

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Otter Tail County Courthouse
Commissioners' Room, Floor 1-B
Tuesday, March 25, 2003
9:30 a.m.**

Call to Order

The Otter Tail County Human Services Board convened Tuesday, March 25, 2003, at 9:30 a.m. at the Otter Tail County Courthouse with Commissioners Malcolm Lee, Chair; Syd Nelson, Vice-Chair; Roger Froemming, Dennis Mosher, and Bob Block present.

Approval of Agenda

Motion by Froemming, second by Block, and unanimously carried to approve the Human Services agenda of March 25, 2003, as mailed.

Approval of Minutes

Motion by Nelson, second by Froemming, and unanimously carried to approve the Human Services Board minutes of March 11, 2003, as mailed.

**Otter Tail County Proclamation
Otter Tail County Resolution No. 2003 - 16**

Commissioner Froemming offered the following and moved its adoption:

WHEREAS, crime and the threat of violence have profound and devastating effects on individuals, families, and communities in America; and

WHEREAS, over 24 million people in the United States are touched by crime each year; and

WHEREAS, the threat and reality of terrorism have challenged *all* Americans to realize the devastating consequences of violent crime, and their important roles in providing support to individuals and communities who are victimized; and

WHEREAS, crime in America results in significant physical, psychological, financial and spiritual effects on countless innocent victims; and

WHEREAS, crime victims in every state, U.S. Territories, and Federal jurisdictions have statutory rights to be kept informed of and involved in criminal and juvenile justice processes, and to be afforded protection, restitution, and accountability from their offenders; and

WHEREAS, there are over 10,000 community-and-system-based victim service programs across our nation that provide a wide range of services and support to victims of crime; and

WHEREAS, in 2003, the Office for Victims of Crime within the U.S. Department of Justice commemorates 20 years of providing leadership to ensure that crime victims are treated with dignity and compassion; and

WHEREAS, America as a nation continues to face threats to our personal and public safety, and continues to commit its collective energies to help our fellow citizens who are hurt by crime; *therefore, be it*

RESOLVED, that Otter Tail County Commissioners proclaim the week of April 6 to 12, 2003 to be Otter Tail County Crime Victims' Rights Week and the month of April to be Otter Tail County Sexual Assault Awareness Month, and honors crime victims and those who serve them during this week, month, and throughout the year; and *be it further*

RESOLVED, that we continue to fulfill the promise of justice and compassion for crime victims as individuals, as communities, and as a nation dedicated to justice for *all*; and *be it further*

RESOLVED, that a suitably prepared copy of this proclamation be presented to Listening Ear Crisis Center on the day of signing.

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

Adopted this 25th day of March, 2003.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Malcolm K. Lee, County Board Chair

Attest: _____

Larry Krohn, Clerk

Advisory Board Meeting Report

Court Services Director, Chuck Kitzman, reported that the West Central Regional Juvenile Center Advisory Board meeting is scheduled at 10:00 a.m. on April 3, 2003. He reported that treatment centers across the state are struggling financially as the number of days spent in treatment centers are decreasing. Projected cuts in funding to counties may also decrease the number of placements.

Mr. Kitzman met with the Court Services Advisory Board upon completion of the CY2002 Annual Report. The Board discussed the annual report, program overview, legislative issues, and Otter Tail County's response to the Governor's proposal.

Budget Discussion

Diane Thorson, Public Health Director, reported that Phase I small pox clinics cost approximately \$21,000 for employee staff time and mileage. Of that cost, the County will receive an additional \$8,574. The Federal Government has provided data regarding next year's funding and will release up to 20% of that funding to cover the cost of the small pox clinics. Ms. Thorson stated that a portion of the cost was the security required for transporting vaccines and during the clinics. Because of the high cost factor with limited reimbursement, Ms. Thorson stated that Otter Tail County would not be the lead agency for the region for Phase II of the plan. Additionally, Ms. Thorson reported that the County's direct cost for Refugee Health Services last year was \$18,102. The County receives \$1,211 state funding for this mandated service.

Contract Approval

Motion by Nelson, second by Mosher, and unanimously carried to authorize the Chair's signature to execute an amendment to the Purchase of Service contract between the County of Otter Tail and Productive Alternatives, which corrects the transportation per diem cost for clients from other counties receiving services in Otter Tail County from \$304 to \$340.

Budget Review

Human Services Director, John Dinsmore, provided a recap of expenditures and revenues by program area. He presented proposed reductions in the Governor's proposal by program area. Lengthy discussion followed.

Bills & Claims

Motion by Mosher, second by Froemming, and unanimously carried to approve the Human Services bills & claims as presented.

Adjournment

At 10:36 a.m., Chairman Lee declared the meeting of the Otter Tail County Human Services Board adjourned until 9:30 a.m. on Tuesday, April 8, 2003.

Dated: _____ OTTER TAIL COUNTY HUMAN SERVICES BOARD

By: _____
Malcolm K. Lee, Human Services Chair

Attest: _____
Larry Krohn, Clerk

Call to Order – County Board

The Otter Tail County Board of Commissioners convened Tuesday, March 25, 2003, at 10:47 a.m. at the Otter Tail County Courthouse with Malcolm Lee, Chair; Syd Nelson, Vice-Chair; Roger Froemming, Dennis Mosher, and Bob Block present.

Approval of Agenda

Motion by Froemming, second by Mosher, and unanimously carried to approve the County Board agenda of March 25, 2003, with the following additions:

- Wayne Stein – Reclassification Request
- Bill Kalar – Request for Approval of a Final Plat

Approval of Minutes

Motion by Mosher, second by Nelson, and unanimously carried to approve the County Board minutes of March 18, 2003, as mailed.

Approval to Pay Bills

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

Budget Discussion Update

County Coordinator, Larry Krohn, updated the Board on the Department Head meeting held March 14, 2003. He reported the general conclusion of most department heads that a 5% budget is possible; however, 10% cannot be obtained without elimination of services and staff

reductions. Discussion took place regarding funding differences from department to department.

Website Information

Mr. Krohn reported that information regarding the remodeling of the Government Services Center at the RTC location is available on the County's website at www.co.otter-tail.mn.us.

Nutrition Education Update

Nutrition Education Assistant, Cathy DeCock, provided a booklet, which shares stories regarding Extension's Nutrition Education Programs. She served cake with reduced fat and cholesterol and provided visual aids to show the difference between this recipe and common cake recipes. She stated that the program teaches low cost, easy-to-fix, healthy foods to low-income clientele.

Replacement of Vacant Position Reclassification

Motion by Mosher, second by Block, and unanimously carried to authorize advertising for a License Center Specialist position in the Motor Vehicle, Driver's License, and Game & Fish Department to replace a vacated position.

Motion by Mosher, second by Block, and unanimously carried to authorize the reclassification (effective January 1, 2003) of the following positions in the County Auditor's office as recommended by MAXIMUS, Inc:

1205	Accounts Payable Billing Specialist	Grade 11 to 12
1206	Payable/Grant Specialist	Grade 14 to 15
1210	Payroll/Property Tax Specialist Supervisor	Grade 16 to 17

Fraud Investigation and Collections Report

Fraud Investigators, Allan Anderson and Sandy Holo, updated the County Board regarding fraud statistics for CY2002. Total FPI savings and overpayments for 2002 were reported as \$63,754. Ms. Holo reported on the challenges of the administrative disqualification process because of the new Minnesota Families Investment Program rules. Collections Officers, LeeAnn Sudbeck and Sue Ulschmid, provided collection statistics comparing CY2001 and CY2002. Year-to-date total recovery dollars for 2002 were reported as \$340,995.26 with the County's share \$130,276.72. Third party reimbursements for detox totaled \$56,689.01, which is revenue that is kept in the County. Possible ways the collections unit could cut costs and increase revenues were presented.

Reclassification

Motion by Mosher, second by Block, and unanimously carried to authorize the reclassification of the following positions (effective November 1, 2002) in the MIS Department as recommended by MAXIMUS:

2003	Network Administrator/Workstation Specialist	Grade 17 to Grade 18
2004	Microcomputer Specialist	Grade 13 to Grade 15
2005	AS400 Administrator	Grade 17 to Grade 18

Fiber Optic Bid Award

After previously advertising for bids, Physical Plant Manager, Rick Sytsma, opened the following bids for UEI Project No. 2002-1403, Fiber Optic Routes to the Government Service Center:

<u>Bidder/Contractor</u>	<u>Alternate Bid No. 1</u>	<u>Base Bid</u>
Moorhead Electric, Inc. Moorhead, MN	\$24,776.00	\$86,016.63
Underground Piercing Rogers, MN	\$30,390.00	\$103,650.00
Dig America St. Cloud, MN	\$29,410.00	\$103,775.00
Ernst Trenching Fargo, ND	\$34,947.90	\$105,214.50
MP NexLevel, Inc. Maple Lake, MN	\$30,748.93	\$105,250.74
MasTec Hugo, MN	\$26,994.38	\$108,408.20
Spalj Construction Deerwood, MN	\$23,055.00	\$110,166.00
Ripleys, Inc. Erhard, MN	\$42,450.00	\$112,635.00
Master Construction Co. Fargo, ND	\$32,850.15	\$116,702.12
Electrical Systems Brainerd, MN	\$32,758.00	\$122,661.00
Beacon Bloomington, MN	\$32,410.43	\$133,610.00
Underground Contracting Services Wahpeton, ND	\$37,540.00	\$155,250.00
Geldner Construction St. Peter, MN	\$37,141.00	\$158,535.00
Computer Cable Connection Bellevue, NE	\$46,044.86	\$163,527.00

Motion by Block, second by Lee, and unanimously carried to award the Fiber Optic Bid (UEI Project No. 2002-1403) to the low bidder, Moorhead Electric, Inc. at the base bid of \$86,016.63, and the Alternate No. 1 bid, in the amount of \$24,776.00.

Approval of Change Order

Motion by Lee, second by Block, and unanimously carried to approve Change Order No. 15A.2, in the amount of \$26,605.00, payable to Manning Mechanical, Inc. of Fargo, ND, for the remodeling project at the GSC building.

Relocation of DOC Office

Motion by Mosher, second by Nelson, and unanimously carried to authorize the Chair's signature to execute Amendment No. 1 to Lease Agreement No. 11202 (rental lease) to allow for a decrease of \$39.00 per month as a result of moving into a smaller office at the New York Mills County offices. The agreement is between the County of Otter Tail and the State of Minnesota Department of Corrections.

Recess & Reconvene

At 12:10 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners recessed for lunch break. At 1:00 p.m., Chairman Lee reconvened the meeting.

Planning Commission Recommendations – Blue Heron Bay

Chairman Lee requested that Land & Resource Director, Bill Kalar, begin discussion regarding the recent Planning Commission meeting. Mr. Kalar stated that the Planning Commission met on March 19, 2003, to consider the Environmental Assessment Worksheet prepared for the proposed development of Blue Heron Bay on Dead Lake. A summary of all letters received during the comment period was provided and considered. The Planning Commission looked at additional information as well. Mr. Kalar, read for the record, the recommendation of the Planning Commissioner regarding whether or not an Environmental Impact Statement for the proposed development of Blue Heron Bay is necessary as follows: "A motion by Schwartz, second by Maske, to recommend a Negative Declaration, since there is not a potential for significant environmental impact (see attached Findings of Fact)." This recommendation passed on a 7 – 3 vote.

Chairman Lee stated that the public comment period regarding an EIS for Blue Heron Bay ended March 5, 2003; however, Chairman Lee opened the floor for additional comments.

Developer, Jim Erickson, management partner of R. Murray Partnership, LLP, stated that if issues arise during this meeting, he is present to respond. The developer expressed pride in the EAW prepared by the County's staff and confidence in the recommendation of the Planning Commission. He noted that all of this information will again, be in front of the Planning Commission, during the conditional use process. County Attorney, David Hauser, asked Mr. Erickson to explain the book provided to the Board entitled "Response to Public Comments on the EAW" dated March 19, 2003. Mr. Erickson explained that tab 1 was a redline version of the proposed findings of fact. In addition, there is information regarding the bass tournaments held on Dead Lake, letters submitted to the Planning Commission and the summary of those letters, and a small map to address the issue of the shallow bay with a proposed slow or "no wake" zone around the peninsula. Mr. Hauser asked about a letter from Bonnie Swanson regarding archaeological investigation. Mr. Erickson stated that this is a neighbor with historic knowledge of the peninsula who has been invited onto the property to point out any area where there may be Indian Mounds.

Attorney, Chuck Krekelberg, representing the Dead Lake Association, expressed concern regarding the action of the Planning Commission. He stressed that this is an extremely fragile area in Otter Tail County with tremendous potential for environmental damage. He stated that the Dead Lake Association believes that the Planning Commission did not give enough consideration to numerous concerns expressed regarding the cumulative effect that could happen from that development because of issues such as depth of the bay,

shallowness of the bay, effect of motors and props stirring up sediment, and archaeological information. He stated that the Planning Commission erroneously assumed existing regulations would address environmental concerns caused by this particular project. He used the "no wake" zone idea as an example. The County doesn't have a "no wake" zone ordinance and how would that regulation be enforced to prevent environmental damage? Mr. Krekelberg expressed concern regarding effect and irreversibility – once the damage is done, no regulation can fix environmental damage. He objected to the manner in which the EAW was adjusted on the day of the hearing. In summation, Mr. Krekelberg, reiterated that the County did not have enough information to determine environmental impact and an EIS is how you obtain that information.

County Attorney, David Hauser, stated that the Environmental Impact Statement shall be ordered for projects with significant environmental effects. Information can be required for an EIS or a decision can be postponed for 30 days for additional information. If an EIS is determined to be necessary, the scope of the EIS must be provided. The record must include comments on the EAW, which was the purpose of the summary of comments for the Planning Commission. In deciding whether potential for significant environmental effects exists, the responsible government unit shall compare impacts from the project with the criteria as outlined in the Findings of Fact. Mr. Hauser then lead the County Board through the Findings of Fact submitted as part of the minutes of the Planning Commission meeting. The following comments were received:

Section X of the Findings of Fact: "That there are two islands adjacent to the main part of the development. Although they may support limited development, they are suitable to be part of the project. The determination as to the number of units the project can support is subject to the conditional use permit process."

Spencer Schram, Dead Lake Association Environmental Committee member, objected to modification of any part of the project and asked that this modification not be submitted.

Attorney for the developer, Bob Russell, responded that the responsible unit of government should listen to amendments and should research each finding.

Section XII of the Findings of Fact: "The vacation of the township road poses no potential for significant environmental effects. The construction of any new road would be subject to the conditional use permitting process."

Jim Erickson explained that the application to vacate the minimum maintenance road has not been submitted to the township at this point. The township currently has an easement.

Section XIII of the Findings of Fact: "The project is in a shoreland area of a natural environment lake, and the standards for the cluster development will be subject to standards designed for a natural environment lake."

Commissioner Nelson asked what the standards are for a project in the shoreland area of a natural environment lake. Mr. Kalar responded that the requirements are 200' frontage and 80,000 sq. ft. per lot area. Lots sized for typical lot block development. If it is a backlot, then the ordinance requires the numbers to be doubled. In a cluster development, in determining density, you take into account the minimum lot sizes and use that with usable area in tiers

around the lake. On a natural environment lake, the first tier goes back 400'. The maximum number of units allowable for the space is 139; however, that amount does not need to be approved. During the CUP process, those numbers would be approved at that time, along with conditions on how development could occur, where buildings are allowed to be located, etc.

Section XIV of the Findings of Fact: "The project is a large one; however, the parcel is large, suitable for development, and will be subject to the conditional use process and rules relating to cluster developments. Some variances are being requested with regard to the height of barns; the number, size, and location of water oriented accessory structures; and the number of dock spaces. Approval would be necessary both through the conditional use process and the variance process. With the volume of information available, appropriate conditions can be imposed to prevent any potential significant environmental effects."

Jim Erickson stated that the developers filed 4 variances; however, have now withdrawn one, will ask the Board of Adjustment to act on the height of the barns, and defer action on the WOAS and number of docks until a later date.

Section XVIII of the Findings of Fact: "Based on the substantial benefits of the proposed wastewater system, no issues are identified that would result in the potential for significant environmental effects. Further, ongoing regulatory authority of the MPCA and the County mitigates the impacts from the wastewater system. Based on the description of the project, no issues are identified that have the potential for significant environmental effects."

Discussion took place regarding a proposed septic system that has not been used under the County's jurisdiction. This system would be controlled/licensed under the MPCA and the County's regulatory authority would be to ensure that each unit is hooked up to an appropriate system.

Section XXI of the Findings of Fact: "The additional residential units on the lake will add to boat traffic. At present, it appears there are 28 acres of lake per residential unit. With this project, there would be 17 acres of lake per residential unit. If all of the shoreline of the lake were developed, there would be eight acres of lake per residential unit. The project does not pose a potential for significant environmental effect to the lake as a whole."

Mr. Krekleberg objected to this finding as an assumption that the project does not pose a potential for significant environmental effect to the lake as a whole, and ignoring the shallowness of the lake. Discussion took place regarding the number of boats coming into the lake from the public access and as part of the fishing tournaments. It was mentioned that a "no wake" zone was proposed in letters from the DNR. Gary Ruehmann objected to the "no wake" zone as not enforceable.

Continued Discussion:

Jim Erickson formally requested that the Board look at the developer's proposed findings and judge the appropriateness of the additional proposals. He stated that the process would be well served to look at additional proposals. There has been discussion about Dead Lake being a waterfowling lake and, Mr. Erickson, for the record, stated that waterfowling and migrating birds are high in the fall, and management would take boats and docks out of the lake before migrating season.

Ernie West stated that Dead Lake Township does not endorse this project as brought to them and it is premature to assume that the public township road would be abandoned.

Chairman Lee closed comments from the floor at 2:19 p.m. Discussion continued. Leona Zimmerman, Dick Sha, and Joe Maske of the Planning Commission answered commissioners' questions regarding cluster developments.

Motion by Nelson, second by Block, to adopt the Findings of Fact as attached to the March 19, 2003, Planning Commission minutes, except to delete Paragraph XXI. Motion carried unanimously.

Final Plat – “D & J Estates Third Addition”

Motion by Lee, second by Mosher, and unanimously carried to approve the Final Plat of Maynard Johnson known as D & J Estates in Section 9 of Star Lake Township; Star Lake (56-385).

Adjournment

At 2:31 p.m., Chairman Lee declared the meeting of the Otter Tail County Board of Commissioners adjourned until 9:30 a.m. on Tuesday, April 1, 2003.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Malcolm K. Lee, County Board Chair

Attest: _____

Larry Krohn, Clerk