

**OFFICIAL MINUTES**

LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN  
March 07, 2006

9:00 AM - Meeting called to order by Chairman Ritter. Members present: Buysse, Fenske, Goodenow, Nelson, Ritter, County Attorney Maes, County Administrator Stomberg, and County Auditor/Treasurer Van Overbeke.

Pledge of Allegiance to the Flag.

**Approve Agenda**

Goodenow moved, seconded by Ritter to approve the agenda with the addition of changing the bid opening date of CP05:911. All voted in favor.

**Consent Agenda**

The following per diems and expenses were presented.

	Per Diems	Expenses
Nelson	\$170	\$87.68
Ritter	80	33.82
Fenske	120	
Goodenow	250	

Items 1-8 from the Consent Agenda were presented.

1. Minutes from the February 21, 2006 Board Meeting.
2. Commissioner Warrants #101927 - #102019 dated 03/08/06 in the amount of \$192,794.73.
3. Auditor Warrants #101887 - #101904 dated 02/23/06 in the amount of \$61,315.60 and Auditor Warrants #101906 - #101925 dated 03/02/06 in the amount of \$25,280.44.
4. Per diems and expenses previously presented.
5. Liquor License for Cottonwood Country Club.
6. Cancelled Check 344121 dated 10/22/03 to D & G Excavating for \$4,300.00.
7. Quote for pickup purchase from Anton Chevrolet for the total amount of \$21,958.49. The 2006 Landfill budget includes replacement of a 1996 Chevrolet ¾ ton 4x4 pickup with 111,000 miles. This pickup is used for the HHW mobile unit trailer.

Vendor	Make/Model	Unit 3	Trade In	*Total	Warranty
Anton Chevrolet, Marshall	Chevrolet Silverado 2500 HD Reg Cab Diesel option	\$24,758.49	\$2,800	\$21,958.49	3Yr or 36,000 Miles B. to B.
Lockwood Motors	Dodge Ram 2500 Reg Cab Diesel option	\$25,540	\$2500	\$23,040.00	3Yr or 36,000 Miles
Marshall Ford	Ford Super Duty F-250 Reg Cab Diesel option	\$28,759	\$500	\$28,259.00	Factory Warranty
Salmon Automotive, Tracy	No quote				
Rochester Ford	No quote				

\* Sales tax and license tab fees are not included in the quotes at the county's request.

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### 8. Indirect Cost Allocation Plan contract with MAXIMUS.

Nelson moved, seconded by Fenske to approve Consent Agenda Items 1-8. All voted in favor.

### **VSO Update**

Jim Hubley, Lyon County Veterans Service Officer, updated the Board on the new veterans' services office at SMSU. Hubley reported there were 19 contacts made at SMSU in January and 17 in February. In Lyon County, 345 total contacts were made in January and 290 in February. February's numbers were lower because Hubley was gone for one week.

Ritter – What percent of veterans are going to 4-year schools versus 2-year schools? Hubley – I don't know, but there are 106 veterans at SMSU; it's hard to get an accurate number because some are listed and some aren't. Ritter – How long do you think you need to provide services at SMSU? Hubley – I have no idea. This has increased awareness.

Fenske – When you have a veteran with mental health problems, do you refer them to Western Mental Health Center? Hubley – WMHC is in the process of contracting with the VA. A lot of veterans go to the VA in Sioux Falls. Fenske – WMHC has a full range of services. Veterans should be able to go right here in Marshall. Hubley – I agree. They are working on it; it's a long process.

Goodenow – It would be nice to know how many contacts are made at each location: SMSU, the Courthouse, and Tracy. It would enable you to manage resources more effectively. Ritter thanked Hubley for coming.

### **Ratify Deputy Sheriff Job Offer**

Joel Dahl, Sheriff, requested the Board ratify a conditional job offer to Bryan Bose for a Deputy Sheriff's position. Dahl recommended a starting wage of \$17.19/hr – a lateral wage transfer from Rock County where Bose is currently a Deputy Sheriff. On January 17, 2006, the Board authorized the hiring of one full-time Deputy Sheriff. Funding will be provided by the 2006 Sheriff's budget and Criminal Justice funds not to exceed \$30,000. Dahl – March 27<sup>th</sup> would be the tentative start date.

Buyse moved, seconded by Nelson to ratify the conditional job offer to Bryan Bose for the Deputy Sheriff's position with a starting wage of \$17.19 per hour. All voted in favor.

### **PEBC Update**

Chrystal Dunker, Executive Director of the Prairie Ecology Bus Center (PEBC), gave an update of the PEBC's activities. Dunker – We've had a good response from middle schools in Lyon County. We make kids aware of what we have right here in and around our communities. Our bus is an amazing tool. Hopefully, it will serve us for two more years. At that point we hope to replace the current bus with a new one. We are also more than just the bus. Our Discovery Quest Program has been very successful. It is essentially a treasure hunt that can be tailored for every community. We do not need to personally deliver this program. Dunker stated the PEBC will be getting its first intern in mid-June.

Ritter asked if the PEBC is looking for private or public funds to replace the bus. Dunker – Probably both – foundations, corporations, grassroots, grants, etc. The bus does more than just pulling up in front of a school; it takes kids out into nature. Fenske – How much does it cost to visit a school? Dunker – In the spring and fall, it is \$465/day. It is less for consecutive days and

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the rate is lower in the winter. We can do two groups a day – three hours each. Ritter – How much do you work with 4-H in Lyon County? Dunker – Not as much as we would like to. Ritter – Laurie Palmer is our Lyon County 4-H Program Coordinator. She is right upstairs. Dunker – I will stop up to see her.

Dunker – I am wondering how we can get the PEBC more involved in Lyon County, Lyon County Schools, etc. Is it a possible option to be at the Lyon County Fair? Ritter – I would like to talk more with the Commissioners about this. Dunker – I will send you a list of schools we've been to and our fair rates. Dunker asked the Board to participate in an activity which demonstrated the effectiveness of *hands-on* learning. Dunker thanked the Board for their time and consideration.

Meeting recessed at 10:05 AM.

Meeting back in order at 10:20 AM.

### **Legislative Issues**

Marty Seifert, MN House Majority Whip - (R) 21A, updated the Board on current legislative issues. Seifert discussed bonding in Area II, funeral protesting, and the State Auditor's mandate bill. Seifert asked the Board if they had any questions.

Fenske – The stadium issues are going to be there this session. What is your stand and how will the legislators react? Seifert – I would support a bill if it were with a sales tax referendum. If there were no referendum, then I would not support it. Seifert opined that a Twins stadium would pass and the Gophers would have a good chance, but the Vikings were bound until 2011 and had no chance.

Nelson asked how Seifert felt about the Motor Vehicle Sales Tax amendment to the Constitution. Seifert was nervous about the language of the amendment because it states that no more than 60% would go to roads and no less than 40% would go to transit. Seifert wants more to go to the roads.

Seifert thanked Anita Benson and Bob Fenske for voting against the Paynesville Bypass funding request. Fenske asked if maybe the makeup of the Mn/DOT District 8 ATP could be changed. Seifert said it is possible that the makeup could be changed by adding more elected or county representatives, removing Mn/DOT representatives, or some similar alternative.

Nelson – Will a gas tax be introduced this year? Seifert – Yes, but even if we agreed it would go to referendum.

Seifert asked the Commissioners if they supported the Area II request. All five Commissioners supported the Area II request.

Van Overbeke – Do you have anything that will eliminate the sales tax of HAVA Equipment?

Seifert – I am not aware of anything.

### **Consider Allowance to Work with Legislators**

Paul Henriksen, Environmental Administrator requested the Board to consider allowing Environmental personnel and consultants to contemplate legislation which would allow leachate recirculation as a normal landfill practice.

Henriksen - Currently, the USEPA allows, by statute & rule, leachate recirculation as a normal practice. MN State Statute & rules are mute on this practice but are currently allowing pilot programs for data collections. As landfills expand their operations, the ability to expand or install

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new recirculation systems will not be allowed until enough data has been completed. Since no final date has been provided by the MPCA to allow leachate recirculation to be used in normal operations, the landfill-operators group wishes to explore options to place in statute the use of leachate recirculation as an allowable practice. This would involve working with key legislators in the acceptance and development of this legislation.

Henriksen - It should be noted that when legislators are apprised of the benefits of this practice, they recognize that its value appears to support this practice. I am requesting to be allowed to provide support for this group as it explores this legislative agenda.

Motion by Fenske, seconded by Buysse to approve Paul Henriksen and Joel Carlson to work on legislation which would allow leachate recirculation as a normal landfill practice.

Henriksen stated Waste Management has invited the Commissioners to tour their recycling facilities on March 24<sup>th</sup> in the Cities.

### **Mike Hubbard – Johnson Controls**

Mike Hubbard from Johnson Controls presented a project implementation update. Hubbard said the project is moving forward and provided a project-update handout as follows:

1. Central Heating Plant Upgrade
  - New boiler installation was completed at the end of December.
  - Insulating will be done when new chilled water pipe is insulated.
  - 1939 hot water circulating pumps and valves will be replaced when the system is drained for cleaning at the end of the heating season.
  - Central plant digital controls are 85% complete.
2. Air conditioning System Improvements
  - New chilled water coils have been installed.
  - New chilled water pumps and specialties are in place.
  - Chilled water piping is about 75% complete.
  - Roof structural steel for new chiller will be complete by the end of March.
  - Chiller will be operational by the 2<sup>nd</sup> week in April.
3. Environmental Controls Upgrade
  - Installation of the new digital environmental controls is about 50% complete.
4. IT Room Air Handling Unit
  - The installation of the IT room air handling unit is complete, and unit is operational. Condensing unit and digital controls should be completed by the end of March.
5. Lighting Retrofit/Ceiling upgrade
  - Courtroom lighting and ceilings were completed the 2<sup>nd</sup> week of January. Remaining lighting in stair wells and corridors is 90% complete.

### **Steve Johnson – Vetter Johnson Architects**

Stomberg introduced architect Steve Johnson from Vetter Johnson Architects and gave some background on the Jail Committee's recommendation. The Jail Committee met with three firms and saw presentations from each. Steve Johnson is the Jail Committee's recommendation to conduct Phase 1 (Design and Development Study).

Johnson emphasized that the design and development of a new jail would be interactive. Stakeholders, ranging from courts to maintenance, would be included in Phase 1. Johnson described several steps and considerations that would lead to preliminary estimates.

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Fenske – Will this give us a cost estimate? Johnson – Yes – an estimate, but the estimator's pencil will sharpen as more detail is drawn. The Commissioners asked if the relationship could be dropped after Phase 1. Johnson – Yes, it could be dropped at any phase. Phase 2 would be % of construction cost, and I recommend locking this percentage soon. Ritter – If we did move to Phase 2, would some of Phase 1 be credited? Johnson – Yes, roughly two-thirds.

Johnson estimated the entire project would take 2-3 years total. Phase 1 would span approximately 6 months but could be accelerated. Phase 2 (Planning) would require 6 months. Construction would last 1 year, and remodeling to link the new jail to the Law Enforcement Center and Government Center would add another 6 months.

Ritter – What percentage of your firm's business is in law enforcement? Johnson – About half is in law enforcement and about half is in schools and libraries. Ritter – What percentage do you work on law enforcement? Johnson – I work 100% on law enforcement. Ritter – Would you be working on the project during the entire project? Johnson – I would handle the project from start to finish. The Commissioners asked what percent of construction their services would cost. Johnson stated somewhere in the 7.25% - 7.5% range, but it is negotiable.

Motion by Goodenow, seconded by Nelson to accept the recommendation of the Jail Committee and hire Steve Johnson to do Phase 1 (Design and Development Study) for \$14,500. All voted in favor.

Johnson will send Lyon County the short form agreement for the study.

### **Change Bid Opening Date CP05:911**

Benson requested the Board approve changing the bid opening date of CP05:911 (E911 Rural Residence Signs and intersection signage) to April 3<sup>rd</sup> at 11:00 AM in Conference Room 3 (Lyon Co. Govt. Center). It was originally scheduled for March 29<sup>th</sup> at 11:00 AM.

Motion by Goodenow, seconded by Fenske to approve moving the bid opening date of CP05:911 (E911 Rural Residence Signs and intersection signage) to April 3<sup>rd</sup> at 11:00 AM in Conference Room 3 (Lyon Co. Govt. Center). All voted in favor.

### **Consider Designation of GIS Specialist as E911 Coordinator**

Anita Benson, Public Works Director/County Engineer, requested that the Board designate the GIS Specialist as the Lyon County E911 Coordinator. Benson - The GIS specialist has performed a detailed analysis of the current database using the 2005 aerial photos and tax database to identify potential errors in the E911 addresses assigned. Charlie Teff was able to identify properties which may need to have an address assigned based on building values. We will be doing field-verification work prior to notifying any residents of a need to change their address. This work will need to be accomplished in March and April. I will need to provide the E911 signage contractor with the official address list for signs to be fabricated by May 1, 2006. Ritter – I think this is a good fit, and it will help keep this up to date.

Motion by Nelson, seconded by Buysse to designate the GIS Specialist as the Lyon County E911 Coordinator. All voted in favor.

### **Flood Plain Maps Update**

Benson informed the Board that Planning & Zoning Administrator, John Biren, will be finishing the flood plain maps by sometime in June. Public Hearings will be set up to discuss the flood plains.

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Goodenow – Do we need to accept or adopt these DNR maps? Benson – Yes, but they can be corrected in the process.

### **Approve Free Stage Rental Rates**

Rick Anderson, Parks Supervisor, requested the Board approve the free stage rental rates that have been recommended by the Fair Board. Van Overbeke – The checks will need to be made out to Lyon County.

Motion by Fenske, seconded by Goodenow to approve the following free stage rental rates:

*Anything held in Lyon County will be charged the base rate of \$250.*

*Anything outside of Lyon County will be charged the base rate plus mileage (Federal Rate).*

*More than 50 miles from Marshall will be \$325 + mileage.*

*More than 100 miles from Marshall will be \$400 + mileage.*

*If renting for more than 1 day, each additional day will be \$75/day.*

All voted in favor.

### **Discuss Pipestone County Resolution Regarding LLMHS**

Stomberg – On February 28<sup>th</sup>, Lyon County received Pipestone County Resolution 59-2006 which requests that Lincoln, Lyon, Murray Human Services consider discussion of the feasibility of sharing staff, services, and costs and to consider the admission of Pipestone County as a member of the current joint powers arrangement.

Chris Sorensen, Director of Lincoln, Lyon & Murray Human Services, was on hand to discuss the issue. Stomberg – If you have an opportunity to combine services, you should go to the table. Sorensen – I think we should look into this.

Fenske moved, seconded by Goodenow that a resolution be drafted in support of a joint feasibility study with Pipestone County. All voted in favor.

### **Discuss LELS Arbitration Award**

Stomberg – On February 22<sup>nd</sup>, the County was notified of the arbitration award regarding the labor agreement with the Sheriff's Union for the years 2005 and 2006. The award is not yet final.

### **Commissioners Business**

Meeting Schedule was reviewed.

Goodenow stated that phone interviews were being conducted for economic development. The DAC approved initial plans and are now looking at specs.

Buysse attended the water meeting last Wednesday and stated that it was well attended.

Nelson updated the Board on the RCRCA, Soil & Water, Personnel Committee, Fair Board, and LLMP meetings.

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Ritter updated the Board on the LLMP and Safety Committee meetings.

Fenske stated that he and Goodenow were looking at the feasibility of building our own recycling facilities. Fenske updated the Board on the Airport Commission as well.

1:05 PM – Buysse Moved, seconded by Goodenow to adjourn the meeting until March 21, 2006 at 9:00 AM. All voted in favor.

\_\_\_\_\_  
Stephen W. Ritter, Chairman

Attest: \_\_\_\_\_  
Loren Stomberg  
Lyon County Administrator