March 22, 2011

UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS

LYON COUNTY BOARD OF COMMISSIONERS

LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN

March 1, 2011

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

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

Identify any Conflict of Interest

No conflict of interest identified.

	Per Diems	Expenses
Fenske	100.00	---------
Ritter	100.00	18.36
Goodenow	50.00	----------
Stensrud	----------	27.54
Anderson	200.00	62.22

Consent Agenda:

1. Approve Minutes from February 15, 2011
2. Approve Commissioner Warrants 123978-124058 in the amount of $120,669.78 dated 3/2/11.
3. Approve Auditor Warrants 123915-123950 in the amount of $256,531.05 dated 2/17/11 and 123951-123965 in the amount of $28,842.89 dated 2/24/11.
4. Approve Per Diems & Expenses
5. Sale of wetland credits

Ritter moved, seconded by Anderson to approve consent agenda items 1-4. All voted in favor.

Stensrud moved, seconded by Ritter to approve consent agenda item 5 with the correction. All voted in favor.

Ritter moved, seconded by Anderson to approve the state auditor engagement letter for 2010 and authorize the Chair to sign. All voted in favor.

Goodenow moved, seconded by Ritter to authorize the Chair to sign and accept the 2011 Minnesota DNR County Boat and Water Safety Grant. All voted in favor.

Stensrud moved, seconded by Ritter to approve and authorize the Chair to sign a resolution withdrawing from the Minnesota River Board. Fenske – Are we going to have anyone go to the other meetings? Goodenow – If we don't want to belong why do we send someone? Fenske – The only other thought I had was to see if anything was coming up to make us change our mind. Ritter- I contacted our legislators and told them I was not in favor of having MRB having levy authority. Stensrud – Maybe we need to send something from this Board. I know Phil had said it was an issue. It is always in the back of their mind. I would be against it for that too. All voted in favor.

Goodenow moved, seconded by Anderson to amend the 2010 budget.

Capital Projects-Jail	$1,403,501.00
LEC	$62,130.00
Design Tech	$7,497.28
Library Improvements	$437,113.85
Sheriff's Pickup	$24,072.14
Recorder's Tech - Unallocated	$29,963.79
Recorder's Tech	$52,568.00
Court Remodel	$169,529.00
Public Works Remodel	$48,583.00
Armer Radio	$32,832.00
Historical Society	$2,100.00
Court Administration	$21,850.00
Total Amendments	$2,291,740.06

All voted in favor.

Goodenow moved, seconded by Anderson to approve reserves, designations, and fund balances for General Revenue and Road and Bridge Funds. Ritter- On the fish and wildlife trust, does that come in lieu of taxes? VanOverbeke – It is where the fish and wildlife bought the property. Anderson – How many do we have? VanOverbeke –I have list back in my office, I would say 8 or 9. Our investment is to stay as investment.

Anderson – How many do we have? VanOverbeke –I have list back in my office, I would say 8 or 9. Our investment is to stay as investment.

GENERAL REVENUE FUND	AMOUNT	
RESERVE - LAW LIBRARY	111,750.03	
RESERVE - ATTORNEY SEIZED & FORFEITED	29,423.93	
RESERVE - RECORDER'S TECHNOLOGY	178,032.12	
RESERVE - RECORDER'S TECH-UNALLOCATED	282,493.89	
RESERVE - E911 SYSTEM	509,924.63	
RESERVE - DARE PROGRAM	7,392.82	
RESERVE - SHERIFF SEIZED & FORFEITED	12,554.14	
RESERVE - SHERIFF'S GUN PERMIT	22,426.36	
RESERVE - SHERIFF'S CANTEEN ACCOUNT	33,903.25	
RESERVE - SHERIFF'S CONTINGENCY	3,823.50	
RESERVE - FISH & WILDLIFE TRUST	76,838.06	
RESERVE - PROBATION-SUPERVISION FEES	77,607.99	
RESERVE - SEPTIC LOAN-COTTONWOOD RIVER	127,986.95	
RESERVE - SEPTIC LOAN-YELLOW MED RIVER	61,669.20	
RESERVE - SEPTIC LOAN-REDWOOD RIVER	105,080.50	
RESERVE - MISSING HEIRS	2,483.07	
RESERVE - HAVA-FEDERAL FUNDING	2,440.51	
TOTAL RESERVES	1,645,830.95	
DESIGNATED - SEPTIC INT-COTTONWOOD RIVER	2,951.86	Septic systems
DESIGNATED - SEPTIC INT-YELLOW MED RIVER	2,171.45	Septic systems
DESIGNATED - SEPTIC INT-REDWOOD RIVER	2,579.83	Septic systems
DESIGNATED - INSURANCE TRUST	136,311.72	Paid out for insurance
DESIGNATED - RECYCLING & HHW SPEC ASSMNT	161,364.63	HHW recycling program
DESIGNATED - GARVIN PARK TRUST	213,400.28	Trust donation
DESIGNATED - BUILDING FUND	135,103.15	Help pay jail costs
DESIGNATED - ROCK LAKE PIER PROJECT	2,106.00	Donation
DESIGNATED - GROUP HOME CHECKING ACCOUNT	9,331.00	From Closing Group Home
TOTAL DESIGNATIONS-UNUSEABLE	665,319.92	
DESIGNATED - CAPITAL PROJ-BLDG & IMPROV	659,898.86	
DESIGNATED - CAPITAL PROJECTS-LEC	55,659.51	
DESIGNATED - WATER/NATURAL RESC/FLOOD	149,689.33	
DESIGNATED - LOCAL WATER IMPLEMENTATION	41,551.22	
DESIGNATED - RESOURCE DEVELOPMENT	5,964.28	
DESIGNATED - CRIMINAL JUSTICE	174,718.77	
DESIGNATED - ELECTIONS	134,254.17	
DESIGNATED - TRUTH IN TAXATION	5,187.69	
DESIGNATED - COUNTY CARS	32,379.87	
DESIGNATED - BCBS TOBACCO MONEY	12,499.95	
DESIGNATED - PARK-TWIN LAKES PARK	234,507.45	
DESIGNATED - AGGREGATE-SALE GRAVEL PIT	19,678.00	
DESIGNATED - PUBLIC WORKS BUILDING	160,636.80	
DESIGNATED - SL & VP (COMP ABS)	344,504.42	
DESIGNATED - TECHNOLOGY	32,444.34	
DESIGNATED - LYON COUNTY FSS PROGRAM (NRBG)	50,018.99	
DESIGNATED - FAIRGROUNDS ROOF REPAIRS	18,271.84	
TOTAL DESIGNATIONS-USEABLE	2,131,865.49	
FUND BALANCE (UNDESIGNATED/UNRESERVED)	6,158,449.00	
ROAD AND BRIDGE FUND		
DESIGNATED-COUNTY ROADS(LEVY) FUND 13	297,697.03	
FUND BALANCE (UNDESIGNATED/UNRESERVED)	5,608,573.00	

All voted in favor.

Anderson moved, seconded by Ritter to approve an abatement of tax in the amount of $407.50 for Karen Jaeger due to a house fire. All voted in favor.

Public Hearing Twin Lakes Park Concept Design

Kanwar – After our last Board meeting we found an option to buy the land. We have two grant applications. We are requesting to develop and also to expand and buy a piece of land south of the property we own there. Once the grant application is approved we will have the option to back out if we chose to. At this point this Public Hearing is to meet the requirement that we hold a meeting and explain the requirements. I have attached item 9 public hearing and we have given two options giving details. The Park Board has seen the applications and they recommend going forward with buying the property under option 1.

Option 1

The Park Board voted to acquire property south of the existing park land (the Dale and Eldonna Peterson property). The legacy grant application is for purchasing the Peterson's property, up to 142 acres in Section 32 of Shelburne Township. The maximum amount of the grant is $500,000.00. The Grant requirement is a minimum match of 25% by the County. This 25% must be an all cash contribution. If the purchase price is greater than $625,000.00, (full amount of the grant and the 25% match) the County will be responsible to pay the difference. Also be aware the grant amount awarded may be less than the full amount of $500,000.00, and then the County will need to make up the difference.

An appraiser was hired to appraise the property. The appraised value of the Peterson property is $468,000.00 which is $3300.00/acre. The County's 25% of $468,000.00 would be $117,000.00. The minimum cost of $117,000.00 would be the County's portion only if the landowner agrees to the appraised amount.

Option 2

If option 1 falls through and a campground is built on the existing acres, the cost to build the campground, picnic shelter, bathrooms/showers, and playground is estimated at $572,000.00. If we apply for the Legacy grant the minimum cost to the County would be $197,000.00 (if the legacy grant paid out the maximum of $500,000.00).
If we applied for the regional park grant for the campground development, the County's match is 40% or $228,800.00. This amount can be in cash or in kind service (hours and equipment dollars done by the County).
Stensrud – Where did this come from? Anderson –That was originally brought up when we started talking about the project five years ago. We knew we would maybe have to buy a small piece if we redid the road. I had met with the Peterson's when we were talking about buying that. After that he had said maybe we would sell you 25 acres and before I walked out the door he said well maybe I'd sell you the whole piece. This has always been on the back burner since way back. We knew we would have to get a little more anyway if we redid the road. So then when they started on the grant process they contacted the Peterson's again to see if they would still be interested in selling the property and he said I might sell the whole piece. Stensrud – So they have been contacted and they are okay with $3,300? Anderson – They have been sent the appraisal to them. Kanwar – They haven't set a price yet. Goodenow – So this has been part of the plan, but it has been five or six years since we did that. There are actually 3 different projects here. One source of funding is to help rebuild the road, one is with the Legacy funds, and one is with the Regional Park Grant. Discussion on additional property. Ritter – We are not tied to this grant. As this process goes on Lyon County currently has no gravel pit should we be using some of our dollars for a gravel pit? We are going to be funding about ¾ of a million for ARMER.
Fenske opened the public hearing. Carmen Christianson (original owner of land) – I want it on the record on the two plans for the road moving. It goes back to my original concern and that was to get two good accesses to the lakes. East Twin there is a great ramp. West Twin is sitting there with no ramp and some safety issues. One of the Baker's was at the public meeting the other night and he brought up some safety concerns and he talked to me and Rick. He is looking at he would like no parking along the lake, I think it would be bad pr for the county but we need to do something. I would suggest you go forward with this land, move the road, granting safer access around west Twin highlighting west Twin's shoreline and then use the current road as a quick fix for that. People could use that road as parking and access to West Twin. I think that would work well in the interim. I think the neighbors are on board with this plan. With moving the road that way with the stop sign I think it would be very little land you would have to purchase to make the turn back onto the original road onto 51 with west Twin. Fenske – These diagrams you are talking about moving the road over to east twin. If we move the road clear to the east would there be enough for a campground? Christianson – There is about the same amount of room. You put the campgrounds on the Lake. These are two nice fishing lakes. They had discussed limited use of boats on West Twin. I think the DNR will raise concerns. There is a lot of aquatic vegetation in West Twin. If you get a lot of boat traffic it is going to rip it up and wreck it. No wake would be a good option I think. One other thing the sooner we move the road I think the DNR will put the ramp into West Twin. Discussion on shoreline of East Twin and stop sign. Kanwar – At this point if we have a grant to purchase and we work to purchase that piece. Fenske asked for other public comments. Tom Meulebroeck– The Park Board would like to move forward in developing this park. I did receive a call from a neighboring land owner and they are in support of acquiring the land. It has been five years that we have been working on this. The other thing that came out of that meeting was an emphasis on safety. Discussion on option 1 and option 2. Fenske – Option 1 that is for the purchase, if we go with option 1 we won't look at option 2 now? Kanwar – Correct. Fenske – We are not going to develop anything we are going to see if we can purchase land. Discussion on safety and stop sign. Fenske – We are still in a public hearing if anyone has a comment. Ron Prorok – Our main concern is to see if we can expand to the south and get some of the property it would change the dynamic of the park. The biggest concern we have is there will be matching required of the county. Dale Wieme– Shelburne Township Board – It was brought up the other night we are going to lose some taxes not this, I'm not putting it down it is a good thing. This is going to be a good thing, we are going to lose taxes on this. Wondering how it is going to be replaced for us, this is a concern for us. Fenske – We talk about that when the DNR does that payment in lieu of taxes. Fenske called for additional public comment. Kanwar – We need to create more options, the most logical way is we go for option one but option two is there. We might not be able to achieve option 1. Anderson – You have two options under option two on which grant to apply to, one is under Legacy and one under Regional. Kanwar reviewed the project scope, we discussed we want to expand the park and the campground and picnic structure and playground. Implementation schedule, once the grant is approved we will start working in 60 – 90 days. Overall cost and proposed financing that is the piece we discussed now and we might have to match. One of the items we have to make part of the application is are we assessing the community? Goodenow – No literal assessment, we are in a way assessing because of the tax dollars that aren't coming in. Kanwar – It will be part of the parks operation to maintain and the approximate cost is about $15,000 per year.

10:03 a.m. Fenske Closed the Public Hearing

Anderson – I would recommend that you look at option 1 and try and get as much property as you can and have Suhail look at the movement of the road, I think safety wise would be the best way to do it and if we get the extra property it would be a better way to access the property. I think those are the first two things we should apply for. Anderson moved, seconded by Goodenow to apply to the Legacy Grant for the purchase of whatever property we can get from Dale and Eldonna Peterson property. Ritter – Nothing is cast in stone on the acres? Anderson – That is my understanding from the last conversation I had with Steve. He was going to know more the middle of the month. The grant is due I think the end of March. Stensrud – You are basing the grant you are applying for is $3,300 per acre. You are not going to get a firm price before you apply? Anderson – Part of the grant process was you had to get an appraisal done. Kanwar – The land is appraised higher than $3,300, I think it was $3,800. We are applying for the grant we are not committing to acres. Stensrud – The $3,300 is not correct, it says appraised at $3,300 and it is $3,800. We need to have the correct numbers. Kanwar – For the application to move forward the information we have is what we need. Fenske – In the application you need to have the appraised value. You take it from there. Kanwar – He has not completed the full appraisal it is a rough number over the phone. The official number is not in. Stensrud – So this $117,000 is definitely the minimum. Kanwar – We are not committing to any dollar amount per acre. Fenske – On the application you will put in the number, we are not making any commitment on it now. We are approving applying for the grant. All voted in favor.

Goodenow moved, seconded by Ritter to approve advertising for bids for projects SAP 42-603-24, SAP 42-603-25, SAP 42-607-25, SAP 42-615-14 and set a bid opening date for April 12, 2011 at 9:30 a.m. in CR 3 at the Lyon County Government Center. All voted in favor.

Goodenow moved, seconded by Ritter to approve removing fencing, tow rope, electrical poles and equipment that was used for the operation of the tubing hill and to authorize the Chair to sign a disconnect of idle service with Lyon-Lincoln Electric Cooperative. Anderson – When you go to fill that hill you are going to have a problem because it is all spring fed. Kanwar – We will have to make it safer. Anderson – You are at a slant already.

Voting in Favor: Stensrud Fenske Ritter Goodenow
Opposed: Anderson
Motion carried 4 to 1.

Stensrud moved, seconded by Anderson to hire a motor grader operator in Minneota. Kanwar – The Board asked the Public Works Director and the County Administrator to conduct a workforce analysis. Fenske – Are we down in numbers? Kanwar – Compared to last year no? Goodenow – The difference is instead of having someone that is stationed there we are using someone who is stationed outside of Marshall. We also have Mark from the Park who is available. I think there are people that think we are down in Minneota but we are not. Stensrud – We are down one person from last year. We have a mechanic that is down. Kanwar – Doug Andries was hired after that. Fenske – I am going to vote against this because I think we have a reorganization coming up and we will determine at that time.

Voting in Favor: Stensrud Anderson
Opposed: Ritter Goodenow Fenske
Motion failed 3 to 2.

10:25 a.m. Meeting Recessed
10:39 a.m. Meeting Called back to order

Goodenow moved, seconded by Anderson to approve and authorize Paul Henriksen to sign a request for proposal for marketing and sale of Green House Gas Emission Reduction Credits. All voted in favor.

Stensrud moved, seconded by Goodenow to approve and authorize the Chair to sign an application for withdrawal of wetland credits for 1,400 square feet, for use by East River Electric Power Cooperative. All voted in favor.

Ritter moved, seconded by Stensrud to work with the Administrator to get the bid process started for a reroofing project. All voted in favor.

Fenske set the Board of Appeals and Equalization meeting for June 14, 2011 at 6:30 p.m. in CR 1 & 2.

12:15 p.m. Ritter moved, seconded by Goodenow to adjourn. All voted in favor.

Robert Fenske, Chairman
Attest: Loren Stomberg
Lyon County Administrator