

ADJOURNED MEETING OF THE COUNTY BOARD

Office of the County Auditor/Treasurer of Kandiyohi County, Willmar, Minnesota.

The Board of Commissioners of Kandiyohi County met at 10:00 A.M., November 17, 2009, pursuant to adjournment. All members were present.

Bids for the Kandiyohi County VoIP Telephone System were opened at this time pursuant to published notice as follows:

Bidder	Vata Comm, Inc. Edina, MN	Marco St. Paul, MN	Altura Addison, Il	Phenomenal Networks, Inc Minnetonka, MN	Enventis St. Cloud, MN	Transend Communications Mpls, MN
Base Bid	630,000.00	302,236.26	608,997.96	476,250.11	377,350.73	342,176.81
2 nd Yr Main	46,231.00	14,556.00	87,091.52	42,346.36	27,451.98	13,056.51
3 rd Yr Main	46,231.00	14,556.00	87,091.52	42,346.36	27,451.98	13,056.51
4 th Yr Main	46,231.00	14,556.00	87,091.52	32,260.16	27,451.98	13,056.51
5 th Yr Main	46,231.00	14,556.00	87,091.52	32,260.16	27,451.98	13,056.51
Call Center Application	28,125.00	17,195.00	31,946.10	31,527.75	34,295.85	5,567.25
User Desktop Application	Included	32,155.00	54,900.00	included	39,725.51	Included
Enhanced Call Recording	Included	24,488.00	640,487.86	18,530.00	116,789.00	38,731.20
Integrated Fax Messaging	Included	7,356.00	19,420.95	35,166.92	15,241.50	15,696.47
Redundant Call Processor at LEC	Included	included	23,255.81	2,590.00	included	4,046.75

The public hearing for the Proposed Ordinance on Dangerous Animals, Animals Running at Large and Prohibited Animals was held per notice given.

Boyd Beccue, County Attorney, presented to the Board the proposed Ordinance No. 09-002.

All present were given the opportunity to be heard.

A motion by Shuck 2nd Larson to close the hearing was on vote unanimously adopted.

A motion by Larson 2nd Falk to adopt Ordinance No. 09-002 as presented with an effective date of December 17, 2009 was on roll call vote adopted. Voting yes: Larson, Falk, Peterson, Shuck, Madsen. Voting no: None.

A motion by Madsen 2nd Shuck to approve the agreement for law enforcement services for the City of Raymond from January 1, 2010 to December 31, 2010 for 40 hours a week at \$36.75 per hour was on vote unanimously adopted.

A motion by Falk 2nd Larson to approve the Snowmobile Safety Enforcement Grant between the State of MN, acting through its Department of Natural Resources and Kandiyohi County Sheriff's Office from October 15, 2009 to June 30, 2011 in the amount of \$8,312.00 was on vote unanimously adopted.

A motion by Shuck 2nd Madsen to approve the payment of claims being \$341,412.05 from Revenue Fund, \$2,481.09 from Regional Treatment Center, \$180,660.95 from Road and Bridge Fund, \$5,389.23 from County Building Fund, \$6,176.05 from Ditch Fund, \$19,346.04 from Library Fund, \$11,599.20 from Health & Human Services Building Fund, \$387.25 from Eagle Lake Sewer Fund, \$7,869.15 from Water & Sewer Fund, \$9,338.42 from Capital Projects Fund, \$43,528.38 from Sewer Projects Fund, \$2,779.06 from Computer/Communication Maintenance Fund, \$214.80 from D.A.R.E. Fund, \$79,893.61 from Sanitary Landfill Fund according to the detailed listing of claims as recorded in the office of the County Auditor/Treasurer was on vote unanimously adopted.

A motion by Larson 2nd Falk to approve the minutes from the November 3, 2009 board meeting was on vote unanimously adopted.

Dave Pederson from Prairie Woods Environmental Learning Center appeared requesting approval to submit an application for a Solar Legacy Grant in the amount of approximately \$200,000.00 with Kandiyohi County as fiscal host. A motion by Larson 2nd Shuck to approve Dave Pederson submitting an application for a Solar Legacy Grant on behalf of Prairie Woods Environmental Learning Center was on vote unanimously adopted.

A motion by Madsen 2nd Larson to approve holding an open house at the new Rescue Squad Building on November 30, 2009 from 5:00 P.M. to 8:30 P.M. and to authorize \$500.00 to be spent on the event was on vote unanimously adopted.

A motion by Shuck 2nd Falk to approve the following Resolution was on vote unanimously adopted.

RESOLUTION OF THE KANDIYOHI COUNTY BOARD OF COMMISSIONERS

BE IT RESOLVED by the Kandiyohi County Board of Commissioners that, as Loan Sponsor, the Kandiyohi County Board of Commissioners enters into the attached Minnesota Clean Water Partnership Project Implementation Loan Agreement Amendment #3 along with the Renville County, as Project Sponsor, and the Minnesota Pollution Control Agency to conduct the implementation of the Hawk Creek Watershed Clean Water Partnership Project.

BE IT FURTHER RESOLVED by the Kandiyohi County Board of Commissioners that the County Board Chair, Dennis Peterson, be authorized to execute the

attached Minnesota Clean Water Partnership Project Implementation Loan Agreement Amendment #3 for the above referenced Project on behalf of the Board as Loan Sponsor.

Dated at Willmar, Minnesota this 17th day of November, 2009.

ATTEST:

BY THE BOARD:

Sam Modderman
County Auditor/Treasurer

Dennis E. Peterson
Chairman

The application of Gary L. and Judy A. Swenson to vacate a portion of C.S.A.H. No. 9 was presented.

A motion by Larson 2nd Shuck to approve the following Resolution was on vote unanimously adopted.

RESOLUTION

VACATING A PORTION OF C.S.A.H. NO. 9

WHEREAS, the following described part of C.S.A.H. No. 9:

VACATED TRACT

That part of Government Lot 4, Section 31, Township 121 North, Range 34 West, of the Fifth Principal Meridian, Kandiyohi County, Minnesota, described as follows: Commencing at the intersection of the Northwesterly extension of the Southwesterly line of Lot 1, GREEN LAWN BEACH, as of public record, Kandiyohi County, Minnesota, and the Northwesterly line of said GREEN LAWN BEACH; thence on an assumed bearing of North 59 degrees 32 minutes 57 seconds West, along said Northwesterly extension, 270.17 feet to its intersection with the old Easterly right of way line of County State Aid Highway (C.S.A.H.) No. 9, said point also being the point of beginning of the tract herein described; thence continuing on a bearing of North 59 degrees 32 minutes 57 seconds West, along said Northwesterly extension, 75.09 feet to its intersection with the new Easterly right of way line of C.S.A.H. No. 9; thence on a bearing of North 28 degrees 22 minutes 17 seconds East, along last said right of way line, 119.76 feet; thence Northerly along last said line, 140.69 feet along a tangential curve, concave to the Northwest, having radius of 1333.24 feet and a central angle of 6 degrees 02 minutes 46 seconds, to its intersection with the Westerly extension of the South line of the tract described in Document No. 472402, as of public record, Kandiyohi County, Minnesota; thence on a bearing of South 75 degrees 11 minutes 43 seconds East, along last said line 50.66 feet to the Southwest corner of said tract described in Document No. 472402; thence Southerly, along the old Easterly right of way line of C.S.A.H. No. 9, a distance of 277.42 feet

along a non-tangential curve, concave to the Northwest, having a radius of 1194.40 feet, a central angle of 13 degrees 18 minutes 29 seconds, and a chord bearing and distance of South 21 degrees 28 minutes 48 seconds West, 276.80 feet to the point of beginning.

is no longer used by the County for public road purposes;

NOW, THEREFORE, BE IT RESOVLED:

1. The following described real estate, situated in Kandiyohi County, Minnesota, to-wit:

VACATED TRACT

That part of Government Lot 4, Section 31, Township 121 North, Range 34 West, of the Fifth Principal Meridian, Kandiyohi County, Minnesota, described as follows: Commencing at the intersection of the Northwesterly extension of the Southwesterly line of Lot 1, GREEN LAWN BEACH, as of public record, Kandiyohi County, Minnesota, and the Northwesterly line of said GREEN LAWN BEACH; thence on an assumed bearing of North 59 degrees 32 minutes 57 seconds West, along said Northwesterly extension, 270.17 feet to its intersection with the old Easterly right of way line of County State Aid Highway (C.S.A.H.) No. 9, said point also being the point of beginning of the tract herein described; thence continuing on a bearing of North 59 degrees 32 minutes 57 seconds West, along said Northwesterly extension, 75.09 feet to its intersection with the new Easterly right of way line of C.S.A.H. No. 9; thence on a bearing of North 28 degrees 22 minutes 17 seconds East, along last said right of way line, 119.76 feet; thence Northerly along last said line, 140.69 feet along a tangential curve, concave to the Northwest, having radius of 1333.24 feet and a central angle of 6 degrees 02 minutes 46 seconds, to its intersection with the Westerly extension of the South line of the tract described in Document No. 472402, as of public record, Kandiyohi County, Minnesota; thence on a bearing of South 75 degrees 11 minutes 43 seconds East, along last said line 50.66 feet to the Southwest corner of said tract described in Document No. 472402; thence Southerly, along the old Easterly right of way line of C.S.A.H. No. 9, a distance of 277.42 feet along a non-tangential curve, concave to the Northwest, having a radius of 1194.40 feet, a central angle of 13 degrees 18 minutes 29 seconds, and a chord bearing and distance of South 21 degrees 28 minutes 48 seconds West, 276.80 feet to the point of beginning.

Is vacated pursuant to Minnesota Statutes Section 163.11 and shall no longer be a part of C.S.A.H. No. 9, as it passes through Government Lot 4, Section 31, Township 121 North, Range 34 West, of the Fifth Principal Meridian, Kandiyohi County, Minnesota.

2. The real property through which this portion of C.S.A.H. No. 9 passes is situated in Kandiyohi County, Minnesota, described as follows:

SWENSON TRACT

That part of Government Lot 4, Section 31, and Government Lot 6, Section 32, Township 121 North, Range 34 West, of the Fifth Principal Meridian, Kandiyohi County, Minnesota, and Lot 1, GREEN LAWN BEACH, as of public record, Kandiyohi County, Minnesota, described as follows: Beginning at a point in the West line of said Section 32, which said point is 498.06 feet South from the 1/16 line of said Section (which line is also the Northwest corner of said Government Lot 6); thence on an assumed bearing of South 70 degrees 52 minutes 31 seconds East, 156.06 feet to its intersection with a line bearing North 04 degrees 30 minutes 00 seconds West from a point designated as point "B", said point "B" being described as follows: Commencing at a point in the West line of said Section 32, which said point is 508.57 feet South from the 1/16 line of said Section; thence on an assumed bearing of South 73 degrees 51 minutes 21 seconds East, a distance of 153.54 feet to point "B"; thence on a bearing of South 04 degrees 30 minutes 00 seconds West, 388 feet more or less to the Northerly shore of George Lake; thence Southwesterly along last said shoreline to its intersection with the Southwesterly line of said Lot 1 of GREEN LAWN BEACH; thence on a bearing of North 59 degrees 32 minutes 57 seconds West, along last said Southwesterly line, 196 feet more or less to the Westerly line of said Lot 1; thence on a bearing of North 38 degrees 39 minutes 03 seconds East, along last said line, 67.70 feet; thence on a bearing of North 01 degrees 35 minutes 20 seconds West, along last said line, 65.30 feet to the North line of said Lot 1; thence on a bearing of South 64 degrees 12 minutes 03 seconds West, along the Northwesterly line of said GREEN LAWN BEACH, 55.24 feet; thence on a bearing of South 38 degrees 39 minutes 03 seconds West, along last said line, 77.21 feet to its intersection with the Northwesterly extension of the Southwesterly line of said Lot 1; thence on a bearing of North 59 degrees 32 minutes 57 seconds West, along last said line, 405.30 feet to its intersection with the Centerline of County State Aid Road (C.S.A.H.) No. 9; thence on a bearing of North 28 degrees 22 minutes 17 seconds East, along last said centerline, 117.59 feet; thence Northerly along last said centerline, 126.43 feet along a tangential curve, concave to the Northwest, having a radius of 1273.24 feet, and central angle of 5 degrees 41 minutes 22 seconds, to its intersection with the Westerly extension of the South line of the tract described in Document No. 472402, as of public record, Kandiyohi County, Minnesota; thence on a bearing of South 75 degrees 11 minutes 43 seconds East, along last said line and the south line of said tract described in Document No. 472402, a distance of 351.76 feet to its intersection with said West line of Section 32; thence on a bearing of North 00 degrees 09 minutes 53 seconds West, along last said line, 8.05 feet to the point of beginning.

TOGETHER WITH AND SUBJECT TO the rights of the public in County State Aid Highway (C.S.A.H.) No. 9 as presently re-located and laid out, and easements and rights-of-way of record.

3. The name and person to be owner and occupant of this tract described in paragraph 2 above, is as follows:

GARY L. SWENSON and JUDY A. SWENSON, husband and wife, as joint tenants with right of survivorship, in fee simple.

Dated at Willmar, Minnesota this 17th day of November, 2009.

ATTEST:

BY THE BOARD:

Sam Modderman
County Auditor/Treasurer

Dennis E. Peterson
Chairman

Chairman Peterson said that job evaluation forms had been sent out on the County Administrator's performance, which have been returned, and reported that the evaluations meet or exceed their expectations.

A motion by Madsen 2nd Larson to approve the final plat of Country Acres Estates Second Addition with staff recommended corrections made before recording was on vote unanimously adopted.

A motion by Shuck 2nd Madsen to approve the Conditional Use Permit for Lake Country Wind Energy, applicant proposing to install a 262' steel lattice guyed meteorological tower to measure wind speeds for potential wind farm in an A-1 Agricultural Preservation district on property owned by Wallace Gustafson in Section 18 of Genessee Township, with the findings of the Planning Commission and with the following condition:

1. The permit will sunset in five years

was on vote unanimously adopted.

A motion by Madsen 2nd Shuck to approve the Conditional Use Permit for John P. Kennedy, Jr., applicant requesting to use space for retail sale of lawn mowers and parts along with "Snap On Tools" inventory and service truck and automobile repair on property owned by Asche & Co. in Section 36 of Dovre Township, with the findings of the Planning Commission and the following conditions:

1. Proposed signage shall meet Zoning Ordinance standards and shall be reviewed and approved by the Zoning Administrator prior to installation.
2. On-site parking shall be provided for employees.

3. No unlicensed vehicles or trailers to be stored on site.
4. No more than six vehicles for automobile repair to be on the site at any one time

was on vote unanimously adopted.

Tim Falkum, County Assessor, appeared and explained limited market value and estimated market value and said that the Legislature has sunset limited market value and that properties will now be taxed on estimated market value.

The Board of Commissioners meeting was recessed.

The Board of Health meeting was held.

The Board of Commissioners meeting was reconvened.

On motion the meeting was adjourned until 10:00 A.M., December 1, 2009.

ATTEST:

BY THE BOARD:

Sam Modderman
County Auditor/Treasurer

Dennis E. Peterson
Chairman