

UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
November 1, 2011

8:15 a.m.

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, Jeanine Barker, 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 Anderson and upon a vote being taken thereon, the following voted in favor thereof:

Fenske, Goodenow, Ritter, Anderson, Stensrud

and the following voted against the same:

None

Whereupon said Resolution was declared duly passed and adopted.

8:58 a.m. Stensrud moved, seconded by Ritter to come out of closed session. All voted in favor.

9:00 a.m. **Pledge of Allegiance to the Flag**

Approve Agenda

Stomberg – A VEIT contract and joint powers agreement under my time. Ritter moved, seconded by Stensrud to approve the agenda. All voted in favor.

Identify any Conflict of Interest

None identified.

	Per Diems	Expenses
Ritter	\$100.00	\$83.25
Fenske	\$230.00	\$84.38
Anderson	\$150.00	\$126.54

Consent Agenda:

1. Approve Minutes from October 18, 2011
2. Approve Commissioner Warrants 126765-126857 in the amount of \$280,698.54.
3. Approve Auditor Warrants 126734-126757 in the amount of \$57,026.84 dated 10/27 and 126582-126604 in the amount of \$93,243.89 dated 10/20/11.
4. Approve Per Diems and Expenses
5. Final Striping Project

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

Resolutions / Contracts

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Supporting Healthy Hands Nurse Family Partnership JPA

Anderson moved, seconded by Ritter to accept and authorize the Chair to sign a resolution for supporting healthy hands nurse family partnership. All voted in favor.

AREA II Addendum

Ritter moved, seconded by Goodenow to allow Commissioner Stensrud to sign the addendum at the December 10, 2011 on behalf of the Lyon County Board of Commissioners. All voted in favor.

Veit Settlement

Goodenow moved, seconded by Anderson to authorize the county and authorize the County attorney to sign the stipulated agreement and counterclaim dismissing the arbitration agreement. All voted in favor.

Living Connected – Commissioner Room Upgrades

Ron VanDenBroeke gave a presentation on Commissioner Room upgrades. Fenske asked about speakers. VanDenBroeke – We went with in ceiling speakers. Fenske – We are looking at the base price there. That includes tax? VanDenBroeke – Yes. Ritter moved, seconded by Goodenow to move the proposal from Living Connected for the base price of \$28,690. All voted in favor.

Marshall Area Chamber of Commerce – EDA Update

Cal Brinks gave an update on Discover Southwest Minnesota.

Contract with Advance Opportunities

Goodenow – I will abstain from the Advance Contract because I am appointed to their Board as a County Commissioner. Stensrud moved, seconded by Anderson to approve and authorize the Chair to sign a contract with Advance Opportunities for \$116 per day.

Voting in Favor:

Ritter
Stensrud
Anderson
Fenske

Abstained:
Goodenow

Motion Carried 4 to 0.

JPA Yellow Medicine County Solid Waste Services

Goodenow moved, seconded by Ritter to approve and authorize the Chair to sign a JPA with Yellow Medicine County Solid Waste Services. Maes – The only thing you would need to change would be the \$375 and under 3A the same thing. Under 8 the last sentence take out a slash her. All voted in favor.

9:52 a.m. Meeting Recessed

10:05 a.m. Meeting Called back to order

Replacement Deputy Sheriff

Anderson moved, seconded by Goodenow to hire Kyle Mooney from a temporary Deputy Sheriff position to a full time Deputy Sheriff effective November 1, 2011. All voted in favor.

Stensrud moved, seconded by Goodenow to hire John Gillquist as a deputy sheriff at a starting wage of \$18.37 on November 7, 2011. All voted in favor.

Anderson moved, seconded by Goodenow to authorize the advertising, interviewing, back grounding, and a conditional offer for a full time correctional officer. All voted in favor.

Brief Discussion on DOC Boarding

Sheriff Mather gave information regarding DOC boarding.

ARMER Project Update / Resolution

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Ray Freeman gave an ARMER Project Update. Goodenow moved, seconded by Anderson to approve an addendum to the plan to include the construction of a 180 foot tower. All voted in favor.

ARMER Resolution

Stensrud moved, seconded by Goodenow to approve and authorize the Chair to sign a resolution in support of regional ARMER Logging Development by the SWRRB. (Resolution 45-11 on file in the County Administrator's Office). All voted in favor.

Modify AVL project

Discussion on navigation not being an available product. Goodenow moved, seconded by Fenske to take out the navigation device and include enough money to put monitors on all the snow equipment. Ritter – How much are we going to spend on ARMER radios for highway? Kanwar- We budgeted \$100,000 our estimate now is roughly \$70,000. Stomberg – The \$100,000 was talked about in the budget. We talked about paying for the ARMER system out of the reserves. The debate will still be whether it goes in the budget or out of reserves. Stensrud – We are not that big and sophisticated. Goodenow – It records the information. That is one of the most common misunderstandings that we have. To have the ability to have a web page that people can check. I would like to make sure we have the state on there to. There is a connection there. At the end of the year we don't have to keep using it. I think it is worth a try.

Voting in Favor:

Goodenow
Ritter
Fenske

Opposed:

Anderson
Stensrud

Motion Carried 3 to 2.

Skunk Hollow Road

Discussion on turn back, detachment, and scope of project. Stomberg will get clarification from the City Council on the \$250,000.

Legislative Position Paper

Anderson – I would rather see us put more effort into AMC. Fenske – If we are going to do this I would be in favor of using the AMC position and inserting that. Stensrud – If there are some things we don't agree with we can delete it. Ritter – I agree. Stomberg – Perhaps just a couple of top items.

LELS Contract

Anderson moved, seconded by Stensrud to approve and authorize the negotiating committee, Commissioners Ritter and Fenske and Administrator Somberg to sign the LELS Jailers/Dispatchers 2009-2010, LELS Jailers/Dispatchers 2011-2012, and Shift Sergeants for 2010 – 2012 labor contracts. All voted in favor.

SWHHS JPA Amendment

Goodenow moved, seconded by Ritter to approve and authorize the Chair to sign a SWHHS JPA amendment. All voted in favor.

Commissioners Business

Reviewed Meeting Schedule

Commissioners Report

Stensrud reported on Western Mental Health Center and AMC.

Anderson reported on Historical Society, AMC, and ARMER.

Ritter reported on AMC, SWHHS, and Annual Road Tour.

Goodenow reported on Advance and Plum Creek.

Fenske reported on AMC meeting, Annual Road Tour.

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11:30 a.m. Ritter moved, seconded by Stensrud to adjourn. All voted in favor.

Robert Fenske, Chairman

Attest: Loren Stomberg
Lyon County Administrator