

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
November 17, 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. Attorney Maes

Pledge of Allegiance to the Flag

Approve Agenda

Stomberg – If we could pull off number 5. Under Biren’s time if we could add a discussion on the county selling some property by Balaton. Fenske moved, seconded by Nelson to approve the agenda. All voted in favor.

	Per Diems	Expenses
Fenske	\$50.00	\$107.80
Stensrud	\$50.00	\$24.10
Goodenow	\$90.00	-----
Nelson	\$140.00	\$136.40

Consent Agenda:

1. Approve Minutes from November 3, 2009
2. Approve Commissioner Warrants 118419-118515 in the amount of \$210,950.57 dated 11/18/09.
3. Approve Auditor Warrants 118363-118378 in the amount of \$122,533.14 dated 11/5/09, 118391-118409 in the amount of \$673,708.22 dated 11/12/09, and 118410-118418 in the amount of \$105,408.33 dated 11/13/09.
4. Approve Per Diems & Expenses
5. Authorize advertising for bids 2009 equipment truck
6. Cancelled checks for Human Services
7. Approve Auditor/Treasurer 2010 fee schedule
8. Approve aeration permits

Nelson moved, seconded by Ritter to approve consent agenda items 1-4 and 6-8. All voted in favor.

Bids for 2009 Equipment Truck

Stensrud – There are a couple of things marked in red. Thomasson – The individual getting it would rather have a 13 speed versus the auto. I need to find out if I can use my same snow controls. I don’t know what the changes would be. We think we can leave the same snow controls in there but we don’t know for sure. The transmission we have an option of a 13 speed or a manual auto transmission. Stensrud – You had something on the box. Goodenow – Are we going to have a new truck in the spring again? Stensrud – There is one in the budget for next year. Goodenow – Do we really need one now and in the spring? Ritter – Because of the state of this economy I think it should be slid back to 2010. Nelson – We voted on this last time. Stensrud – I am looking for a motion. Nelson moved, seconded by Fenske authorize advertising for bids for a tandem truck and set the bid opening for December 7, 2009 at 11:00 a.m. in CR 1. Goodenow – I think because it is in the budget it is not a very good reason to buy a truck. It could go from this year to next year. I’m not sure we need it right now. Fenske – What is the condition of the truck? Thomasson – It could it go another year, we can always fix them. This one is probably needed more than the one in the spring. We haven’t stuck a lot of money in it yet but it it’s getting to that point.

Voting In favor:

Stensrud
Fenske
Nelson

Opposed:

Goodenow
Ritter

Motion carried 3 to 2.

Approve Cottonwood River Watershed Phosphorus TMDL Continuation Project

Goodenow moved, seconded by Ritter to approve and authorize the Chair to sign a resolution for the MPCA clean water partnership and general obligation note. All voted in favor.

Approve law enforcement contract with City of Ghent

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Mather – I have been to each city council meeting and discussed these contracts with them and they have all approved them. Fenske – On the city of Ghent, how many hours would you be providing them? Mather – There are no set hours it is as needed. Fenske moved, seconded by Nelson to approve and authorize the Chair to sign a law enforcement contract between the county of Lyon and city of Ghent. Ritter – How many years has the county been in contract with the city of Ghent? Mather – 22 to 23 years or so. Chlebeczek was the last Chief of Police there. All voted in favor.

Approve law enforcement contract with City of Russell

Nelson moved, seconded by Goodenow to approve and authorize the Chair to sign a law enforcement contract between the county of Lyon and city of Russell omitting paragraph eleven. Maes – One comment as far as paragraph 11 where you are directing my office to prosecute for you that would have to be something separate worked out between my office and the city. I don't know if there is a need for it in there. If you want it in there just to clean it up. Nelson – I will consider that a friendly recommendation. All voted in favor.

Approve law enforcement contract with City of Cottonwood

Fenske moved, seconded by Ritter to approve and authorize the Chair to sign a law enforcement contract between the county of Lyon and city Cottonwood omitting paragraph eleven. All voted in favor.

Update on RDC activities

Jay Trusty gave a 2009 annual update on the Southwest Regional Development Commission.

Jail Update

Jason Splett – We did get the parking lot done. There are a few spots where we are going to have to patch it. They are putting in the conduit for the sign. Stomberg – Were there any surprises with the demo? Splett – Not with the demo not yet. With some of the plumbing there was. General conditions we are sitting good. That is with most of the dumpsters out of there. We are still going to have dumpsters throughout. The contingency does reflect the \$16,000 taken out for the door locks. Stensrud – Are we going to be able to get some of the stuff cleaned up before it snows? Krause – I am hoping this Friday we can haul some more. Discussion. Splett – If you decide to go through with this you wire in a remote from a generator. At times of peak demand you would be switched over from main power to generator power. They have taken your bills and given you an estimate on what you could save. It does not include fuel cost or maintenance. Krause- I would say have MMU come over and discuss this. Splett – I talked to Johnson about the plans for the remodel of third floor courts. He is about finished and is going to give it to Pete on Thursday.

CUP Southwest Towing and United Southwest Bank

Biren – They used to own some property south of Marshall. Goodenow – You think the access road is adequate? Biren – I believe it is. Our engineer was involved in the beginning. Ritter – That was discussed at P & Zoning and he thought the maximum vehicles going in or out would be 5 to 8. Biren – He was real specific it will not be a salvage yard. Fenske moved, seconded by Ritter to grant a Conditional Use Permit to Southwest Towing (Tom Wilzbacher, applicant) and United Southwest Bank (owner) for a rural-oriented commercial use to operate a business (towing business). The area representing the request is zoned agricultural. The property is described as all that part of the North Half of the Southwest Quarter (N1/2 SW1/4), Section 17, Lake Marshall Township. With the following stipulations:

1. Conditional Use Permit will be reviewed annually.
2. Site to be used for storing towed vehicles and recovery of vehicles.
3. Site must be kept clean (weeds controlled).
4. Storage of vehicles to be within bunkers or in the building.
5. On-site premises business sign permitted according to zoning ordinance.
6. Must maintain dust control of access road.
7. Must apply for and sign driveway access with an E-911 address.
8. If business is inactive for one year, Conditional Use Permit will be revoked.
9. 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.

Clean Water Fund Grant Opportunity

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Biren – Part of the constitutional amendment some of the dollars are trickling in. We wanted to let you know that we are interested in applying for some of those dollars. First we are involved with the level 3 feedlot inventory. We have the majority of 4 townships done. We have come across some feedlots have some problems that we would like to offer some assistance. This clean water fund offers that but it is competitive. Next we would like to talk about septic systems. If we have a good system in we want to keep it a good system. Staff at Public Works had a discussion on this and this is something we thought we could do. Another area is wetland buffer areas. Stensrud – If you have a chance to apply for some why not? Schroeder – The only consideration is the 3/8 money the grant opportunities will be continuing for many years. The application is due in December. Discussion. Ritter – When you apply for it for feedlots is there cost share? Biren – Yes. Schroeder – The local job share is 25% but it does not have to be dollars it could be the landowner doing their own dirt work. The septic system grants do not have a local cost share grant. Discussion.

Sale of property by Balaton

Biren – The Balaton sports club had put in an application. The Board will have the say on how it is sold. Fenske – How much land? Biren – It looked like about 95 acres. It was 3 different parcels. Much of it is wetland and flood plains. Discussion. Stensrud – If we are interested in selling this we need to move ahead with getting an appraisal. Biren – They are willing to buy it on an auction too. Nelson – It has retention value. Discussion. Goodenow – What would happen with it? Biren – They would make it public. It would not be a private club or development. Ritter – Are there any tillable acres? Biren – There are none currently tilled. Ritter- I have a concern about selling tillable ground. Biren – None is currently tilled and it would be tough to till it. Ritter – I would like to suggest we have some other parcels we are going to talk about and as long we are doing it. If we are doing one we should look at the others. Stensrud – There are three for sure.

10:10 Meeting Recessed

10:22 Meeting Called Back to Order

Dean Champine, update on agricultural taxes

Champine – What I just passed out are just some rough percentages. These are just looking at an average parcel. As you can see your residential partials will go down. These are the average numbers I see. Balaton's decrease with the consolidation of school district that is why you see a larger number. The biggest reason you are seeing those up is we had limited market value in place. When limited went away the taxable went up. I ran through some parcels this morning. Discussion. Stensrud – Are we up to where we need to be? Champine – We are looking at being between 90 to 105%. Our ratio this year is about 84%. Residential values will maybe go down. It will be a shift again in payable 2011. Discussion. Fenske – So the value of land went up more than the increase of the homestead? Champine – One other quirk the parcel you live on will be a lower increase because the house, garage, acre may go down and follow residential. Nelson – It depends on referendums. Champine – There were no new ones. The referendums are not on the land they are only on the house, garage and one acre. Nelson – On your sales, is that by township? Champine- We have about 32 county wide. Discussion. Stensrud – This is basically a shift from residential and commercial to ag? Champine – Yes. Nelson – Is there a difference in waste land versus pasture? Champine – Your waste land and pasture land will vary in value. Goodenow – When Balaton merged does their special levy go away? Champine – I think they lowered the former Balaton levy to make it coincide with the Tracy one.

Traffic Safety Grant

Mather – I wanted to bring this forward so we could acknowledge Jeff Hasch and Adam Connor. They also got a \$2,500 radar unit for getting second place. Nelson moved, seconded by Fenske to accept and authorize the Chair to sign the traffic safety grant resolution earned by Deputy Jeff Hash and Deputy Adam Connor. Fenske – Be sure you mention to the Deputies what good work they did. All voted in favor.

Lincoln Pipestone Rural Water Court hearing

Fenske – The court hearing is so they can appoint the Commissioners and disregard what the county did. Goodenow – It insinuates in the court papers that Lincoln is being irrational and I don't like that. Stensrud – I think their issue is the cost of hooking up. Goodenow – I asked how long they had been on there. I would like to know for their court why they don't have where they are from and who they represent. Do they have any framework at all to make sure that every county is on there? Maes – They did indicate with the three that they are requesting with the three being appointed. The attorney makes it unclear from their perspective why Lincoln County did not approve like other counties did. I think the Attorney wants to move ahead it was the court that established the water board. You had asked before about how you limit this? You could raise those as concerns and as counties the other counties could agree with you and that could be relayed. I would think it would be good for any objections to the process to be put in writing and submitted to the court. I don't know that it will make any difference in the reappointment to that three. Discussion. Ritter – I think another issue was she thought the Board should be

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elected. Goodenow – And since they were one of the first ones whether they were under the same regulations. I don't have enough facts. I wonder what our role is if you can go to the courts. Goodenow – Are we going to put something in writing to the Water Board that we have concerns? I think we could request we need more information before we sign up next time. Somehow I would like to have our concerns. There is an insinuation in here is that all other counties are just happy go alongs. It is in there that we totally agree.

Reviewed Meeting Schedule

Stensrud – We have entered our Administrator for the Joe Reis Award.

Commissioners Reports

Nelson reported on RCRC, MR B, Area II, and the Fair Board.

Fenske reported on the State Auditor Meeting.

Goodenow reported on Pioneering a Healthier Marshall, the Historical Society.

Stensrud reported on Yellow Medicine Watershed meeting.

11:15 a.m. Goodenow moved, seconded by Ritter to go into closed session for County Administrator's Performance Evaluation. All voted in favor.

12:15 p.m. Fenske moved, seconded by Nelson to come out of closed session. All voted in favor.

Stensrud adjourned the meeting.

Rodney Stensrud - Chairman

Attest: Loren Stomberg
Lyon County Administrator