

UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
March 15, 2011

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

Pledge of Allegiance to the Flag

Approve Agenda

Stomberg – Two additions, one is a resolution for the Marshall Lyon County Library and after Ryan Wendt, Mona is going to give us an update on passports. Ritter moved, seconded by Goodenow to approve the agenda. All voted in favor.

Identify any Conflict of Interest

Anderson – I will leave at 11:30 for the closed session.

	Per Diems	Expenses
Anderson	-----	\$15.30
Fenske	\$50.00	\$43.86
Goodenow	\$150.00	-----

Consent Agenda:

1. Approve Minutes from March 1, 2011.
2. Approve Commissioner Warrants 124129-124214 in the amount of \$155,122.92 dated 3/16/11.
3. Approve Auditor Warrants 124059-124092 in the amount of \$130,878.11 dated 3/3/11, 124093-124120 in the amount of \$43,669.73 dated 3/10/11 and 124121-124126 in the amount of \$48,049.84 dated 3/11/11.
4. Approve Per Diems & Expenses
5. Purchase printer for Assessor and A/T office
6. 2nd Quarter appropriations
7. Designated depositories for investments

Anderson – I would like to pull 7. Anderson moved, seconded by Goodenow to approve consent agenda items 1-6. All voted in favor.

Designated depositories for investments-Consent Agenda Item 7

Goodenow – The RBA for item 7 that is in your packet is to allow Multi-Bank Securities to be on the list of depositories. Discussion on investments and reserves. Anderson moved, seconded by Ritter to approve consent agenda item 7. All voted in favor.

Reroofing Services

Discussion on architect services. Anderson moved, seconded by Ritter to approve and authorize the Chair to sign and approve the agreement with T.S.P to design and bid the reroofing of the Government Center. All voted in favor.

Turkey Hunting Resolution

Goodenow moved, seconded by Ritter to approve and authorize the Chair to sign a turkey hunting resolution. All voted in favor. (Resolution 04-11 on file in the County Administrator's Office).

SW MN Housing Partnership

Discussion on rental rehab program. Anderson moved, seconded by Goodenow to approve and authorize the Chair to sign a resolution authorizing the SWMHP to file an application for administrative authority with the MN Housing Finance Agency to participate and administer the Renter Rehab Deferred Loan Program. All voted in favor. (Resolution 05-11 on file in the County Administrator's Office).

Marshall Lyon County Library

Goodenow – This is from the Library Board. I would like to ask on the agenda the review and approval of a new joint powers agreement with them. We are preparing for signing the new plum creek regional. In the process of doing that they rewrote it. Fenske – It won't force any changes in our representation? Goodenow – Correct. Goodenow moved, seconded by Ritter to approve and authorize the Chair to sign a resolution amending the Marshall Lyon County Library Contract. All voted in favor. (Resolution 06-11 on file in the County Administrator's Office).

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John Fitzgerald, Western Community Action

Fitzgerald – A few weeks ago the appropriations committee in Washington took a community services block grant and cut it in half and then made the other half competitive. Discussion on cuts in community services block grant. Fitzgerald – I am here to ask you to make a resolution on behalf of Lyon County and send it to Senator's Klobuchar and Franken. Fenske – This is something we can send in as individuals and something the Board could send in as the Lyon County Commissioners. Ritter – We should try. Anderson moved, seconded by Ritter for the Administrator to draft a letter and the Chair to sign letters to Senators Klobuchar, Franken and Congressman Peterson regarding the community services block grant. All voted in favor.

**Angela Larson, Western Community Action
Family Homeless Prevention and Assistance Program (FHPAP)**

Discussion on family homeless prevention and assistance program. Anderson moved, seconded by Goodenow to approve and authorize the Chair to sign a resolution authorizing application for Minnesota Housing and Finance Agency Family Homelessness Prevention and Assistance Program. All voted in favor. (Resolution 07-11 on file in the County Administrator's Office).

Emergency Shelter Grant Program

Larson – I don't need a formal document on the emergency shelter grant because we are not a new applicant. It is not a new grant but we are going to ask for an increase in funding. That grant pays for short term hotel vouchers for homeless. We get \$14,000 a year for five counties. Goodenow moved, seconded by Anderson to support Western Community Action applying for the emergency shelter grant program. All voted in favor.

9:30 a.m. SBDC Block Grant Public Hearing

Stomberg – Several months ago we had applied to DEED and were notified we had received the grant but we needed to have a public hearing. We have to discuss a few things relating to housing in Lyon County. Liz Struve – The SBDC was one of a number of organizations that were given approval to provide technical assistance. The actual grant we applied for was \$75,000 over a two year period. It actually talks about the different types of assistance. The goals of the program are on the second page as well as the outcomes. Stomberg- That is what the project would be, we need to talk about housing and what we have done for housing projects. We do assist in several ways, two things we have taken action on one is the rental rehab also with the homeless grant. If one of these projects that Liz assists with develops to the point where someone is displaced from their home, we don't see that happening, but we do have a plan. We need to have the resolution to participate in the grant and the resolution for the relocation. 9:35 a.m. Fenske asked for public comment. Upon hearing none Fenske closed the public hearing.

Goodenow moved, seconded by Ritter to approve and authorize the Chair to sign a resolution for Lyon County to participate in the community development block grant microenterprise assistance grant. Anderson – It talks about a second public hearing with public will that be held here? On the displacement part Lyon County will be liable. Struve – I think that is more the federal regulations that come through. We serve over 300 businesses and I have been there over 20 years and it has not happened yet. All voted in favor. (Resolution 08-11 on file in the County Administrator's Office).

Anti-displacement Resolution

Anderson moved, seconded by Goodenow to approve and authorize the Chair to sign a resolution to adopt the residential anti-displacement plan. All voted in favor. (Resolution 09-11 on file in the County Administrator's Office).

Informing the public about upcoming flooded roads

Ryan Wendt gave an update on marking flooded roads via the county website www.lyonco.org in cooperation with MNDOT.

Passport Update

Mona Hammer- I want to get direction from you having only four people in my office. Myself and another will have to do vitals and the other two passports. If someone is on vacation, sick leave, breaks, lunches, or meetings of any kind. Passports we can send them to the post office but we can't the vitals. Goodenow – Can you cross train someone else in the courthouse? Or can you move it to the Sheriff's office? Hammer- I would have to pull someone from the Assessor's office. Discussion on segregation and designation. Ritter moved, seconded by Goodenow to have the Administrator work with the Sheriff's Office to move passports there. All voted in favor.

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10:00 – Meeting Recessed

10:15 – Meeting Called Back to Order

Industrial Waste Management Plan Flood Debris

Henriksen – I developed this plan to allow us to take most of the stuff without testing for it.
Anderson – If you had to do testing would PCA do it? Fenske – We are not charging them if they bring a load of sandbags in? Discussion on flood debris. Ritter moved, seconded by Anderson to approve the amendment to the Industrial Waste Management Plan. All voted in favor.

Wetland Bank Management Plan

Anderson moved, seconded by Ritter to select task 1, field reconnaissance and data gathering, and 2, management plan preparation, from Graham Environmental. Fenske – When can they start? Henriksen – Right away. All voted in favor.

Ed Verly Outlet Petition

Todd Hammer – We had discussed this back in February. I took it back to the Verly's and they made some changes on this. We are looking at consideration of an outlet petition. Fenske – Rick, you looked it over? Maes – Yes I made some suggestions and they appear to be added. Fenske – We can appoint viewers now? Maes – Yes I think you can all they are doing is setting an outlet fee. Hammer- I would recommend three viewers Bill Molstad, who does have an county engineering experience and Frank Josephson. Discussion on viewers. Goodenow moved, seconded by Ritter to accept the petition and appoint Bill Molstad, Frank Josephson, and Ryan Wendt as a viewer. Hammer- They only asked for about 10 acres in the northeast portion of this. This was based on the old numbers that were set in 68. Fenske – They will view the entire area? Hammer – The entire 200 acres they are petitioning in and can be drained. Stomberg – The viewers get paid by the ditch authority how will that work? Goodenow – Do it on county time but the ditch reimburses for his time. All voted in favor.

Ghent Flood Insurance Rate Map Letter of Map Revision

Biren – The city of Ghent is doing a letter of map revision. A portion of the changes are outside the city limits and that is why they need this. Ritter moved, seconded by Anderson to approve and authorize the Chair to sign an overview and concurrence form. All voted in favor.

CIRCLE Sentencing Program

Stomberg – We had a request from SWHHS to support the program. Michelle Buysee – It is an alternative approach. It is used a variety of ways, truancy circles, family circles. Anderson – With all the cuts at the state where did you find the money to start a new program? Buysee – We took \$25,000 from out of home placement. Someone who goes to Prairie Lakes it is about \$180 a day. We didn't increase the budget we moved money around. Discussion on referral. Anderson moved, seconded by Ritter to support the CIRCLE Sentencing Program in SWHHS. All voted in favor.

Tobacco Free Campus

Carol Biren (SHIP Coordinator) – Last year, we worked on worksite wellness and tobacco free grounds. We are asking that we move to tobacco free grounds. Maes – You could if you want to exclude something put it in there. Anderson – Can we control the grounds outside the hockey arena? Discussion on areas to exclude and include in a tobacco free campus. Goodenow moved, seconded by Ritter to approve the resolution for a tobacco free campus specifically excluding the Fairgrounds and Parks. All voted in favor. (Resolution 10-11 on file in the County Administrator's Office).

Marshall Hockey

Goodenow moved, seconded by Anderson to approve the raffle to be held at the Ice Arena and have the Chair sign any necessary documents. All voted in favor.

Reviewed Meeting Schedule

Commissioners Reports

Anderson reported on Planning and Zoning meeting, Area 2 and Safety Committee.

Goodenow reported on Library Board and Advance.

Ritter reported on Planning and Zoning and Airport Commission.

Fenske reported on Investment Committee.

Closed Meeting: Attorney Client Privilege - Anderson et al v Lyon County

11:25 a.m. Commissioner Anderson left the Board meeting.

11:25 a.m. Commissioner Stensrud was contacted and participated via telephone.

Member Goodenow introduced the following Resolution and moved its adoption:

RESOLUTION CLOSING BOARD MEETING

WHEREAS, the Minnesota Open Meeting Law, Minn. Stat. § 13D.05, subd. 2(b) states that "meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege"; and

WHEREAS, the County Board seeks to meet with its attorney to obtain advice regarding a pending lawsuit, Rick Anderson, et. al v. County of Lyon, et. al.; and

WHEREAS, it would be detrimental to the interests of the County for the County Board to hold a public discussion with its attorney regarding its legal position(s), strategy, etc., where an opposing party or opposing attorney could listen to or be made aware of the County's positions; and

WHEREAS, it is in the best interest of the County for the Board to obtain legal advice in a confidential setting to maintain the attorney-client privilege.

BE IT RESOLVED by the Lyon County Board of Commissioners as follows:

1. The Board hereby closes based upon the attorney-client privilege pursuant to Minn. Stat. § 13D.05, subd. 3(b);
2. The specific subjects to be discussed, pursuant to Minn. Stat. § 13.01, subd. 3, are the claims raised in the above-referenced lawsuit, and the defenses and legal positions to be taken by the County.

The motion for the adoption of the foregoing Resolution was duly seconded by Ritter and upon a vote being taken thereon, the following voted in favor thereof:

Ritter, Goodenow, Fenske, Stensrud

and the following voted against the same: None

Abstain : Anderson

Whereupon said Resolution was declared duly passed and adopted.

(Resolution 11-11 on file in the County Administrator's Office).

Ritter moved, seconded by Goodenow to come out of closed session. All voted in favor.

Fenske adjourned meeting until April 5, 2011.

Robert Fenske, Chairman

Attest: Loren Stomberg
Lyon County Administrator