

OFFICIAL MINUTES

LYON COUNTY BOARD OF COMMISSIONERS

LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN

November 1, 2005

Meeting was called to order by Chairman Ritter. Members present: Buysse, Fenske, Ritter, Goodenow, Nelson, County Attorney Maes, County Auditor/Treasurer Van Overbeke, and County Administrator Stomberg.

Pledge of Allegiance to the Flag.

Motion by Goodenow, seconded by Nelson to approve the agenda with the addition of ratifying a job offer for the Senior Accountant position in the Auditor/Treasurer's office. All voted in favor.

The following per diems and expenses were presented:

	Per Diems	Expenses
Buysse	\$120	\$84.00
Nelson	\$200	\$79.80
Goodenow	\$200	
Fenske	\$110	\$57.72

Items 1-6 from the consent agenda were presented.

1. Minutes from the October 18, 2005 Board Meeting
2. Commissioner Warrants #100212 to #100286 dated 11/1/05 in the amount of \$77,068.60.
3. Auditor Warrants #100129 - #100148 dated 10/20/05 in the amount of \$79,012.30 and Auditor Warrants #100161 - #1000182 dated 10/27/05 in the amount of \$167,370.30.
4. Per Diems and Expenses previously presented.
5. Approve Board Chairman to Sign Aeration Permits.
6. Set Public Hearing Date for November 15, 2005 at 10:15 AM for the County Election Equipment Plan.

Motion by Goodenow, seconded by Fenske to approve consent agenda items 1-6. All voted in favor.

Henricksen presented a resolution for the Adoption of a Solid Waste Service Fee Rate Schedule. Henricksen- With the cost of the recycling contract for 2006 at a reduced rate, I have re-evaluated the service fee rate for the Recycling & HHW Programs. The service fee is able to be reduced by \$5 increments. Goodenow- How does this compare to other counties? Henricksen- We are at the midway point. Goodenow- Has the Public Works Director reviewed this? Henricksen- Yes, she has. Motion by Goodenow, seconded by Buysse to approve the Resolution for the Adoption of a Solid Waste Service Fee Rate Schedule (on file at the County Administrator's Office). All voted in favor.

Henricksen presented a proposal from R.W. Beck at a cost of \$30,000 to conduct the study for the 4-County Single Stream Collection & Processing Facility. The Landfill will pay for one half the cost and the remaining will be broken down to the counties based on tons to the landfill. Lyon County's estimated cost is \$9,420, which will be paid from the Greater Minnesota Landfill Cleanup Fees. The other three counties are comfortable with the numbers. Henricksen- In 1989, we paid \$35,000 for about the same study. The study should be completed in approximately 75 days. Fenske- This feasibility study will be done to give us some numbers to determine if we should pursue this or if it will cost too much. Motion by Fenske, seconded by Buysse to approve the 4-County Proposal from R.W. Beck to conduct a study for a Single Stream Collection & Processing Facility at a cost of \$30,000. All voted in favor.

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Ritter was contacted by the Redwood County Commissioners that they would like to give the Board a presentation on the new gasification facility that will be located north of Redwood. Stomberg will check with them to see if they are able to attend our 12/8/05 meeting.

Strong presented a request for the purchase of four personal computers. Strong- The first computer will be a new one for the new Senior Accountant position in the Auditor/Treasurer's office. The remaining three are replacement computers. The Extension office has two computers that have died and Nancy Thooft's computer in the Auditor/Treasurer's office needs replacing. The cost estimate for these four computers is approximately \$5,500 and will be paid out of the Designated Technology Fund. Motion by Goodenow, seconded by Nelson to purchase four new computers out of the Designated Technology Fund for the Auditor/Treasurer and Extension offices. All voted in favor.

Strong requested approval of the employment offer to Charles Teff for the GIS Specialist position. Strong- We had 25 applicants and interviewed six and Charles Teff was selected as the most qualified candidate. He recently received his Master's Degree in GIS, an undergraduate degree in English & Psychology and an Associate degree in Computer Networking. Motion by Goodenow, seconded by Buysse to approve the employment offer to Charles Teff contingent on the successful completion of a criminal background check at an hourly rate of \$18.31 with a start date of 11/28/05. All voted in favor.

The 2006 Lyon County Sheriff and Law Enforcement Fee Schedule was presented to the board by Sheriff Dahl. Dahl- There are a few changes to the schedule. I am no longer charging for copies. Most of the requests for copies are for only 1-2 pages. The time it takes to write up a receipt is not worth the \$.25/copy, so I waiving the fee for copies. Another change in the schedule is for hand gun permits. The charge will be \$100 for a five year permit. I am also requesting the mileage rate for civil process collection remain at \$.40/mile. The current IRS rate is \$.48.5/mile but there is an indication that it may be reduced in 2006. I would request to stay with our current rate of \$.40/mile and see what happens. Fenske- I think it is reasonable to leave the mileage alone until we know what the IRS will be doing. You could come back and request an increase later. Motion by Nelson, seconded by Fenske to set the Lyon County Sheriff and Law Enforcement Fee Schedule for 2006 pursuant to the provision of MSA 357.09, Sub 8. All voted in favor.

VanOverbeke requested ratification of a job offer to Paul Freeburg to fill the Senior Accountant position in the Auditor/Treasurer's office. There were nine applicants and they interviewed 6. VanOverbeke- Freeburg has an undergraduate degree in Accounting and is currently employed by a local business. Discussion was held on rearranging the office to make things run more efficiently. Motion by Goodenow, seconded by Nelson to ratify the employment agreement for Paul Freeburg for the Senior Accountant position in the Auditor/Treasurer's office at a starting rate of \$14.75/hour with a start date of 11/21/05. All voted in favor.

Meeting Recessed at 9:45 AM.

Meeting back to Order at 10:00 AM.

Ritter called to order the Public Hearing on the Petition of the State of Minnesota, by Carol Molnau, It's Commissioner of Transportation, for the Right to Make Minor Alternations or Changes in County Ditch No 60B in Lyon County in accordance with Minn. Statute 161.28.

Paul Jurek, MN DOT- We are in the planning stages of making a four lane road from the High School to the MN DOT Building on the east side of town. To treat the storm water run off appropriately, there is a need for a retention pond. There is an existing 21" tile line to 60B and the plan is to divert the water to the east into a pond which will have an 18" outlet into County Ditch 60B. The proposed pond will not affect the run off or the flow rates to the ditch. Maes- Has

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anyone else looked at it to see how this affects the ditch? Hammer- Yes, Benson has looked it over. Goodenow- This will be a good improvement. Fenske- How large will the pond be? Hammer- approximately 3 ½ acres and 9 feet deep. Jurek informed the board that they have not contacted the owner of the land yet, but the owner has indicated he wants to talk to the designer. Goodenow- Who will own and maintain this when you are done? Maes- This should be treated as any other land on the system and a benefit would be determined and MN DOT assessed. Maes had a problem with the terminology of "minor alternation" used in the statue. Maes- This is a good thing to improve the existing run off but there are too many unknowns. We don't know if something can be worked out with the landowner or what the cost might be. Who will maintain control and what will be the effect on the ditch? This is still part of the ditch system, same as if it was initially constructed. It would be assessed benefits and we take care of the maintenance. We wouldn't own the land, but would have an easement. Buysse- Were notices sent out to the land owners in the area? VanOverbeke- Yes, it was published three times in the legal paper and one time in every newspaper in the County. Maes- When does MN DOT need a Board decision? Jurek- It will be one year before we let the project and we plan construction in 2007, so we are ahead of the game. Ritter- We need to know the consensus of the landowner. Jurek- The City also has talked about doing a regional pond if the land is developed. Due to the cost and uncertainty if they would proceed with the regional pond, we decided to go with this smaller plan. Nelson- I think the ownership should be MN DOT, the other tile in the area is privately owned. Maes- As a Board, you can continue the Public Hearing, if you want to proceed or you can deny the petition and then go through the whole process again. I think it could be petitioned under M.S.S. 103E unless you can convince us that there will only be "minor alterations." I would make a recommendation to continue the Pubic Hearing until you have talked with the property owner and find out what the City's expectations are. Motion by Goodenow, seconded by Buysse to continue the Public Hearing on the Petition of the State of Minnesota, by Carol Molnau, It's Commissioner of Transportation, for the Right to Make Minor Alternations or Changes in County Ditch No 60B in Lyon County in accordance with Minn. Statute 161.28 until 12/20/05 at 10:00 AM. All voted in favor.

Ritter closed the Public Hearing at 10:38 AM.

Gary Tholen and Mark Peterson came before the Board requesting approval of a Resolution Acknowledging Community-Based Energy Development (C-BED) Status for Small Scale Wind Projects. One of the requirements is that projects seeking C-BED status must obtain a County Board Resolution of Support. The project calls for the development of up to 20 megawatts of wind energy to be produced by 10 turbines. These turbines will be located in Custer Township by Garvin. The Board voiced their approval and was pleased with the local ownership of the project. Motion by Fenske, seconded by Nelson to approve the Resolution Acknowledging Community-Based Energy Development Status for Small Scale Wind Project. All voted in favor.

Mark Peterson- Thank you for your support. This is the first approval of a C-BED in the whole State. Thank you for taking the lead.

Stomberg updated the Board on the Group Home. Stomberg- I have already received an appraisal from in-house and am waiting to hear back from Wilson O-Brien with another one so we can compare the two. I have not been able to locate the abstract so we may need to have one recreated.

Stomberg has not heard back from Mike Hubbard from Johnson Controls. The Lease Purchase Agreement with Citi Mortgage has requested the County Attorney to sign the executed document but is not executed yet so the County Attorney has a problem signing it. Stomberg- I have a call into US Bank. They also do Municipal Leases and it would be easier to work with a local company if we can't work something out with Citi Mortgage.

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Fenske- I understand that the water heater in the Jail is leaking. Stomberg- Yes, it has sprung a leak and estimated to cost to replace it is \$13,600.

Stomberg- We still have one maintenance position open. We had 12 applicants and did interviews. There was one outstanding individual but the individual withdrew so we are in the process of re-advertising.

The meeting schedule was reviewed.

Commissioner reports:

Goodenow updated the Board on the progress with obtaining a building for the DAC. The facility should be bought in November and bids taken the first part of 2006. They hope to be in by next fall. The Lyon County Development Corporation requested to give a presentation to the board. Stomberg will contact Gayle Bofferding to arrange a date and time.

Buysse reported that the Yellow Medicine River Watershed will be starting the FIER project. A concern was also brought up that the Lyon County representative to the Committee is unable to attend due to daytime meetings. This will be looked into.

Nelson attended and gave updates on the Fall District Meeting, RCRCA and the Soil and Water Meeting.

Fenske also attended the Fall District Meeting and the Transit Advisory Committee.

Ritter reminded the commissioners that it is time for Insurance enrollment.

Motion by Buysse, seconded by Ritter to adjourn the meeting until November 15, 2005, at 9:00 AM. The meeting was adjourned at 11:16 AM.

Stephen W. Ritter, Chairman

Attest:

Loren Stomberg
Lyon County Administrator