

OFFICIAL MINUTES

LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
May 2, 2006

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

Pledge of Allegiance to the Flag.

Approve Agenda

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

Consent Agenda

The following per diems and expenses were presented.

	Per Diems	Expense s
Fenske	\$210	\$40.94
Goodenow	130	
Nelson	170	76.11
Ritter	210	29.37

Items 1-8 from the Consent Agenda were presented.

1. Approve Minutes from the April 18, 2006 Regular Meeting and Minutes from the April 18, 2006 Special Joint P & Z Informational Hearing – Odor Offset Model.
2. Approve Commissioner Warrants #102647 - #102747 dated 5/03/06 in the amount of \$129,413.52.
3. Approve Auditor Warrants #102582 - #102607 dated 4/20/06 in the amount of \$272,977.11 and Auditor Warrants #102619 - #102645 dated 4/27/06 in the amount of \$20,084.68.
4. Approve Per Diems and Expenses previously presented.
5. Consider University of Minnesota Extension Program Memorandum of Agreement.
6. Consider Updated Investment Policy.
7. Authorize Amendment to Grant 2006 JABG-00091/9300-1542.
8. Approve and Accept Donation to Crime Fund.

Nelson requested that Consent Agenda Item #5 (Consider U of M Extension Program Memorandum of Agreement) be pulled for further discussion and consideration.

Goodenow moved, seconded by Nelson to approve Consent Agenda Items 1-4 and 6-8. All voted in favor.

Consider University of Minnesota Extension Program Memorandum of Agreement

Nelson expressed concerns that the price of the 4-H program is set without Board input. Nelson – The Board has no input except to take it or leave it. I don't have any idea who the commissioners even are. There are 235 kids and if you divide that out it's \$428 per kid. Ritter – I sit on the Extension Committee, and in your mailbox there was a committee report. Goodenow – The total number of kids reached is much more than 235. They also have after-school kids. Nelson – I do not object to 4-H. I object to the setting of the price by the U of M. Goodenow – Are we going to ask to have it on the agenda at the AMC meeting? Discussion. Nelson – I support the Memorandum, but I want to make a point.

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Goodenow moved, seconded by Nelson to approve the Memorandum of Agreement to provide full-time 4-H programming in 2007. All voted in favor.

Appoint Board Members to Lyon/Yellow Medicine Public Ditch Hearing

Todd Hammer, Assistant Planning & Zoning Administrator, requested appointment of two members from the Board to be on a Joint Board with Yellow Medicine County for a public ditch hearing in Granite Falls. Hammer – This is a highway project. Funds for this project will be paid through highway funds. Judicial Ditch (JD) 24 construction will consist of removing a 22-ft long bridge and replacing it with two lines of 10-ft x 12-ft box culverts. JD 10 construction will consist of removing a 40-ft long bridge and replacing it with a 73-ft bridge.

Chair Ritter appointed Fenske and Nelson to the Joint Board with Yellow Medicine County for the Public Ditch Hearing (JD 10 & JD 24) on Tuesday May 23, 2006 at 1:00 PM in the Commissioners Room at the Yellow Medicine County Courthouse in Granite Falls, MN. Ritter appointed Goodenow as an alternate.

Discuss Materials Recovery Facility (MRF)

Paul Henriksen, Environmental Administrator, requested direction from the Board on whether to proceed in researching the feasibility of a Materials Recovery Facility (MRF). Henriksen stated the four-county MRF study group was hesitant to provide recommendations. Henriksen – If you don't look at the capital costs, it could operate in the black. Henriksen recommended contracting-out the collection of recyclables. Henriksen – A single-stream MRF could make it so local contractors could bid on recycling. Henriksen clarified that anything recyclable could go into one container with a single-stream program. A two-stream system would require paper to be separated from all other recyclables. Henriksen – One container could probably still be used with a 2-sort system, but paper would need to be separated. Fenske – A single-sort could increase collection and reduce collection costs. Henriksen – But you still have to buy the container. Nelson – Is the single-stream more efficient? Henriksen – On the collection end, yes. Goodenow – This would make our landfill last longer.

Ritter – Has location been talked about yet? Henriksen – No. Goodenow – If we build one, it should be put east (of landfill), not west, away from Highway 23. Discussion. The Board asked which decisions were needed first. Anita Benson, Public Works Director/County Engineer – First, we have to narrow it down to see if we should go ahead with this. There are two factors: single versus dual and location (at landfill or not). Then we could narrow it down and look at more specific costs. Whether this facility is public or private can wait. That will be a very big decision.

Nelson – You can do this without tax dollars? Henriksen – Yes. It would come out of the landfill. Fenske – Would you allow people to come out and drop off recyclables? Henriksen – I don't see why not. Discussion on sheds.

Stomberg – Any estimates on what these capital costs would be? Henriksen - \$1.4 million for the building and anywhere from \$0.5 to \$1.0 million for equipment. There is a big variance on equipment. Discussion. Benson – We are not deciding whether to do it, today. We do need to decide single or dual. Goodenow – If you do 2-sort, we can sell our paper for more. But, with a single sort, you spend less on collection. Ritter – The seven counties involved at the landfill...what are the other counties' feelings of using the landfill money? Henriksen – The other counties know. Discussion.

Goodenow moved, seconded by Fenske to request the Public Works Department to investigate a Materials Recovery Facility (MRF) with the emphasis on a single-stream MRF, sited at the landfill.

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Discuss Potential Compensation for E911 Address Change

Benson requested direction from the Board if it wished to proceed with a compensation amount for address changes required due to the adoption of the County E911 addressing ordinance. If a compensation amount were given, she asked that the Board identify a funding source. Benson – Seventy-two properties were incorrectly assigned by the County. Most of these would result in an address change. Goodenow – Are we looking at taking it out of the E911 funds? Benson – I was looking to *not* take it out of the E911 funds. Sheriff Joel Dahl – I doubt compensation would be an acceptable expense. When GeoComm mapped the County, those funds did not come out of E911 funds. Dahl suggested taking the compensation from the same fund used to pay GeoComm. Dahl – I would defer to the Auditor/Treasurer as to the eligibility (of taking compensation from E911 funds). Paula Van Overbeke – It would have to be researched because there are very strict rules about what can be paid for out of E911 funds.

Ritter – Whether we compensate is the first question. Discussion. Stomberg – If the initial project funds came from General Fund Reserves, then I recommend doing this out of the General Fund Reserves. Goodenow – I don't mind doing something, as long as it is not adding insult. Benson – If you do compensate, I recommend a flat amount.

Nelson moved, seconded by Fenske to send \$100 to mailing address changes due to County error, coming out of the General Funds. All voted in favor.

City of Florence – Tax Forfeit House

Jerry Hachmann, City of Florence Councilman, informed the Board of Florence's intention to buy a tax-forfeited house. Florence intends to demolish the house and sell the property, including a half-completed pole-barn. Hachmann showed a picture of the house and unfinished pole-barn. Hachmann – The house doesn't look that bad on the outside, but it's full of mold on the inside. We are willing to pay the back-taxes, but we would like to have the County pay for part of the cleanup. Hachmann estimated that cleanup would cost \$3,000 to \$4,000 and the County's back taxes to be \$1,500.

Goodenow moved, seconded by Fenske to sell the property to the City of Florence and the County will contribute 40% of the net sale price. All voted in favor.

Meeting recessed at 10:17 AM.

Meeting was called back in order at 10:34 AM.

Discuss Courtroom Security

Honorable George Harrelson informed the Board of a potential requirement for counties to supply a deputy anytime court is in session. Judge Harrelson stated courtroom security is an increasing concern across the state. He then described incidents here in Lyon County where it was or would have been beneficial to have a deputy in the courtroom. Judge Harrelson – In March, I attended a Fifth Judicial District meeting. There is a proposed resolution to have a deputy anytime court is in session. Before passing the resolution, we want to get input from the counties and sheriffs. Judge Harrelson clarified that a deputy may not always need to be there – there would be some flexibility in staffing the courtroom. The Fifth Judicial District will meet again in June.

Goodenow – We have cameras. That's a one-time cost. We have a metal detector that we don't use...we could tie the cameras to emergency management? Judge Harrelson – Then we would

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have a good record of what happened. Judge Harrelson explained there is only a deputy in the courtroom when someone is brought over from the jail. He said having a deputy there calms down the courtroom. Fenske – How many hours would it take to have complete coverage? And will we be given time to work with the Sheriff in order to do this? Harrelson said time would be given to comply, but he would have to get back to the Board on the number of hours. Goodenow – Would this deputy take over the role of the bailiff? Discussion. Ritter – If this resolution comes down, will the position be a board-certified deputy? Judge Harrelson – Most counties would like a board-certified deputy so the deputy can also be used in other roles. Ritter – Would there be help from the courts to fund this? Judge Harrelson – We don't know yet.

Consider Resolution Approving DNR Acquisition of Property

Bob Meyer, DNR Area Wildlife Supervisor, requested adoption of a resolution approving the sale of land from James Dale to the Minnesota DNR for use as a Wildlife Management Area. Meyer furnished a map and description of the land to be acquired. Fenske – Some of this is obviously farmland. Meyer – A good portion will be used as a food-plot. The DNR-Wildlife makes in lieu of tax payments to the County for land within the Wildlife Management Area system. This payment is initially based the price paid for the land times 0.0075. Thereafter, in years ending in 0 or 5, the market value of the land is determined by the County Assessor and multiplied by 0.0075. In the case of this particular property, Mr. and Mrs. Dale are retaining a life estate so they will be paying the actual taxes as well as being able to continue farming the land. Stomberg stated that Lyon County Soil & Water Conservation District Administrator, Rose Anderson, had no objections to the acquisition.

Goodenow moved, seconded by Fenske to adopt the resolution approving the DNR acquisition of property. All voted in favor. Resolution 21-06 is on file with the County Administrator.

Discuss E911 Address Change – Eugene Fodness

Benson requested direction on how to proceed with resolving the issue presented by Mr. Eugene Fodness. Benson explained that Mr. Fodness currently has an assigned address that is 485 ft from where it should be. Public Works notified him of the need to change his address to correct this error. Mr. Fodness did not wish to change his address from 3385 to 3377 because he doubted anyone would ever need his 3385 address. GIS Coordinator Charlie Teff explained reasons for the change. Discussion on issue.

No action was taken by the Board.

Snowmobile Resolution

Doug Anderson presented the annual resolution for the SW Ridgerunners Snowmobile Club.

Fenske moved, seconded by Nelson to adopt the resolution naming Lyon County as the sponsoring agent for the SW Ridgerunners Snowmobile Club. All voted in favor. Resolution 22-06 is on file with the County Administrator.

Consider Quotes for 1939-Addition Roof Replacement

Ron Krause, Facilities Manager, presented the two quotes he received for replacing the 1939-addition roof:

Buysse Roofing & Sheet Metal Co. (Marshall)	\$11,500*
Kandi-Roofing Co. (Willmar)	\$11,570*

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*Plus any additional costs to repair insulation. The amount of damaged insulation will not be known until the roof is opened.

Krause stated Buysse would remove four capped-vents and fill in those four holes.

Ritter moved, seconded by Fenske to accept the low quote to replace the 1939-addition roof from Buysse Roofing & Sheet Metal Co. for \$11,500. All voted in favor.

MCIT Annual Report

Minnesota Counties Insurance Trust (MCIT) Account Representative, David Morrissey, gave an annual report and handed out a MCIT 2006 Member Report.

Accept Resignation of Assistant to Administrator

Stomberg requested acceptance of Marg Louwagie's resignation as of June 1, 2006, and authorization for the County Administrator to fill the vacancy of Assistant to Administrator as a full-time position (37.5 hrs/week). If approved as a full-time position, Stomberg requested the approval of an updated job description as well.

Stomberg – The position of Assistant to Administrator has historically been a part-time position working three 7.5-hour days per week. Because of the part-time status, the position does not qualify for the County insurance package. Approving the position at a full-time level will result in an increase to the department's budget in 2006 of approximately \$11,200 in additional wages and payroll taxes and \$3,100 - \$5,400 in insurance costs depending on the coverage taken by the new hire. This will result in the department being over budget in 2006 by 10% to 11.5%.

Stomberg – If approved as a full-time position, additional human resource duties will be added to the description. This will give the County the opportunity to develop a better organized HR system that will promote a more uniform standard across the organization. Discussion.

Nelson moved, seconded by Fenske to accept the resignation of Marg Louwagie, Assistant to Administrator, as of June 1, 2006.

Nelson moved, seconded by Ritter to table the PT/FT Assistant to Administrator decision until the next meeting when Buysse will be back to look at it. All voted in favor.

Bill for Civil Commitment Transcript

Maes requested payment of a civil commitment transcript bill from the Criminal Justice Fund in the amount \$1,292.50.

Goodenow moved, seconded by Fenske to pay \$1,292.50 to Michelle Barsness for a civil commitment transcript from the Criminal Justice Fund. All voted in favor.

Commissioners' Business

Meeting schedule was reviewed.

Goodenow reported on the following: The Development Achievement Center (DAC) is close to putting out bids for a new building. The Enterprise Development Corporation will be re-advertising for the County-wide director position. Progress is being made on the new library project.

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Ritter reported on the following: The Planning & Zoning meeting was well attended. LLMP Health Services is continuing its work on the Food, Beverage, & Lodging license for Lyon County. Townships met with the Airport Commission.

Fenske reported on the following: Townships met with the Airport Commission. A metro counties' board has been given \$40,000 by the MN Department of Commerce to look at working with our Rural Energy Board – some of the metro staff will be coming to our area for a tour. The Bus Garage Committee is looking at another site because of a topsoil issue at the current proposed site.

Nelson reported on the following: The Resource Conservation & Development (RC&D) Association awarded \$2,000 to the SMSU GIS Center and \$3,500 for the free-stage at the fairgrounds. Ritter reported that Gary Crowley was sworn in at the Lyon County Soil & Water Conservation meeting (SWCD).

Goodenow moved, seconded by Fenske to adjourn the meeting until May 16, 2006 at 9:00 AM. All voted in favor.

Stephen W. Ritter, Chairman

Attest: _____
Loren Stomberg
Lyon County Administrator