

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Government Services Center, Commissioners' Room
500 W. Fir Avenue, Fergus Falls, MN
Tuesday, March 16, 2010
9:30 a.m.**

Call to Order

The Otter Tail County Board of Commissioners convened Tuesday, March 16, 2010, at 9:30 a.m., at the Otter Tail County Government Services Center in Fergus Falls, MN, with Commissioners, Roger Froemming, Chair; John Lindquist, Vice-Chair; Everett Erickson, Doug Huebsch and Lee Rogness present.

Approval of Agenda

Motion by Lindquist, second by Erickson, and unanimously carried to approve the Board of Commissioners agenda of March 16, 2010 with the following additions:

11:15 a.m. – Closed Session for Attorney/Client Privilege
Part Time Anniversary Date Policy
Dog Bite Order

Approval of Minutes

Motion by Erickson, second by Rogness, and unanimously carried to approve the Board of Commissioners meeting minutes of March 9, 2010 as presented.

Approval to Pay Bills

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

Findings of Fact and Order

Motion by Lindquist, second by Rogness, and unanimously carried to authorize the Chairman's signature to execute the Findings of Fact and Order regarding the dog owned by Donnie Lannes of Deer Creek, MN.

Purchase Agreement

Motion by Huebsch, second by Erickson, and unanimously carried to authorize the Chairman's signature to execute a Purchase Agreement between the County of Otter Tail (purchaser) and Delbert and Linda Moske (Seller) to complete the purchase of land for the Parkers Prairie tower site for the 800 Megahertz ARMER Communication System.

Recess & Reconvene

At 9:40 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for a Capital Improvement Committee meeting.

Shoreland Management Ordinance Public Hearing

At 10:00 a.m., Chairman Froemming opened the Public Hearing for consideration of amending the Otter Tail County Shoreland Management Ordinance (SMO). In addition to Board members, present for the hearing were Land & Resource Director, Bill Kalar; Land & Resource Office Manager, Marsha Bowman, County Attorney, David Hauser; and approximately 18 members of the public.

County Attorney, David Hauser explained that a Public Hearing is required before amending an ordinance. If the amendment is adopted, it becomes effective after the minutes of the hearing have been published. Land & Resource Director, Bill Kalar explained to the public that the current SMO contains a provision that limits a lot to one dwelling. A Recreational Camper Unit (RCU) is considered a dwelling. He explained that the amendment being considered is an exemption for placement of one RCU on a standard size residential lot. A standard size lot was defined as follows:

General Development (GD) Lake - 20,000 sq. ft. of land area and 100 ft. of water frontage
Recreational Development (RD) Lake – 40,000 sq. ft. of land area and 150 ft. of water frontage
Natural Environment (NE) Lake – 80,000 sq. ft. of land area and 200 ft. of water frontage

Mr. Kalar further explained that the proposed amendment would allow one RCU to be placed on site that already has a house on a standard size lot without a site permit, provided the location of the unit complies with all setback, impervious surface, and other requirements as stated in the ordinance. He referred to the definition of an RCU in the ordinance. The tent exemption, as written in the current SMO remains in the ordinance and is not being considered for change.

At 10:06 a.m., Chair Froemming opened the floor for public comment on the proposed amendment to the SMO. The following is a brief summary:

Gary Bergum – spoke in favor of adopting the proposed amendment so an RCU is permitted as outlined.

Mike Harris – spoke against the proposed amendment and expressed concern that the County is going to have RCU's where they don't belong and it will be impossible for the Land & Resource Office to enforce the new provision. Most people do not know whether their lot is compliant or not and many believe their lot has been grandfathered in as far as requirements for a standard lot. The second issue Mr. Harris pointed out is that there is nothing in the proposed language that requires an updated sewer for additional bedrooms.

Wayne Sachs, Little Pine Lake – noted that the language states “there are no sewer or water connections”.

Mr. Hauser explained that Section V.1.D. is a different provision for a lot without a dwelling unit. Section V.1.C. allows one RCU to be on a compliant lot in the shoreland zone and does not state that there can be no water and sewer connections. The proposed language would allow hooking up to water and sewer connections with one RCU on a standard lot that meets all other ordinance requirements.

A resident on Marion Lake – spoke in favor of the proposed amendment and stated that he believes it should be the right of the property owner to park their motor home on their property.

Jim Osterfeld, Perham Township on Little Pine Lake – spoke in favor of the amendment. Discussion occurred regarding the proposed language allowing the RCU to be hooked up to water and sewer for an unlimited duration of time. Discussion also took place regarding the 22 days allowed under Section V.D. to park an RCU temporarily on a vacant lot. Mr. Osterfeld noted that all laws are difficult to enforce and disagreed that the change would make enforcement more difficult than enforcing the current provisions regarding campers.

Debra, Devils Lake – spoke in favor of the amendment
 Greg Masters, Devils Lake – spoke in favor of the amendment
 Wayne Mickelson on Lake Seven by Vergas – spoke in favor of the amendment
 Gary Senske – spoke in favor of the amendment
 Marion Gill, Devils Lake – expressed concern with the current ordinance which does not work. He stated that you should have the right to park your motor home on your own property and is in favor of the new proposal.

Commissioner Rogness expressed value for County residents to be able to pull their campers on site to prepare themselves for a journey down south. He expressed a desire for families to move into this community and the ability for their family and friends to visit our County as well. However, no one wants junk campers sitting on lots around our lakes.

Commissioner Huebsch stated that Otter Tail County’s proposed amendment is more restrictive than Becker County’s current regulations and Becker County doesn’t have problems with campers. Becker County views campers as personal property and you can own personal property in Becker County. For realtors and economic development in Otter Tail County, Mr. Huebsch stressed that Otter Tail County needs the tourism dollars and cannot afford to be the most restrictive County in the State.

A motion was offered by Commissioner Huebsch and seconded by Commissioner Rogness to approve the Proposed Amendment to the Shoreland Management Ordinance as submitted with one addition to the language. In Section V.1. C.2., at the end of the sentence add “and there are no sewer or water connections”.

Chairman Froemming called for a roll call vote and YEAS and NAYS are as follows:

<u>Board of County Commissioners</u>	<u>YEA</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Leland R. Rogness	X			
Douglas A. Huebsch	X			
Everett P. Erickson	X			
John Lindquist	X			
Roger Froemming	X			

Motion carried. (See Attachment B for complete amendment).

Recess & Reconvene

At 10:50 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for a short break. The meeting was reconvened at 10:55 a.m.

Land & Resource Department Fee Schedule

Motion by Lindquist, second by Huebsch, and unanimously carried to approve the new Land & Resource Management Fee Schedule as presented and attached (Attachment C) effective April 1, 2010.

Tax Penalty and Interest Abatement Request

Motion by Erickson, second by Froemming, and unanimously carried to deny the request of Norris Coit for the abatement of accrued penalty and interest, in the amount of \$128.62, for parcel #R77000990254001 because the late payment of taxes was not the result of a County error.

License Applications

Motion by Huebsch, second by Erickson, and unanimously carried to approve the following applications for license:

Trevor S. Johnson Vacationland Resort 3855 Wagon Trail Loop Battle Lake, MN 56515	On/Off-Sale 3.2 malt Liquor License (Transfer)
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Issuance of the license is subject to the approval of the Township, County Attorney, & County Sheriff.

Leigh & Shana Barry Red Horse Ranch Arena, Inc. 22671 County Highway 10 Fergus Falls, MN 56537	On-Sale Intoxicating Liquor License
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Issuance of the license is subject to the approval of County Attorney & County Sheriff.

Payment Approval

Motion by Erickson, second by Lindquist, and unanimously carried to approve payment, in the amount of \$8,142.26, to Lindquist and Vennum P.L.L.P. for professional services rendered through January 31, 2010 for the Chapter 11 bankruptcy of Otter Tail Ag Enterprises, LLC.

Closed to the Public

At 11:10 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners closed to the public to discuss litigation in the matter of foreclosure proceedings relative to the Ethanol Plant. The closed session is authorized by attorney-client privilege, Chapter 13D.05 Subd. 3b. Present were all five seated commissioners, County Attorney, County Coordinator and Board Secretary.

Recess & Reconvene

At 11:50 a.m., Chairman Froemming declared the meeting of the Otter Tail County Board of Commissioners recessed for a Solid Waste Committee meeting and lunch break. The meeting was reconvened at 1:03 p.m.

Discussion Regarding 60 Bed CARE Facility

Physical Plant Manager, Rick Sytsma briefed the Board on activities at the CARE Facility. There have been difficulties at the 60 bed facility with the heating system. The designers and contractors have not taken responsibility to correct the problems. Mr. Sytsma requested approval to hire an independent contractor to complete a study for engineering and investigation in order to move forward with fixing the heating problems. Lengthy discussion took place. The Board requested that Mr. Sytsma discuss the issue with the contractor and architect to be sure they are aware of the extra expense in hiring an independent firm. They suggested that the County needs something in writing that the State will partner with the County on the issues with the building.

Next Generation 911 Equipment

MIS Director, Tim Brand; Sheriff, Brian Schlueter; 911 Dispatch Supervisor, Judy Siggerud; and State of Minnesota 911 Coordinator, Jackie Mines briefed the Board regarding Next Generation 911 technology. Otter Tail County has been selected as a test site for the State. Ms. Mines explained that there are several phases in the project with the final phase bringing all the Public Safety Answering Points (PSAP) together. The long range goal is to take text messaging at the PSAP. New equipment will be installed in the 911 room below the dispatch area. Some federal funds have been secured for the project and the State of Minnesota would also offset some of the costs. Otter Tail County will need electrical work done for the project which will be paid out of the ARMER radio fund.

Department Name Change

Motion by Rogness, second by Lindquist, and unanimously carried to approve a name change from the Management Information Systems (MIS) Department to Information Technology (IT) Department.

Part Time Anniversary Date Policy

Motion by Erickson, second by Huebsch, and unanimously carried to approve the following policy for part-time employees which is consistent with the Personnel Rules:

ANNIVERSARY DATES FOR PART-TIME EMPLOYEES

Pursuant to past practices of Otter Tail County, part-time employees receive step increases on their anniversary date regardless of the number of hours actually worked during the calendar year. Consistent with Personnel Rule 9.45.C., anniversary dates are adjusted forward during the duration of unpaid leaves. Part-time employees who are unavailable to be called to work are on a leave of absence without pay, pursuant to Rule 9.45.A. Accordingly, part-time employees' anniversary dates will be adjusted forward for the duration of the time they are unavailable to be called to work.

Part-time employees covered by Article XXVII in the Jailer/Dispatcher and Deputies contracts will not be considered unavailable unless the period exceeds 30 consecutive days.

Phased Retirement Policy

Motion by Erickson, second by Huebsch, and unanimously carried to approve the following Phased Retirement Policy:

Otter Tail County Phased Retirement Option (PRO) Policy

March 16, 2010

The PERA Phased Retirement Option is for Coordinated Plan members who are age 62 or over. The eligibility requirements are detailed by PERA and may be viewed at www.mnpera.org. Please note that even if you meet all eligibility requirements, it is solely the discretion of your department head to offer/approve a phased retirement agreement. The PRO will be an option for eligible employees until PERA's sunset date of June 30, 2011.

This document will address how Otter Tail County plans to deal with benefits for all employees on a PRO arrangement:

- 1) Employees will retire (terminate employment) with Otter Tail County and then are rehired under a Phased Retirement Option (PRO) Policy.
- 2) Because the employee is also eligible for a public pension (PERA), Otter Tail County would offer an indefinite continuation of health and/or dental insurance. The premium would be the responsibility of the employee.
- 3) All severance will be paid out to the Post Employment Health Plan and all benefits will be treated the same as any other retired employee.
- 4) Employees working under a PRO Policy will not receive pro-rated sick leave, vacation leave, and holidays.
- 5) Salary compensation will be based on the job duties and responsibilities of the Phased Retirement position. The Personnel Board is required to approve the salary of a PRO agreement.

Please note: If you have already reached your full social security retirement age, you are eligible for only one year of the PRO. You are not eligible to renew the agreement.

Board of Commissioners Chair

Date

Adjournment

At 2:30 p.m., Chairman Froemming adjourned the meeting of the Otter Tail County Board of Commissioners until Tuesday, March 23, 2010.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____
Roger Froemming, Board of Commissioners Chair

Attest: _____
Larry Krohn, Clerk

CB/kd

approved minutes

WARRANTS APPROVED ON 3/16/2010 FOR PAYMENT 3/16/2010

<u>VENDOR NAME</u>	<u>AMOUNT</u>
A-1 ENGRAVING	145.38
A-1 LOCK & KEY LLC	107.69
ABG MAINTENANCE INC	171.00
AMERICAN TOWER CORPORATION	98.71
AMERICAN WELDING & GAS INC	388.92
ARVIG COMMUNICATION SYSTEMS	200.00
AT&T MOBILITY	861.19
AUTO VALUE FERGUS FALLS	457.03
BALLARD SANITATION INC	940.00
BARRETT EMS TRAINING	756.00
BATTLE LAKE AUTO PARTS	10.25
BEARINGS AND MORE OF WADENA LL	12.78
BEN HOLZER UNLIMITED	32.24
BEYER BODY SHOP INC	448.19
BLUESTONE TECHNOLOGIES INC	183.00
MICHAEL BOEN	7.36
BOYER TRUCKS	159.33
BRANDON COMMUNICATIONS INC	4,812.80
BRAUN INTERTEC CORPORATION	4,900.00
DION BREDMAN	8.59
BRETZ HARDWARE	21.55
BRYAN WEGSCHEID PLUMBING & HEA	200.00
KAREN CANNELL	7.28
CARR'S LAKE COUNTRY SUPERMARKE	81.59
CDW GOVERNMENT INC	12,423.09
CERTIFIED AUTO REPAIR	647.25
CHEMSEARCH	1,003.24
CITY BAKERY	34.93
CO OP SERVICES INC	5,620.66
COOPERS TECHNOLOGY GROUP	581.86
CULLIGAN	33.71
CULLIGAN WATER COND	70.28
D & T VENTURES LLC	888.00
DAKOTA PRINTERS LLC	992.93
DAN'S TOWING & REPAIR	51.70
DHS SOS ARC 472	750.00
KATHY DOMHOLT	204.94
DRIVER & VEHICLE SERVICES DIVS	10.50
EAST OTTER TAIL FOCUS	132.00
EVERTS LUMBER CO	42.43
MAYNARD FALK	535.00
FARMERS CO OP OIL ASSN	2,557.03
FARNAM'S GENUINE PARTS INC PR	49.15
FASTENAL COMPANY	11.77
FERGUS ELECTRIC	2,963.77
FERGUS FALLS DAILY JOURNAL	70.30
FERGUS FALLS POLICE DEPT	394.56
FERGUS POWER PUMP INC	3,740.00
FSH COMMUNICATIONS LLC	64.13
G & K SERVICES	885.98
GERALD N EVENSON INC	339.10
GOODIN COMPANY	60.22
GRAINGER INC	896.64
GREAT PLAINS SCALE INC	454.50
HEDAHL'S HEADQUARTERS	93.79
HENNING AUTO PARTS INC	380.31
SANDY HOLO	139.14

JK SPORTS	99.95
JONES AND MAGNUS ATTORNEYS AT	4,006.67
KELLY SERVICES INC	141.68
L & L SERVICE	70.98
LAKELAND MENTAL HEALTH CENTER	5,386.25
LAKES AREA COOPERATIVE	5,850.36
LAKEWAY MARKET LLC	4,987.17
LARRY OTT INC TRUCK SERVICE	1,450.00
LARRY'S SUPERMARKET	28.70
DIANNE LARSON	71.89
LOCATORS & SUPPLIES INC	321.14
MARCO	214.34
MERICKEL LUMBER	20.30
MERIGEN MEDICAL	342.08
MN DEPT OF NATURAL RESOURCES O	1,000.00
MN MOTOR COMPANY	139.31
MN OFFICE OF ENTERPRISE TECHNO	1,200.00
MN SHERIFFS' ASSOCIATION	675.00
NAPA FERGUS FALLS	17.72
NAPA OF PERHAM	18.63
NAPA STANDARD PARTS OF WADENA	137.90
NELSON AUTO CENTER	18,765.90
NORTHSTAR TECHNOLOGY GROUP INC	1,999.00
O'REILLY AUTOMOTIVE INC	394.29
OFFICEMAX INCORPORATED	88.26
OLSON AUTO ELECTRIC	46.80
OLSON OIL CO INC	906.05
OTTER TAIL CO EMPLOYEES COMMIT	24.00
OTTER TAIL TELCOM	2,322.82
OTTERTAIL AG SERVICE LLC	250.00
OTTERTAIL TRUCKING INC	4,457.00
OUTDOOR RENOVATIONS LANDSCAPE	13,461.75
OVERHEAD DOOR CO OF FERGUS FAL	821.00
PARK REGION CO OP	712.05
PEBBLE LAKE TAKE 5	564.41
PENROSE OIL COMPANY	2,646.58
PERHAM ACE HARDWARE	57.37
PERHAM PRINTING & SUPPLY	63.11
CITY PERHAM	128,539.80
PETE'S BODY SHOP & TOWING	204.10
PHILLIPE LAW OFFICE	265.00
POSTMASTER	100.00
POWER PLAN	1,522.61
PREMIUM WATERS INC	5.34
PRO AG FARMERS CO OP	2,008.22
PROTECTION SYSTEMS INC	1,140.30
RED BARN PLAT BOOKS	420.00
REVIEW ENTERPRISES INC	114.00
RUBBER STAMP CHAMP	13.84
SCOTT HOFLAND CONSTRUCTION INC	4,875.00
SERVICE FOOD SUPER VALU	61.33
SEWER SERVICE	340.00
RICK SHEILS	53.49
SIGELMAN STEEL & RECYCLING INC	55.68
SOUTHTOWN C-STORE	455.50
STEINS INC	1,148.08
STEVE'S SANITATION INC	1,256.48
STRAND HARDWARE & RADIO SHACK	62.53
STREICHERS	342.65

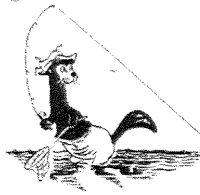
STRINGER BUSINESS SYSTEMS INC	73.28
SUPER SEPTIC & EXCAVATION	77.19
RICKY SWANBERG	37.50
TITAN ACCESS ACCOUNT	5,704.21
SUSAN ULSCHMID	24.00
UNIFORMS UNLIMITED	77.07
UNIVERSITY OF MN	210.00
VERGAS HARDWARE	52.78
VERGAS 66 GAS & CONVENIENCE IN	2,524.50
VICTOR LUNDEEN COMPANY	154.85
VIKING COCA-COLA	192.64
WASTE MANAGEMENT	562.77
WEST GOVERNMENT SERVICES	84.70
<u>**** FINAL TOTAL.....</u>	<u>\$278,653.69****</u>

approved minutes

**AMENDMENT TO
THE SHORELAND MANAGEMENT ORDINANCE
Approved by the County Board of Commissioners
March 16, 2010**

(Pages 25 & 26)

- V.
1.
 - C. A Single Family Residential Lot shall contain only 1 dwelling unit, an exemption to this requirement, without a Site Permit, would allow:
 1. A tent of no more than 100 square feet, or tents whose cumulative size is no more than 100 square feet; *or*
 2. Lots compliant with all area, water frontage and width requirements of Section III.3., may contain one RCU, provided all other requirements of this Ordinance are met, and there are no sewer or water connections.
 - D. A lot without a dwelling unit may contain, 1 RCU, for dwelling purposes, without a Site Permit, on a temporary basis, not to exceed 22 days per year, provided all other requirements of this Ordinance are met, and there are no sewer or water connections.



Department of
LAND AND RESOURCE MANAGEMENT
OTTER TAIL COUNTY

GOVERNMENT SERVICES CENTER - 540 WEST FIR
 FERGUS FALLS, MN 56537
 PH: 218-998-8095
 OTTER TAIL COUNTY'S WEBSITE: WWW.CO.OTTER-TAIL.MN.US

Fee Schedule
Effective - April 1, 2010

Application	Current	Proposed	Change
Sewage System Permit	\$130.00	\$150.00	15%
Site Permit			
0-499 Sq. Ft.	\$105.00	\$125.00	19%
500 (or larger) Sq. Ft.	\$260.00	\$275.00	6%
Grade/Fill Permit	\$130.00	\$150.00	15%
Conditional Use Permit Application	\$370.00	\$400.00	8%
Variance Application	\$370.00	\$400.00	8%
Subdivision Filing Fee	\$550.00	\$575.00	5%
+ Fee Per Lot	\$ 50.00	\$50.00	0
After-The-Fact Fee	\$650.00	\$650.00	0
Appeal	\$300.00	\$300.00	0