

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS**
Government Services Center, 500 Fir Ave. W.
Commissioners' Room
Tuesday, May 3, 2005
9:30 a.m.

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, May 3, 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.

Approval of Agenda

Motion by Froemming, second by Mosher, and unanimously carried to approve the County Board agenda of May 3, 2005, with the following changes:

Bill Marts – Prometheus Zoo Run
John Dinsmore – Contract Ratification
Commissioner Syd Nelson – Wadena County

Approval of Minutes

Motion by Froemming, second by Nelson, and unanimously carried to approve the County Board minutes of April 26, 2005, as mailed.

Bill & Claims

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

Request to Amend Minutes from April 26, 2005

Land & Resource Director, Bill Kalar, reported that a Conditional Use Permit application was presented at the April 26, 2005, County Board meeting. The Planning Commission had recommended denial of the Conditional Use Permit request and the CUP was tabled by the County Board at the request of Tom Gardner (applicant). Mr. Kalar stated that the minutes did not reflect that this was tabled until the first meeting in June. His concern was the 60-day rule and requested that the minutes be corrected to reflect that this CUP request will be presented at the June 8, 2005, Planning Commission meeting. Motion by Froemming, second by Mosher, and unanimously carried to amend the April 26, 2005, County Board minutes to reflect that the Conditional Use Permit of Tom Gardner Et Al & Sverdrup Township be presented at the June 8, 2005, Planning Commission meeting.

Shoreland Management Ordinance Revision Discussion

Land and Resource Director, Bill Kalar, opened discussion for the Shoreland Management Ordinance revision. Mr. Kalar referred to a handout dated April 26, 2005, which listed potential changes to the ordinance, and asked if there should be changes to the ordinance. County Attorney, David Hauser, explained that the Supreme Court issued rulings on pending matters. Mr. Hauser stated that three of the seven justices said the County did not follow rules when the ordinance was adopted, and the other four did not rule as they felt they did not have jurisdiction to rule on this issue. Mr. Hauser stated that some changes should be made to come in compliance with the objections, and districting needs to be considered. At the

time the ordinance was adopted, the DNR stated it was in compliance. Terry Lejcher, Area Hydrologist with the Department of Natural Resources, reported that the State is identifying issues statewide and may have a draft ordinance for the five county pilot program by next year. Mr. Hauser stated that the least that could be done would be to zone all of Otter Tail County and that there are five kinds of districts to be considered. Some allow clusters and some do not. The rules would need to be studied to determine what each district allows. The County is required to use one or more of the districts and also provide a zoning map. Chairman Block asked for a motion. Motion by Froemming, second by Mosher, and carried, with Commissioner Lee opposed, to approve minor changes to the Shoreland Ordinance.

Bob Russell provided a memo from a smaller work group, many of whom served on the Shoreland Rules Revision Committee. This committee met on April 29, 2005, to see if it was possible to form a unanimous and constructive consensus of some of the unresolved issues that were discussed at the Shoreland Rules Revision Committee. Another meeting is scheduled for May 6, 2005, on the second floor of the Wells Fargo building at 1:30 p.m. The smaller work group will continue to meet regularly, if their efforts are considered useful by the County Board.

Ernie West, Citizen, stated that there should be more than minor changes to the ordinance.

Cheryl Harris, representing Otter Tail County tourism, stated that in the past four years the County has lost at least 20 resorts because of the inability to keep up-to-date because of ordinance restrictions. A resort must have a 50-foot buffer for each side. There is a provision in the ordinance where a private residence is required to have just 10 feet. Resorts are already cramped and limited on expanding even though they might have back footage. Ms. Harris stated that resorts are here to help the economy of the county. If the County were to lose the resorts, the only place you can go is the private residents to raise taxes. If we allow private cabin owners to rent out their cabins for part of the summer, it's likely to ruin the rest of the resorts.

Discussion continued. Chairman Block recommended that the smaller committee prioritize the top five issues and include a resort owner for representation on the committee.

Land & Resource Director, Bill Kalar, reported that the moratorium began on May 25, 2004, and will expire on May 25, 2005, if it is not extended. Mr. Kalar stated that ordinance revisions could still be discussed without the moratorium; however, at the end of May the County would go back to doing business as it had prior to May 25th of last year, under the same rules that are in place and any proposed projects could continue or get started. No action was taken at this time to extend the moratorium.

Henning Sno-Cruisers
Otter Tail County Resolution No. 2005 – 27

Commissioner Froemming offered the following and moved its adoption:

WHEREAS, Otter Tail County has sponsored Grant-In-Aid Systems in the past; and

WHEREAS, acceptance of the Grant-In-Aid Systems proposed extensions are subject to the review and approval of the County Attorney.

THEREFORE, BE IT RESOLVED that Otter Tail County shall continue to sponsor Grant-In-Aid Trail Systems as they exist for Henning Sno-Cruisers and proposed extensions of Grant-In-Aid Trails with the aforementioned condition.

Commissioner Nelson seconded the resolution and, upon being put to vote, was unanimously adopted.

Adopted this 3rd day of May, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk

Otter Country Trail Association (OCTA)
Otter Tail County Resolution No. 2005 – 28

Commissioner Froemming offered the following and moved its adoption:

WHEREAS, Otter Tail County has sponsored Grant-In-Aid Systems in the past; and

WHEREAS, acceptance of the Grant-In-Aid Systems proposed extensions are subject to the review and approval of the County Attorney.

THEREFORE, BE IT RESOLVED that Otter Tail County shall continue to sponsor Grant-In-Aid Trail Systems as they exist for Otter Country Trail Association and proposed extensions of Grant-In-Aid Trails with the aforementioned condition.

Commissioner Nelson seconded the resolution and, upon being put to vote, was unanimously adopted.

Adopted this 3rd day of May, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk

Lake Runners Trail Association
Otter Tail County Resolution No. 2005 – 29

Commissioner Froemming offered the following and moved its adoption:

WHEREAS, Otter Tail County has sponsored Grant-In-Aid Systems in the past; and

WHEREAS, acceptance of the Grant-In-Aid Systems proposed extensions are subject to the review and approval of the County Attorney.

THEREFORE, BE IT RESOLVED that Otter Tail County shall continue to sponsor Grant-In-Aid Trail Systems as they exist for Lake Runners Trail Association and proposed extensions of Grant-In-Aid Trails with the aforementioned condition.

Commissioner Nelson seconded the resolution and, upon being put to vote, was unanimously adopted.

Adopted this 3rd day of May, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk

Request for Release of Funds and Certification

Otter Tail County received a Small Cities Development Program Grant from the MN Department of Employment and Economic Development in the amount \$396,100.00. Dennis Christenson, HRA Specialist, requested approval for Release of Funds and Certification. The grant will be used for rehabilitation of 20 single family housing units that were built before 1978 and show high lead paint levels and have children under 6 years of age. The project will consist of minor rehabilitation, which could include doors, windows, roofs, and furnaces. Target dwellings will not be in a floodplain, with particular attention to dwellings close to landfills, dumps, industrial sites, and other areas that contain hazardous wastes. Motion by Nelson, second by Lee, and unanimously carried to approve the Request for Release of Funds and Certification for the Small Cities Development Program Grant.

Recess and Reconvene

At 10:50 a.m., Chairman Block declared the Otter Tail County Board of Commissioners meeting recessed for a short break. The meeting was reconvened at 10:56 a.m.

Liquor License Applications

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

Collins Landing
Dent, MN 56528
(Jodie Rae Collins)

Off-Sale 3.2 Malt Liquor

Heisler Country Store, Inc.
Vergas, MN 56587
(Sandra Kay Heisler)

Off-Sale 3.2 Malt Liquor

Lakeland General Store
Pelican Rapids, MN 56572
(Robin Johnson)

Off-Sale 3.2 Malt Liquor

Lakeside Market
Battle Lake, MN 56515
(Thomas A. Posante Sr.)

Off-Sale 3.2 Malt Liquor

Payment Approval

Motion by Mosher, second by Lee, and unanimously carried to approve payment to the Wall Street Journal Real Estate Advertising, in the amount of \$959.76, for advertisements in the May 18th and May 25th issues of the Wall Street Journal.

Otter Tail County

Extension Committee Appointment

Motion by Nelson, second by Froemming, and unanimously carried to approve the appointment of Donna Gill to the Otter Tail County Extension Committee for a term ending December 31, 2007.

Public Health Nuisance

Public Health Director, Diane Thorson, reported that she had brought a policy in 1992 to the Board for Public Health Nuisance abatement work in terms of detailing of how to deal with public health nuisances according to Minnesota statute. In that policy was the statement that if the cost of an abatement was to exceed \$5,000, it would be brought before the Board. Ms. Thorson reported that a public health nuisance exists on property in Otter Tail County. The issue can be dealt with under the Animal Control Ordinance or under the Public Health Nuisance Statute. Ms. Thorson expressed her opinion that the best way to deal with the issue is under the Public Health Statute as it allows the authority to assess cost back to the property tax to recoup associated costs. Ms. Thorson has toured the facility. She estimated the cost of up to \$15,000, to resolve the situation. Motion by Nelson, second by Froemming and carried with Mosher abstaining, to authorize the Public Health Director to exceed the \$5,000 cap on a public health nuisance abatement.

Request for Approval of

Sentencing to Service Contracts for FY2006-2007

Motion by Froemming, second by Lee and unanimously carried to authorize the Chairman's signature to execute a joint powers agreement between the State of Minnesota, acting through its Commissioner of Corrections, Sentencing to Service Program, St. Paul, MN, and Otter Tail County for the Sentencing to Service Program effective July 1, 2005, through June 30, 2007. The State will compensate for 50% of the total cost for operating the program not to exceed \$51,324.05 for FY06 and not to exceed \$52,350.53 for FY07, for a total amount of \$103,674.58 for the two years.

Contract Ratification

Motion by Nelson, second by Lee and unanimously carried to authorize the Chairman's signature to execute the Collective Bargaining Agreement between the County of Otter Tail and Minnesota Teamsters Public and Law Enforcement Employees' Union, Local #320, representing the Human Services Support Specialists, for the period of January 1, 2005 through December 31, 2007.

Charity Motorcycle Ride

Bill Marts, representing the Prometheus M.C., presented information about the 20th Annual Charity Motorcycle Ride planned for June 24th, 25th, and 26th, 2005. All proceeds go toward the Chahinkapa Park Zoo in Wahpeton, ND. Motion by Mosher, second by Nelson, and unanimously carried to support this event and to waive the Shows & Exhibition Ordinance for this event. Mr. Marts stated that the Sheriff Department is aware of this upcoming event.

Meeting With Wadena and Todd Counties

Commissioner Syd Nelson, reported that he had been contacted by a Commissioner of Wadena County. Wadena County Commissioners requested to meet with Commissioners and County Coordinators of Otter Tail and Todd Counties to discuss issues such as budget restraints. Jim Mulder, Executive Director of Association of Minnesota Counties, will be the facilitator of the meeting. County Coordinator, Larry Krohn, will contact Wadena County to set up a meeting for sometime in June.

Adjournment

At 11:47 a.m., Chair Block declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, May 10, 2005.

Dated: _____ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Robert Block, County Board Chair

Attest: _____
Larry Krohn, Clerk