

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Government Services Center, 500 Fir Ave W.  
Tuesday, November 4, 2003  
9:30 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, November 4, 2003, at 9:35 a.m. at the Otter Tail County Government Services Center 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 Nelson, and unanimously carried to approve the County Board agenda of November 4, 2003, with the following additions:

9:55 a.m. – Treasurer, Steve Andrews  
Closed Session for Labor Negotiations

**Approval of Minutes**

Motion by Froemming, second by Block, and unanimously carried to approve the County Board minutes of October 28, 2003, as mailed.

**Approval to Pay Bills**

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

**Suggestions for Change in the Shoreland Management Ordinance**

Property Owner, Tom Ebacher, explained that he is planning to build a home in a few years on a lake in Otter Tail County. He had recently been cited for some violations on his lake property, and in dealing with those citations, felt that some of the language in the SMO was not clear. In addition, Mr. Ebacher, felt some changes to the ordinance would lend better functionality to the ordinance. Land & Resource Director, Bill Kalar, reviewed a letter written by Mr. Ebacher dated January 23, 2003, and addressed his concerns. Mr. Kalar explained the appeal procedure; the Minnesota Data Practices Act, which requires confidentiality relative to complainants; and definitional terms, i.e. interpretation of "fixed" buildings. Mr. Ebacher stated that he thought the definition of fixed buildings was written with the intent to exempt small buildings that can be moved from requiring a site permit. Mr. Kalar stated that a new Ordinance will go into effect for CY2004, because the County Board just went through the revision process, which includes a public hearing.

**Request for Forgiveness of Penalty**

Treasurer, Steve Andrews, requested a forgiveness of penalty on behalf of American Associated Milk Producers, Inc. for parcel no. 76-000-27-0033-001. Motion by Lee, second by Froemming, and unanimously carried to approve the forgiveness of penalty request, in the amount of \$48.56, for American Associated Milk Producers, Inc. because the tax payment was postmarked October 9, 2003, before the tax deadline date. It had been inadvertently sent back to the sender by the Post Office because it contained the Treasurer's former address - 121 W. Junius.

### **Property Sale**

Having previously advertised in the Fergus Falls Daily Journal and in the Parkers Prairie Independent for the sale of the following described parcel:

Beginning at a point 230' East of the Southwest corner of Government Lot 4, Section 23, Township 131 North Range 37 West; running thence North 180'; thence East 180'; thence South 180'; thence West 180' to the point of beginning. Containing  $\frac{3}{4}$  of an acre more or less, and

having received the following two sealed bids by 5:00 p.m. on Monday, November 3, 2003 from:

James W. Dodds and Alan H. & Diane M. Riedel.

Wayne Stein, County Auditor, proceeded to open and read the above noted bids, which were found to be as follows:

Alan H. and Diane M. Riedel	\$20.00
James W. Dodds	\$10.00

After completion of competitive bidding by those who submitted a timely sealed bid, motion was made by Froemming, second by Nelson, and unanimously carried to award the sale of the following described property to Alan H. and Diane M. Riedel, in the amount of \$20.00 plus the amounts necessary to cover the advertising cost, not to exceed \$500.00, the recording fee, the deed tax and any other applicable fees as stated in the sale notice.

### **2003 Tobacco Compliance Checks**

Motion by Mosher, second by Froemming, and unanimously carried to approve payment to the Otter Tail County Public Health Department, in the amount of \$1,285.04, for the 2003 Tobacco Compliance Checks.

### **Land Surveyor's Certificate of Correction to Plat**

Motion by Nelson, second by Mosher, and unanimously carried to approve the Land Surveyor's Certificate of Correction to Plat of Plainview Sandy Beach as prepared by Daniel W. Skinner, Professional Land Surveyor – Minnesota License No. 40827 and attached to these official minutes.

### **Payment Approvals**

Motion by Nelson, second by Block, and unanimously carried to approve payment to the Otter Tail County GIS Department, in the amount of \$240.00, for services provided on County Ditch No. 38.

Motion by Mosher, second by Froemming, and unanimously carried to approve payment to Kathy Gilbert, in the amount of \$500.00, for services provided under the provision of Minnesota Statutes Chapter 609.35.

**Application for Exempt Permit**

Motion by Lee, second by Block, and unanimously carried, to approve with no waiting period the LG220 Application for Exempt Permit as submitted by the Pelican Rapids Jaycees for an event scheduled for November 26, 2003, at the Blue Water Restaurant and Sports Bar.

**Resolution Adopting Assessment Order for County Drainage System No. 12  
Otter Tail County Resolution No. 2003 – 65**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, the County Board of Otter Tail County, acting as the County Drainage Authority, had authorized minor repairs/maintenance to County Drainage System No. 12 in 2003, and

WHEREAS, the Otter Tail County Board of Commissioners has approved expenditures in the amount of \$1,980.00 for the repair/maintenance of County Drainage System No. 12 as follows:

**Egge Construction**

**\$1,980.00 (August 2003)**

NOW THEREFORE, BE IT RESOLVED BY THE OTTER TAIL COUNTY BOARD OF COMMISSIONERS, that a special assessment in the amount of \$2,500, be levied against the benefited properties of County Drainage System No. 12, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the repair/maintenance in the amount of the assessment levied against it.

BE IT FURTHER RESOLVED, that such assessments shall be payable in an annual installment extending over a period of 1 year. To the first installment shall be added interest, at a rate of 6%, on the entire assessment from January 1, 2004 until December 31, 2004.

BE IT ADDITIONALLY RESOLVED, that the owners of any of the benefited properties so assessed may, on or before Wednesday, December 31, 2003 pay the entire assessment on such property to the County Auditor's office without interest.

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

Adopted this 4<sup>th</sup> day of November, 2003.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Malcolm K. Lee, County Board Chair

Attest: \_\_\_\_\_  
Larry Krohn, Clerk

**Resolution Adopting Assessment Order for County Drainage System No. 56  
Otter Tail County Resolution No. 2003 – 66**

Commissioner Mosher offered the following and moved its adoption:

WHEREAS, the County Board of Otter Tail County, acting as the County Drainage Authority, on Tuesday, October 21, 2003 authorized minor repairs/maintenance to County Drainage System No. 56, and

WHEREAS, the Otter Tail County Ditch Inspector has estimated the cost of the authorized minor repairs/maintenance to County Drainage System, No. 56 between \$7,000 and \$8,000.

NOW THEREFORE, BE IT RESOLVED BY THE OTTER TAIL COUNTY BOARD OF COMMISSIONERS, that a special assessment in the amount of \$10,000, be levied against the benefited properties of County Drainage System No. 56, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the repair/maintenance in the amount of the assessment levied against it.

BE IT FURTHER RESOLVED, that such assessments shall be payable in equal annual installments extending over a period of 4 years. To the first installment shall be added interest, at a rate of 6%, on the entire assessment from January 1, 2004 until December 31, 2004. To each subsequent installment when due shall be added interest, at a rate of 6% for one year on the unpaid balance.

BE IT ADDITIONALLY RESOLVED, that the owners of any of the benefited properties so assessed may, on or before Wednesday, December 31, 2003 pay the entire assessment on such property to the County Auditor's office without interest and, the owners of any of the benefited properties so assessed may, at any time after Wednesday, December 31, 2003, pay to the County Auditor's office the principal balance remaining at the end of the current payable year without interest so long as the payment is received on or before November 15, of the current payable year. Payments received after November 15 of the current payable year shall accrue interest on the principal balance remaining, at a rate of 6%, through December 31 of the next succeeding year.

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

Adopted this 4<sup>th</sup> day of November, 2003.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Malcolm K. Lee, County Board Chair

Attest: \_\_\_\_\_  
Larry Krohn, Clerk

**County Ditch No. 45**

Ditch Inspector, Randy Wasvick, requested approval on behalf of Ed Thoennes and Dennis Benke, to do some cleaning in the Ditch 45 System in Section 23 of Effington Township. Motion by Froemming, second by Nelson, and unanimously carried to approve this cleanout request with the understanding that the property owners will pay for all costs.

**Health Insurance Renewal**

County Coordinator, Larry Krohn, briefed the County Board regarding health insurance premiums for employees. Motion by Mosher, second by Nelson, and unanimously carried to approve a 9.5% health insurance premium increase for CY2004.

**Recess & Reconvene**

At 10:37 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 10:52 a.m.

**Perham Resource Recovery Project**

Solid Waste Director, Mike Hanan, reported that he has received an invoice from the City of Perham for the Resource Recovery Facility. The invoice is for the bond payment that is due December 1, 2003. Currently, the payment will be made from the bond reserves; however the participating members will need to bring the reserves back to acceptable level. Otter Tail County's portion for the bond payment is \$77,812.88. Motion by Froemming, second by Block, and unanimously carried to approve payment of Otter Tail County's portion of the bond payment for the Perham Resource Recovery Facility, in the amount of \$77,812.88, to the City of Perham.

Lengthy discussion continued regarding the incinerator project, the fact that the budget is in the red again this year, HDR Engineering's acceptance of the facility in the area of processing waste, the fact that electric generation will not generate the expected revenue, and the potential steam contract with Bongards. Mr. Hanan will meet with other County Solid Waste Directors and report back to the County Board on this issue next week.

**Meeting with the City of Fergus Falls  
Closed Session**

At 11:56 a.m., the County Board meeting continued with a luncheon meeting with County Board members and City of Fergus Falls officials. Upon completion of the luncheon meeting, at 1:43 p.m., Chairman 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 Public Health Nurse Collective Bargaining Unit.

**Adjournment**

At 2:31 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners adjourned until Wednesday, November 12, 2003.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Malcolm K. Lee, County Board Chair

Attest: \_\_\_\_\_  
Larry Krohn, Clerk