

**UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS**  
LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN  
September 6, 2011

**Closed Session Attorney Client Privilege Viet Construction**

8:45 a.m. Goodenow moved, seconded by Anderson to go in to closed session, attorney client privilege Viet Construction. All voted in favor

8:57 a.m. Stensrud moved, seconded by Ritter to come out of closed session. All voted in favor.

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

**Pledge of Allegiance to the Flag**

**Approve Agenda**

Stomberg – One addition, if we could have discussion on settlement with Veit the contractor at the landfill and put that after 2012 levy. Stensrud moved, seconded by Ritter to approve agenda. All voted in favor.

**Identify any Conflict of Interest**

None identified.

	<b>Per Diems</b>	<b>Expenses</b>
Stensrud	\$330.00	\$111.00
Fenske	\$290.00	\$ 32.18
Anderson	\$250.00	\$125.43
Ritter	\$340.00	\$38.85
Goodenow	\$50.00	-----

**Consent Agenda:**

1. Approve Minutes from August 16, 2011
2. Approve Minutes from August 30, 2011
3. Approve Commissioner Warrants 126078-126192 in the amount of \$232,567.24 dated 9-7-11.
4. Approve Auditor Warrants 126004-126031 in the amount of \$186,716.55 dated 8/18/11, 126035-126051 in the amount of \$17,780.15 dated 8/25/11 and 126065-126077 in the amount of \$48,641.64 dated 9/1/11.
5. Approve Per Diems and Expenses
6. Consider purchasing a new large format color scanner
7. Gambling Permit for St Clotilde Church

Stensrud moved, seconded by Ritter to approve consent agenda. All voted in favor.

**Fidlar data backup**

Goodenow moved, seconded by Ritter to approve and authorize the Chair to sign a contract for fidlar data backup. All voted in favor.

Discussion on data back up.

**Human Resources software**

Stomberg – This integrates fully with our payroll module. Department heads will have access to documents they need and we would use scanned images. Anderson – I have some other questions, and I don't know that I am ready to vote on it. To me this looks like another payroll system. Goodenow – Payroll is what the paycheck is going to be. Stomberg – You would have one paper file. Goodenow – Part of implementing this is going through every file. You could do it manually but why not put it into a system. Anderson – Are there other systems out there? Stomberg – There are other hr systems out there. This integrates with the payroll system. Goodenow – This was developed by our payroll system. Goodenow moved, seconded by Ritter to purchase hr software.

Voting in favor:

Stensrud  
Ritter  
Goodenow  
Fenske

Opposed:

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Anderson

Motion carried 4 to 1.

**Fixed asset software**

Goodenow moved, seconded by Ritter to approve purchasing fixed asset software. All voted in favor.

**Street sign inventory agreement**

Anderson moved, seconded by Goodenow to approve and authorize the Chair to sign a street sign inventory agreement with Shelburne Township. All voted in favor.

**MN DNR Aeration permits**

Ritter moved, seconded by Stensrud to approve and authorize the Chair to sign MN DNR aeration permits. All voted in favor.

**GO Capital Improvement Bond Call**

Commissioner Ritter introduced the following written resolution and moved its adoption:

**RESOLUTION APPROVING PREPAYMENT OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS AND DIRECTING EARLY REDEMPTION**

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

1. The County shall prepay and redeem on February 1, 2012, all of its outstanding General Obligation Capital Improvement Bonds, Series 2004, and funds to effect such redemption are appropriated to the account established for the payment of such Bonds.
2. The County Administrator shall provide notice of such redemption as required by law and the terms of the Bonds and shall provide notice to the Municipal Securities Rulemaking Board as required by the Continuing Disclosure Certificate.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner Stensrud, and upon vote being taken thereon the following voted in favor thereof: Anderson, Stensrud, Goodenow, Ritter, and Fenske

and the following voted against the same: None

whereupon said resolution was declared duly passed and adopted.

**2012 Levy**

Stomberg- I have made the changes that were discussed with the park. There should be an additional \$20,000 at the fairgrounds. Anderson – I had asked to donate at least \$2,100 for the Tracy museum. Ritter moved, seconded by Fenske to set the preliminary levy at 0%. Stensrud – I would like to see us go a ½ a percent, we gave a 3% increase in wages. We need to keep up a little bit or sooner or later we are going to have a big increase. Goodenow – I think we could do 0%. We are also living off of good financial planning by the County Administrator that we agree with. Stensrud – I could go either way too. Like paying off our bonds early. Anderson – I could live with 1% and the budget we could get down to zero too. This is the max we can go. Stomberg - This is the number that goes on the truth and taxation statement. Anderson – They are all going to show a loss anyway because of loss of homestead and we will take the heat for that anyway. Fenske – 1% would be \$121,000 and .5% would be \$60,822.

Voting in Favor:

Fenske  
Ritter

Opposed:  
Stensrud  
Anderson  
Goodenow

Motion failed.

Stensrud moved, seconded by Goodenow to set the levy at \$12,225,341. Fenske – That raises it \$61,000.

Voting in Favor:

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Anderson  
Stensrud  
Goodenow

Opposed:  
Ritter  
Fenske

Motion carried 3 to 2.

**Veit Construction**

Anderson moved, seconded by Stensrud to settle with Veit Construction on \$90,000 from the retainage. Anderson – The \$114,000 where will that go? Stensrud – It will have to go into landfill. All voted in favor.

**Garrett Backes, Southwest Initiative Foundation, Annual Update**

Backes gave an update on Southwest Initiative Foundation. Board thanked Backes.

**Holly Huffman, Marshall Lyon County Library, 2012 Budget**

Huffman reviewed 2012 budget request.

**CD 18**

Goodenow moved, seconded by Stensrud to obtain quotes for cleaning of CD 18. All voted in favor.

**JD 15 L & R**

Hammer – You would have to hire an engineer to see if the ditch was dug as it was suppose to be. Discussion on JD 15 L & R engineering. VanOverbeke –What is our cost going to be approximately? Hammer - \$2.00 per foot because it is so deep. VanOverbeke- That is a cross county ditch and we should let the other county know we are going to be billing for it. Goodenow moved, seconded by Anderson to obtain quotes for cleaning JD 15 L & R. All voted in favor.

**10:15 Meeting Recessed**

**10:30 Meeting Called Back to Order**

**10:30 a.m. Chairman Fenske called Continuation JD 6 Continued Public Hearing to order**

Biren – After the conclusion of this question there were a couple of things that came out. Included in the Board packet is a letter for Ron's appraisal service. Are there any questions with that letter? Maes – As a matter of background there are a couple of issues that came up at the first hearing. An issue that perhaps the tile lines were part of the system that were made through a prior improvement. I did go back and look at that. The petition was filed in March 1909 and court ordered in August 1909. Moving forward there was one repair in 1964, it wasn't a huge repair. Improvement 8 petition was brought by Verly. There were three petitions that came with it. That is probably where the values are on the system. The improvement was approved by a resolution and completed in 1983. The final hearing in March 1984. There were several landowners upset with it. There was actually a stipulated settlement. I understand from talking to Dennis briefly that there are several agreements that are private from the city and people that own. Whether or not the outlet has the capacity what the fee on that should end up being. I think that summarizes what I see the drainage authority's responsibility as of today. Dennis Simpson, Attorney for City of Marshall, - After the 1953, there was an agreement with the Mosch family. Fenske – Were there any agreements with the landowners? Some type of agreement that the line could go into the private line? Simpson – It has been there 58 years. Fenske asked for comments. Roger Verly – What is the size of the tile going into the outlet? Simpson – 15 inch. Verly – If you have a 15 inch tile going into a 16 it is pretty much going to fill it. Glenn Olson – They did investigate the 100 year and how it would effect that. Bolton Engineer –There is enough storage upstream and enough of a throttle it doesn't flood there for what we are doing for the 100 year event. Gene Bossuyt- Am I understanding it right it will take a 6 inch rain for the water to go directly into the pipe. Fenske asked for other comments. Fran Verly – We own land in section 16 and 21 and it is a private ditch. I thought there was a request for an agreement between the city and the land owners and there hasn't been one. Changes to an industrial park is more of a concern for us. Fenske – As far as your original question you asked if there was an agreement between you and the city, was that considered? Discussion on city's position. Simpson –The tile agreement from 1953 was 16 inch. Goodenow – We determined the tile dumps into private ditch. The current determination is based on ag land. Maes – What is before the Board here is the outlet. Fenske asked for additional comments. Maes – Essentially from the petition from the hearing before and investigating the file, you have a petition and you determine there is a necessity to use the drainage system as an outlet. The use would be as a public utility to

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promote public health. You would be looking at granting the city's request to use it as an outlet and to establish a fee. Simpson – You would make it contingent upon MPCA permit, and the outlet being in place, and the cost, Rinquist would be reimbursed. Maes – There has been discussion with MPCA? Glenn Olson – Yes. Fenske – We had contacted an outside attorney and they did some work on it. Roger Verly – I think all the water from the airport property should go into the diversion channel. Simpson – I think that is beyond the scope. Kurt Deter – The area that is going to be outlet is assessed in the system. The land is already in the ditch 6 system. The conditions of the MPCA permit, outlet be limited to 16 inches, and the cost be covered to me it seems the statute has been met. I think it would be difficult to issue it with those three conditions. Stensrud- The outlet has to be 16 inches but yours is 15 into the 16. I think it should be 12 or 14 to meter the water. Deter – You can make your order as designed here, that way they couldn't go bigger. Olson – The pond will contain the 100 year event for everything draining from the city.

11:06 a.m. Fenske closed the public hearing.

Goodenow moved, seconded by Ritter to allow an outlet with no fee, with the condition of an MPCA permit, plans as presented and incidental fees. All voted in favor.

11:07 a.m. Drainage Authority adjourned.

**Authorize advertising for bids 2011 striping project**

Ritter moved, seconded by Stensrud to approve receiving quotes for the 2011 striping project until September 26, 2011 at 4:00 p.m. for C.P. 11:HS. at the Public Works Building at 504 Fairgrounds Road. All voted in favor.

Reviewed Meeting Schedule

**Commissioners Business**

**Commissioners Report**

Goodenow reported on the library.

Ritter reported on an issue at extension. Fenske – We will have a closed session at the end.

Anderson reported on historical society, JD 31, Insurance Meeting, and Regional Radio Board.

Stensrud reported on Annual Park Board meeting, JD 31, Soil and Water, City of Marshall Skunk Hollow Road meeting, Audit Exit meeting, Western Mental Health, Area II, and RCRCA.

Fenske reported on Transit Advisory meeting, State Audit meeting, labor mediation.

**Skunk Hollow Road**

11:33 a.m. Mayor Bynes called the City of Marshall meeting to order. Byrnes - We have Council members Dan Ritter, Jennie Hulsizer, Charlie Sanow, and myself. Also present are Glenn Olson, Ben Martig, and Dennis Simpson.

Present from Fairview Township : Dean Louwagie and Harold Dieken

Ben Martig Marshall City Administrator - I'll give you a verbal background. In 1996 there was a joint agreement where the county and city had an agreement. At that time the agency agreement outlined and I am going off of minutes. The county was reviewing their responsibility of roads. It appears according to the resolution that it more appropriately matched the city. We have completed ongoing regular maintenance. The road way continues to be in a substandard condition. We really have no plans to update this roadway. We have no other city utilities served out there except for electric utilities. Our city attorney has reviewed it and can give the procedural process. The detachment proceeding is a similar procedure to annexation. The city council tabled it to September 27<sup>th</sup>. The segment of roadway ends up by our public works garage. It would be to go through the detachment of all ag land. One of the other points to is what to do with the funds received. Staff recommends turning that back with interest. Ultimately this is tabled from the city council meeting. The true authority of whether or not to detach it is with the city council. Glenn Olson –A couple of comments, in 1996 this is when the agreement was put together. That was prior to the diversion protection system with the dike. One other thing would be the section of the roadway whether it is a county road or CSAH. Goodenow – I understand there are 500 cars a day on that road. I was here in 1996, and the intent was the county was not fixing it fast enough and the city took it over. Olson – The issue is what other road ways have a bigger priority. Goodenow – I was looking to do a joint project to do a decent road. Mel Oldens, MNDot District 8 Engineer – I represent both the city and the county. If you take it as a county state aid road you need something else undesignated or simply make it a county road. There are implications both ways for both entities. Goodenow – The current roadway is a state aid road?

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Oldens – It is a turn back, so they get \$18,000 per year on that road. Harold Dieken – I don't know where a city or county would expect a township to come up with it. Even turning it back to gravel there is considerable expense there. Fenske – It is a real problem. It isn't just for that six or seven people that live out there. Charlie Sanow – I travel that road quite a bit. It is very seldom that you go down that road that you don't meet someone. I would like to see the city and the county work together and design a road that works. There is a ton of traffic that goes up and down that road and it benefits the city. Discussion on detachment. Fenske – It appears to me that the consensus is that we form a joint committee with the city, county, township. Are you interested in doing something? Mayor Byrnes – I think we are interested in continuing that discussion.

Dan Ritter moved, seconded by Charlie Sanow to begin discussion between the City of Marshall and Lyon County on a joint project. All voted in favor.

Stensrud moved, seconded by Anderson to enter into discussion with the city of Marshall on a joint project. Ritter – I would like in the motion to know how many dollars the city collected in the 15 year period and how many dollars they spent on maintaining the road and the exact count on the number of cars. Kanwar – If the city turns it back do they have to turn it back to the state? Olden – When you collect needs it can be used anywhere in the system. If it is abandoned it is not a turn back to the county. All voted in favor.

Fenske appointed Mark Goodenow and himself to a Committee to discuss a joint project with the City of Marshall on Skunk Hollow Road. Fenske - We will leave it up to the administrators to work out a time and who is going to be on it.

12:15 p.m. Charlie Sanow moved, seconded by Dan Ritter to adjourn city council meeting. All voted in favor.

**Use of technology for Public Works operations management (AVL)**

Brandon Tourtelotte gave a presentation on fleet management through CompassCom. Ritter – On some of the companies or entities you deal with what is there biggest saving issue? Tourtelotte – Labor costs, less running around. Ritter –What is the closest county using something like this? Kanwar – McLeod County but a different vendor. Stensrud – The state of Minnesota has it. Goodenow – As we are talking about this at public works does it connect with emergency workers? Is it a double use, would you need a license for public works and law enforcement. Mather –We have two different overlays. It gives us all that information we know where they have been. Our primary reason we put it in is for safety and efficiency. Discussion on health and human services. Anderson- Are they ARMER compatible? Brandon – Yes they can use the radio system. The ARMER radio network you still have to have one of the boxes, the network can't send data. Stomberg – What is the ball park price of outfitting a unit? Brandon – It depends on how many you are tracking. If we go the route of we are hosting it for you it is about \$700 per vehicle and it would be \$25 per month per vehicle. Discussion on pilot project.

1:03 p.m. Ritter moved, seconded by Anderson to go into closed session for a performance evaluation on Harry Guza. All voted in favor.

1:18 p.m. Anderson moved, seconded by Goodenow to come out of closed session. All voted in favor.

1:18 p.m. Fenske adjourned the meeting.

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Robert Fenske, Chairman

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Attest: Loren Stomberg  
Lyon County Administrator

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