

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center – 500 Fir Ave W.
Tuesday, September 14, 2004
9:30 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, September 14, 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, and Malcolm Lee present. Commissioner Dennis Mosher was absent.

Approval of Agenda

Motion by Froemming, second by Block, and unanimously carried to approve the Human Services agenda of September 14, 2004, with the following change:

Public Health Director, Diane Thorson, will present agenda items at 10:30 a.m.

Approval of Minutes

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

West Central Regional Juvenile Center Report

Court Services Director, Chuck Kitzman, and Commissioner, Syd Nelson, provided information from the semi-annual WCRJC meeting held on Thursday, August 26, 2004, at the Juvenile Center in Moorhead. The Center has had a good year in 2004 in terms of filling available beds and is planning to keep the per diem rate the same for secure detention in 2005 at \$158.00 per day for member counties and \$173.00 per day for non-member counties. Discussion continued regarding the facility and the Advisory Board.

St Croix Camps Facility Tour Report

Mr. Kitzman reported that several County officials participated in a tour of the St. Croix Boys and Girls Camp on the Wisconsin Border. The St. Croix Camps is a program, for troubled youth, that assists them in reconnecting with their home, school and community.

Minnesota County Human Service Cost Report

Food Support Program

Human Services Director, John Dinsmore, provided CY2003 funding summary data from the Minnesota County Human Service Cost Report, which shows overall expenditures of public dollars in Otter Tail County as \$82,060,691.00 with the State of Minnesota over 7 billion dollars. He provided comparison data for CY2001 through CY2003 and a breakdown of federal, state and county dollars spent. Health programs (MA and GAMC) continue as the highest expenditures. Mr. Dinsmore briefed the Board on the Food Support Program and provided statistical information regarding usage of the program both within Otter Tail County and Statewide.

Contract Approval

Motion by Nelson, second by Froemming, and unanimously carried to authorize the Chairman's signature to execute a Purchase of Service Agreement between the County of Otter Tail and Luan Peterson & Dorothy Wacker of Perham, MN, for the period of July 1, 2004, through June 30, 2005. Service Providers, Luan Peterson & Dorothy Wacker, will

provide residential services, homes plus and foster care services to eligible persons under the AC/EW or CADI or TBI programs.

Dental Services

Public Health Director, Diane Thorson, reported that a company that provides mobile dental services will be in the parking lot at the GSC building October 18 – 22, 2004, to provide dental services to Medical Assistance eligible clients targeting children from ages 8-18 and their families.

Board of Health Conference

Ms. Thorson briefed the County Board on two issues that will be brought to the State Commissioner of Health. The first issue is defining "essential" public health services as it relates to what services should be considered essential; and the second is the public health funding formula for local government agencies.

Approval of Human Services Bills & Claims

Motion by Block, second by Lee, and unanimously carried to approve the Human Services bills & claims as presented

Adjournment

At 10:46 a.m., Chairman Nelson declared the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, September 28, 2004.

Dated: _____ OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____
Sydney Nelson, Human Services Board Chair

Attest: _____
Larry Krohn, Clerk

Call to Order – County Board

The Otter Tail County Board of Commissioners convened Tuesday, September 14, 2004, at 11:01 a.m. at the Otter Tail County Government Services Center with Commissioners Sydney Nelson, Chair; Bob Block, Vice-Chair; Roger Froemming, and Malcolm Lee present. Commissioner, Dennis Mosher, was absent.

Approval of Agenda

Motion by Froemming, second by Lee, and unanimously carried to approve the County Board agenda of September 14, 2004, as mailed.

Approval of Minutes

Motion by Lee, second by Block, and unanimously carried to approve the County Board minutes of September 7, 2004, as presented.

Approval to Pay Bills

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

Planning Commission Recommendations

Conditional Use Permit – Brant Klepel & B. Mouritsen:

Land & Resource Director, Bill Kalar, reported that this CUP request is an earthmoving project in Section 5 of Everts Township on Round Lake. The Planning Commission recommended denial of the original plan in July. The County Board referred the plan back to the Planning Commission following discussion with the owner/applicant. The Planning Commission discussed a revised plan and recommended denial of the revised plan for the reasons listed in the Planning Commission minutes. Owner, David Klepel, provided copies of the revised plan dated 8-20-04. He stated that he had the drawings completed by an Engineer to address the drainage issues and has spoken with the neighbor several times. He felt he had addressed the issues of concern. Lengthy discussion took place regarding the Planning Commission recommendation and water drainage issues. Motion by Lee, second by Block, and unanimously carried to deny a Conditional Use Permit for this earthmoving project for the reasons stated in the September 8, 2004, Planning Commission minutes and as recommended by the Planning Commission. The property is described as Lot 16 & Int in Lot 11 Timberlane Beach Rearrangement Life Estate to David & Ethel Klepel, Section 5 of Everts Township; Round Lake (56-297).

Conditional Use Permit – Sunset Bay Resort/Kevin J. & June M. Kovar:

Motion by Nelson, second by Froemming, and unanimously carried to approve a Conditional Use Permit to relocate an existing driveway and remodel a cabin with conditions as recommended by the Planning Commission. The property is described as Pt GL 7, Section 28 of Hobart Township; Long Lake (56-388).

Preliminary Plat and Conditional Use Permit – “Baileys Beach”/Donald Kersten %Taylor Inv. Corp:

Mr. Kalar stated that this Preliminary Plat request on East Lost Lake was considered by the County Board in August and denied because of safety issues with an existing township road that would be servicing increased traffic as a result of the development. Property owner, Harold Smith, submitted a list of concerns that property owners felt have not been addressed regarding the reconstruction of 273rd Street. Scott Seely, representing Taylor Investment, stated that an agreement has been signed and is on file in the Land & Resource office that Taylor Investment and eight (8) property owners facing the lake will pay for the relocation of 273rd Street. Delores Smith asked for specifics of how the new road will be paid for and for definition of abandonment of the existing road. Mr. Kalar responded that when a road is abandoned, the road should be obliterated and the area re-vegetated. Mr. Seely stated that is part of the agreement. The County Attorney suggested that Ms. Smith receive a copy of the agreement to pay for the road that is on file in the Land & Resource Office. Harold Smith expressed concern that the road may not be reconstructed correctly. The County Attorney noted that the Township is the road authority and the relocation can be further studied when an application for Conditional Use Permit to construct the road is submitted. Motion by Froemming, second by Block, and unanimously carried to approve the Preliminary Plat of Taylor Investment Corp. known as “Baileys Beach” consisting of seven (7) single family residential lots and three (3) outlots and a Conditional Use Permit to construct a driveway into Lot #5 with conditions as recommended by the Planning Commission. The property is described as Pt of Government Lot 9 Except a 4.63 Ac Tract, Section 1 of Sverdrup Township; East Lost Lake (56-378).

Conditional Use Permit – Jay Samuelson:

Motion by Lee, second by Block, and unanimously carried to approve a Conditional Use Permit to remove taper by construction of retaining walls with a condition as recommended by the Planning Commission. The property is described as Summer Haven Beach, Lot 11 Ex Tr Lot 12 & Lot 13, Section 12 of Scambler Township; Pelican Lake (56-786).

Preliminary Plat - "Tomlinson Oaks"/Don Tomlinson:

Motion by Nelson, second by Block, and unanimously carried to approve the Preliminary Plat of Don Tomlinson known as "Tomlinson Oaks" consisting of three (3) non-residential backlots with a condition as recommended by the Planning Commission. The property is described as Pt of GL 1...(5.1 AC), Section 31 of Corliss Township; Little Pine Lake (56-142).

Conditional Use Permit – Shady Grove Resort/Wes & Theresa Jeltema:

Motion by Nelson, second by Lee, and unanimously carried to approve a Conditional Use Permit for a five-year plan to remodel resort with a condition as recommended by the Planning Commission. The property is described as Lots 3 & 4 of Snodgrass's Basswood Grove and Lot 1, Section 26 of Rush Lake Township; Rush Lake (56-141).

Final Plat

Motion by Lee, second by Block, and unanimously carried to approve the Final Plat of Bothan Properties LLC known as "Get-A-Way Bay Estates on Norway Lake" located in Section 25 of Aurdal Township on Norway Lake (56-569).

Request for Extension of Conditional Use Permit

Motion by Lee, second by Block, and unanimously carried to deny the request of Phillip M. Douglas to extend Conditional Use Permit #6141 for construction of a road, because the condition to review the need for culverts with the Land & Resource office has not been met.

Land Surveyor's Certificate of Correction to Plat

Motion by Froemming, second by Lee, and unanimously carried to approve the Land Surveyor's Certificate of Correction to the Plat of Sunnyside as Attachment B to the official minutes and as prepared by Timothy M. Haugen, Licensed Land Surveyor – License No. 42298.

Credit Card Approval

Motion by Lee, second by Block, and unanimously carried to approve the following credit card requests:

LeeAnn J. Sudbeck	Human Services	\$ 500.00
Raeleen Lohse	Human Services	\$1,000.00

Payment Requests

Motion by Block, second by Lee, and unanimously carried to approve payment to Houston Engineering, Inc. in the amount of \$5,907.12, for services related to the Oscar Lake Outlet Project.

Motion by Froemming, second by Lee, and unanimously carried to deny payment to Inman Township for work done in June of 2004 on County Ditch No. 68.

**ADOPTION OF PRELIMINARY BUDGET AND LEVY
 Otter Tail County Resolution No. 2004 - 44**

Proposed Total Budget and Net Property Tax Levy for Payable 2005

	<u>Payable</u> <u>2005</u>	<u>Payable 2004</u>	<u>Percent</u>
Gross County Property Tax Levy	22,254,781	18,980,014	17.25%
Gross Debt Levy			
Veteran Home Bonds	146,769	143,633	2.18%
Government Services Bldg. Bonds	938,662	994,429	-5.61%
Capital Improvement Bonds	0	500,000	-100.00%
Total Gross County Property Tax Levy	23,340,212	20,618,076	13.20%
County Program Aid	2,630,363	2,239,201	17.47%
Net County Property Tax Levy	20,709,849	18,378,875	12.68%
Gross Lake Improvement District			
Pelican Group of Lakes	106,000	105,000	0.95%
Pine Lakes	8,500	10,400	-18.27%
McDonald, Kerbs & Paul	8,640	9,740	-11.29%
Special Taxing District			
Otter Tail County HRA	200,000	200,000	0.00%
Proposed Net Property Tax Levy	21,032,989	18,704,015	12.45%

After discussion and consideration, a motion was offered by Froemming, seconded by Lee, and unanimously carried to adopt the following resolution:

WHEREAS, on or before September 15, 2004, Otter Tail County must adopt a proposed budget for fiscal year 2005 and must adopt and certify a proposed net property tax levy for payable 2005, and

WHEREAS, the Otter Tail County Budget Committee has held numerous committee meetings to consider and discuss the 2005 budget request and tax levy information.

BE IT RESOLVED, by the Otter Tail County Board of Commissioners of Otter Tail County, Minnesota, that

The amount of \$23,340,212 be adopted as the County's proposed gross property tax levy for the payable year 2005, representing a 13.20% increase over the gross property tax levy for the payable year 2004, and that the amount of \$20,709,849 be adopted as the County's proposed net property tax levy for the payable year 2005 representing a 12.68% increase over the net property tax levy for the payable year

2004:

And that,

The amount of \$123,140 be adopted as the County's proposed Lake Improvement Districts property tax levy for the payable year 2005, representing a 1.624% decrease from the Lake Improvement Districts' property tax levy for the payable year 2004.

And that,

The amount of \$200,000 be adopted as the County's proposed Otter Tail County HRA Special District Property Tax levy for the payable year 2005, representing no increase or decrease from the property tax levy for the payable year 2004.

BE IT FURTHER RESOLVED, that the amount of \$55,500,000 be adopted as the County's proposed budget for the General Fund, for the Budgeted Special Revenue Funds and for the Budgeted Debt Service fund for the fiscal year 2005.

Dated: _____ Otter Tail County Board of Commissioners

By _____
Sydney Nelson, Chairman

ATTEST:

Larry Krohn, Clerk

Truth In Taxation Hearing Date

Motion by Lee, second by Froemming, and unanimously carried to set the Truth In Taxation Hearing for 5:15 p.m. on Thursday, December 2, 2004.

Recess & Reconvene

At 12:10 p.m., Chairman Nelson recessed the meeting of the Otter Tail County Board of Commissioners for lunch break. The meeting was reconvened at 1:01 p.m.

RESOLUTION IN SUPPORT OF 2004 COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY FOR WEST CENTRAL MINNESOTA Otter Tail County Resolution No. 2004 - 46

Commissioner Lee offered the following and moved its adoption:

WHEREAS, West Central Initiative has prepared a Comprehensive Economic Development Strategy (CEDS) for the region containing Becker, Clay, Douglas, Grant, Otter Tail, Pope, Stevens, Traverse, and Wilkin Counties of Minnesota (west central Minnesota); and

WHEREAS, The CEDS contains analysis, economic data, economic development projects, and goals and objectives for the betterment of the region; and

WHEREAS, Availability of an approved CEDS and related annual updates are a condition for qualifying for grants for local economic development projects from the Economic Development Administration of the U.S. Department of Commerce; and

NOW, THEREFORE, BE IT RESOLVED, That the Board of County Commissioners of Otter Tail County, Minnesota, approves the 2004 Comprehensive Economic Development Strategy for west central Minnesota.

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

Adopted and signed this 14th day of September, 2004.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

West Central Initiative Programs

WCI Donor Relations Director, Kim Embretson, presented a packet of WCI project brochures. Area Economic Development Directors, Merlyn Shelstad and Chuck Johnson, discussed the value of the West Central Initiative in the nine-county area in terms of the JOBZ program, employment and job skill studies, and the infrastructure study. This information/data collected can then be used to apply for appropriate grants, which assists communities in the nine-region area.

Discussion of Shoreland Ordinance Provision

Shoreland property owner, Mel Frank, discussed his situation with the County Board. He has a handicapped daughter and the best way to travel with her is by motor home because of the medical supplies that are needed. Because of the provision in the Shoreland Ordinance that prohibits two dwellings on a lot, if he parks his motor home in his driveway to load it for traveling or to do routine maintenance or repairs, he is in violation of the Shoreland Ordinance. County Attorney, David Hauser, stated that the County Board did not have the authority to grant an exception, because it is prohibited by the Shoreland Ordinance. Commissioners could amend the Shoreland Ordinance provision and similar situations have been presented at recent public hearings regarding development in Otter Tail County.

RESOLUTION TO PARTICIPATE AND DESIGNATE PROPERTY FOR TAX FREE ZONE DESIGNATION

Otter Tail County Resolution No. 2004 - 45

Commissioner Lee offered the following and moved its adoption:

WHEREAS, the Perham Economic Development Authority has a desire to promote economic development within the city boundaries, and

WHEREAS, the State of Minnesota through the Minnesota Department of Employment and Economic Development has created the Job Opportunity Building Zones to promote economic development in rural Minnesota, and

WHEREAS, the Perham Economic Development Authority has been authorized a total of 389.56 acres of JOBZ designation, and

WHEREAS, the State of Minnesota allows JOBZ designation to be transferred to undesignated parcels for qualified JOBZ projects, and

WHEREAS, the Perham EDA has received letters of intent from three entities, signifying their intent to establish a JOBZ project on the sites listed below,

NOW, THEREFORE, BE IT RESOLVED, the Commissioners of Otter Tail County, upon careful consideration and review, hereby approves transferring 6.63 acres of JOBZ designation from JOBZ parcel #77000110000000, to the parcels listed below,

	Owner/Developer	Location	Parcel number	Current zoning	Size Acre
1	Arvig Enterprises, Inc	Central States Mechanical: East Half of the Northeast Quarter of Section Twenty-three, Township One Hundred Thirty-Six, Range Thirty-nine, Otter Tail County	51000140122000	Commercial (Perham Township), annexation under way, public hearing September 13	.80 ac
2	Arvig Enterprise, Inc.	Central States Mechanical	51000230168001	Same as above	4.35 ac
3	Blue Sky offices 644 SE 3 rd Ave.	N 50' of W 150' of E 190' of N 720' of SE1/4 SE1/4 & S1/2 vac st adj ex W 40'	77000150011009	Commercial	.17 ac
4	Blue Sky offices, 650 SE 3 rd Ave.	W 150' of E 190' of N 125' of S 670' of SE1/4 SE1/4	77000150011005	Commercial	.51 ac
5	Blue Sky offices Vacant lot	N 50' of S 545' of W 143' of E 183' of SE1/4 SE1/4	77000150011003	Commercial	.17 ac
6	KitMasters 821 1 st St. NE	Lot 8, Block 3, Perham Industrial Park 3 rd Addition, not to include current site of KitMasters facility (approximately 16,000 SF)	77000990962000	Industrial	1 acre (reduced by 16,000 SF)

Commissioner Froemming seconded the motion and upon being put to a vote, the above resolution was adopted as follows:

Yes: 4
 No: 0
 Absent: 1

Adopted this 14th day of September, 2004.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk

2004 Abstract of Assessment

Assessor, Bob Moe, presented a handout comparing estimated market value and tax capacity rates for 1996 through 2004. Even though the tax capacity rate is decreased for 2004, there may still be tax increases because of higher taxable value. Counties with less new construction; however, may see greater tax increases.

Criminal Justice Planning Advisory Committee

Motion by Block, second by Froemming, and unanimously carried to appoint the following citizens to the Criminal Justice Planning Advisory Committee:

District 1: Commissioner, Sydney Nelson	Andrew Klinnert 36370 Rush Lake Loop Ottertail, MN 56571
District 2: Commissioner, Malcolm Lee	Joyce A. Valley 44072 Outlet Beach Road Pelican Rapids, MN 56572
District 3: Commissioner, Dennis Mosher	Elroy Finkelson Dalton, MN 56324
District 4: Commissioner, Roger Froemming	David Holmgren Box 32 Henning, MN 56551
District 5: Commissioner, Bob Block	Gary Waskosky 1007 W. Linden Fergus Falls, MN 56537

Discussion – Wetland Setback

County Attorney, David Hauser, clarified the legal requirements to create a wetland building setback in the County. Under Minnesota Rule 8420.0245, the County can adopt a Wetland Ordinance as there is specific authority for wetland protection if that is the only issue you wish to zone. The County would not need to adopt a Comprehensive County Zoning Ordinance as stated in the September 7, 2004, County Board minutes. Mr. Hauser acknowledged receipt of a letter wherein Mrs. Grahn is asking the County Board to implement interim zoning. The County Coordinator will research information available through the GIS Department to identify wetlands and the potential affect of a setback, as well as researching how many other counties have a Wetland Setback Ordinance or Comprehensive Zoning that addresses setback from wetlands.

Alcohol Compliance Check Grant Award

Motion by Froemming, second by Block, and unanimously carried to authorize the Chairman's signature to execute a Plan Grant Contract between the State of Minnesota Commissioner of Public Safety and the County of Otter Tail, which provides a grant to Otter Tail County of \$4,320 for alcohol compliance checks.

**Closed to the Public
Adjournment**

At 2:14 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners closed to the public to discuss pending litigation as authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Pending litigation is relative to the K-Mart Corporation in tax court regarding valuations. Present were Commissioners Nelson, Block, and Lee, the County Attorney, County Coordinator, Assessor, and Board Secretary.

At 2:26 p.m., upon completion of the closed session, Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, September 21, 2004.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Sydney Nelson, County Board Chair

Attest: _____
Larry Krohn, Clerk