

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, July 15, 2003
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, July 15, 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 Block, and unanimously carried to approve the County Board agenda of July 15, 2003, with the following addition:

10:30 a.m. – Auditor – License Applications

Approval of Minutes

Motion by Froemming, second by Nelson, and unanimously carried to approve the County Board minutes of July 8, 2003, as presented.

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.

Budget Discussion

County Coordinator, Larry Krohn, briefed the Board on Budget Committee meetings. The Committee is now reviewing department budgets. Departments are reducing their budgets as much as possible without reducing staff. Discussion continued regarding step increases, the Solid Waste Enterprise Fund, and other budget reduction strategies.

Public Newsletter

Mr. Krohn suggested that public notices regarding the relocation of many county offices at the GSC would be helpful for the public. Joel Myhre, Editor of the Daily Journal in Fergus Falls, proposed the value of an insert in the Journal and other area newspapers that explains the background behind the new building, which departments are moving and which departments are staying in the main courthouse building, and other pertinent information. The coverage would be very good with an approximate circulation of 22,000. Motion by Block, second by Mosher, and unanimously carried to approve a newsletter insert as proposed by the Daily Journal to include circulation in the Journal and other area newspapers as well as peripheral newspapers that circulate to Otter Tail County citizens. The estimated cost is \$4,400 to be paid from the Maintenance Remodeling Budget

Emergency Assistance Program Policy

Human Services Supervisor, Bev Schoon, briefed the County Board on changes to Emergency Assistance. Emergency Assistance has been termed an entitlement, which means that if the criteria was met, the County would pay for the crisis. Now, the funding will be given on historical spending and when that funding is exhausted, there will be no further assistance. Motion by Mosher, second by Nelson, and unanimously carried to approve the

Otter Tail County Emergency Assistance Program Policy effective July 1, 2003, as presented. The Emergency Assistance budget for July 1, 2003 through December 31, 2003 is capped at \$47,000.00.

Highway Department Awards

Motion by Mosher, second by Froemming, and unanimously carried to award Aerial Photography Services for CSAH No. 86 Reconstruction, S.A.P. 56-685-01 from CSAH 15 North to TH 210, to KBM, Inc. of Grand Forks, ND, with the low quotation of \$3,160.00.

Motion by Froemming, second by Nelson, and unanimously carried to award Aerial Photography Services for CSAH 65 Reconstruction, S.P. 56-665-06, and CSAH 67 Reconstruction, S.A.P. 56-667-30, to Markhurd of Maple Grove, MN, in the amount of \$10,000.00 and \$10,300.00 respectively.

Motion by Mosher, second by Froemming, and unanimously carried to award Geotechnical Services to Braun Intertec Corporation of Fargo, ND, for CSAH 65 Reconstruction, in the amount of \$9,040.00, CSAH 67 Reconstruction, in the amount of \$9,040.00, and CSAH 86 Reconstruction, in the amount of \$4,050.00. Total contracted amount for these soil borings is \$22,130.00.

Bid Award – S.P. 56-605-06

After previously advertising for bids, Highway Engineer, Rick West, opened the following bids at 1:00 p.m. on June 25, 2003, for Reconstruction of CSAH No. 5:

Central Specialties, Inc. Alexandria, MN	\$798,378.96
Mark Sand & Gravel Acquisition Co. Fergus Falls, MN	\$802,898.61

Motion by Froemming, second by Block, and unanimously carried to award S.P. 56-605-06 to the low bidder, Central Specialties, Inc., in the amount of \$798,378.96.

License Applications

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

Koeps Clitherall Corner Clitherall, MN	Tobacco
Thumper Pond Ottetail, MN	Tobacco

Change Order Approved

Motion by Block, second by Mosher, and unanimously carried to approve Change Order No. CO 6B.03, in the amount of \$28,666.04, to Comstock Construction for additional work at the GSC.

Recess & Reconvene

At 10:47 a.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 11:03 a.m.

Planning Commission Recommendations

Preliminary Plat & Conditional Use Permit - /Bruce A. Jackim:

Jeff Skonseng spoke on behalf of neighboring property owners on Devils Lake. He requested that the current access or easement road remain open for convenience and safety concerns. He stated that the Subdivision Controls Ordinance requires safe and efficient traffic flow under plat standards and plats should be developed to not create hardship to owners of adjoining properties. If the Preliminary Plat of "Devils Lake Plat" is approved, Mr. Skonseng argued that the County would be going against language in the ordinance. There is a debate between the neighbors and the owner of the property as to whether or not the easement can be moved. Neighbor, Debbie Sem, spoke against moving the easement road and against the large amount of fill required to build other access roads behind her lot which could result in runoff issues. Lengthy discussion took place.

Motion by Nelson, second by Froemming, and unanimously carried to deny the Conditional Use Permit for the requested project of Bruce A. Jackim because 1) the proposed access road consists of turning at an angle of less than 45 degrees and, 2) concerns regarding surface water runoff and deterioration of the bluff area.

Motion by Nelson, second by Froemming, and unanimously carried to deny the Preliminary Plat known as "Devils Lake Plat" because 1) the proposed plat does not meet the road design requirements of the Subdivision Controls Ordinance and, 2) because of the bluff, it is not suitable for the proposed design of the preliminary plat request. The property is described as Lots 97-105 Nedberg-Nye Surv Lots GL 1, 2, & 3 and Pt GL 2, Section 1, Edna Township; Devils Lake (56-245).

Conditional Use Permit – James H. Hanson:

Motion by Lee, second by Mosher, and carried with Block opposed, to approve a Conditional Use Permit to install a culvert with conditions as recommended by the Planning Commission. The property is described as Lot 1, Blk 1, Coleman's 2nd Addition, Section 12 of Elizabeth Township; Long Lake (56-784).

Preliminary Plat/"Lida View Hills 2nd Addition/Charles, Doug & Annette Arvidson:

Motion by Lee, second by Block, and unanimously carried to approve the Preliminary Plat known as "Lida View Hills 2nd Addition", consisting of five (5) single family residential lots as presented. The property is described as Pt of GL 6 (10.8 ac), Section 14 & Pt GL 1, Section 23, Lida Township; Lake Lida (56-747).

Preliminary Plat/"Ford's Loon Lake Heights"/George & Dorothy Ford:

Motion by Lee, second by Nelson, and unanimously carried to approve the Preliminary Plat of "Ford's Loon Lake Heights" consisting of two (2) single family residential lots as presented. The property is described as Pt GL 1 (3.10 ac), Section 34 of Candor Township; Loon Lake (56-523).

Conditional Use Permit – Walter E. Yonker Tst:

Motion by Lee, second by Mosher, and unanimously carried to approve a Conditional Use Permit to construct 1,530 linear feet of road with conditions as recommended by the Planning Commission. The property is described as Pt of GL 4 ex tr 472.80' x 410' in NW cr (37.95 AC), Section 22 in Dunn Township; Elbow Lake (56-774).

Final Plats

Motion by Mosher, second by Block, and unanimously carried to approve the Final Plat known as "Johnson Lake Estates" described as all of GL 4 and the NE Quarter of the SW Quarter of Section 9, Township 131N, Range 41W; St. Olaf Township, Johnson Lake (56-393)

Motion by Froemming, second by Nelson, and unanimously carried to approve the Final Plat known as "Elwill Beach 2nd Addition" described as GL 2 of Section 5, Township 133N, Range 39W; Girard Township, Ethel Lake (56-193).

Recess

At 11:51 a.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break.

Public Hearing

Otter Tail County Shoreland Management Ordinance

Otter Tail County River (Tubing) Ordinance

Otter Tail County Setback Ordinance

At 1:30 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners reconvened for a Public Hearing for consideration of adoption of the proposed Otter Tail County Shoreland Management Ordinance, River (Tubing) Ordinance, and Setback Ordinance.

County Attorney, David Hauser, stated that the County is holding one public hearing covering all three proposed ordinances. Before the County can enact an ordinance, the County must have a public hearing. The County Board need not act on final adoption today. Typically, the County Board would act at their next regularly scheduled meeting.

Setback Ordinance:

Mr. Hauser noted that Otter Tail County has had a Setback Ordinance for several years. In the past, the Setback Ordinance applied to all public roads. The State doesn't have concerns for setback on their right-of-ways. Townships vary regarding road setback outside of the shoreland areas and the current Otter Tail County setback is 40 feet from all public roads, which conflicts with the Shoreland Management Ordinance that requires a setback of 20 feet. The proposed Otter Tail County Set Back Ordinance applies to County roads only and conforms with the SMO. Chairman Lee requested public comment from the floor. The Public offered no comment and there were no comments received by mail. County Highway Engineer, Rick West, requested a change to the proposed ordinance to exempt from the setback requirements signs of up to 64 sq. ft., no more than 8 ft. horizontal or 8 ft. vertical, because they do not present a vision problem.

River (Tubing) Ordinance:

Mr. Hauser proceeded to explain that the proposed River Ordinance is designed to license and regulate the rental of tubes for use in Otter Tail County. Mr. Hauser read a letter from Ardis Diede of the Breckenridge Chamber of Commerce in favor of tubing for the Tourism Industry. Mr. Hauser read a letter from Dale Hinsverk of Wahpeton in favor of tubing and Mr. Walter Schmidt's previous tubing business on the Otter Tail River. A petition containing 49 names was presented to allow tubing on the Otter Tail River. There were seven people present at the hearing that were in favor of the proposed Otter Tail County River (Tubing) Ordinance. No one expressed opposition. Chairman Lee asked for public comment. No additional comments were expressed.

Shoreland Management Ordinance:

Mr. Hauser presented a five-page summary of proposed revisions to the Shoreland Management Ordinance. Chairman Lee requested comment from the public.

Highway Engineer, Rick West suggested the following change under V.2.D. in the shaded portion: "or to road authorities for work within existing road right-of-ways".

Dave Lysne of Scambler Township and Town Board, spoke in favor of the change under IV.3.A.3. to prohibit the use of fertilizer containing phosphorous to 1000 feet from the OHWL of a public water. He encouraged that agricultural purposes not be exempt and requested that in the future, that exemption be removed.

Jim Peterson addressed IV.10.D.3.k. and discussion followed. Chairman Lee suggested this not be made a requirement; however, the language could be permissive to allow the Planning Commission to ask for this information in appropriate situations.

Joe Maske of the Planning Commission spoke in opposition of the permissive request for IV.10.D.3.k. Jim Peterson requested on-site review to avoid delays for information requested at the Planning Commission meetings. Joe Maske agreed that comments made at the meeting precipitate additional information and the applicant has had no time to respond to the issues.

Alan Haugrud of the COLA, spoke in favor of the proposed changes and clarifications to the Shoreland Management Ordinance. Tom Gedde thanked the Board for considering the proposed changes and spoke in favor of changes to improve shoreland and lakes.

A letter was read from Don and Carolyn Herron of Dent, MN, regarding removal of wetland acreage from the proposed lot size.

Hearing no additional comments, Chairman Lee declared the Public Hearing closed at 2:28 p.m. and recessed the County Board meeting for a short break.

**Reconvene
Performance Evaluation Summary**

At 2:37 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners reconvened. Motion by Froemming, second by Mosher, and unanimously carried to approve a satisfactory performance evaluation summary for MIS Director, Tim Brand. The motion directed that the July 1, 2003, Performance Observations be placed in his personnel file.

Disaster Assistance Waiver Form

Motion by Mosher, second by Block, and unanimously carried to authorize the Chair's signature to execute the Disaster Assistance Waiver Form – June 22-25, 2003 Storms.

Adjournment

At 3:05 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, July 22, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk