

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
June 6, 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

Nelson moved, seconded by Goodenow to approve the agenda with the following additions: Information on Full-Scale Mass Dispensing Clinic Exercise; Consider Final Payment to Duininck Bros. Inc.; Consider Addendum No. 4 to Area II Joint Powers Agreement; Consider Payment of Digital Recorders from Criminal Justice Fund; and Closed Meeting to Discuss Pending Litigation. All voted in favor.

Consent Agenda

The following per diems and expenses were presented.

	Per Diems	Expenses
Fenske	\$170	
Goodenow	\$250	\$30.26
Nelson	\$140	\$52.08
Ritter	\$160	\$21.36

Items 1-6 from the Consent Agenda were presented.

1. Approve Minutes from the May 16, 2006 Regular Board Meeting.
2. Approve Commissioner Warrants #103087 - #103203 dated 6/07/06 in the amount of \$176,904.29.
3. Approve Auditor Warrants
 - a. #102973 - #102991 dated 5/18/06 in the amount of \$143,690.94
 - b. #103004 - #103021 dated 5/25/06 in the amount of \$60,554.62
 - c. #103060 - #103074 dated 6/01/06 in the amount of \$63,653.57
4. Approve Per Diems and Expenses previously presented.
5. Approve Charitable Gambling Permit – St. Clotilde.
6. Approve R.W. Beck Work Request.

Fenske requested pulling Item 6 from the Consent Agenda for further discussion.

Goodenow moved, seconded by Fenske to approve Consent Agenda Items 1-5 and pulling Item 6 for further discussion. All voted in favor.

Consent Agenda Item 6 – R.W. Beck Work Request

Fenske – Paul, where is the work being done at the landfill? Paul Henriksen, Environmental Administrator, explained the proposed design is to expand into the southeast area of the landfill footprint and to expand the landfill waste cells from the southeast to the southwest. R.W. Beck would prepare and submit a request for a Certificate of Need to the Minnesota Pollution Control Agency. They would also prepare and submit a Permit Reissuance Report and a Hydrogeologic Evaluation for the expansion of Lyon County Landfill SW-23. The permit is a five-year permit and the Environmental Assessment Worksheet (EAW) is for the 80-acre site where we are looking to expand. The cost estimate for this is \$142,500; \$150,000 had been budgeted.

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Fenske moved, seconded by Nelson to approve Lyon County Work Request Form 2006-3: Engineering and Consulting Services for Certificate of Need, Permit Reissuance and Hydrogeologic Study by R.W. Beck, not to exceed \$142, 500. All voted in favor.

Information on Full-Scale Mass Dispensing Clinic Exercise

Tammy VanOverbeke, Emergency Manager, informed the Board of LLMP Public Health's Full Scale Mass Dispensing Clinic Exercise on Thursday June, 15, 10:00 – 11:00 AM, at Park Side Elementary School. The goal is to put 334 people through the process in one hour. Van Overbeke requested that Commissioners, Department Heads, and County Staff consider volunteering to run through this exercise.

Sue Monsen, LLMP Public Health, explained this is the fourth year of the Public Health Awareness Project. This full-scale drill is the third in a series of drills to prepare for mass immunization.

Consider Waste Electronic Collection Day and Provide Rates

Henriksen requested approval to conduct a waste electronic collection day at the landfill to promote the CRT ban on disposal, and that the Board provide reduced rates as part of this promotion. Henriksen - The ban on the disposal of CRT monitors and televisions will go into effect on July 1, 2006. As part of our promotion of this ban, the Environmental Department proposes to conduct a waste electronics collection/recycling day. This would take place on June 22, 2006, 6:00 AM – 4:00 PM at the landfill.

Henriksen - We propose to promote not only the ban on CRT/TVs, but also the option to recycle other waste electronics, to include: computer towers and peripherals, printers, fax machines, copiers, cell phones, and other waste electronics. As part of this promotion and to take advantage of the state contract with Asset Recovery Corporation, we are asking to reduce the current recycling prices for waste electronics. These prices are in place because commercial and government units are not allowed disposal of these items without first testing them to insure they are not hazardous.

The current prices are:

CRT/TVs-----\$17/unit
Other waste electronics ----\$12/unit

For this collection event, we propose the following prices:

CRT monitors-----\$6/unit
Other electronics-----\$4/unit
TVs-----\$10/unit

With these prices and taking advantage of the State contract and existing recycling costs, we should come close to breakeven. Our goal is to get a semi-load for shipment to Asset Recovery. This company will provide us with gaylords and pallets for this collection. Also, as part of this event we propose to conduct an appliance recycling day. This has been a popular event each year at the landfill open house. We are receiving numerous phone calls asking if we will be conducting this event again. We propose a \$7/unit rate. If working with Asset Recovery works out as predicted, we will propose new recycling prices in the future.

Fenske moved, seconded by Goodenow to approve a Waste Electronic Collection and Appliance Recycling Day at the Landfill on Thursday, June 22, 2006, 6:00 AM – 4:00 PM, with the following one-day only rates:

CRT monitors-----\$6/unit

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Other electronics-----\$4/unit
TVs-----\$10/unit
Appliances-----\$7/unit

All voted in favor.

Consider Cooperative Project Agreement – Minneota

Anita Benson, Public Works Director/County Engineer, requested approval of a Cooperative Agency Project Agreement with the City of Minneota. Benson – The County Board approved a Memorandum of Understanding related to the CR 82 jurisdictional change and improvements being constructed by the City of Minneota in 2005/2006. County road 82 from TH 68 to CSAH 3 in Minneota is identified for a 2-inch bituminous overlay in the bond funded local road improvement plan. It is also identified as a future jurisdictional change candidate to the city of Minneota. The memorandum of Understanding allowed for payment to the City of Minneota and amount not to exceed \$26,000 for the costs associated with a 2-inch overlay over the center 24 feet of CR 82 - based on actual bid costs. The Cooperative Agreement includes a breakdown of actual costs resulting in compensation to the City of Minneota in the amount of \$22,068 for this work. The funding source for this payment is Local Road Improvement Bond Funds. The other part of the Memorandum of Understanding is Minneota will take over CR 82 on January 1, 2007, and we will need to have a public hearing before then.

Benson – The agreement also includes a cost of \$4,880 for work I have requested the City complete under their project. The south 22 feet of CSAH 3 is being destroyed and reconstructed by the City under their sewer project. I have requested the City mill and overlay the remaining north 13 feet of pavement to provide a consistent pavement across the entire roadway. The funding source for the work is County State Aid Maintenance Funds.

Buysse moved, seconded by Goodenow to approve the Cooperative Agency Project Agreement with the City of Minneota. All voted in favor.

Receive 2005 Annual Highway Department Report

Benson presented the Highway Department 2005 Annual Report and answered questions.

Discuss Claim of Damaged House

Goodenow informed the Board that Mr. Larry Vlaminck contacted him regarding a claim that his house was damaged from a County bridge construction project. The Board discussed the history of the claim and reiterated there is no more the County can do for Mr. Vlaminck.

Consider Final Payment

Benson requested final payment to Duininck Bros., Inc. for six projects which were done under one contract from 2005. Benson – The first three projects are State projects administered by Lyon County in 2005. This work was for TH 67 realignment at the intersection with TH 19 and a bituminous overlay from TH 19 to Echo. The remaining three projects are Lyon, Yellow Medicine, and Redwood County projects administered by Lyon County. This work consisted of a mill and bituminous overlay of Lyon CSAH 22 from TH 23 through Yellow Medicine and Redwood CSAH 46 to the intersection of TH 67/19.

Goodenow moved, seconded by Nelson to approve final payment to Duininck Bros., Inc. as follows:

SP 8707-49 = \$ 7,717.21

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SP 8707-50 = \$ 20,596.33
SP 6402-21 = \$ 16,647.43
SP 42-622-07 = \$ 24,555.07
SP 64-646-07 = \$ 13,310.15
SP 87-646-07 = \$ 11,311.05

All voted in favor. The IC 134 forms are on file at the county Engineer's Office as required by State Statute.

Discuss Farming in Right-of-Way

Benson informed the Board of many instances where land is being farmed in the right-of-ways. Benson – It is a misdemeanor to farm in the right-of-way. We have notified the farmers, but some do not think we're serious. Benson explained safety and drainage issues.

Maes – I believe the County should address the issues now. It's what we've done in the past. Nelson – It will take a year to get grass back in there because of herbicides. Goodenow – I think we should handle it as we did last year. Benson – At what point do we address this? Two feet? Twenty feet? Maes – Maybe for enforcement you could look at violators near intersections.

Benson – Let me consider this and come back at the next meeting. I could consult with the Attorney. Nelson – Related to safety, there are places where signs have been taken down, but the bottom of the U-posts need to be pulled out. Benson stated she would look into it.

Meeting was recessed at 10:12 AM.
Meeting was called back in order at 10:25 AM.

Set Date for 2007 Budget Planning Session

Stomberg requested the Board set a date for the 2007 Budget Planning Session.

Ritter set the date for the 2007 Budget Planning Session for Tuesday, June 27, 2006 at 9:00 AM.

Lincoln-Pipestone Rural Water

Dennis Healy from Lincoln-Pipestone Rural Water presented their independent auditor's report for 2005 and gave an annual update.

Consider Financial Assistance to Minneota for Demolition of Hazardous House

Dan Canton, Minneota City Administrator, requested financial assistance from the County for the expense the City will incur to demolish and remove an abandoned substandard hazardous house located at 208 North Adams Street. Canton stated the building is less than ten feet from the nearest neighbor. There is vermiculite in the attic, lead paint on the inside, and lead in the siding of the house. The house was determined to be structurally unsound which increased the cost of demolition since the hazardous materials could not be separately removed. Canton explained if the City were to assess the amount of demolition to the property it would be more than the value of the property (4800 square feet).

Goodenow – In two or three years, this would come to the County. Attorney Dennis Simpson stated in order to complete the condemnation process the City needs to collect the back taxes. Fenske – A few months ago in Florence, we had a similar situation. Paula Van Overbeke stated in that instance the County paid its share of the appraised price of the property. Goodenow – We

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could pay at least the back taxes. If we can help the City own it, we should. Ritter – The estimate for demolition is \$19,600. Do you have a bill yet? Canton – We do not have a bill yet. I will get that to Loren Stomberg. Maes – I recommend waiting until we get a bill before deciding on an amount. Simpson – June 28th is the final condemnation hearing. No action was taken by the Board.

Consider Addendum No. 4 to Area II Joint Powers Agreement

Kerry Netzke, Area II Minnesota River Basin Projects, Inc., requested approval of Addendum No.4 to the Area II Joint Powers Agreement. Addendum No.4 was approved by the Area II Board of Directors on June 1, 2006. It extends the effective period of the agreement by one year to June 30, 2007. All other terms and conditions remain unchanged with levy amounts not to exceed the previous year's levy.

Goodenow moved, seconded by Buysse to approve Addendum No.4 to the Area II Joint Powers Agreement. All voted in favor.

Consider Payment of Digital Recorders from Criminal Justice Fund

Maes requested payment of digital recorders for officers to come out of the Criminal Justice Fund in the amount of \$1,248.09. Ritter – Why wasn't this budgeted out of the Sheriff's Office? Maes – Tapes are required and it assists prosecution. It could have been budgeted out of the Sheriff's or the Attorney's Office, but it is appropriate to pay for them out of the Criminal Justice Fund.

Goodenow moved, seconded by Fenske to pay \$1,248.09 out of the Criminal Justice Fund to Rick Maes for digital recorders purchased for deputies. All voted in favor.

Discuss Courtroom Security

Maes informed the Board that he attended a meeting with Courts last week. Judge Harrelson stated the district will likely call for an armed guard for the courtrooms. Goodenow suggested the funds come out of the Sheriff's budget.

Commissioners' Business

Meeting schedule was reviewed.

Goodenow reported the Marshall-Lyon County Library has looked at a series of sites evaluated by the architect and members also met with the school board. A site at the edge of the new middle school by Saratoga has been received positively. Enterprise Development re-advertised for the county-wide director position and will be interviewing three candidates by phone Thursday, June 8th. The Developmental Achievement Center is reviewing final specs. Plum Creek Library System hired the interim director, Mark Ranum, as their new director.

Nelson reported that he and Fenske attended the Joint Ditch Hearing (JD 10 & JD 24) with Yellow Medicine County. Both projects were approved. The Fair Board is tying things together. The stage and frame is built, but the wood is not done yet. Area II and RCRCA were covered earlier by Netzke; Sue Monsen and Tammy VanOverbeke covered last's night Public Health meeting.

Fenske reported on the Solid Waste Commission. The Rural Minnesota Energy Board is continuing communication with eight metro counties who want to send energy from Southwest Minnesota to Metro Counties. LCMR is putting \$200,000 towards the study and the Metro

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Counties have put in another \$20,000. A possible decrease in Payments in Lieu of Taxes (PILT's) was discussed by NACO.

Ritter reported he spent time with Assistant Planning & Zoning Administrator Todd Hammer looking at drainage issues in Sodus Township.

Closed Meeting to Discuss Pending Litigation

Buysse moved, seconded by Goodenow to enter into closed session at 11:45 AM to discuss pending litigation. All voted in favor.

Goodenow moved, seconded by Nelson to exit closed session at 11:53 AM. All voted in favor.

Buysse moved, seconded by Goodenow to adjourn the meeting until June 20, 2006 at 9:00 AM. All voted in favor. Ritter adjourned the meeting at 11:54 AM.

Stephen W. Ritter, Chairman

Attest: _____
Loren Stomberg
Lyon County Administrator