

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
November 3, 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. Absent : County Attorney Maes

Pledge of Allegiance to the Flag

Approve Agenda

Stomberg - There are a couple of additions:

- Discussion on agricultural land sales
- Discussion on equipment purchases
- Selling wetland credits

Fenske moved, seconded by Goodenow to approve the agenda. All voted in favor.

	Per Diems	Expenses
Goodenow	\$200.00	\$99.00
Fenske	\$240.00	\$21.45
Ritter	\$190.00	\$111.10
Nelson	\$190.00	\$42.90
Stensrud	\$125.00	\$151.80

Consent Agenda:

1. Approve Minutes from October 20, 2009 and October 28, 2009
2. Approve Commissioner Warrants 118284–118362 in the amount of \$226,484.54 dated 11/4/09.
3. Approve Auditor Warrants 118231-118246 in the amount of \$33,302.83 dated 10/22/09 and 118257-118276 in the amount of \$22,890.73 dated 10/29/09.
4. Approve Per Diems & Expenses
5. Final Payment 2009 Striping Project
6. Consider 2010 Public Works Fee Schedule

Stensrud – I want to pull number 6. Nelson moved, seconded by Ritter to approve consent agenda items 1 -5. All voted in favor.

Stensrud – On number 6 if you go to page 6 on the stuff that goes in the county we have a labor additive for others in the county. You are just moving money around. We charge back and forth. I think it is just passing dollars. On the landfill labor and other departments. Goodenow- I would speak to having it in there. You are trying to reflect the true cost of what it takes to operate it. The landfill has a different source. It moves the money from the landfill in. Stensrud – When you add that in it is cheaper to hire someone from the outside? Goodenow – That is what we are trying to set up is what it costs to do business so it is not subsidized. Kanwar – This is a true number that comes from our bills. That is what it costs us so far. Goodenow – By doing your own cost accounting? Kanwar – Yes. Goodenow – So at that point if you can't be efficient enough to do it for less, I think ours should be less because there is no profit. The landfill is an enterprise fund. The money is moving over what we collected on dumping fees. If they charge to clean off the sidewalk up here? Stensrud – So if you remove snow up here you pay the additive? Fenske – Not for the county departments but the landfill or other agencies. Goodenow – I would still make a claim that you are not showing the true cost. Discussion. Goodenow – The landfill needs to stay that way. Even setting our fees is based on that. Stensrud moved, to take the landfill and county departments off and leave other entities. Stensrud - Or we have to charge back to the other agencies. Stensrud called for a second to the motion three times. Motion failed for lack of a second. Goodenow moved, seconded by Fenske to approve the 2010 public works fee schedule with the labor additive removed for the county departments only. All voted in favor.

9:12 a.m. Attorney Maes Arrived

Work Request with Pipestone County

Goodenow moved, seconded by Fenske to approve and authorize the Chair to sign work request 2009-6 with Pipestone County. All voted in favor.

Memorandum of Agreement with West Fork Des Moines River Watershed

Goodenow moved, seconded by Nelson to approve and authorize the Chair to sign the Memorandum of Agreement with West Fork Des Moines River Watershed. All voted in favor.

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
November 3, 2009

Forfeited Land Sale

VanOverbeke – The City of Marshall passed a resolution. They would like to purchase a piece of property that is going on the list. They plan on using it for public use. Goodenow – What do they pay for it? VanOverbeke – They pay the fees. Goodenow moved, seconded by Ritter to approve a resolution from the City of Marshall to have first right of purchase on parcel 27.518001.0 – Outlot A, Mall Street Addition. Fenske – Who owns it? VanOverbeke – Pat McFarland. All voted in favor.

Forfeited land Sale

VanOverbeke – This would be to approve the forfeited land and sell it December 9 in CR 3. Fenske moved, seconded by Ritter to approve the forfeited land list and set the sale date for December 9, 2009 at 9:30 a.m. Goodenow – The previously forfeited, the prices are lower? This is the whole list? VanOverbeke – Yes it is the whole list. All voted in favor.

Discussion on Agricultural Sales

Dean Champine – I went back three years to see how the taxes are split. The agriculture value makes up about 54% of the value but their tax capacity is lower. Discussion. If everything stayed the same ag taxes are going to go up. A few years ago the legislature put a sunset on the limited. Discussion. Fenske – On the eastern side how high did it go? Champine – The peak prices hit in late summer of 2008. Stensrud – What percentage of our sales have been with people without a Lyon county address? Champine – We see a little bit but not nearly as much. Discussion. Goodenow – Is it hitting harder or having a bigger affect on people that rely on ag as a part of their base? Champine – Yes.

Jason Splett, Jail Update

Splett – I talked to D & G yesterday. They are going to be here this week. Goodenow – If they have to come back next fall? Splett - The contractor is responsible for that and are aware of it. Discussion. Splett – I would like to touch base after the meeting if you want we are going to go out and stake out the sign area out front. Also the flag poles I thought we were going to go flush with the ground. Would you be okay with everything right with the finish grade? Discussion. Goodenow – The American Flag needs to be a foot higher. Ritter – What is that going to cost to fill those windows in? Splett – I'm not exactly sure. Probably looking at an hour a window. I would say \$200 to \$300 per window. I think there are about 15 of them.

Set Public Hearing Date for 5 year plan

Kanwar – Normally we have 2010 as pretty solid. But 2011 and later can be changed. Stensrud – What have we expended of what we had proposed? Discussion. Stensrud – County Road 10 is in here in? Kanwar – Some of the grading work we will do in house. We have funding for 2 million only which is why we are splitting that into three pieces. Goodenow – This is based on funding source for a five year plan. It is not necessarily the whole plan for the whole office. Kanwar – It is kind of projection. Stensrud set the 5 year road plan public hearing for Tuesday, December 15, 2009 at 9:30 a.m.

Stensrud – Yesterday the Capital purchases committee met. We have about \$220,000 this year in the budget for new equipment. I think the Board should discuss it. They talked about the truck they are looking at trading is 10 years old with 245,000 miles on it. It would be about \$160,000 estimating. The road graders have been traded every 5 years. Kanwar – I am looking for direction. Discussion. Goodenow – And the budget for next year? Kanwar – Close to \$200,000. Goodenow – Is it just the truck? Stensrud – It is just the truck. Goodenow – Did you look ahead to the next year? Stensrud – There is another truck next year and a case loader. Fenske – If there is something you can afford without busting the budget you need to. Ritter – My opinion is we wait until next spring. We were all at the meeting last Thursday and we could be facing more cuts. They have a mechanic out there that can work on this stuff. Nelson – This includes the plow and pup? Stensrud –The plow, sanding equipment, not the pup no. Goodenow – We still have the opportunity to say no. Ritter – Number 23 I believe that truck is parked in Minneota due to a retirement. I suggested moving 23 over. Stensrud – It will be used. They are looking at having someone from there drive it. Stensrud – I think the consensus is to come for a request for bids.

Wetland Credits

Henriksen – I think they need a 2.5 acre replacement for every acre they are taking out. Nelson – Is this rate the same? Henriksen – This rate is a little more. Nelson moved, seconded by Fenske to approve selling an additional .118 acres to the Southern MN Beet Sugar Coop at \$20,300 per acre. All voted in favor.

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
November 3, 2009

Minnesota Clean Water Partnership Project Implementation Loan Agreement

Biren - It is for \$100,000. This is for septic systems. I would like to thank Paula, Judy, and Roger for the work that has gone into this. The average cost for the system is about \$7,200. We have borrowed out about \$914,000 and we have taken in about a million sixty six. This is just for the Cottonwood.

Goodenow moved, seconded by Nelson to approve and authorize the Chair to sign the Minnesota Clean Water Partnership Project Implementation Loan agreement and resolution sponsored by the Redwood Cottonwood Rivers Control Area. All voted in favor.

Ordinance Revisions relating to the Subsurface Sewage Treatment System

Biren – We are holding a hearing this coming Tuesday. The question I pose is if this Board wants to hold a public hearing? We are not required to. Goodenow – I think it is a good idea. Discussion. Biren – The Planning and Zoning Hearing is next Tuesday. Biren – If I can work with the Administrator to schedule something for December 15.

10:15 Meeting Recessed
Meeting Called Back to Order

TLM Of Marshall, Traveler's Lodge, Consider forgiveness of penalty

I am Carol Kruger. My husband and I own the Traveler's Lodge. We have owned the motel since 1973. I know the taxes are due October 15. I forgot to pay them. I hadn't paid them earlier because of lack of funds. The 16th that morning I knew what I had done. I paid the full amount that day. I am begging for all of you to understand the mistake. Our taxes went from \$38,194 up \$5,152. Kruger – I paid the earlier just fine. Stensrud – I guess we have to look at the forgiveness on this. Kruger – I know you have your rules and it is hard to make an exception. Fenske – You have owned this since 1973? Discussion. Kruger - They are close to \$20,000. This year I didn't have the money to pay them earlier. Goodenow – We do have a system where there is automatic withdrawal to come out at the last minute. Kruger – I didn't know that was available. Stomberg –The penalty is a calculation that is uniform. It is handed down from the state. Nelson – We have had these cases before and it is very difficult. I think we have forgiven them once and that was medical. Goodenow – We had another property value one where it was pretty close to the same thing and it was all written up. Fenske – Where does the penalty money go? VanOverbeke – The county and school districts. Ritter – Carol I know you are not the only one hurting out there because of higher taxes. My concern is if we do it for one. It is a tough decision. Fenske – How many paid late? VanOverbeke – There were quite a few that were late and they all had the option to come to the Board. Goodenow moved, seconded by Ritter to deny the forgiveness of penalty for TLM of Marshall of \$868.32 for late payment of October 15, 2009 taxes. Fenske – That is a stiff penalty and the taxes are too, and if you take the taxes and a percentage that is what happens. Goodenow – I wondered if we could cut it in half. Nelson – It is a matter of being hours late and that makes it tough but on the other hand it is a real challenge to change that policy. All voted in favor.

EDA Resolution

Stomberg – On the RBA I have to consider approving the resolution. I think we need to take a look at this and have a public hearing. I have tried to craft it after what I believe the board was looking for. I am looking for comments on the resolution and set a public hearing date. Discussion. Stomberg- We do need to set a date for public hearing. Stensrud set a Public Hearing for an EDA on December 15, 2009 at 7:00 p.m.

Reviewed Meeting Schedule

Commissioners Reports

Goodenow reported on Public Health, Advance, AMC and the Library.

Ritter – At AMC it was brought up by Lincoln County about the Directors being elected versus appointed. Ritter – What is the process Maes? Maes – I haven't looked at it. Ritter – We need to do a resolution that Lyon County is in favor of term limits and appointed positions.

Fenske reported on AMC District Meeting, Special Board Meeting for ARMER, Census Meeting, and Transportation Meeting.

Nelson reported on ARMER Special Meeting, Regional Radio Board, and AMC District Meeting.

Fenske – If I could add on this Lanning bill and this is one thing that we have to be aware of and oppose. Each river basin would have a board and taxing authority.

Stensrud reported on AMC and Public Health.

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
November 3, 2009

Ritter - Curious on Public Health how is the management contract working? Stensrud – I think pretty good. Goodenow – We only really have one main accounting person.

Nelson – I wanted to add when we approved the minutes. Nelson moved, seconded by Fenske to amend the motion from October 20, 2009 minutes regarding hiring a Heavy Equipment operator to add only in this case to hire a heavy equipment operator.

Goodenow moved, seconded by Ritter to adjourn. All voted in favor.

Rodney Stensrud, Chairman

Attest: Loren Stomberg
Lyon County Administrator