

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
August 18, 2009

9:00 a.m. - Meeting called to order by Chairman Stensrud. Members present: Fenske, Ritter, Goodenow, Nelson, Stensrud, County Administrator Stomberg, Auditor / Treasurer VanOverbeke, County Attorney Maes.

Pledge of Allegiance to the Flag

Approve Agenda

Stomberg – One addition after the break Tammy VanOverbeke will be up with a couple of grants that she is asking to get approval for. Nelson moved, seconded by Ritter to approve the agenda. All voted in favor.

| | Per Diems | Expenses |
|----------|------------------|-----------------|
| Nelson | \$100.00 | \$86.90 |
| Goodenow | \$190.00 | \$28.50 |

Consent Agenda:

1. Approve Minutes from August 4, 2009
2. Approve Commissioner Warrants 117447-117543 in the amount of \$584,970.49 dated 8/19/09.
3. Approve Auditor Warrants 117399-117412 in the amount of \$37,613.05 dated 8/6/09, 117413-117431 in the amount of \$38,236.34 dated 8/13/09, 117433-117449 in the amount of \$163,952.58 dated 8/17/09 and 117432 in the amount of \$3,031.57 dated 8/18/09.
4. Approve Per Diems & Expenses
5. Appoint Rick Anderson to serve on MN DNR steering committee

Ritter – I would like to pull number five for discussion. Stensrud – Any other items? Fenske moved, seconded by Goodenow to approve items 1 through 4. All voted in favor.

Stensrud – Okay number 5. Ritter – My question is what kind of time commitment is that? How much time will that be away from work? Kanwar - Once a month maybe twice a month. Stomberg- And that is through February? Fenske – Does he go to St. Paul? Ritter -Once it is submitted to the legislature will there be any other commitment by the county? Kanwar – I don't know. Nelson – Was he selected by the state? Goodenow – I think we need to make sure it doesn't all go to the cities. I think we could find it out today. Kanwar – I can call him. Goodenow moved, seconded by Ritter to table item 5 until later in the meeting. All voted in favor.

Amend contract with CPUJ

Stomberg- We had approved a contract in the past which would have a 4% annual increase. They are willing to postpone the increase and it would extend out the contract. Goodenow – The other part is to extend the length. I think it is fair. Goodenow moved, seconded by Nelson to approve the amendment, agreement, and resolution to the contract with CPUJ. All voted in favor. (Resolution 19-09 on file in County Administrator's Office).

Jail Update

Splett – The elevator inspection is on Wednesday August 26. After that we should have our certificate of occupancy. I have done an inspection with the building inspector. I think the addition is coming along nicely. Filippi – Overall things are looking okay. There is a balance in the contingency of \$93,974.50. Are there any questions? Goodenow – The sidewalk? Filippi – We passed out a proposal request we got from Johnson yesterday for what he is entertaining for the exterior courtyard here. What he shows is a proposed sign base coming out of the work release entrance. Along with that he was looking at relocating two poles. The next two pages are what he is proposing for a sign base. Discussion. Stensrud – Is there any type of estimate on cost? Filippi – No we just got it yesterday. Ritter – Another option is to have the lettering on there and just light it. Stomberg –This proposal request has two locations one in the parking lot and one by Main Street. Can we do that on the proposal request? Filippi – We will have them break it apart. Are you comfortable with where the flag poles are? Ritter – Has anyone talked to Krause on snow removal, is this going to be a problem? Goodenow – He was there when it was put together. Discussion. Stensrud – Do you think the flagpoles are fine? Goodenow – Yes. Stensrud – Good and get some prices on the sign. Board thanked Splett and Filippi.

CUP, extract, crush and process material and for an asphalt plant for McLaughlin and Schulz

Biren – This is north and east of Marshall in Stanley township. We had one neighbor impacted by that. We had that worked out in terms of dust control. The conditions recommended have been provided to you. Nobody showed up to the hearing except Wayne Hess from McLaughlin and Schultz. There are some wetlands that will have to be worked around. Maes – It looks good.

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Fenske moved, seconded by Nelson to grant a Conditional Use Permit to McLaughlin and Schulz to extract, crush and process material and for an asphalt plant. The land is zoned agricultural. The land is owned and described as follows: John G. Schutz, part of the Northeast Quarter (NE1/4), Section 16, Stanley Township and F.J. McLaughlin Co., part of the North Half (N1/2), Section 15, Stanley Township. As per recommendation of the Lyon County Planning Commission. With the following stipulations:

1. Conditional Use Permit will be reviewed annually.
2. Conditional Use Permit is granted for 40 acres or the life of the operation whichever is less.
3. Top soil will be stockpiled and used for reclaiming and leveling.
4. Reclaiming and leveling of land is to be done as work progresses.
5. Grade site after extraction is completed so as to render it usable, seeding required avoiding erosion and an unsightly mar of the landscape.
6. Must maintain a backslope of 4:1 or flatter.
7. Responsible for maintenance on roads that trucks will be hauling on.
8. Responsible for dust control on haul roads.
9. Haul roads designated as: 320th Street to County Road 9.
10. Owner must notify Lyon County when work is complete.
11. Must obtain permits from appropriate agencies.
12. Must comply with Soil and Water, MPCA and DNR regulations.
13. A copy of the Lyon County Board of Commissioner's Motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

All voted in favor.

CUP, mobile home for Jody and Aurora Heard

Biren – The purpose is to live in that while remodeling their current home. We put some dates in place for the removal. Ritter moved, seconded by Nelson to grant Jody and Aurora Heard a Conditional Use Permit for a mobile home to be used as a single-family residence (Article 15.11F of the Lyon County Zoning Ordinance) while remodeling their existing home. The area representing the request is zoned agricultural. Property is described as part of the North one-half of the North one-half (N1/2N1/2) of Section Nine (9), Vallers Township. As per recommendation of the Lyon County Planning Commission and the Vallers Township Board. With the following stipulations:

1. Conditional Use Permit is granted for two years. Applicants must request an extension if remodeling is not completed in two years.
2. Site may be inspected to ensure compliance of all applicable regulations.
3. Land Use Permit for mobile home is for mobile home to be lived in while remodeling existing home. When this use changes, the mobile home must be moved or establish a change of use by applying for and receiving a new conditional use permit. Mobile home to be moved from property by October 1, 2011.
4. Must notify Planning and Zoning Office when use changes.
5. Mobile home cannot be rented out.
6. Must follow the Lyon County Zoning Ordinance.
7. Mobile home to be anchored and skirted.
8. A copy of the Lyon County Board of Commissioner's Motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

All voted in favor.

Partial Release of Note and Septic System Lien

Biren – Mr. Mike Maxwell is in the audience representing the property. It is pretty straight forward. Mike had installed the septic system quite a few years back. He is retaining ownership of the home but is selling some of the land that is pasture. Stensrud – How big a parcel is coming off? Maxwell- 22.5 acres. There is about 8.5 acres left. Stensrud – Rick you have looked it over? Maes – The Board can go this route or essentially you can have them sell it. The partial release drafted I'm not sure why it says by a corporation on the top. When I first heard about it I thought it was an individual. VanOverbeke – Are we going to have to record it again because it will be a new parcel? Maes – Yes it will have to be. They are going to split it and they have to record them. Goodenow moved, seconded by Nelson to sign a partial release of note and septic system lien for an existing Note and Septic System Lien owned by Lyon County. Ritter- By corporation or partnership? How does that get cleaned up or does it have to? Maes – Change it when it is done. Mr. Maxwell it is not a corporation or partnership is it? Maxwell - No. All voted in favor.

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EXHIBIT "A"

All that part of the North Half of the Southeast Quarter and a part of the South Half of the Northeast Quarter in Section 27, Township 110 North, Range 41 West Lyon County, Minnesota, being more particularly described as follows:

Beginning at the southeast corner of said North Half of the said Southeast Quarter; thence North 00 degrees 02 minutes 43 seconds West bearing based on Minnesota State Plane Coordinate System Lyon County Datum, along the east line of said Southeast Quarter, a distance of 1323.69 feet to the southeast corner of said Northeast Quarter; thence North 00 degrees 03 minutes 32 seconds West, along the east line of said Northeast Quarter, a distance of 491.09 feet; thence North 57 degrees 32 minutes 28 seconds West a distance of 515.15 feet; thence North 00 degrees 10 minutes 25 seconds East a distance of 147.60 feet; thence South 89 degrees 14 minutes 06 seconds West a distance of 243.01 feet; thence South 21 degrees 07 minutes 19 seconds East a distance of 227.50 feet; thence South 00 degrees 56 minutes 37 seconds East a distance of 420.01 feet; thence South 87 degrees 48 minutes 43 seconds West a distance of 190.58 feet; thence South 14 degrees 09 minutes 59 seconds West a distance of 486.07 feet; thence South 05 degrees 42 minutes 36 seconds East a distance of 260.65 feet; thence South 00 degrees 43 minutes 20 seconds East a distance of 104.49 feet; thence South 52 degrees 28 minutes 44 seconds East a distance of 246.42 feet; thence South 00 degrees 16 minutes 21 seconds East a distance of 616 feet, more or less, to the south line of said North Half of the Southeast Quarter; thence easterly, along said south line, a distance of 673 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:

Commencing at the southeast corner of said North Half of the said Southeast Quarter; thence North 00 degrees 02 minutes 43 seconds West bearing based on Minnesota State Plane Coordinate System Lyon County Datum, along the east line of said Southeast Quarter, a distance of 1323.69 feet to the southeast corner of said Northeast Quarter; thence North 00 degrees 03 minutes 32 seconds West along the east line of said Northeast Quarter, a distance of 491.09 feet; thence North 57 degrees 32 minutes 28 seconds West a distance of 515.15 feet; thence North 00 degrees 10 minutes 25 seconds East a distance of 147.60 feet; thence South 89 degrees 14 minutes 06 seconds West a distance of 243.01 feet; thence South 21 degrees 07 minutes 19 seconds East a distance of 227.50 feet; thence South 00 degrees 56 minutes 37 seconds East a distance of 420.01 feet; thence South 87 degrees 48 minutes 43 seconds West a distance of 190.58 feet; thence South 14 degrees 09 minutes 59 seconds West a distance of 486.07 feet; thence South 05 degrees 42 minutes 36 seconds East a distance of 260.65 feet; thence South 00 degrees 43 minutes 20 seconds East a distance of 104.49 feet; thence South 52 degrees 28 minutes 44 seconds East a distance of 246.42 feet to the beginning point of said line to be described; thence North 88 degrees 58 minutes 46 seconds East a distance of 676.19 feet to the east line of said Southeast Quarter, said line there terminating.

EXCEPTING THEREFROM United States Trunk Highway Number 59 right of way.

Out of State Travel Request

Barker – Fidar has created a new software package that is now being put in with us today. We are the fifth county to put it in. They are calling on those five counties to give feedback. We have been on the forefront of e-recording. They have commented on how good my staff is to work with and how intelligent they are. I'm planning on driving to Fairmont and riding down with Martin County. Ritter – You would think in this situation they could do ITV. Barker – I didn't think of trying to save them money. Fenske moved, seconded by Goodenow to approve an out of state travel request for Jeanine Barker to Rock Island, Illinois from Aug 27th to Aug. 28th, 2009. All voted in favor.

Consider selling wetland credits

Nelson – I have a question pertaining to the sales tax? Henriksen – I did ask that question it is a fee not a sales tax so it did not go up. Stensrud – This has gone through the environmental office? Henriksen – Yes. Nelson moved, seconded by Goodenow to approve selling 7.100 acres of wetland banking credits to Southern Minnesota Beet Sugar Cooperative. All voted in favor.

Wetland credit sales

Henriksen – This is in Renville County. Stensrud – This is an out of the county which is higher. Goodenow – We had that discussion and set that policy. We would have to have the understanding that we are breaking our policy. Henriksen – Our rate may be higher than other counties. Stensrud – If we do this and go down we have to realize we will have to negotiate others later. Nelson- Is it above our local rate? Stensrud – Yes. Discussion. VanOverbeke – General revenue paid for the land for the park. We have been discussing how to approach this so you tell us what to do with the money? Goodenow – We assumed it came out of the landfill? Stomberg – We can bring back the history on that. Goodenow – The point is we were going to

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sell off these to pay back the loan whether that is general revenue. Stensrud – It is \$1,700 difference. Nelson moved, seconded by Ritter to approve the application for withdrawal of wetland credits for .70 acres for use by Maurice Christianson. Ritter – Paul what is the net acres left after this sale? Henriksen – 25 acres. Ritter – We will have to look at what highway department needs are. Henriksen – They are covered by the state. Ritter – Okay. All voted in favor.

10:00 Meeting Recessed

10:15 Meeting Called back to order

Nelson – In the minutes JD 7 should be changed to JD 15. Nelson moved, seconded by Goodenow to change the previously approved minutes. All voted in favor.

MN DNR Steering Committee

Anderson – From my understanding right now they are looking at meeting once a month. The county will be reimbursed meals, mileage, and any overnight stays. It has to be ready by 2011 for the legislature. There was about \$500,000 set aside for this Committee. Ritter – You said 2011 it says in here February 15, 2010. Anderson – That is not the understanding that I got. This is a ten year. Goodenow moved, seconded by Nelson to approve Rick Anderson to serve on the MN DNR Steering Committee for Park Trails. All voted in favor.

Emergency Management Performance Grant (EMPG Grant)

VanOverbeke – There is a 50% match on it. Fenske moved, seconded by Goodenow to adopt and sign the Emergency Management Performance Grant Contract for the amount of \$18,297.00. All voted in favor.

2009 Homeland Security Grant Program (HSEM Grant)

VanOverbeke – This is for the Regional Radio Board. Nelson moved, seconded by Goodenow to adopt and sign the HSEM Grant Program 2009 contract for the amount of \$72,996 as fiscal agent for the SW Radio Board. All voted in favor.

VanOverbeke – The World Health Organization has determined that we are in a pandemic. I think the Board needs an informational presentation on H1N1.

Discussion use of rumble stripes to improve safety at stop sign intersection

Kanwar- I have had a lot of calls from residents and got some feedback from Commissioner Nelson. Mostly I believe it is driver behavior but what can we do more? Rumble stripes are one of the tools and we can also use flashers. I also attached some of the materials for you to look at. If we go that route we can buy the equipment for around \$10,000. Stensrud- The rumble stripes when Benson was here she said because of the liability we should identify all in case there is an accident. Kanwar – We have a total of 812 stop signs. Stensrud – You have 500 on paved roads. Anyone have questions? I know there are a couple of places I wish we could put them. Kanwar – The cost to do all those locations would be about \$25,000 and to maintain them about \$5,000 to \$10,000. Nelson – On 2 and 9 there was an accident and I have been told that it is inevitable that it was going to happen at one point. Rumble stripes is what was mentioned by some of those witnesses and personally I would hate to see us rumble strip the entire county. Rumble stripes are good if someone is inattentive. Fenske – They lose their effectiveness after a while. Mather, how many times does your staff observe someone going through a stop sign? Mather – There are problem intersections. We could double sign these intersections. If they continue to be a problem we can put a light on there. Discussion. Goodenow – One of the logic flaws is if you rumble strip one you have to do them all. Isn't it the same for signs? Discussion. Goodenow – One of the reasons it came up again is Cottonwood is requesting us to put a stop sign in on a through road. If it is an experiment maybe we can put it on that one for sure. Nelson – The one on 2 and 9 could it be a four way stop? Stensrud – Mather, do you think rumble stripes would work? Mather – There are other factors like noise factors.

Authorize advertising for bids 2009 striping project

Kanwar - We will be accepting quotes until August 26 at 4:00 p.m. Stensrud – How many miles? Kanwar - I don't have an exact count. Fenske moved, seconded by Ritter to approve receiving quotes until August 26, 2009 at 4:00 p.m. for C.P. 09:HS for 2009 striping projects. Nelson – In the past if they get a bid that is under they have usually used it up by striping more. I don't know if you would do that. Kanwar- We could do additional. When we do the contract they do the same price for additional miles. All voted in favor.

Library Discussion

Stomberg – At our last meeting we had the City Administrator here to give an overview. The City Council met and they had several questions posed to the Council as a matter of getting some

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opinions. Discussion. Stensrud – They took a straw vote on these things. I think we need to know where we stand. There was some discussion on Bob Carr being the contractor. Nelson – He is the major contributor he gets the right to rule. Carr will know what to do with that old building throw that into the mix. Discussion. Nelson – Marshall isn't willing to bond for it and I don't know why we should. Marshall could sell a bond that could be paid off by the hospital interest. Discussion. Stensrud- One of the things was, are you in favor of raising our levy to make up our 1/3 of the additional bond issue? Fenske – That would cost us about \$12,000 a year or about \$1,000 a month. Goodenow – They are looking at a new type of bond from the stimulus bill. Stomberg – It shouldn't be a big issue financially. Nelson – I have had personal contacts by requests where I have gone and visited business owners in Marshall. Also about one million goes to TIF. Stensrud – Are you still in support of the library at \$5 million? Maybe a show of hands. Nelson – That would eliminate the children's room? Goodenow – It eliminates the free meeting rooms. By straw vote all were in favor of the library at \$5 million.

Stensrud - Who would be in favor of putting additional funds other than dedicated? Goodenow – Of that 5 million there are energy efficient reasons. Ritter – We are 33% of the budget. Goodenow – We are saving ourselves money by making sure it is energy efficient. Stensrud – This thing is going to cost us more to run. Goodenow – We had someone tell us that usage goes up 30 to 40% with a new library. Stensrud - Are we willing to put in additional funds? Ritter – When the City Administrator was here it was \$144,000 and about \$12,000 per year. I asked if they sold the old building if we could use that to pay off the debt. Fenske – Going on what you are thinking that if we could have if the building is sold that would be paid back I would be in favor of that. Nelson – How are you doing this are you bonding? Fenske – I don't think we can commit. But a straw vote is that we would be willing to. Nelson - If the city wants that building why would they sell it and pay you off? Goodenow – One of the problems is there never was consensus on that. Nelson – If we are going to sell a bond on when they sell it because if they sell the building first they don't need us. That is an asset and they say they are giving one million of liquor money and they keep that money it would be half of that. Stensrud – A straw vote if we are willing to put additional dollars in?

Voting in Favor: Ritter, Goodenow, Fenske.
Opposed: Nelson, Stensrud

TNT Date

Stomberg – For payable 2010 the rules have changed a bit. We have the option of picking a date between November 25 and December 26 and after 6:00 p.m. My suggestion would be either the first or second meeting date in December and have it at 7:00 like in the past. It doesn't say we have to adopt it we can go through it. The budget our county program aid is going to be reduced by about \$50,000 and I found out our workers comp insurance is going up about \$42,000. Ritter – What is the biggest increase in that work comp? Stomberg – It went up. Stensrud set TNT for December 1, 2009 at 7:00 p.m.

Jail Cornerstone Ceremony

Stomberg – The masons would like to do a cornerstone. They are requesting a written invitation from the County Board to do that. Goodenow moved, seconded by Ritter to approve Grand Lodge of Ancient Free and Accepted Masons of Minnesota to conduct a Cornerstone Ceremony for the new jail addition on Thursday August 27, 2009 at 7:00 p.m. All voted in favor.

Drug Court

Maes – I have been asked to present the memo of understanding given the fact that the County Attorney's office is one of the principals. I think the message that went back is we don't know what the financial situation is. One of the objectives is to have one of the drug courts in all of the Districts. They want aside from the Sheriff's and my office's participation they want a representative to serve on a Steering Committee. You are eliminating multiple drug hearings and you are replacing it with drug court. There will be a drug court in Lyon County and a different one in Lyon County. What it means for the County Attorney's office is to attend the drug court itself. Essentially it will be a modified court session and weekly there are updates on the participants. I continually raise two issues and one is do we have the numbers and the other is do we have the commitment from the Department of Corrections? It is set out for close to three years. You are talking about August of 2012. What happens when you run out of money? I was told there are grants available. Ritter – Can it be court ordered that we continue funding if grants aren't available? Maes – No. Nelson – Lyon County lists the city of Marshall and Redwood does not? Maes – I think that is because of how quick it comes together. Discussion. Goodenow – It really should have the City of Redwood Falls on there. Is there a way to make that suggestion? Maes – The last meeting the Redwood Falls Police Chief was there and so was the Lower Sioux. Goodenow moved, seconded by Nelson to approve entering into an agreement to form a drug court with Lincoln and Redwood Counties and the Lower Sioux Indian Community contingent upon continuing grant funding. Ritter – Should it include any discontinuance of funding does not obligate Lyon County? All voted in favor.

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Reviewed Meeting Schedule

Commissioners Reports

Goodenow reported on the Library and a Drug Task Force meeting. The old system is in kind. This would be a major change, the proposal. This would be like its own organization. And we do that with Human Services and Public Health. I'm not totally against that but it is a major change. They do have two grants in the works.

Nelson reported on RCRC, the Fair Board, Planning and Zoning, and Area II. They had a dam inspection on Lasarus Creek. There have been some cracks and they have been monitoring to see if there is movement. Houston Engineering has shown it is stabilized.

Fenske reported on State Auditor meeting with the Human Services Board.

Stensrud reported on a meeting with the City of Cottonwood. Stensrud- We got a request from the Southwest Regional Development Commission for someone to be appointed to a Trail Board.

11:54 a.m. Ritter moved, seconded by Goodenow to adjourn until 1:30 p.m. All voted in favor.

Rodney Stensrud - Chairman

Attest: Loren Stomberg
Lyon County Administrator