

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 W. Fir Avenue, Fergus Falls, MN
Tuesday, September 23, 2008
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, September 23, 2008, at 9:30 a.m., at the Otter Tail County Government Services Center in Fergus Falls, MN, with Commissioners Syd Nelson, Chair; Everett Erickson, Vice-Chair; Bob Block, Roger Froemming, and Dennis Mosher present.

Approval of Agenda

Motion by Mosher, second by Froemming, and unanimously carried to approve the Board of Commissioners agenda of September 23, 2008, with the following changes:

County Ditch #19 Agenda Item - Canceled
9:45 a.m. – VSO Replacement Information
9:50 a.m. – CD Facility Payment Information

Approval of Minutes

Motion by Froemming, second by Block, and unanimously carried to approve the Board of Commissioners meeting minutes of September 15, 2008, as presented.

Correction to the September 9, 2008 Board of Commissioners' Minutes

Motion by Froemming, second by Erickson, and unanimously carried to authorize the following correction/clarification to the September 9, 2008 Board of Commissioners' Minutes:

Page 2 under the Heading entitled Perham Resource Recovery Facility, the motion currently reads "Motion by Erickson, second by Froemming and carried with Nelson opposed, to commit 21,000 tons of waste annually to the current Perham Resource Recovery Facility, however; the Otter Tail County Board does not support an expansion of the facility due to increased debt and no provisions for maintenance and updates to the facility during the term of the loan."

The motion is corrected to read: "Motion by Froemming, second by Erickson, and carried with Nelson opposed, to commit up to 21,000 tons of waste annually to assure that the existing Perham Resource Recovery Facility project remains viable; however, the Otter Tail County Board does not support an expansion of the facility due to increased debt and no provisions for maintenance and updates to the facility during the term of the loan."

Approval to Pay Bills

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

Human Services Contract

Motion by Erickson, second by Block, and unanimously carried to authorize a Human Services Home and Community-Based Waivered Services Contract for the period of July 1, 2008 through June 30, 2009 between the County of Otter Tail and Care 2000 Home Health Care of Fergus Falls, MN.

Dog Bite Hearing

County Attorney, David Hauser, opened a Dog Bite Hearing at 9:35 a.m. A dog owned by Nathan Tonneson had two documented dog bites, one on 8/22/06 and one on 8/9/08. Nathan Tonneson acknowledged that the dog bites did occur. Discussion then took place regarding review of the matter and the dispositional situation.

Public Health Nurse, Jessica Metzger, reviewed the circumstances of the bites. This dog is in the country where there are generally not many people around or walking by – the most recent incident was with a neighbor. Motion by Mosher, second by Erickson, and unanimously carried to allow the dog to continue to be tied on a leash/chain with no tolerance if another bite occurs. Mr. Tonneson may choose to build a kennel for the dog. Mr. Hauser will draft a document of Findings and Order in the case.

Veterans Service Officer

VSO, Bernie Gamber, took the Oath of Office for his appointment to the VSO Director position effective on September 16, 2008. Mr. Gamber briefed the Board on the process to replace his former position in the Veterans Service Office.

Payment Approval

Motion by Block, second by Mosher, and unanimously carried to approve payment, in the amount of \$544,839.85, from the Construction Fund to Comstock Construction Inc. of Fergus Falls, MN, for the Otter Tail County 60-Bed State Operated Inpatient Chemical Dependency Treatment Facility based on Payment Request No. 8 for the project.

Amendment to Otter Tail County Repurchase Resolutions
Otter Tail County Resolution No. 2008 – 53

Commissioner Erickson offered the following and moved its adoption:

BE IT RESOLVED, by the Board of County Commissioners of Otter Tail County that application for repurchase of the properties designated in Exhibit A of Otter Tail County Resolution No. 2008 – 50 or Exhibit B of Otter Tail County Resolution No. 2008 – 51 will not be considered if received after Tuesday, July 22, 2008 which is the date of the above-noted resolutions.

Commissioner Block seconded the motion, which, upon being put to a vote, was carried as follows:

<u>Board of Commissioners:</u>	<u>YEA</u>	<u>NAY</u>	<u>Other</u>
Dennis Mosher	X		
Roger Froemming	X		
Bob Block	X		
Everett Erickson	X		
Syd Nelson	X		

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Syd Nelson, Board of Commissioners Chair

Attest: _____

Larry Krohn, Clerk

CSAH 9/20 Corridor Study

Motion by Erickson, second by Mosher, and unanimously carried to authorize the Chairman's signature to execute Supplemental Request #2 with SRF Consulting Group, Inc. of Mpls. MN, for additional traffic data collection and analysis for the CSAH 9/20 Corridor Project. Another public forum regarding the project is planned for late May of 2009.

Phelps Mill Park Donation

Mr. West requested the Chairman's signature on a Thank You letter to Lida Township for a donation for the Mill in the Phelps Mill Park. The donation is greatly appreciated by Otter Tail County.

**Maintenance Cooperative Agreement between Otter Tail County and MN DNR
Central Lakes State Trail Maintenance
Otter Tail County Resolution No. 2008 – 54**

Commissioner Mosher offered the following and moved its adoption:

WHEREAS, pursuant to Minnesota Statutes 84.026 and 471.59, subd. 10, the State is empowered to engage such assistance as deemed necessary and the State is in need of routine maintenance services on the Central Lakes Trail in Otter Tail County, AND

WHEREAS, Otter Tail County is agreeable to provide the routine maintenance services as described in the Maintenance Cooperative Agreement for an annual rate of \$1,100.00 per mile.

BE IT RESOLVED, that Otter Tail County will provide the maintenance services as per the Maintenance Cooperative Agreement expiring June 30, 2009 at the annual rate of \$1,100.00 per mile on the Central Lakes Trail.

BE IT FURTHER RESOLVED, the County Board Chair and The County Board Clerk are hereby authorized and directed for and on behalf of the County of Otter Tail to execute and enter into an agreement with the MN Commissioner of Natural Resources prescribing the terms and conditions of same Maintenance Cooperative Agreement for the routine maintenance of the Central Lakes Trail expiring June 30, 2009.

Commissioner Erickson seconded the motion, which, upon being put to a vote, was carried unanimously.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Syd Nelson, Board of Commissioners Chair

Attest: _____

Larry Krohn, Clerk

DeLagoon Gun Range

Motion by Mosher, second by Erickson, and unanimously carried to authorize the appropriate County Officials' signatures to execute a Memorandum of Understanding between the City of Fergus Falls & Otter Tail County to provide terms and conditions for an expansion of the DeLagoon Gun Range for law enforcement training.

Recess & Reconvene

At 10:30 a.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners recessed for a Building Committee meeting. The Board of Commissioners' meeting was reconvened at 11:00 a.m. with Commissioners Syd Nelson, Chair; Bob Block and Dennis Mosher present. Commissioners Erickson and Froemming were present at 11:08 a.m.

Planning Commission Recommendations

Preliminary Plat & Conditional Use Permit – “Franklin Acres”/Brian L. & Debra I. Houkom:

Motion by Block, second by Mosher, and unanimously carried to approve the Preliminary Plat entitled “Franklin Acres” as presented in the revised drawing dated September 15, 2008, and to approve a Conditional Use Permit to construct a road to service the plat. The property is described as Lot 2 Blk 1 & Lot 2 and pt Lot 1 Blk 2, Crystal Springs First Addition & pt of Dedicated Roadway, Section 3 of Lida Township; Franklin Lake (56-759), RD.

Final Plats

Motion by Block, second by Mosher, and unanimously carried to approve the Final Plat of Norway Beach Partnership entitled “Norway Estates” located in Section 34 of Tordenskjold Township; Stalker Lake (56-437).

Motion by Block, second by Mosher, and unanimously carried to approve the Final Plat of Roald & Janet Lund entitled “Ruby Park” located in Sections 8 & 17 of Dunn Township; Pelican Lake (56-786) and Bass Lake (56-770).

2009 Natural Resources Block Grant

Motion by Block, second by Mosher, and unanimously carried to approve the 2009 Block Grant agreement and authorize the Chairman’s signature for the period of July 1, 2008 to June 30, 2010. The motion also approves the 2009 Block Grant distribution dated 9/22/08 as presented by the Land and Resource Administrator.

Planning Commission Recommendations

Preliminary Plat – “Saterlee Acres”/Lowell Saterlee:

Motion by Erickson, second by Froemming, and unanimously carried to approve the Preliminary Plat entitled “Saterlee Acres” consisting of 2 non-riparian single family residential lots with a condition as recommended by the Planning Commission. The property is described as Pt of GL 4 & 5 (5 Acres), Section 2 of Dora Township; Loon Lake (56-523), RD.

Modification of CUP – Clair & Barb Prody, Doug & Sandy Marohl, and Joe & Becky Greenagel:

Motion by Froemming, second by Mosher, and unanimously carried to approve a modification to Conditional Use Permit #6497 as requested in the modified drawing dated 9/5/08. The project is located on Girard Beach Lane, behind Lots 41-52 of Girard Beach, Section 30, Girard Township; West Battle Lake (56-239), GD.

Preliminary Plat – “Turner Point 2nd Addition”/Delbert Turner:

Motion by Froemming, second by Erickson, and unanimously carried to approve the Preliminary Plat entitled “Turner Point 2nd Addition” consisting of 2 single family residential lots as presented. The property is described as Lot 4 Block One Turner Point, Section 8 of Everts Township; Otter Tail River (56-OTR), AG & Deer Lake (56-298), RD.

Preliminary Plat & Conditional Use Permit – “The Shores of Jolly Ann Lake”/ Gene Woldahl et al:

Land & Resource Administrator, Bill Kalar, stated that the Planning Commission offered a motion to recommend approval; however, the motion failed which constitutes a denial. The current proposal consists of 12 lake lots (previously there were 13) and 2 large backlots. Mr. Kalar showed a map of the new proposal.

Surveyor, Mike Nyberg, spoke about some concerns relative to protection of the lake. Currently, there is grazing to the lake and tiling to the west resulting in degradation of the shore impact zone. These problems are caused by agricultural uses, which is not the fault of residential development. Mr. Nyberg stated that the Board of Commissioners sent the developers back to the Planning Commission to redesign the plat. To protect the shoreline, the developers reduced the open area for docking to 20' and increased the buffer along the shoreline from 20' to 30'. He stated that the land is zoned for residential use and it can be developed without causing problems on the lake. Mr. Nyberg noted that an open-space type of development was mentioned at the Planning Commission; however, this does not exist in the Otter Tail County Shoreland Management Ordinance. He noted that the developer has followed through with all the rules including size of lots and lakeshore frontage, which is more than the requirements in the Ordinance. He felt that conditions have been offered to protect the lake.

Eagle Lake Township Officer, John Bemis spoke against the proposed development.

Owner, Charlotte Woldahl, stated that they cannot farm the area anymore and are forced to sell, but now, all the value is taken out of the property even though it is assessed for taxes at a high rate because the property is on a lake. She stated that her family is not wealthy enough to pay the taxes and that they would not be able to survive.

Owner of Viking Valley Hunt Club, Les Bensch, spoke in opposition to the development. He submitted pictures of the area.

Mr. Nyberg clarified that on the Department of Natural Resources website, Jolly Ann Lake is described as 344 acres and 89' deep. Different numbers were used at the Planning Commission meeting. He stated that all pertinent permit applications and notifications have been completed or will be finalized prior and during construction.

Mike Pfiester from Secluded Land Company spoke in regards to complying with the MPCA, County Ordinance and providing thorough documentation as a good developer. Property Owner, Gene Woldahl provided aerial photographs of the lake and expressed concern about the high taxable value of the property.

Planning Commission Member, Leona Zimmerman read the motion made by the Planning Commission and referred to reasons for denial in the August 13, 2008 recommendation. Mr. Nyberg explained that the motion recommending approval of September 17, 2008 by the Planning Commission included solutions to each of the previous reasons for denial.

Motion by Block, second by Froemming and carried 3-2, with Nelson and Mosher opposed, to deny the Preliminary Plat entitled "The Shores of Jolly Ann Lake" consisting of 12 lake lots and 2 large backlots and the Conditional Use Permit to service the proposed plat as recommended by the Planning Commission. Reasons for the denial are as follows: 1. The environmental impact is going to be extreme on soil, vegetation, fish and wildlife. 2. Hazards may be created on both land & water because of the bluffs and the minimum sized lots. 3. The area is extremely sensitive due to the trees, the lake (Natural Environmental) and bluffs onsite. 4. Lack of adequate lot area and water frontage.

Mr. Nyberg requested reconsideration of the motion if the plat was reduced by an additional lake lot to a total of 11. Reapplying, in this case, is complicated by a moratorium on development for 8 months instituted by Eagle Lake Township. No further action was taken. The property is described as S1/2 SE1/4 (80 Ac), Section 18 & NE1/4 NE1/4 (40 Ac), Section 19 of Eagle Lake Township; Jolly Ann Lake (56-370), NE.

Conditional Use Permit – Solinger's Resort/Jon Solinger:

Motion by Erickson, second by Block, and unanimously carried approve a Conditional Use Permit to replace two rental cabins with a new owner's residence as presented. The property is described as Pt of GL 2, Lot 1 Blk 1Sun Rise View Beach 1st Addn, and Lot 1, 2, 3, 4, 5, 6 & 7 Nelson's Outlook Beach, Section 29 of Lida Township; Lake Lida (56-747), GD.

Conditional Use Permit – Jeffrey & Rebecca LeDoux & Kenneth Lien:

Motion by Erickson, second by Froemming, and unanimously carried to approve a Conditional Use Permit to replace a shared wood foundation retaining wall with a two tiered modular block system as presented. The property is described as Lot 7 Pelican Lake Park & Lot 8 remain one parcel #1329-004, #785 & 68-010 not to be split, Pelican Lake Park, Section 5 of Dunn Township; Pelican Lake (56-786), GD.

Conditional Use Permit – Amor Township:

Motion by Froemming, second by Mosher, and unanimously carried to install a 2nd culvert from Eldorado Road to Otter Tail Lake at the same grade as existing culvert as presented. The property is described as Pt of Eldorado Beach Rd, Lot 19 & that pt Lot B dir N of Lot 19 Shirley Beach and SW 54' on lake Lot 18 & that pt of S 270' Lot B Shirley Beach, Section 22 of Amor Township; Otter Tail Lake (56-242), GD.

Recess & Reconvene

At 12:00 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners recessed for a joint meeting with the City of Fergus Falls regarding the proposed Tower Road & Bridge project. The Board of Commissioners' meeting was reconvened at 1:06 p.m.

Market Value/Mass Appraisal System Discussion

Assessor, Bob Moe and Local Realtor, Tom Verhelst, discussed the local appeal process and the Board of Equalization process. Mr. Verhelst questioned the reasons for disqualified sales and provided examples. He requested more consistency in this area based on the circumstances of the sale rather than the sale price as compared to the assessed value. Mr. Verhelst explained that unqualified sales are not used in the appeals process and are not included in the ratios. He stated that if too many sales are thrown out when the sale price is below the assessed price, you will not get real numbers for property values. Mr. Verhelst also stated that the public has a perception that there is no use in making an appeal. Mr. Moe stated that every disqualified sale is reviewed by the Department of Revenue. Discussion took place regarding a \$30,000 site increase if the property is on a lake and has well and septic. Mr. Verhelst suggested a substandard lot surcharge to the properties in this category. Mr. Moe explained that the County has a mass appraisal system that needs to be 90 to 105% of assessed value every year by State law. The Department of Revenue looks at all property types and in order to take definitive action, there must be 6 sales and there has not been State ordered changes for Otter Tail County for several years.

Closed to the Public

At 1:55 p.m., Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners closed to the public for the purpose of evaluating the performance of Assessor, Robert Moe, pursuant to M.S. Chapter 13D.05 Subd. 3. Commissioners Nelson, Erickson, Block, Froemming, and Mosher were present for the evaluation. A summary of performance conclusions will be provided at the next regular County Board meeting.

Adjournment

At 2:29 p.m., upon completion of the Closed Session, Chairman Nelson declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, September 30, 2008.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Syd Nelson, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

CB/kd

approved minutes

WARRANTS APPROVED ON 9/23/2008 FOR PAYMENT 9/23/2008

<u>VENDOR NAME</u>	<u>AMOUNT</u>
CYNDI ABBOTT	73.30
ALL CREATURES VET HOSPITAL	39.35
BRIAN ARMSTRONG	262.24
ERIC BABOLIAN	62.11
BALLARD SANITATION INC	2,597.20
BATTLE LAKE BOY SCOUTS TROOP	3 246.50
BLUESTONE TECHNOLOGIES INC	428.22
BOB'S STANDARD BULK SERVICE	126.40
HEATHER BRANDBORG	805.71
BRANDON COMMUNICATIONS INC	12,219.24
BREITBACH CONSTRUCTION CO	145,825.00
BRETZ HARDWARE	15.50
BUY-MOR PARTS & SERVICE LLC	59.21
CABELA'S INC	276.83
CARQUEST AUTO PARTS	66.03
CENTRAL DOOR & HARDWARE INC	650.00
CERTIFIED AUTO REPAIR	27.65
RYAN CHESHIRE	57.69
CITIZENS ADVOCATE AND VERNDALE	254.40
COOPERS TECHNOLOGY GROUP	253.86
CULLEN'S HOME CENTER	468.59
DALLAS SAILER ENTERPRISES	43.40
AMANDA DUNHAUR	356.47
ELECTION SYSTEMS & SOFTWARE IN	7,427.24
FERGUS ELECTRIC	552.03
FERGUS FALLS DAILY JOURNAL	297.04
FERGUS FALLS MEDICAL GROUP	35.00
FERGUS FALLS POLICE DEPT	562.96
FERRELLGAS	52.52
FERRELLGAS FERGUS FALLS	39.44
FORCE AMERICA	356.81
GOPHER STATE ONE CALL	16.60
CHRISTINE GREENE	11.99
MIKE HANAN	115.42
HEDAHL'S HEADQUARTERS	35.83
MARILYN HELLER	459.88
HINTERMEISTER INC	.51
SHELDON HOLM	183.69
SANDY HOLO	93.69
HOME LINE	16.00
HOOTS SPORTS	492.21
THE INDEPENDENT	303.68
KELLY SERVICES INC	304.00
LAKE REGION ELECTRIC CO OP	309.40
LAKE REGION HEALTHCARE CORP	1,100.00
LAKELAND MENTAL HEALTH CENTER	1,504.75
LAKES RADIO	50.40
LAKEWAY MARKET LLC	29.00
LARRY OTT INC TRUCK SERVICE	1,875.00
LEN'S REPAIR	9,400.00
MARCO INC ST LOUIS	310.02
MARLIN'S SMALL ENGINE REPAIR	122.74
MATTHEW BENDER & COMPANY INC	479.84
WENDY METCALF	198.90
THE MIDWEEK	50.75
MINNKOTA	29.00

OTC Board of Commissioners' Minutes
September 23, 2008
Attachment A, Page 2

MN CO RECORDERS ASSOCIATION	50.00
MN FRAUD INVESTIGATORS ASSOC	50.00
MN OFFICE OF ENTERPRISE TECHNO	1,200.00
JIM MYHRE	360.49
NAPA FERGUS FALLS	11.52
NELSON AUTO CENTER	870.17
PAMELA NESS	13.63
NIEMELA REPAIR	58.04
NORTHERN PLUMBING SUPPLY	332.27
NORTHLAND BUSINESS SYSTEMS INC	3,140.30
OFFICEMAX INCORPORATED	1,311.71
OLSON OIL CO INC	12.04
OTC TREASURER	97.68
OTTER TAIL CO RECYCLING	4,516.61
OTTERTAIL TRUCKING INC	9,049.80
PAMIDA INC 008	6.91
PARK REGION CO OP	37.27
KRISTIE PARTAIN	64.94
STACY PAULSETH	39.80
PEMBERTON SORLIE RUFER KERSHNE	663.00
PEPSIAMERICAS	229.23
PERHAM ENTERPRISE BULLETIN	50.50
PERHAM MEMORIAL HOSPITAL & HOM	15.00
PERHAM SAND & GRAVEL	4,062.50
PITNEY BOWES	1,594.47
PRO AG FARMERS CO OP	4,306.29
QUILL CORPORATION	232.75
RDO EQUIPMENT CO FARGO	78.38
ROYAL TIRE INC	581.84
RYAN'S REPAIR	95.10
SAFELITE FULFILLMENT INC	420.33
SERVICE FOOD SUPER VALU	99.34
SHERWIN WILLIAMS	61.15
HEIDI SHJERVE	10.89
SIGNWORKS	160.92
SPRINT	672.64
STEINS INC	1,805.69
STREICHERS	95.84
CHRIS STUBER	112.32
SUPER SEPTIC INC OF PELICAN RA	77.19
LESLIE SWARTZ	11.11
DEB TABBUT	10.25
TDS METROCOM	.38
TRANQUILITY BUILDING SERVICES	452.63
SUSAN ULSCHMID	208.84
UNICEL	45.99
UNITED PARCEL SERVICE	28.00
VIKING COCA-COLA	236.27
VOSS LIGHTING	340.25
WADENA CO AUDITOR TREASURER	1,159.94
WADENA PIONEER JOURNAL	144.80
WAGON WHEEL	55.00
ROBERT WEATHERLY	785.38
TRACY WILLIAMS	12.55
ZACK JONES & MAGNUS	1,337.40
**** FINAL TOTAL.....	<u>\$233,508.58 ****</u>