

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, September 18, 2001
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, September 18, 2001, at 9:30 a.m. at the Otter Tail County Courthouse with Roger Froemming, Chair; Dennis Mosher, Vice-Chair; Syd Nelson, Malcolm Lee, and Bob Block present.

Approval of Agenda

Motion by Block, second by Lee, to approve the County Board agenda of September 18, 2001, with the following addition:

1:00 p.m. - Budget Committee Meeting

Motion carried unanimously.

Approval of Minutes

Motion by Nelson, second by Mosher, and unanimously carried to approve the County Board minutes of September 4, 2001, as presented.

Approval to Pay Bills

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

Bid Award - CSAH No. 74 Right-of-Way Platting

After previously advertising for bids for right-of-way platting for S.A.P. 56-674-02, Highway Engineer, Rick West, opened the following bids on September 6, 2001:

Lake Region Surveying Pelican Rapids, MN	\$ 9,200.00
Anderson Land Surveying, Inc. Fergus Falls, MN	10,990.00
Widseth Smith Nolting Alexandria, MN	12,502.00

Motion by Lee, second by Mosher, and unanimously carried to award the CSAH No. 74 Right-of-Way Platting for the reconstruction project from CSAH No. 35 to 330th Avenue, to the low bidder, Lake Region Surveying of Pelican Rapids in the amount of \$9,200.00.

Snowplow Truck Equipment

Mr. West reported that the Highway Department has purchased two snowplow trucks that will be delivered within the next 45 days. He requested approval to purchase the boxes and other necessary equipment for these trucks. Motion by Mosher, second by Lee, and unanimously carried to authorize the Highway Engineer to purchase equipment for two snowplow trucks from state contract number 427115, in the amount of \$136,393.70, for both trucks from J-Craft of Kimball, MN.

New York Mills Building

County Coordinator, Larry Krohn, clarified that the authorized payment of \$28,048.39 was to make the basement level of the New York Mills building available to the County. The New York Mills building will be paid off per the payment schedule on December 15, 2006.

Otter Tail County Resolution No. 2001 - 49

Commissioner Froemming introduced the following resolution and moved its adoption:

WHEREAS, on September 11, 2001, our country was suddenly and brutally attacked by foreign terrorists, and;

WHEREAS, these terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, a third into the Pentagon outside Washington, DC, and the fourth into a rural area of Pennsylvania, and;

WHEREAS, thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders, and;

WHEREAS, these cowardly acts were by far the deadliest terrorist attacks ever launched against the United States, and, by targeting symbols of American strength and success, clearly were intended to intimidate our nation and weaken its resolve, and;

WHEREAS, these horrific events have affected all Americans. It is important that we carry on with the regular activities of our lives. Terrorism cannot be allowed to break the spirit of the American people, and the best way to show these cowards that they have truly failed is for the people of the United States and their counties to stand tall and proud,

THEREFORE, BE IT RESOLVED, that the governing board of Otter Tail County condemns the cowardly and deadly actions of these terrorists, and;

BE IT FURTHER RESOLVED, that the governing board of Otter Tail County supports the President of the United States, as he works with his national security team to defend against additional attacks, and find the perpetrators to bring them to justice, and;

BE IT STILL FURTHER RESOLVED, that the governing board of Otter Tail County recommends to its citizens to support relief efforts by giving blood at the nearest available blood donation center.

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

Adopted this 18th day of September, 2001.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, County Board Chair

Attest: _____
Larry Krohn, Clerk

Ditch #4 Redetermination of Benefits

County Attorney, David Hauser, presented the viewers' report for redetermination of benefits for Ditch #4. Motion by Froemming, second by Lee, and unanimously carried to adopt the Order Redetermining Benefits for Ditch #4 by the Otter Tail County Board of Commissioners as presented.

Partial Release of Easement

Motion by Nelson, second by Mosher, and unanimously carried to accept a Partial Release of Easement between the County of Otter Tail and Anton B. Nelson Irrevocable Trust on the following property as presented by the County Attorney: All that part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 132 North, Range 39 West, Otter Tail County, Minnesota.

Request for Disaster Response Services

Human Services Director, John Dinsmore, requested authorization to allow donation of vacation time for a trained volunteer with the Red Cross to assist victims coping with disaster in either New York or Washington. Motion by Nelson, second by Mosher, and unanimously carried to authorize donation of 40 hours of vacation time from the Human Services Management Team to Kay Brown for disaster relief services with the Red Cross for this one-time purpose.

Recess & Reconvene

At 10:50 a.m., Chair Froemming declared the Otter Tail County Board of Commissioners' meeting recessed for a short break. The meeting was reconvened at 11:00 a.m.

Planning Commission Recommendations

Conditional Use Permit - Leaf Lake Partnership:

Motion by Froemming, second by Mosher, and unanimously carried to approve a Conditional Use Permit to expand a dwelling 10' back and build a modified 2nd story out of the Shore Impact Zone with conditions as recommended by the Planning Commission. The property is described as Pt of GL 2 (2.5 AC) in section 23 of Leaf Lake Township, East Leaf Lake (56-116).

Preliminary Plat - Lake Hovland Estates/Larry & Helen Scheffler:

Motion by Lee, second by Nelson, and unanimously carried to deny the Preliminary Plat known as "Lake Hovland Estates" as recommended by the Planning Commission. The property is described as GL 1 (9.80 Acres) of Section 26 of Trondhjem Township, Hovland Lake (56-1014).

Preliminary Plat - Kansas Point Passage/Gary L. & Janet L. Smith:

Motion by Lee, second by Mosher, and unanimously carried to approve the Preliminary Plat known as "Kansas Point Passage" consisting of 5 lots (4 single family residential lots & 1 non-residential backlot). The property is described as Pt of GL 5 in Section 27 of Lida Township, Lake Lida (56-747).

Preliminary Plat & Conditional Use Permit - Mason Lake Estates

Danny L. Hanson et al & John Dixon et al:

Land & Resource Director, Bill Kalar, reported that this proposed plat of eight lots on East Mason Lake was approved with conditions. One of those conditions reduces the three lots on the lake to two lots of equal size. Developer, Clem Hendrickson, stated that every lake lot on this proposed plat is well over the required lot size; therefore, he questioned the reason for that condition. Mr. Kalar stated that the rationale given by the Planning Commission was because this is a natural environment lake and by reducing the number of lots, access will be limited to one shared access. Wade Tate, representing his family, spoke in opposition of approval of the plat at this time.

Mr. Tate's concerns were 1) aquatic plant growth on the shoreline relative to how this plat will be developed, 2) the fact that a meeting between the applicants and the DNR regarding access to the lake had not taken place, 3) if the ordinary high water level is higher than has been established on the map, there may be a problem for building and septic on the properties, 4) concerned with springs in this area of the shoreline, 5) potential flooding concerns, and 6) concern with accuracy of the survey that was completed. Mr. Tate requested that the approval process be delayed to further address these concerns. Paul Winkler, owner of property on the east and west side of Mason Lake, spoke in opposition of the plat. Mr. Dixon, Applicant, stated that he had called the DNR and spoke to them about lake access and over the water docks to avoid the cattails. Discussion followed. Motion by Froemming, second by Lee, to approve the Preliminary Plat known as "Mason Lake Estates" consisting of 7 lots for single family residential use and to approve a Conditional Use Permit to construct a road to service the plat with conditions as recommended by the Planning Commission. Chair Froemming called for a roll call vote:

Commission District 5	Block	Yea
Commission District 3	Mosher	Yea
Commission District 1	Nelson	Yea
Commission District 4	Froemming	Yea
Commission District 2	Lee	Yea

Motion carried. The property is described as Pt of GL 3 in Section 23 of Girard Township, East Mason Lake (56-196).

Preliminary Plat - Russ' Beach/Audrey Johnson:

Motion by Nelson, second by Froemming, and unanimously carried to approve the Preliminary Plat known as "Russ' Beach" with conditions as recommended by the Planning Commission. The property is described as Lots 1 & 2 Oakland Beach and Pt of GL 4 in section 1 and Pt of GL 1 in Section 2 of Perham Township, Little Pine Lake (56-142).

Conditional Use Permit - David & Vickie Danielowski:

Mr. Kalar stated that this CUP request is for a block retaining wall. He had viewed the property and part of the wall was breaking away already. Chad Danielowski stated that one block was split out; however, that was only because they had to stop what they were doing and were not able to finish. Discussion took place regarding the reason(s) for the applicant's failure to obtain a permit, stabilization of the project, and possible modification. Photographs of the wall were provided. Motion by Mosher, second by Nelson, and unanimously carried to send this request back to the Planning Commission for reconsideration of an alternate plan contingent upon the applicant waiving the 60 day requirement and upon submission by the applicant to the Planning Commission of a proposed, alternate plan in writing. Chair Froemming called for a roll call vote:

Commission District 5	Block	Yea
Commission District 2	Lee	Nay
Commission District 3	Mosher	Yea
Commission District 1	Nelson	Yea
Commission District 4	Froemming	Yea

Motion carried. The property is described as West 50' of Lot 12 & Land Between Lot & Lake Evander Beach in Section 10 of Eagle Lake Township, Eagle Lake (56-253).

Preliminary Plat - Round Lake Beach 1st Addition/Harlan L. Nelson:

Motion by Froemming, second by Lee, and unanimously carried to approve the Preliminary Plat known as "Round Lake Beach 1st Addition" consisting of 2 lots as presented. The property is described as Reserve 3 of GL 1 ex pt platted & ex trs in Section 5 of Everts Township, Round Lake (56-297) and Otter Tail Lake (56-242).

Conditional Use Permit - John & Marlys Pepera:

Motion by Nelson, second by Mosher, and unanimously carried to approve a Conditional Use Permit to construct a driveway to service Tract S with conditions as recommended by the Planning Commission. The property is described as Tract S; that pt of GL 5 & 6 in Section 28 of Hobart Township; Long Lake (56-388).

Loren Kalpin et al - Renewal of CUP #5663:

Motion by Froemming, second by Lee, and unanimously carried to approve renewal of Conditional Use Permit #5663 (Lake Adley-56-31) with an expiration date of November 1, 2001, as requested.

Adjournment

At 12:15 p.m., a motion was offered by Froemming and seconded by Nelson, to adjourn the meeting of the Otter Tail County Board of Commissioners until Tuesday, September 25, 2001. Motion carried.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, County Board Chair

Attest: _____
Larry Krohn, Clerk

CB/kd

Enc.