

## 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., September 15, 2009, pursuant to adjournment. All members were present.

Larry Kleindl, County Administrator, appeared and presented the 2010 proposed budget for approval. The report shows proposed revenues of \$56,637,800 and proposed expenditures of \$56,637,800 with a total tax levy of \$28,161,200. A motion by Larson 2<sup>nd</sup> Madsen to approve the 2010 proposed budget and levy as presented was on vote unanimously adopted.

A motion by Madsen 2<sup>nd</sup> Larson to hold a public hearing on the 2010 proposed levy and proposed budget at 7:00 P.M. on December 1, 2009 was on vote unanimously adopted.

A motion by Larson 2<sup>nd</sup> Shuck to approve the payment of claims being \$267,971.14 from Revenue Fund, \$2,392.49 from Regional Treatment Center, \$34,370.84 from Road and Bridge Fund, \$2,616.00 from County Building Fund, \$5,196.04 from Library Fund, \$17,373.04 from Health & Human Services Building Fund, \$200.00 from Eagle Lake Sewer Fund, \$15,562.96 from Water & Sewer Fund, \$24,530.77 from Sewer Projects Fund, \$455.62 from Computer/Communication Maintenance Fund, \$1,674.92 from D.A.R.E. Fund, \$72,634.27 from Sanitary Landfill Fund, \$18,185.42 from SCORE 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 Madsen 2<sup>nd</sup> Falk to approve the minutes of the September 1, 2009 and September 9, 2009 board meetings was on vote unanimously adopted.

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

### BOARD RESOLUTION IN SUPPORT OF THE TAX EQUITY FOR HEALTH PLAN BENEFICIARIES ACT OF 2009, S.1153 AND H.R.2625

To expand the Definition of Eligible Beneficiaries in order to Avoid Forfeitures of Retiree Health Savings upon Death

WHEREAS, state and local governments nationwide have established irrevocable trusts with health reimbursement accounts to help employees pay for health insurance in retirement; and

WHEREAS, these arrangements are funded through employer contributions, including amounts in lieu of severance pay that may otherwise have been received as taxable wages; and

WHEREAS, the Internal Revenue Service issued Revenue Ruling 2006-36, which prohibits reimbursement of medical expenses of beneficiaries who are not tax dependents, regardless of whether the reimbursements are taxable, and requires forfeiture of individual accounts when retirees die without spouses or legal tax dependents; and

WHEREAS, IRS Revenue Ruling 2006-36 disproportionately affects state and local government employees, including tens of thousands of public employees in Minnesota; and

WHEREAS, the Tax Equity for Health Plan Beneficiaries Act of 2009, introduced as S.1153 and H.R.2625, and included in the final markup of H.R.3200, would allow these amounts to be used to reimburse medical expenses of adult children and other designated beneficiaries of retirees.

BE IT RESOLVED, Kandiyohi County, urges Members of the United States House of Representatives Timothy Walz, John Kline, Erik Paulsen, Betty McCollum, Keith Ellison, Michelle Bachmann, Collin Peterson, James Oberstar, and of the United States Senate, Amy Klobuchar and Alan Franken, along with the U.S. Senate Finance Committee Members:

Democrats

Max Baucus, MT  
John D. Rockefeller IV, WV  
Kent Conrad, ND  
Jeff Bingaman, NM  
John F. Kerry, MA  
Blanche L. Lincoln, AR  
Ron Wyden, OR  
Charles E. Schumer, NY  
Debbie Stabenow, MI  
Maria Cantwell, WA  
Bill Nelson, FL  
Robert Menendez, IN  
Thomas Carper, DE

Republicans

Chuck Grassley, IA  
Orrin G. Hatch, UT  
Olympia J. Snowe, ME  
Jon Kyl, AZ  
Jim Bunning, KY  
Mike Crapo, ID  
Pat Roberts, KS  
John Ensign, NV  
Mike Enzi, WY  
John Cornyn, TX

to support the Tax Equity for Health Plan Beneficiaries Act of 2009 (the "Act"), as introduced in the Senate as S.1153 and in the House of Representatives as H.R.2625, and as included in the final markup of H.R. 3200, or any version thereof that allows retirees to avoid forfeiture of health savings upon death through the designation of beneficiaries who may use any remaining balance for the reimbursement of their medical expenses.

Dated at Willmar, Minnesota this 15th day of September, 2009.

ATTEST:

BY THE BOARD:

Sam Modderman  
County Auditor/Treasurer

Dennis E. Peterson  
Chairman

A motion by Madsen 2<sup>nd</sup> Shuck to appoint the Mayor of the City of Kandiyohi, Craig Aurand, to the Green Lake Sanitary Sewer and Water District Commission was on vote unanimously adopted.

Jay Kroona, Communication/Computer Systems Coordinator, appeared regarding the upgrading of the County's telephone and voice mail system to an IP based phone system. A motion by Madsen 2<sup>nd</sup> Shuck to approve obtaining bids for the upgrading of County's telephone and voice mail system was on vote unanimously adopted.

A motion by Shuck 2<sup>nd</sup> Larson to approve the Snowmobile Maintenance Grant Agreement for year 2010 for the Glacial Lakes Trail in the amount of \$55,638.60 was on vote unanimously adopted.

A motion by Madsen 2<sup>nd</sup> Shuck to approve the final plat of Rolling Meadows and approve it for recording with the findings of the Planning Commission was on vote unanimously adopted.

A motion by Larson 2<sup>nd</sup> Madsen to approve the Conditional Use Permit for Daniel J. Damm; applicant proposing to sell fish houses at his rural residence with the sales lot in an A-1 Agricultural Preservation District on his property in Section 19 of Roseland Township with the findings of the Planning Commission and the following conditions:

1. No more than ten (10) fish houses on the property at any given time
2. No fish houses to be located in the road right of way

was on vote unanimously adopted.

A motion by Larson 2<sup>nd</sup> Shuck to approve the Conditional Use Permit for JMBI LLC/Morrell New London Aggregate LLC; applicant requesting mining, crushing, screening, and washing of aggregates and the crushing and recycling of concrete for reuse in an A-2 General Agricultural District on their property in Section 28 of Roseville Township with the findings of the Planning Commission and the following conditions:

1. The site shall be progressively reclaimed such that no more than 80 acres is open for extraction, processing, load out, and stockpiling area and no more than an additional 80 acres is open for mining at any given time.
2. The existing wetland on the property shall have a wetland delineation approved by the Director of Environmental Services and shall have a one hundred (100) foot setback from the wetland delineation line to any mining activity.
3. Upon commencement of phase 4 the operator shall construct a screening berm for the purposes of screening the neighboring properties from the dust, noise and sights of the operation. The berm shall be constructed as follows:
  - a. The berm shall be constructed of the first available overburden that is stripped when mining is begun
  - b. The berm shall run the length of the westerly boundary of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of section 28.
  - c. The berm shall be a minimum of 10 feet in height from original grade, shall be sloped no steeper than 3:1, and shall be completely vegetated with grass or other appropriate ground cover.
  - d. The berm shall remain in place until phase four completion.
4. Upon commencement of phase 5 and 6, the operator shall construct a screening berm for the purposes of screening the neighboring properties from the dust, noise and sights of the operation. The berm shall be constructed as follows:
  - a. The berm shall be constructed of the first available overburden that is stripped when mining is begun
  - b. The berm shall run the length of the southern boundary.
  - c. The berm shall be a minimum of 10 feet in height from original grade, shall be sloped no steeper than 3:1, and shall be completely vegetated with grass or other appropriate ground cover.
  - d. The berm shall remain in place until phase five and six completion.
5. Hours of operation shall be limited to 6:00 a.m. through 8:00 p.m. Mon – Sat, except that wash plant hours of operation shall be 24 hours per day Mon – Sat from March 1 through November 30 each year.
6. Where the required screening berm abuts the property of the cemetery, the berm shall be setback 10 feet from the property line. The applicant shall be allowed to mine the berm area prior to berm placement.
7. Strobe lights shall be used instead of audio back-up indicators on all equipment in the mine during the hours from dusk until dawn.

8. The applicant shall provide a bond or irrevocable letter of credit to Kandiyohi County in the amount of eighty thousand (\$80,000.00) dollars to assure proper reclamation of the site after completion of the project phases. The bond or letter of credit shall remain in place for the life of the permit.
9. The applicant shall observe all setback regulations as contained in Chapter 32, section 32-5-6 of the Kandiyohi County Zoning Regulations.
10. This conditional use permit shall be valid for 30 years from the date of issuance.
11. Kandiyohi County Environmental Services staff and/or any Roseville Township Supervisor shall be granted access upon reasonable notification provided that the persons allowed access are willing to observe all standard safety protocols.
12. Prior to commencement of mining activities, a sign shall be posted at the entrance to the site that clearly states the date of the permit issuance, hours of operation, duration of the permit, the operator's phone number, and the Zoning Office phone number. The sign and lettering shall be of sufficient size and shall be located such that it can reasonably be read without trespassing on the property. The sign shall not exceed thirty-two (32) square feet in surface area.
13. This conditional use permit shall only authorize the extraction, processing, storage, and distributing of sand, gravel, & rock, and the storage, processing, and distributing of recycled concrete and asphalt.
14. The owner and/or operator shall be responsible for maintenance and restoration of all county and township roads used as haul roads for the operation. In the event that haul roads are damaged or suffer more than ordinary wear or deterioration due to the applicant's use, the applicant, upon written notification by the Zoning Administrator, shall immediately suspend operations under the CUP until all required maintenance is completed, at the applicant's expense, to the satisfaction of the County Engineer.
15. The operator shall be responsible to maintain dust control measures on site and on haul roads at levels adequate to insure normal rural dust conditions are not exceeded. Such dust control may include required application of chloride treatment at the discretion of the Zoning Administrator.

was on vote unanimously adopted.

On motion the meeting was adjourned until 7:00 P.M., September 18, 2009.

ATTEST:

BY THE BOARD:

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Sam Modderman  
County Auditor/Treasurer

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Dennis E. Peterson  
Chairman