

OFFICIAL MINUTES

LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
January 3, 2006

Meeting was called to order by Chairman Ritter. Members present: Buysse, Fenske, Nelson, Ritter, Goodenow, County Attorney Maes, County Auditor/Treasurer Van Overbeke, and County Administrator Stomberg.

Pledge of Allegiance to the Flag.

Election of Chair and Vice-Chair for 2006

Ritter was the single nomination for Chair in 2006. Motion by Nelson, seconded by Buysse to elect Ritter as the 2006 Chair of the Lyon County Board of Commissioners. All voted in favor.

Nelson was the single nomination for Vice-Chair in 2006. Motion by Ritter, seconded by Buysse to elect Nelson as the 2006 Vice-Chair of the Lyon County Board of Commissioners. All voted in favor.

Approve Agenda

Motion by Goodenow, seconded by Nelson to approve the agenda. All voted in favor.

Consent Agenda

The following per diems and expenses were presented:

	Per Diems	Expenses
Fenske	\$80	
Goodenow	\$50	
Nelson	\$50	\$18.92
Ritter	\$180	\$13.58

Items 1-5 from the consent agenda were presented.

1. Minutes from the December 15 & 20, 2005, Board Meeting.
2. Commissioner Warrants #101079 - #101157 dated 12/30/05 in the amount of \$135,455.97 and Commissioner Warrants #101161 - #101175 dated 1/04/06 in the amount of \$8,702.95.
3. Auditor Warrants #100966 - #101003 dated 12/22/05 in the amount of \$26,684.88 and Auditor Warrants #101053 - #101077 dated 12/29/05 in the amount of \$376,063.23.
4. Per Diems and Expenses previously presented.
5. Appointment to Marshall Leadership Academy

Motion by Nelson, seconded by Buysse to approve consent agenda items 1-5. All voted in favor.

Open Bids for 2006 Official Newspaper

Stomberg presented the only bid for 2006 Official Newspaper. The bid was submitted by the Lyon County Newspaper Association. Seth Schmidt (*Tracy Headlight Herald*) stated that it is a 2.3% to 2.4% increase over last year, but it is a good value for the citizens. Schmidt explained that County publications will be posted online by all Association members who have web sites and shared with all newspapers in the County (Marshall, Balaton, Cottonwood, Minneota, and Tracy). Motion by Nelson, seconded by Buysse to accept bid from the Lyon County Newspaper Association and designate the *Tracy Headlight Herald* as the legal paper for 2006. All voted in favor.

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Consider Transfer of Drainage Funds

Motion by Fenske, seconded by Buysse to authorize the Auditor/Treasurer to transfer funds between drainage ditch systems for the year of 2006. All voted in favor.

Approve Auditor Warrants

Paula VanOverbeke requested the Board to Authorize the County Auditor to issue warrants for the payment of incidental expenses incurred during the year 2006. Motion by Nelson, seconded by Goodenow to authorize the Auditor/Tresurer to issue Auditor Warrants during the year of 2006 for incidentals expenses, expenses incurred for postage, post office box rental, express, freight, telephone, telegraph, water, lights, other utilities, election expense, payroll activity, court ordered payments, monthly support & maintenance, registrations, dues, bailiffs, credit cards, expenses that would receive a discount if paid by a certain date, Schwan's Sales, misc. taxes, and reimbursement to employees for hotel expense at the discretion of the Department Manager. All voted in favor.

Review of the Elected Officials Out-of-State Travel Policy

Stomberg requested the Board review and approve the Lyon County Elected Officials Out-of-State Travel Policy. Motion by Goodenow, seconded by Ritter to approve the Lyon County Elected Officials Out-of-State Travel Policy. All voted in favor.

Consider Approval of Resolution Setting 2006 Meeting Dates

Stomberg requested the Board approve the resolution setting the meeting dates for the Lyon County Board of Commissioners in 2006. The Lyon County Board has historically met on the first and third Tuesday of each month to conduct the business of the county. The resolution continues this schedule with two exceptions. July 4, 2006, is the first Tuesday of the month. The resolution provides for the first meeting in July to be held on Thursday July 6. The AMC Annual Conference is held the first week of December. The resolution provides for the first meeting in December to be held on Thursday December 7.

Motion by Fenske, seconded by Nelson to set the 2006 Board of Commissioners Meetings on the following dates:

January 3 and 17	February 7 and 21
March 7 and 21	April 4 and 18
May 2 and 16	June 6 and 20
July 6 and 18	August 1 and 15
September 5 and 19	October 3 and 17
November 7 and 21	December 7 and 19.

All voted in favor.

Set Minimum Elected Salaries

Stomberg requested the Board approve the following minimum salaries for elected officials who will be elected in 2006 and will take office in 2007: Auditor/Treasurer \$52,297; County Recorder \$44,107; County Sheriff \$55,210; County Attorney \$58,839; County Commissioner \$15,990.

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The Lyon County Board is required to set the minimum salary for officials that will be elected in 2006 and take office in January 2007. The above recommendations reflect the minimum starting salary for elected department heads and the 2006 salary for a county commissioner. The county board may approve a salary that is higher than the minimum salary but it may not approve a salary that is lower than the adopted minimum salary.

Motion by Goodenow, seconded by Buysse to approve the following minimum salaries for elected officials who will be elected in 2006 and will take office in 2007:

Auditor/Treasurer	\$52,297
County Recorder	\$44,107
County Sheriff	\$55,210
County Attorney	\$58,839
County Commissioner	\$15,990

All voted in favor.

Consider Reimbursement of Flu Shots

Stomberg requested that the Board consider reimbursement of flu shots for employees taking their shot on their own and for part-time employees without County Health Insurance. The County partnered with Avera to have a clinic where employees could get flu shots, but with the flu shot shortage this fall, there was some uncertainty when the clinic would be held. In that time, some employees got flu shots on their own. The clinic was held at a cost of \$21 per flu shot per employee.

Motion by Goodenow, seconded by Fenske to approve reimbursement up to \$21 for employees who had gotten a flu shot on their own. The employee must be regular part-time or regular full-time and must provide documentation of their flu shot. All voted in favor.

Commissioners Business

Meeting schedule was reviewed.

Fenske discussed his attendance at the Transit Meeting and the Policy Advisory Committee (PAC) Meeting.

Ritter discussed his visit with Human Services, Soil & Water, and his attendance to the PAC Meeting.

Nelson discussed his meeting with the Fair Board where a portable stage was considered.

Consider Tax Penalty Reduction

Linda Erb requested penalty abatement of \$106 on late payment of property tax. The Board took no action.

Meeting Recessed at 9:50 AM

Meeting back in Order at 10:15 AM

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Sales & Use Tax Audit

In August of 2005, Lyon County was audited by the MN Department of Revenue for the period of May 2002 to August 2005 to determine compliance with the Sales & Use Tax laws. During this audit, items were found that were deemed to be taxable but no tax was collected.

Gretchen Scharmer, Revenue Tax Specialist, requested that the Board accept or appeal the Commission of Revenue's order to pay an additional \$5,841.78 in sales tax and interest.

Scharmer explained there were two schedules where the County owed taxes: Schedule A – General MN Sales; and Schedule C – Purchases Subject to MN Use Tax. Items in Schedule A (sales tax not collected on certain items) ranged from sales of copies of printed materials to canteen (pop & candy) sales to prisoners. Items in Schedule C (use tax was not paid on certain purchases) ranged from the purchase of bottled water to freight charges on repair parts.

Commissioners pointed out that the County had not been charged use tax on these items. Scharmer explained that the tax payer is ultimately responsible for paying taxes. However, of the ten counties in SW MN she has audited, all had missed sales and purchases of the same nature. Negligence is not a factor, and because it is not, the statute of limitations on this audit is three and one half years. The audit is not complete. Schedule C does not include 2002 so there will likely be more charges. It is to be completed by Feb. 1st, 2006.

Scharmer clarified that the County's options are to pay the sales tax and interest by Feb. 20th, 2006, or file an appeal. As far as Scharmer knew, none of the other ten counties have appealed.

The issue is tabled until the next meeting so that more information can be gathered.

Discuss Waste-to-Energy (WTE) Proposal, North Redwood

Joe Carlson, solid waste consultant to Lyon County, updated the Board concerning the WTE gasification facility proposal for North Redwood. Carlson met with Representative Marty Seifert and the Material Recovery Joint Powers Board to discuss Lyon County's options for waste disposal. For now, the Joint Powers Board is asking that Lyon County either commit or consider working with the WTE facility and send them waste. Carlson explained the Joint Powers Board requests a resolution or a commitment by Feb. 1st, 2006.

Carlson cautioned that re-permitting the landfill could be affected by the County's decision.

Carlson will draft a letter addressing the County's concerns and present it at the next Board Meeting on Jan. 17th, 2006.

Motion by Buysse, seconded by Goodenow to adjourn the Board Meeting until January 17, 2006 at 9:00 AM. All voted in favor. The meeting was adjourned at 11:35 AM.

Stephen W. Ritter, Chairman

Attest:

Loren Stomberg
Lyon County Administrator