

**UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS**  
LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN  
January 4, 2011

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

**Pledge of Allegiance to the Flag**

	Per Diem	Expense
Ritter	-----	\$4.00
Nelson	\$50.00	\$19.50

**Oath of Office for Elected Officials**

**Judge Dietrich swore in:**

Commissioners Stensrud, Fenske and Anderson  
Sheriff Mark Mather  
Dr. William Kremer as the County Coroner  
Attorney Rick Maes  
Auditor / Treasurer Paula VanOverbeke  
County Recorder Mona Hammer

**Elect Chair**

VanOverbeke called for nominations for the 2011 Board Chair. Stensrud moved, seconded by Ritter to nominate Robert Fenske. VanOverbeke called three times for other nominations. Upon hearing none nominations ceased. All voted in favor.

**Elect Vice Chair 2011 Board of Commissioners**

Ritter nominated Rodney Stensrud. VanOverbeke called three times for nominations. Upon hearing none nominations ceased.

**Approve Agenda**

Ritter – Under Paula’s time if she can give us an update on the investment opportunities. Stensrud moved, seconded by Ritter to approve the agenda. All voted in favor.

**Consent Agenda:**

1. Approve Minutes from December 21, 2010
2. Approve Commissioner Warrants 123278-123362 in the amount of \$177,722.53 dated 12/30/10.
3. Approve Auditor Warrants 123218-123242 in the amount of \$11,918.56 dated 12/23/10, 123243-123245 in the amount of \$15,667.08 dated 12/28/10, and 123246-123277 in the amount of \$246,840.40 dated 12/30/10.
4. Approve Per Diems & Expenses
5. Official Newspaper for 2011
6. BWSR NRBG Agreement
7. Accept Donation
8. Approve first quarter appropriations

Fenske – We should pull item number one, and I believe we have updated Minutes on that.

Anderson – In the past we have pulled donations so I ask we do that. Stensrud moved, seconded by Anderson to approve consent agenda items 2-6 and 8. All voted in favor.

**Consent Agenda Item 1 – Minutes**

Anderson moved, seconded by Ritter to approve the minutes as amended. Delanghe – This is approval of the minutes from the last meeting? I did get part of it. I think there was some misinterpretation of some things on there. Delanghe – Item number 13 some terminology. Fenske – I don’t know if this would apply because this is what was covered at the last meeting. Delanghe – Shouldn’t they be changed before they are approved? Fenske- We had a chance to look at the minutes and as far as we know this is a record of what was covered. Delanghe – I would ask that you would consider the letter. The letter dated January 3. Stomberg – You can’t put that letter into the minutes of a meeting in December. Maes – I understand you don’t agree with everything and you didn’t at the December 21 meeting. The Board here is to approve what was done at the last meeting. I know you would like to see them changed. Delanghe – I would like to put it the minutes. Delanghe read the following statement:

*De Langhe said, “I think we would all agree that any nutrient relocation into the waters of our state is undesirable.” Don put the De Langhe incident in perspective; “there were hundreds if not thousands of times more displaced nutrients or pollutants that came off nearly every grain or livestock farm, as well as every city and town that dumped their untreated sewage directly into the*

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*waters of our state during the late summer rains than there were from the De Langhe incident.” “This incident has been blow out of proportion by some of the county commissioners in retaliation for my involvement in one of the lawsuits against Lyon County and also for speaking up about the mismanagement and pollution issues of the Lyon County Regional Landfill”—De Langhe. Three of the many issues of the landfill include; the on going methane gas problem, the trash blowing into fields, wildlife areas, and people’s yards, and also the change in water flow making farming nearly impossible in these disturbed areas on wet years. I am personally disappointed by the way the county commissioners elected not to pay any of the compensation to the affected citizens. I thought this was suppose to be a Lyon County government not Chicago politics”—Don De Langhe. Delanghe – I would like it in the record. It is my side of the story. That is the other side of it. All voted in favor.*

**Consent Agenda Item 7 Accept Donation**

Anderson – I would like it designated to the Garvin Park Trust Account. Ritter moved, seconded Stensrud by to accept the donation by Rick Anderson and have it designated to the Garvin Park Trust Fund. All voted in favor.

**Resolutions and Contracts**

**Southwest Health Human Services and Lyon County Sheriff**

Ritter moved, seconded by Anderson to approve and authorize the Chair to sign a contract for fraud investigation at the sum of \$2,500 per month. All voted in favor.

**Grant amendment for 2010-IEC-00341**

VanOverbeke – I am asking for a grant agreement amendment to be signed. The things that are amended they changed the expiration date. And they took \$20,000. Each Radio Board in the state gave it back to the state to enable them to put on a state interoperable conference. Fenske – Have we received those funds yet? Stensrud moved, seconded by Anderson to approve and authorize the Chair to sign grant amendment 2010-IEC-00341. Ritter- How many radio boards are there in the state? VanOverbeke – Probably five. Ritter – So they need \$100,000 to put on a conference? VanOverbeke – It is a 3 day conference. It is offered at a reduced rate. It is \$50 per participant. It enables more people to go. Meals are included. All voted in favor.

**Designated Depository’s for investment**

Stensrud moved, seconded by Ritter to approve designated depository’s for Lyon County investments for 2011. Anderson – I would like to abstain from this vote as I have a daughter that works for State Farm.

<b>Bank of the West</b> P O Box 519 Marshall, MN 56258	Contact: 537-1411  Barb Stevens
<b>United Southwest Bank</b> 111 West Main Street Cottonwood, MN 56229	Contact: 423-6285 Adrian Golberg, President Doug Anderson
<b>Bremer Bank, NA</b> 208 East College Drive Marshall, MN 56258	Contact: 537-0222  Shelly 537-0211
<b>First Independent Bank</b> 105 South Market St Marshall, MN 56258	Contact: 532-2426 Stan Duke Pogatchnik, President
<b>Minnwest Bank MV</b> 301 Baseline Road Marshall, MN 56258	Contact: 532-1000 Laura or Nicole
<b>Wells Fargo MN. SW. NA.</b> 400 West Main Street Marshall, MN 56258	Contact: 532-4405 Al Antony Randy Serreyn
<b>State Bank of Taunton</b> First and Main Taunton, MN 56291	Contact: 872-6136 Jerry Wanken, President Kevin Hoffman
<b>Minnwest Bank-Tracy</b> P O Box 1069 Tracy, MN 56175	Contact: 629-4780 Patty Peterreins

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**Magic Fund**

800 Nicollet Mall  
Minneapolis, MN 55402

800-754-7221

**Bremer Investment**

208 East College Drive  
Marshall, MN 56258

Janet Vandendriessche

**US Bank**

Main St  
Marshall, MN 56258

Jeannie Redenius

**Wells Fargo Advisors**

Steven Paddock  
612-340-4561

**Home Federal Bank**

900 East Main St  
Marshall, MN 56258

Mark Dunn  
532-3056

**State Farm Agency's**

Voting in Favor:

Stensrud, Fenske, Ritter

Abstained:

Anderson

Motion Carried.

**Issue Auditor Warrants**

Anderson moved, seconded by Stensrud to authorize the Auditor/Treasurer to issue Auditor warrants during the year of 2011 for incidental expenses, expenses incurred for postage, post office box rental, express, freight, telephone, telegraph, water, lights, other utilities, election expense, payroll activity, reimbursement to deputies for insurance deductibles, court ordered payments, monthly support & maintenance, registrations, dues, bailiffs, credit cards, Hy-Vee cards, expenses related to the jail canteen, expenses that would receive a discount if paid by a certain date, misc. taxes, and reimbursement to employees for hotel expense at the discretion of the Department Manager. All voted in favor.

**Transfer between drainage systems**

Fenske – You have completed all the transfers for 2010? VanOverbeke – Yes. This information is supposed to be done at the first meeting. Stensrud – Is there much between systems? Stensrud moved, seconded by Ritter to authorize the Auditor / Treasurer to transfer funds between Drainage Systems for the year 2011. All voted in favor.

**Update on Investment Opportunities**

Ritter – I'm curious on the timeframe for the other options. VanOverbeke – As soon as this list is approved. Ritter - It would be interesting to see what the interest gain would be on each different fund. VanOverbeke – We have had CD and money market. Stensrud- What is your interest rate on magic funds? VanOverbeke – I haven't looked this month. The only ones that would be better is if you took the risk. I can get a hold of that bank again and see if the rates would change. Stensrud – I am sure they would be happy to do a presentation. Discussion.

**Out of state Travel Policy**

Stomberg – This goes back 5 or 6 years. We are required to review it. Anderson – Have we had any problems with it? Discussion. Ritter moved, seconded by Anderson to approve the out of state travel policy for elected officials. All voted in favor.

**Conflict of interest policy**

Stomberg – This comes at a recommendation of the State Auditor's Office and a request from some Board Members. Ritter – I have a comment. When I sat in for Commissioner Stensrud at Western Mental Health and the second thing they ask is if anyone has a conflict of interest with anything on the agenda. Consensus to add identify conflict of interest to the agenda. Stensrud moved, seconded by Ritter to approve the conflict of interest policy. All voted in favor.

**Data Processing contract with Southwest Health and Human Services**

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Ritter moved, seconded by Stensrud to approve and authorize the Chair to sign a data processing contract with Southwest Health and Human Services. All voted in favor.

9:37 a.m. Ritter moved, seconded by Stensrud to go into closed session for Department Head Annual Performance Review. All voted in favor.

10:10 a.m. Ritter moved, seconded by Stensrud to come out of closed session. All voted in favor.

Stensrud moved, seconded by Anderson to set the following 2011 salaries:

Ron Krause	Facilities Maintenance	\$62,172
Dean Champine	Assessor	\$69,214
Suhail Kanwar	Public Works Director	\$97,957

Voting in Favor:

Stensrud  
Fenske  
Anderson

Opposed:

Ritter

Motion carried 3 to 1.

Stensrud moved, seconded by Anderson to acknowledge receipt of letter dated January 3, 2011 from James P. Peters regarding the Don DeLanghe CUP. All voted in favor.

**Commissioners Updates**

Stensrud reported on Soil and Water.

10:22 a.m. Ritter moved, seconded by Anderson to adjourn. All voted in favor.

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Robert Fenske, Chairman

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Attest: Loren Stomberg  
Lyon County Administrator