

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, 500 Fir Ave. W.
Commissioners' Room
Tuesday, January 18, 2005
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, January 18, 2005, at 9:30 a.m. at the Otter Tail County Government Services Center with Commissioners Bob Block; Chair, Roger Froemming; Vice-Chair, Dennis Mosher, Malcolm Lee, and Syd Nelson present.

Cavour Avenue Building

County Coordinator, Larry Krohn, and Physical Plant Manager, Rick Sytsma, discussed space considerations for the Red Cross. The Red Cross currently occupies an office in the County-owned Cavour Avenue Building. Because the County will soon be proceeding with Request for Proposals for the sale of the building, an alternate location may be required. Space options were also discussed for the County Extension office. A recommendation will be presented in two weeks.

Non-Union Post Employment Health Plan

On behalf of the Otter Tail County Personnel Board, Mr. Krohn, presented a draft proposal for an Otter Tail County Non-Union Post Employment Health Plan as follows:

The County will allow full time, non-union employees to participate in a Post Employment Health Plan administered by Mill Life. The County will make contributions on behalf of eligible employees as follows:

- A. All unused sick leave upon termination of employment, not in excess of the provisions of Section 10 D. of the Personnel Rules.
- B. All unused vacation leave upon termination of employment, not in excess of the provisions of Section 9.10 A. of the Personnel Rules. Authorizing accrual of up to 192 hours as of the employee's anniversary date.
- C. All compensatory time in excess of 40 hours as authorized in Section 4.10 D. of the Personnel Rules.
- D. Four hours of compensation for every month an employee's sick and catastrophic leave bank is at maximum of 1200 hours. This amount will be paid to the Plan once a year.

Mr. Krohn stated that this draft proposal will be e-mailed to employees for comment. The County Board has authority to approve and/or modify the proposal.

Approval of Agenda

Motion by Lee, second by Mosher, and unanimously carried to approve the County Board agenda of January 18, 2005, with the following changes:

- From 9:35 a.m. to 11:45 a.m. - Auditor Postponed Agenda Items
- 9:35 a.m. - County Coordinator Discussion Items
- Discussion - Ethanol Plant

Approval of Minutes

Motion by Froemming, second by Nelson, and unanimously carried to approve the County Board minutes of January 11, 2005, as mailed.

Approval to Pay Bills

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

Ethanol Plant

Chairman Block reported on requests from people who are interested in discussion about building an Ethanol Plant in Otter Tail County. A meeting is scheduled on Wednesday, January 19th, to discuss the possibilities. Commissioner Froemming plans to attend.

Western Area Cities Counties Organization (WACCO)

Motion by Lee, second by Block, and unanimously carried not to remain members of the Western Area Cities Counties Organization. The annual membership dues were not included in the 2005 Budget.

Dead Lake Township Ordinance Enforcement

A brief discussion took place regarding the Dead Lake Township request to enter into an agreement whereby Otter Tail County would be responsible to enforce their Township Interim Ordinance. Concern was expressed regarding the potential for the County to enforce other Township ordinances as well. Motion by Froemming, second by Nelson, and unanimously carried not to support enforcing the Interim Ordinance of Dead Lake Township.

Perham Resource Recovery Facility

Solid Waste Director, Mike Hanan, continued discussion regarding the auxiliary boiler for the Perham Resource Recovery Facility. He reviewed Option 4 and Option 2a, which were presented to the County Board on January 11, 2005, in a document entitled Auxiliary Boiler Repair or Replacement Study Final Report, Perham Resource Recovery Facility, drafted by HDR Engineering, Inc. dated December 27, 2004. Mr. Hanan also discussed financing options with the Board. He reported that Otter Tail County's portion of the cost of a new boiler would be \$412,000, or the boiler could be financed with an increased tipping fee of \$2.00 per ton over a period of 17 years.

Motion by Froemming, second by Nelson, and carried with Mosher opposed, to recommend to the Coordinating Committee Option 4, for the auxiliary boiler for the Perham Resource Recovery Facility, unless Option 2a includes a new boiler with a new warranty, then recommend Option 2a, as described in the Auxiliary Repair or Replacement Study Final Report.

Motion by Froemming, second by Lee, and unanimously carried to recommend to the Coordinating Committee that the Otter Tail County Board of Commissioners elects to pay the County's portion of the expense of purchasing and installing a new auxiliary boiler for the Perham Resource Recovery Facility from the Capital Expenditure Fund Enterprise Fund and save extra fees that would be incurred if the estimated amount of \$412,000 was financed.

Motion by Lee, second by Mosher, and unanimously carried to review the language of the existing contract for the Perham Resource Recovery Facility because circumstances have changed relative to the Operator of the Facility.

Quit-Claim Deed

Motion by Mosher, second by Froemming, and unanimously carried to authorize the Chairman's signature to execute a Quit-Claim Deed between the County of Otter Tail and John S. and Jill Lynn Walkup for transfer of ownership of Gravel Pit No. 76, Parcel No. 61-000-28-0135-002.

Recess & Reconvene

At 10:22 a.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners recessed for a Personnel Committee Meeting. Chairman Block reconvened the meeting at 10:45 a.m.

Bond Established

Charles Kvare, Developer of Kvare's Beauty Bay South proposed plat, requested permission to post a bond in lieu of completion of the road to service this development. He stated that the road needs another load of gravel and stabilization on the slopes. Motion by Lee, second by Mosher, and unanimously carried to authorize Charles Kvare to post a bond with Otter Tail County, in the amount of \$2,000, in lieu of completion of the road that services Kvare's Beauty Bay South Development.

Final Plat Filing Extensions

Motion by Nelson, second by Lee, and unanimously carried to approve an extension to June 15, 2005 for the filing of the proposed Final Plat of Scott Dirks known as JamieLind Shores on Big McDonald Lake (56-386).

Motion by Mosher, second by Froemming, and unanimously carried to approve an extension, to September 1, 2005, on the Conditional Use Permit issued to complete the road, and October 1, 2005, for filing the Final Plat of Milt Smedsrud known as Stalker Lake Golf View Shores located in Section 34 of Tordenskjold Township, Stalker Lake (56-437).

Planning Commission Recommendations

Preliminary Plat & Conditional Use Permit – "North Turtle Lake Shores"/Bothun Prop. LLC:

Land & Resource Director, Bill Kalar, stated that the Preliminary Plat and CUP request for "North Turtle Lake Shores" was recommended for approval by the Planning Commission with several conditions. Commissioner Mosher stated that he has been informed that there are numerous springs in this area and asked if springs would have an affect on the proposed development. Mr. Kalar responded that it could have an affect; however, this was not brought up for discussion at the Planning Commission meeting. Motion by Mosher, second by Lee, and carried with Nelson opposed, to approve the Preliminary Plat known as "North Turtle Lake Shores" consisting of 5 single family residential lots and approve a Conditional Use Permit to construct a road to service the plat with conditions as recommended by the Planning Commission. The property is described as Pt of GL 1, S ½ NE ¼ NE ¼ ex S 165' & Pt of GL 2 (87.41 AC), Section 30 of Everts Township; North Turtle Lake (56-379).

Conditional Use Permit – Taylor Investment Corporation:

Mr. Kalar reported that the original CUP request to relocate a driveway and construct a driveway of Taylor Investment Corporation was tabled, and at the Planning Commission meeting held on January 12th, a revised plan was considered. The Planning Commission recommended approval of the revised plan; however, since that meeting, correspondence from Friberg Township has been received. The correspondence was distributed to Board members. Friberg Township Board members expressed safety concerns regarding the proposed approach coming from the Township road. They stated that they would prefer a road coming off of County Road 3. There was some question as to whether or not Taylor Investment owned the property necessary to build the road from CR 3. Motion by Lee, second by Nelson, and unanimously carried to deny the Conditional Use Permit request as presented on the Revised Map (received by Land & Resource Management December 21, 2004) because of safety concerns with the proposed approach from the Township road. The property is described as Lots 5 & 6 ex flowage, Section 28 of Friberg Township; West Red River Lake (56-711).

Conditional Use Permit – Jeff & Wendy Grabow:

Motion by Froemming, second by Nelson, and unanimously carried to approve a Conditional Use Permit to allow a one-operator beauty salon as presented. The property is described as Pleasant Shores Lot 20 Blk 1 & 2 N of Sec Line, Lot not to be split and Pleasant Shores Lot 20 Blk 1 & 2 S of Sec Line, Section 5 & 8 of Girard Township; Ethel Lake (56-193).

State Shoreland Management Ordinance Update
BWSR Block Grant

Mr. Kalar provided a draft Shoreland Management Bill and briefed the Board on proposed changes. He also presented the 2005 Board of Water and Soil Resources Block Grant. Motion by Nelson, second by Mosher, and unanimously carried to authorize the Land & Resource Manager to proceed with application for the BWSR Block Grant for 2005. The County is eligible for \$102,700 with a match of \$105,452.

Fraud Investigator and Fraud Prevention Positions

County Attorney, David Hauser, briefed the County Board regarding the position descriptions of the Fraud Prevention and Fraud Investigator positions. He noted that there is overlap in duties of the positions. Motion by Lee, second by Nelson, and unanimously carried to approve the concept of eliminating the Fraud Prevention position and replace it with a second Fraud Investigator position under the County Attorneys' office.

County Ditch Annual Maintenance Assessments

Motion by Mosher, second by Lee, and unanimously carried to authorize the following annual County Drainage System repair/maintenance assessments for payable year 2005:

County Drainage Ditch No. 04	\$2,000.00
County Drainage Ditch No. 05	\$1,000.00
County Drainage Ditch No. 11	Project Assessment for 2005
County Drainage Ditch No. 12	\$3,000.00
County Drainage Ditch No. 21	\$2,000.00
County Drainage Ditch No. 29	\$750.00
County Drainage Ditch No. 37	\$2,000.00
County Drainage Ditch No. 38	Project Assessment for 2005
County Drainage Ditch No. 43	\$750.00

County Drainage Ditch No. 52	\$750.00
County Drainage Ditch No. 53	\$1,000.00
County Drainage Ditch No. 56	\$1,000.00
County Drainage Ditch No. 63	\$1,000.00
Otter Tail Wilkin Judicial Ditch No. 2	\$3,000.00

**Resolution Adopting Assessment Order for County Drainage System No. 11
Otter Tail County Resolution No. 2005 - 04**

Commissioner Mosher offered the following and moved its adoption:

WHEREAS, the County Board of Otter Tail County, acting as the County Drainage Authority, had authorized minor repairs/maintenance to County Drainage System No. 11 in 2004, and

WHEREAS, the Otter Tail County Board of Commissioners has approved expenditures in the amount of \$9,106.00 for the repair/maintenance of County Drainage System No. 11 as follows:

Delzer Construction, Inc. \$9,106.00 (January 2005)

NOW, THEREFORE, BE IT RESOLVED BY THE OTTER TAIL COUNTY BOARD OF COMMISSIONERS, that a special assessment, in the amount of \$10,000, be levied against the benefited properties of County Drainage System No. 11, as listed in the Auditor's Tabular Assessment dated September 14, 1905, a copy of which is on file in the County Auditor's office is hereby accepted and shall constitute a lien against the lands named therein, and each tract of land therein included is hereby found to be benefited by the repair/maintenance in the amount of the assessment levied against it.

BE IT FURTHER RESOLVED, that such assessments shall be payable in annual installments extending over a period of three (3) years. To the first installment shall be added interest, at a rate of 6%, on the entire assessment from January 11, 2005 until December 31, 2006.

BE IT ADDITIONALLY RESOLVED, that the owners of any of the benefited properties so assessed may, on or before Thursday, June 30, 2005, pay the entire assessment on such property to the County Auditor's office without interest.

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

Adopted at Fergus Falls, MN, this 18th day of January, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
 Robert Block, County Board Chair

Attest: _____
 Larry Krohn, Clerk

Application for Exempt Permit

Motion by Froemming, second by Lee, and unanimously carried to approve, with no waiting period, the LG220 Application for Exempt Permit submitted by Dead Lake Association Inc. for an event scheduled for June 25, 2005, at the Dent School.

Tobacco License Applications

Motion by Mosher, second by Lee, and unanimously carried to approve the following applications for license:

Koep's Clitherall Corner Clitherall, MN 56524	Tobacco
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Jerry's Village Inn Ottertail, MN 56571	Tobacco
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Adjournment

At 12:05 p.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, February 1, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk