

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS**
Government Services Center, 500 Fir Ave. W.
Commissioners' Room
Tuesday, September 7, 2004
9:30 a.m.

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, September 7, 2004, at 9:30 a.m. at the Otter Tail County Government Services Center with Commissioners Syd Nelson, Chair; Bob Block, Vice-Chair; Roger Froemming, Dennis Mosher, and Malcolm Lee present.

Approval of Agenda

Motion by Froemming, second by Mosher, and unanimously carried to approve the County Board agenda of September 7, 2004, with the following additions:

Tax Court Stipulation Settlement
Lease Extension for Cavour Avenue Building

Approval of Minutes

Motion by Lee, second by Block, and unanimously carried to approve the County Board minutes of August 24, 2004, as mailed.

Approval to Pay Bills

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

Water Retention Study for Red River Basin

Lynette de Silva, Senior Research Analyst for the Energy & Environmental Research Center in Grand Forks, ND, updated the County Board on the EERC's flood control study known as the Waffle Study. This study is a means of looking at the Red River Basin and addressing flood mitigation for spring flooding events similar to the flood of 1997. She explained the feasibility study and approach of temporarily storing water in fields, wetlands, and ditches and then systematically releasing that water in a controlled manner. Ms. de Silva stated that all factors of this approach are being studied including economic and ecological affects on the local area. Comment and discussion took place. There is a website for access to updated information as the study progresses. A report will be completed with the study ending in the spring of 2006 and the data will be available to local government units to be used in any capacity deemed appropriate.

HRA Tax Levy Request for CY2005

Housing & Redevelopment Authority Executive Director, Jeff Gaffaney, presented a formal request for operational funds that allows the HRA, through Otter Tail County, to levy the amount of \$200,000 in 2005. The Budget Committee had given preliminary approval of \$150,000 for 2005. Discussion took place regarding the HRA programs and the benefits of the programs in the communities. Motion by Mosher, second by Block, and unanimously carried to levy \$200,000 for the Housing and Redevelopment Authority for CY2005.

**Market Price for the Solid Waste Management Tax
Otter Tail County Resolution 2004 - 42**

Commissioner Lee offered the following and moved its adoption:

WHEREAS, the solid waste management tax requires political subdivisions to identify by resolution a market price if the political subdivision:

Subsidizes the cost of service at a facility.

WHEREAS, the political subdivision will be liable for the solid waste management tax based only on the market price amount identified through this resolution.

WHEREAS, the market price is identified in state statutes as the lowest price available in the area;

WHEREAS, Otter Tail County has performed research to identify the lowest price available in the area;

THEREFORE, the County of Otter Tail declares a market price of \$57.17 per ton for a facility, based on a tipping fee amount of \$57.17 per ton at Fergus Falls Resource Recovery Facility and an additional transportation cost of \$0 per ton.

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

Adopted and signed this 7th day of September, 2004.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Sydney Nelson, County Board Chair

Attest: _____

Larry Krohn, Clerk

**Resolution for 5 Year Extension on County Solid Waste Plan
Otter Tail County Resolution No. 2004 - 43**

Commissioner Froemming offered the following and moved its adoption:

WHEREAS, the legislature of the State of Minnesota requires that Minnesota's counties develop a Solid Waste Management Plan in accordance with Minn. Statutes §§115A.46; 115A.417; Minn. Statutes §§115A.551 subds. 6-7; 115A.552, 115.557, subd. 2-3, 115A.63; Minn. Statute §115A.84; Minn. Statute §115A.914; Minn. Statute §115A.96, subd. 6-7; Minn. Statute §115A.97; and all applicable statutes and rules; and

WHEREAS, Minnesota counties recognize the need to plan for and practice environmentally sound methods of managing solid waste;

WHEREAS, in 2002, the legislature of the State of Minnesota enacted legislation to allow Solid Waste Management Plans to be approved for a (10) ten year period; and

WHEREAS, Otter Tail County received approval for their updated Solid Waste Management Plan from the Minnesota Office of Environmental Assistance on April 18, 2002; and

NOW, THEREFORE, BE IT RESOLVED, that the Otter Tail County Board of Commissioners hereby requests that the Minnesota Office of Environmental Assistance extend their approval of this plan from the approved five (5) years to the ten (10) year period through April 18, 2012; and

BE IT FURTHER RESOLVED, that Otter Tail County agrees to maintain and implement the Plan Update as required by Minn. Rules; and

BE IT FURTHER RESOLVED, that the Otter Tail County Board submits this request to the Director of the Minnesota Office of Environmental Assistance for approval pursuant to applicable Minnesota laws and rules.

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

Adopted and signed this 7th day of September, 2004.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Sydney Nelson, County Board Chair

Attest: _____

Larry Krohn, Clerk

Payment Approval

Motion by Lee, second by Mosher, and unanimously carried to authorize payment to Egge Construction, Inc., in the amount of \$100,029.57, for the first payment for construction of the Pelican Rapids Transfer Station.

Minnesota Department of Corrections Advisory Board

Melanie Cole, representing the MN DOC, explained that one of the State DOC's initiatives is to organize an Advisory Board to assess local needs and to provide information to the public about the duties of the DOC. She requested that a commissioner serve on the committee. Motion by Block, second by Froemming, and unanimously carried to approve Chairman Sydney Nelson's membership on this committee. Ms. Cole plans to meet with the committee the first Thursday of each month at 9:00 a.m. in various parts of the County.

Approval of Final Plat

Motion by Mosher, second by Lee, and unanimously carried to approve the Final Plat of Elmer Colton Trust Agreement known as "Wild Wings Estates" located in Section 4 of Clitherall Township.

Conditional Use Permit Extensions

Motion by Mosher, second by Froemming, and unanimously carried to authorize an extension of the Conditional Use Permit for Waters Edge to October 1, 2004, to provide for completion

of construction of the road to service the plat, contingent upon use of appropriate temporary erosion control measures.

Motion by Froemming, second by Lee, and unanimously carried to authorize an extension of the Conditional Use Permit for West Leaf South View until October 1, 2004, to provide for completion of construction of the road to service the plat, subject to implementation of appropriate temporary erosion control measures.

State Inspection – Septic Systems in Shoreland Areas

Land & Resource Director, Bill Kalar, reported that compliance checks on septic systems are often required by lending institutions when a property owner is requesting a loan or re-financing. The Land & Resource office has not been doing these inspections because the inspectors have not had time. Motion by Lee, second by Mosher, and unanimously carried to allow existing septic system compliance checks by Minnesota State Licensed Inspectors/Designer 1. This information must be provided to the County Land & Resource Office.

Recess & Reconvene

At 10:40 a.m., Chairman Nelson recessed the meeting of the Otter Tail County Board of Commissioners for a short break. The meeting was reconvened at 10:45 a.m.

Ditch No. 56

Ditch Inspector, Randy Wasvick, requested permission, on behalf of Chad Nelson, to remove trees and debris from Ditch No. 56 on his property. Motion by Froemming, second by Mosher, and unanimously carried to authorize Chad Nelson to remove some trees and debris from Ditch No. 56 at no cost to the County and contingent upon no disturbance to the nearby wetlands.

Ditch No. 68

Mr. Wasvick reported that he has received a request to remove two beaver dams and clean out a culvert under a minimum maintenance road in Ditch No. 68. He stated that there is no money in this ditch system to pay the cost, which he estimated at \$1,000. The Auditor stated that an assessment could be implemented. Motion by Froemming, second by Block, and unanimously carried to remove the beaver dams and unplug the culvert.

Ditch No. 12 & 21

Mr. Wasvick reported problems with beaver plugging a recently installed culvert on Gene Norgren's property in Ditch No. 12 and also, problems with beavers in Ditch No. 21. Discussion followed. Motion by Block, second by Froemming, and unanimously carried to authorize Ditch Inspector, Randy Wasvick, to provide for cleaning out of beaver dams and/or trapping beavers in County Ditch Systems when deemed necessary.

Absentee Ballot Board

Motion by Mosher, second by Lee, and unanimously carried to appoint the following to the Absentee Ballot Board for the September 14, 2004 State Primary Election:

John Molter & Arlene Nycklemoe

Extended Hours for General Election

Motion by Block, second by Mosher, and unanimously carried to authorize the Auditor to extend the hours of operation for the Licensing Center on General Election Day.

Payment Approval

Motion by Lee, second by Block, and unanimously carried to approve payment to Central Minnesota Health Center, in the amount of \$1,200.00 to retain the service of Dr. Bordewick for an Otter Tail County Department of Human Services matter.

Installation of Railroad Crossing Agreement

Motion by Mosher, second by Lee, and unanimously carried to authorize the appropriate County official's signature to execute an Agreement for the Installation of Full Depth Concrete Crossing Surface Material on the Otter Tail Valley Railroad Company on Otter Tail County Highway 86, DOT #103262E near Fergus Falls.

Wetland Setback Discussion

Commissioner Malcolm Lee briefed the County Board on an issue where an individual is building near a wetland. Commissioner Lee offered a motion to establish not less than a 300' building setback from a wetland in Otter Tail County. County Attorney, David Hauser, stated that to accomplish a County wetland setback, the County would need to establish countywide zoning. Chairman Nelson called for a second to the motion. No second was offered. The motion died for lack of a second.

Motion by Mosher, second by Block, and unanimously carried to refer the wetland setback request to the Committee addressing development issues relating to the recent Cluster Development Moratorium and other development issues expressed by the public at recent public hearings.

Tax Court Appeal

Motion by Mosher, second by Froemming, and unanimously carried to authorize the Chairman's signature to execute the Tax Court Stipulation Order for Judgment for Donald F. Monk & Shelby S. Monk, Court File No. C1-03-428.

Extension of Lease Agreement

Motion by Lee, second by Froemming, and unanimously carried to extend the current rental lease agreement between the County of Otter Tail and US bancorp for rental space at the County-owned Cavour Avenue Building at a cost of \$8.50 per sq. ft.

Annual Candlelight Vigil

Motion by Lee, second by Block, and unanimously carried to approve the annual Candlelight Vigil as requested, on Thursday, October 7, 2004, on the Courthouse grounds and first floor of the Courthouse in case of inclement weather.

Appraisal for Sale of Cavour Avenue Building

Motion by Mosher, second by Block, and unanimously carried to approve the quotation of Investment Realty of Fergus Falls to complete an appraisal of the County-owned building on Cavour Avenue at a cost of \$1,000.

Adjournment

At 12:05 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, September 14, 2004.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

CB/kd