

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, August 19, 2003
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, August 19, 2003, at 9:31 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 Nelson, second by Block, and unanimously carried to approve the County Board agenda of August 19, 2003, with the following addition:

10:55 a.m. – Highway Engineer, Rick West – Request for Approval of Contracts
Land & Resource Director, Bill Kalar – Final Plats
1:25 p.m. – Budget Discussion and Closed Session

Approval of Minutes

Motion by Mosher, second by Froemming, and unanimously carried to approve the County Board minutes of August 12, 2003, as mailed.

Approval to Pay Bills

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

Request for Approval to Purchase Software

Recorder, Wendy Metcalf, briefed the Board on a program called Landshark, which would enable people to remotely access land records. The idea is to offer this service by way of collecting fees. Ms. Metcalf will check with other counties to determine appropriate charges for access to this program. She requested approval of a contract with TriMin to provide this program. MIS Director, Tim Brand, stated that this program provides some solutions and he spoke in favor of the process. Motion by Nelson, second by Block, and unanimously carried to authorize the Recorder's signature to execute a contract between the County of Otter Tail and TriMin Systems, Inc. for the purchase of the Landshark program including maintenance and training at a cost of \$22,250.

Presentation of Topographical Map/Print

Chairman Lee requested that Land & Resource Department Biologist, George Hauske, show the County Board a topographical map he purchased from the GIS Department. Mr. Hauske plans to use the map for a Geology course that he teaches in Battle Lake. He pointed out several geological unique areas in Otter Tail County, including the fact that you can travel from the Gulf of Mexico to the Hudson Bay, by canoe, with only one portage required. That portage area is in Otter Tail County. Commissioners thanked him for his presentation.

Network Equipment at GSC Building

MIS Director, Tim Brand, requested official action by the County Board to approve payment of the GSC Network Computer Equipment at a cost of \$73,000. Commissioners requested the dollar amount left in the contingency bonding funds for the GSC building. After this information is received, the Board will take further action.

Personnel Request

Mr. Brand requested Board action to start the new MIS Network Administrator, at Grade 16, Step 3, rather than Grade 16, Step 2, which is County policy. Mr. Brand based his request on the employee's temporary experience with Otter Tail County and noted that experience gained in a different County is not a benefiting factor in this type of position. Lengthy discussion followed. Motion by Block to administer Otter Tail County's present policy regarding step increases. Chair Lee called for a second. Motion died for lack of a second. Motion by Nelson to advance the new MIS Network Administrator to Grade 16, Step 3 because of his prior experience with Otter Tail County. Chair Lee called for a second. Motion died for lack of a second. No action taken.

Energy Assistance Program Contract

Human Services Director, John Dinsmore, requested approval of the Energy Assistance Program grant contract. Discussion followed regarding the administration of the program by the County. Of the 87 counties in Minnesota, only seven counties administer an Energy Assistance program. The Community Action Programs administer the program in the other counties. Motion by Froemming, second by Block, and unanimously carried to authorize the Human Services Director's signature to execute a contract between the County of Otter Tail and the State of Minnesota Department of Commerce for administration of the Low Income Energy Home Assistance program grant contract for the period of October 1, 2003 through September 30, 2004.

Purchase of Service Agreement

Motion by Lee, second by Froemming, and unanimously carried to authorize the Chair's signature to execute an addendum to the Purchase of Service Agreement between Otter Tail County Department of Human Services and Lutheran Social Services to expand assisted living services and homemaking services to a new site located at Mill Pond View.

Personnel Committee Request

County Coordinator, Larry Krohn, stated that over the years, the County has had a number of employees in elected offices that, when the incumbent, elected official resigned, the Board appointed an individual to that position. They were subsequently elected into that position for the following term. It has been the County's policy to adjust those individual's anniversary dates to coincide with their election date. Inadvertently, the Sheriff's anniversary date did not get noticed and he received a step increase in April of 2003 and according to our policy, that should not have happened until January of 2004. This issue was considered by the Personnel Board and their recommendation is to allow the step to continue because there is a statute that states that any employee elected to a local or state position is automatically granted a leave of absence and their rights, including seniority, are to continue. Motion by Block, second by Mosher, and unanimously carried that, effective August 19, 2003, Otter Tail County employees elected to full time elected positions will retain their anniversary date.

License Center Promotion

Motion by Mosher, second by Lee, and unanimously carried to approve the promotion of License Center Specialist, Tracy Williams, (Grade 10) to Senior License Center Specialist (Grade 12) based upon obtaining a higher level of work performance effective July 1, 2003.

Exempt Permit

Motion by Lee, second by Mosher, and unanimously carried to approve, with no waiting period, the LG220 Application for Exempt Permit as submitted by the Pelican River Pheasants Forever for an event scheduled for September 20, 2003, at the Blue Water Restaurant and Sports Bar.

Housing & Redevelopment Authority

HRA Executive Director, Jeff Gaffaney, provided a handout requesting the County to levy approximately \$200,000 for operational and program needs for the Otter Tail County HRA beginning CY2004. A list of county and city HRA's that are currently levying for housing purposes was included. Housing Specialist, Dennis Christenson, briefed the Board on HRA's programs and problems with some MHFA eligibility requirements. Further research regarding anticipated tax rates for 2004 is needed to determine the impact of this request.

Highway Contracts

Motion by Lee, second by Mosher, and unanimously carried to authorize the Chair's signature to execute a contract between the County of Otter Tail and Robert R. Schroeder Construction, Inc. for S.P. 56-696-02 & S.A.P. 56-696-03, Bridge No. 91932 in the City of Pelican Rapids. This motion is subject to the approval of the County Attorney.

Motion by Froemming, second by Block, and unanimously carried to authorize the Chair's signature to execute a contract between the County of Otter Tail and All Building Corporation for Phelps Mill Roofing work.

Recess & Reconvene

At 11:10 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 11:15 a.m.

Planning Commission Recommendations

Conditional Use Permit – Frank's Lodge & Campground/John S. and Lucille C. Frank:

Motion by Lee, second by Mosher, and unanimously carried to approve a Conditional Use Permit for expanding the number of dwelling units in the campground/resort with conditions as recommended by the Planning Commission. The property is described as N½ NW¼ Lots 4 & 5 ex Star Lake Beach & ex trs...(91.26 AC) Section 9 of Star Lake Township; Star Lake (56-385).

Preliminary Plat and Conditional Use Permit – "Mullen's Country Court"/Vincent Mullen:

Motion by Froemming, second by Nelson, and unanimously carried to approve a Preliminary Plat consisting of 3 single family residential lots and a Conditional Use Permit to construct a road, with conditions as recommended by the Planning Commission. The property is described as Pt GL 3 & 4 & Pt NE¼ NW¼ (60.38 AC), Section 15 of Maine Township; Round Lake (56-476).

Conditional Use Permit – James H. & Constance M. Day:

Motion by Lee, second by Froemming and unanimously carried to approve a Conditional Use Permit to construct a driveway and 50' x 50' pad for a pole barn building site with conditions as recommended by the Planning Commission. The property is described as Pt GL 1 (17.74 AC), Section 35 of Dunn Township; Franklin Lake (56-759).

Conditional Use Permit – Susan & Joel Reimers:

Motion by Mosher, second by Nelson, and unanimously carried to approve as presented a Conditional Use Permit to construct a driveway and parking area. The property is described as Pleasant Pointe Lot 4 Blk 2, Section 5 of Sverdrup Township; Pleasant Lake (56-449).

Conditional Use Permit – Paul & Grace Ellefson:

Motion by Froemming, second by Mosher, and unanimously carried to approve an after-the-fact Conditional Use Permit for driveway construction, with conditions as recommended by the Planning Commission. The property is described as those parts of Lot 8 & 9..., Auditor's Subdivision #116, Section 22 of Leaf Lake Township; East Leaf Lake (56-116).

Preliminary Plat and Conditional Use Permit – "Bluegill Bay Estates"/Balgaard Family Enterprise:

County Attorney, David Hauser, read a letter addressed to Chairman Malcolm Lee, from Knutson Ventilation Consulting, Inc., Gerhard W. Knutson, Ph.D., CIH. The letter was dated August 15, 2003, and expressed opposition to approval of the Preliminary Plat of Bluegill Bay Estates and the established ordinary high water level. Jim Peterson of Anderson Land Surveying stated that he provided elevations to Terry Lejcher for his review as to whether this was lakeshore or not. Mr. Lejcher approved these elevations and found them to be adequate. Land & Resource Director, Bill Kalar, stated that 1298.0 is the correct OHWL according to information received by the DNR and the County's Ditch Inspector has reported that the outlet for Lake Sewell is flowing at capacity. The lake is 1 to 1½ ft. lower from earlier this year.

Motion by Mosher, second by Block, and carried with Nelson opposed, to approve the Preliminary Plat known as "Bluegill Bay Estates" based on the revised drawing of July 29, 2003, and a Conditional Use Permit to build a road for the development, with conditions as recommended by the Planning Commission. The property is described as Pt Gov Lots 3 & 4 & Pt of the N½ of SW¼ of NE¼ of NE¼ of NE¼ (13.6 ac), Section 23 of St. Olaf Township; Sewell Lake (56-408).

Conditional Use Permit – John Stumpf:

Motion by Lee, second by Froemming, and unanimously carried to deny the Conditional Use Permit request to replace a failing retaining wall. The property is described as Lot 2 Blk 1 Perrin's Subdivision, Section 10 of Lida Township; Crystal Lake (56-749).

Preliminary Plat and Conditional Use Permit – "Sportsman Landing"/Brian Clouse:

Land & Resource Director, Bill Kalar, reported that the Planning Commission approved this Preliminary Plat with a condition that if the purchase agreement with the DNR for Lot 3, Block 1 is not completed, this lot would be considered unbuildable. Applicant, Brian Clouse, and his Attorney, Tom Gedde, represented the application. Mr. Gedde expressed concern with the condition placed on the property and requested that the County Board approve this plat request without conditions. Allen Haugrud (Jewett Lake Association) felt that the condition is

appropriate and is not a problem if the DNR purchases Lot 3, Block 1. In the event that the DNR would decide not to purchase the property, the applicant would be required to return to the Planning Commission to develop the lot. Mr. Gedde stated that Mr. Clouse could subdivide this property by way of metes and bounds description without County approval and; therefore, requested an unconditional approval by the Board today. The County Attorney advised that the County can put conditions on plats, such as this type of condition that relates to the project.

Motion by Lee, second by Mosher, and unanimously carried to approve the Preliminary Plat known as "Sportsman Landing" and a Conditional Use Permit to construct a road to service the plat, with conditions as recommended by the Planning Commission. The property is described as Pt GL 5 lying WLY of W Ln Lot 1 & its SLY extension Jewett Lake Southside Shores, Section 23 of Elizabeth Township; Jewett Lake (56-877).

Conditional Use Permit Extension – Sunset Bay Resort/Jocelyn Kerr:

Motion by Froemming, second by Nelson, and unanimously carried to approve the request for an extension of a Conditional Use Permit for Sunset Bay Resort, Dead Lake (56-383), to December 31, 2004.

Sewage System Abatement Program

Mr. Kalar presented statistical information regarding the 2003 Sewage System Abatement Program. He reported that he has received a letter from 18 concerned citizens on Round Lake (across from Rush Lake). They had a fairly large fish kill recently on this lake. These concerned citizens are requesting that the County look into this from the standpoint of non-conforming sewage systems. This issue will be further discussed with the Budget Committee.

Final Plats

Motion by Nelson, second by Froemming and unanimously carried to approve the Final Plat of Ricky C. Heinle and Laura L. Heinle and Donald B. and Donna J. Meyer known as "Big Pine Haven". The property is described as GL 4 of Section 22, Township 136N, Range 38W on Big Pine Lake (56-130).

Motion by Lee, second by Block, and unanimously carried to approve the Final Plat of George and Dorothy Ford known as "Ford's Loon Lake Heights". The property is described as Lot 1 & Lot 2 of Block One, GL 1 of Section 34, Township 137N, Range 41W on Loon Lake (56-523).

Recess & Reconvene

At 12:02 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. The meeting was reconvened at 1:10 p.m.

Sale of Furnishings at the 121 Washington Avenue Building

Motion by Block, second by Nelson, and unanimously carried to sell most of the furniture (including workstations) located at the 121 Washington Avenue building to the new tenant, School District 544, in the amount of \$6,500.

Proposed No Smoking Policy Decision

Motion by Froemming, second by Mosher, and unanimously carried to revise the County Smoking Policy to include the following language:

- To prohibit smoking in all Otter Tail County buildings, and
- To prohibit smoking by entrances near air intake vents, and
- To prohibit smoking in all Otter Tail County pool cars.

Budget Discussion

County Auditor, Wayne Stein, and Accounting Supervisor, Mitzi Peterson, presented budget information in preparation for setting the preliminary budget for CY2004. Lengthy discussion followed. Motion by Mosher, second by Nelson, and unanimously carried to schedule a special meeting for discussing and adopting the preliminary budget, which will be held on September 15, 2003, at 9:30 a.m.

Closed Sessions

At 2:25 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners closed to the public to discuss potential litigation involving estate work as authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Present were all five seated Commissioners, County Attorney, County Coordinator, County Auditor & Accountant, and Board Secretary.

At 2:30 p.m., Chair Lee 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 County's three Sheriff Department Collective Bargaining Units and the Nursing Unit. At 3:30 p.m., upon conclusion of the closed sessions, Chair Lee declared the meeting of the Otter Tail County Board of Commissioners open to the public.

Approval of Release

Motion by Lee, second by Mosher, and unanimously carried to authorize the Chair's signature to execute a release for payment by Robert L. Russell relative to estate work.

Adjournment

At 3:40 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, August 26, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Malcolm K. Lee, County Board Chair

Attest: _____
Larry Krohn, Clerk