

UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
April 12, 2011

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

Pledge of Allegiance to the Flag

Approve Agenda

Stomberg – We will pull the amendment. The settlement agreement we will go into closed session. Ritter moved, seconded by Anderson to approve agenda. All voted in favor.

Identify any Conflict of Interest

Anderson – I will leave for the closed session of Rick Anderson, et. al v. County of Lyon, et. al

Organizational structure

Stomberg – I separated them into three broad categories. At the last meeting we wanted to talk about organizational structure. Discussion on appointed versus elected. Anderson – What about starting at the top like you did in SWHHS, and merging and doing one Board? This is one thing that I stay awake at night. I don't want anyone to think I'm trying to get rid of anyone's job. With an Auditor with a CPA degree then they are the administrator. Right now with the auditor treasurer anyone can run. Discussion on auditor administrator and county manager models. Stensrud – You are looking at this to save money or to make it work better? The auditor treasurer has a full load right now to add the administration I think you would need to hire someone. Fenske – What about a land records office? Goodenow – What I would like to ask the administrator and department heads to do is bring back some models. Discussion on organizational evaluation. Fenske – Wants a chief deputy auditor treasurer promoted internally, what is that? Stomberg – Paula is out of town so I can't speak on her behalf. Discussion on Auditor Treasurer being a CPA. Stensrud – I see employee retiree lawsuit may create quick turnover in public works. Fenske – Suhail what do you see? Kanwar – We have six in highway and a couple others that are close to rule of 90. Discussion on consolidating counties, assessing, engineering and law enforcement services. Goodenow – As long as we are talking to Mark and the jail one of the planning things was new job descriptions. What about a review of job descriptions? Mather – The Chief Deputy position I am not going to fill the position with the financial restrictions we have. Another position we never filled was the civil process position. We have done some consolidation in the office. Stomberg – Once the dust settles on this plan and what happens at the highway department. It is time to look at comp worth with the whole organization. Ritter – There are some supervisory positions that are not exempt that are receiving overtime. Stomberg – They need to be looked at. Goodenow – Planning and Zoning and the Ditch those need to be looked at. Discussion on redetermination of ditches. Fenske – Let's talk about our next step. Stomberg – I will work with the department heads and work on organizational charts. Discussion on other items on list. Fenske – We also want to get into the financial and capital expenditures.

10:33 a.m. Meeting Recessed

10:44 a.m. Meeting Called Back to Order

Closed Meeting Attorney Client Privilege Marron v. Lyon County

Ritter moved, seconded by Stensrud to go into closed session to discuss Settlement agreement Marron v. Lyon County. All voted in favor.

Member Ritter 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, Kathleen Marron Conlin, as Trustee for the Heirs and Next-of-Kin of Richard Marron v. County of Lyon.; 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.

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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 Stensrud and upon a vote being taken thereon, the following voted in favor thereof:

Ritter, Stensrud, Fenske, Anderson, Goodenow

And the following voted against the state: None.

Whereupon said Resolution was declared duly passed and adopted.

Stensrud moved seconded by Anderson to come out of closed session. All voted in favor.

Ritter moved, seconded by Goodenow to approve and authorize the Chair to sign the settlement agreement and Release with the Marron family. All voted in favor

Commissioner Anderson left the meeting.

Closed meeting Attorney Client Privilege Anderson et al v. Lyon County et al.

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:

3. The Board hereby closes based upon the attorney-client privilege pursuant to Minn. Stat. § 13D.05, subd. 3(b);
4. 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.

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

Fenske adjourned until April 19, 2011.

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Robert Fenske, Chairman

Attest: Loren Stomberg
Lyon County Administrator