposed extensions of Grant-In-Aid Trails with the aforementioned condition.

Commissioner Mosher seconded the resolution and, upon being put to vote, was unanimously adopted.

Adopted this 6th day of May 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

**Lake Runners Trail Association
Otter Tail County Resolution No. 2003 – 34**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, Otter Tail County has sponsored Grant-In-Aid Systems in the past; and

WHEREAS, acceptance of the Grant-In-Aid Systems proposed extensions are subject to the review and approval of the County Attorney.

THEREFORE, BE IT RESOLVED that Otter Tail County shall continue to sponsor Grant-In-Aid Trail Systems as they exist for Lake Runners Trail Association and proposed extensions of Grant-In-Aid Trails with the aforementioned condition.

Commissioner Mosher seconded the resolution and, upon being put to vote, was unanimously adopted.

Adopted this 6th day of May 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk

Pesticide Application

Motion by Froemming, second by Mosher, and unanimously carried to approve a letter of support for the County's lake associations in controlling forest tent caterpillars using the services of West Central Aerial Sprayers. Otter Tail County has no applicable ordinances that regulate pesticide application.

Highway Easement

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chair's signature on a document that approves a partial release of highway easement on Highway 53 (Twp. 136, R. 38).

Adjournment

At 2:35 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, May 13, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk