

**UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS**  
LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN  
February 2, 2010

9:00- Meeting was called to order by Chairman Stensrud. Members present: Stensrud, Fenske, Ritter, Nelson, Goodenow, County Attorney Maes, County Auditor/Treasurer Van Overbeke, and County Administrator Stomberg.

**Pledge of Allegiance to the Flag**

Stomberg- After resolutions if we could add consider forgiveness of penalty of taxes for Tracy BGK Inc. Goodenow moved, seconded by Fenske to approve the agenda. All voted in favor.

	<b>Per Diems</b>	<b>Expenses</b>
Goodenow	\$100.00	-----
Fenske	\$150.00	-----
Ritter	\$190.00	\$13.00
Stensrud	-----	\$24.00
Nelson	\$240.00	\$176.00

**Consent Agenda:**

1. Approve Minutes from January 19, 2010
2. Approve Commissioner Warrants 119326-119413 in the amount of \$133,652.06.
3. Approve Auditor Warrants 119203-119230 in the amount of \$351,381.28 dated 1/21/10, 119275-119298 in the amount of \$58,628.91 dated 1/28/10, and 119299-119313 in the amount of \$518,317.02 dated 2/4/10.
4. Approve Per Diems & Expenses
5. Final payment for CP 09:01 City of Balaton Street
6. Add Lyon County Parcel data to Pictometry Online

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

**Deficient Bridge Resolution**

Fenske moved, seconded by Ritter to approve and authorize the Chair to sign the deficient bridge resolution. Goodenow – I like the county bridge trivia. It puts things in perspective. All voted in favor.

**Forgiveness of Penalty on Tax**

Brian Bauer – I was part of an organization that and had a contract for deed. They operated for a number of years. They are no longer in operation. I cancelled my contract with them late this fall. They showed me the check that it got paid. Obviously it was not paid. I am asking for consideration since it was out of my control. Stomberg- This was the second half. Fenske - They were responsible for the taxes and they had been paying them and they let it go? Were the taxes due before you got it back? Bauer – Yes sir. I will make good on that tax payment today but I wanted to explain my situation. Stensrud – Did you ever call and see if they were paid? Bauer – I didn't make a call until recently. I had a check in my hand. Nelson – How is that structure? Did you have a part of the management? Bauer – I was an owner I had some shares. I am making an effort now to sell it. Stensrud – I think our only problem here is we are not responsible for contract for deed. Goodenow – The legal responsibility was the people that are purchasing it. The question is does the county help with that. As far as what they owe you, you should be getting the \$500 from them. Bauer – I should be getting the taxes from them too. That is not going to happen it is a done deal. Fenske – Can we legally do this? Maes – The Board has the ability to do that. Nelson – We have had many of these cases. We have always had pretty much a policy that it takes a lot. Bauer – I appreciate you taking the time to listen to me. Ritter – It is kind of a tough deal to set precedence here and I understand your situation Sir. Ritter moved, seconded by Goodenow to not grant the forgiveness of penalty on tax for Tracy BGK Inc. All voted in favor.

**Jail Update**

Jason Splett – Next week we are going to start sheet rocking ceilings as well as acoustical tile ceilings. Masonry is completed. Bisbee is working on the remaining water lines. I have included some of the long term flooring schedule. Right now I am dealing with a sky light issue. Stensrud – It is moving along good. Ritter – On the sign out front how is that coming? Splett – The masonry is done. We are going to measure it to do the tin cup.

**Open Deputy Sheriff Position**

Sheriff Mather – This is to authorize the hire of Robert Lund starting February 16 at entry level. One other point is this will be leaving that full time position open and it will leave an open position in the correctional facility. We are going to look at our staffing. Stomberg -The transition team will that be everyone back to where they need to go shortly after you open? Mather-There are

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only a couple of positions that need to go back. Goodenow – Is he going into the temporary position? Nelson moved, seconded by Fenske to hire Robert Lund as a full time Deputy Sheriff from a full time correctional officer with a start date of February 16, 2010 and a starting wage of \$18.38 per hour. Ritter – So you bring it back in April or May after the facility is open? Mather – Yes I will bring it back open. We are okay right now but once summer activity picks up. Ritter – If you don't have that Deputy Sheriff on the road it should be status quo. Mather – I have a full time Deputy slotted into the courts every day. Ritter – What is the pay range on the deputy position? Mather – \$18.38 is the low. All voted in favor.

Mather – We have our generator that was in the old LEC building. I thought the Marshall Fire Department was interested but it is going to be too costly to convert it. I would like to set a minimum. Ours is a 75 watt. Ritter – Did you check with Kato light? Splett – Kato light went out into the wind turbines. Discussion. Ritter – I have another company that might be interested in this. Stensrud – For what we are going to get for it we should see if there is another public entity that wants it.

### **2010 Appropriations**

VanOverbeke – These are yearly requests. Nelson moved, seconded by Ritter to approve the yearly appropriations for RCRCA in the amount of \$15,840, Minnesota Workforce in the amount of \$4,155, and the Lyon County Ag Society in the amount of \$13,700. Ritter – Usually the Ag Society requests it in July or August? VanOverbeke – Yes they are getting some bills early though. All voted in favor.

### **Government Center Roof**

Krause – My major concern is the 1973 version. The 1973 building was new in 1994. The 1994 building is ballasted with rock. Stensrud- The 1973 building the cost on that is? Krause –That is just an estimate. Nelson – That would be a whole new roof? Krause – This will be the same rubber material. Stensrud – What is their expected life? Krause- Normally 20 to 25 years. Most of the rest of these are basically under the 15 year use. Discussion. Ritter – You didn't have an issue last fall with all the rain? Krause – A little bit. Goodenow – The 1939 building we had problems with that and they put the new roof in and that is not ballasted. Discussion. Krause – They would install a ½ inch layer of cover board over it. Fenske – How would you suggest we finance? Stomberg – I had ear marked about \$65,000 for roofs and we have about \$170,000 coming in from rents. Fenske – It appears the 1973 section should be done. Nelson – If you don't have a roof you don't have anything. Fenske – That 1994 section was that other part done at the same time? Discussion. Ritter – Does it have to be bid or do you have to have quotes on this? Stomberg – My concern is the 1973 we had a rough estimate at \$65,000. If you look at the other and the square footage it will be over \$100,000 which is when you have to go through a formal bid process. Discussion. Ritter – You have spent some money in the last year up there? Krause – Yes we have. Discussion. Goodenow moved, seconded by Ritter to advertise for bids with the main bid for the 1973 building with an option of reroofing the 1994 section. All voted in favor.

### **10:00 Meeting Recessed**

### **10:15 Meeting called back to order**

### **Census Space Agreement**

Stomberg – I would suggest the space downstairs that was vacated by Minnesota West. They are only looking for a small office space. Fenske – Would there be signs? Goodenow – Have you thought about putting a desk in the lobby? Stensrud – That would be okay. Goodenow – They may need confidentiality. Stomberg – I think it is important we get everyone counted. Fenske- The government center is a good location. Fenske moved, seconded by Ritter to approve and authorize the Chair to sign the census space agreement for 2010 census. All voted in favor.

### **Commissioners Business**

### **Committee Appointments**

Stensrud appointed Lois Schmidt to the Human Services Board, David Sturrock to Extension, Michael Nassif to Planning and Zoning Board, and Glenda Visecky to the Library Board.

### **Discussion on cropland**

Biren – At the next meeting it is my understanding that you have this on the agenda. Our big players have been US Fish and Wildlife and DNR. It was also pointed out that with US Fish and Wildlife that Lincoln County has denied several requests to turn land over. Then it goes over the local board and goes to a Land Exchange Board. So far that board has always turned over the county board. The letter is pretty non confrontational. If you had any other suggestions or advice. Stensrud – If you have farmland and any kind of wetland you are not going to touch it. If

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one goes one way it will go the other as well. Fenske – Was that DNR or Fish and Wildlife that bought that land? Biren – I can't speak specifically. Nelson – I thought this letter states the case pretty well. I know Lincoln County they have been over ruled. They raise an immense amount of money and go and buy land. Biren – There was over 200 acres that was farmed last year. Discussion. Stensrud – I think we should draft it up and send it out to them. Ritter moved, seconded by Goodenow to approve the draft copy of the cropland letter. Ritter – I was contacted and had a meeting I am all in favor of habitat but I believe the acres is 230 acres of tillable ground and when it goes out of production you are never going to get it back. There are two sides and I gave them the contact information to get on the agenda for the next meeting. One of the things really driving this is the legacy sales tax. All voted in favor.

**Reviewed Meeting Schedule**

**Commissioners Reports**

Goodenow reported on the Park Board, Historical Society and Public Health.

Ritter reported on the transportation committee, capital expenditures meeting with Sheriff.

Nelson reported on MRB and Fair Board.

Fenske reported on a letter from the Department of Veteran's Affairs. This was to advise us how much we received on grant and Lyon County received zero. Reported on MnDot Meeting with the city of Marshall and Human Services meeting.

**Transportation Update Steve Strautz and David Sturrock**

Strautz – Maybe a couple of points of clarification. The Marshall transportation group has been focused on four major projects from the start. We did make requests for funding last year. Colin Peterson's office did put in 1.8 million for county 7. That did not get into the plan. We had done work in the past. We have been without a lobbyist since last spring. That is the purpose of being here and asking for funding. We had requested \$18,000 from each the county and city of Marshall. One of our committee members has indicated that there is a \$5,000 commitment from Schwan's. As in the past we will look for sponsorship for the three remaining projects. That is kind of an up to date for where we are at. I understand you didn't put funding in as a line item. Stensrud – We were at the thoughts that the rest of the communities along 23 that we figured if other counties stepped up we would. Sturrock – Part of what we do this year is develop a 23 corridor group. That is where we are going this year. Fenske – One thing explain a little more you say we are hiring a lobbying firm. There are other things that are being done. Strautz – The application process and knowing the proper places it needs to go. They manage your project through the federal bureaucracy. Fenske – Even though Peterson is in our corner he wouldn't be able to get this put together? Strautz – No they expect a packet delivered to them. Sturrock – Simply keeping us on the attention span of them. Discussion. Nelson – Your idea is to tax Lyon County? You want \$42,000 to spend on a Washington lobbyist. You are going to look for an earmark to four lane highway 23. Are you whistling in the wind or what? Didn't you run against Peterson once? I thought Republicans didn't ask for ear marks? Don't you know the federal government is 12.3 trillion in arrears? Minnesota is about 5 billion short for 2011. You are going to build a road that is 3 to 4 cars per mile. You think highway 23 is going to make a difference. Sturrock – The reality is you know what we have done. Nelson – Can I have a copy of the cost estimate for 23 to be four lane? Ed Cane what a waste there. \$28,000 down the drain. Your chamber had 52 people send letters and 13 that were present said stop the spending. We reacted, we froze the wages for a year and we had 3 positions that were not hired back. Sturrock – Commissioner Nelson you are welcome to your opinion vote as you see fit. Goodenow – We got the report on the regional engineer. They would be the regional engineer if they could live in Hutchinson. Hutchinson is not southwest Minnesota. Strautz – I hope to be able to have a face to face meeting with the new District Engineering. Fenske – What kind of dollars are we looking at for county 7? Strautz – Usually you get an 80/20. Our initial estimates were about 8.7 million. Goodenow – You call yourself a transportation committee. What this is economic development. Transportation is part of it. It is economic development. Ritter – These two projects 7 and Saratoga those are safety issues there. Kanwar – Regardless the discussion. Our traditional sources of funding cannot fund projects of this size so we have to go after other sources. Stomberg – If the Board were to fund it I would suggest taking it from Economic Development. Goodenow moved, seconded by Ritter to fund the transportation committee \$18,000 with the funds to be taken out of economic development.

**Voting in Favor:**

Ritter  
Goodenow  
Fenske  
Stensrud

**Opposed:**

Nelson

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Motion carried 4 to 1.

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

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Rodney Stensrud, Chairman

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Attest: Loren Stomberg  
Lyon County Administrator