

UNOFFICIAL MINUTES – SUBJECT TO CORRECTION
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
September 19, 2006

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

Pledge of Allegiance to the Flag.

Approve Agenda

Nelson moved, seconded by Buysse to approve the agenda as presented. All voted in favor.

Consent Agenda

The following Per Diems and Expenses were presented.

	Per Diems	Expenses
Fenske	\$120	\$98.79
Nelson	\$200	\$122.40
Ritter	\$240	

Consent Items 1-7 were presented.

1. Approve Minutes from the September 5, 2006 Regular Meeting.
2. Approve Commissioner Warrants #104605 - #104716 dated 9/20/06 in the amount of \$193,084.62.
3. Approve Auditor Warrants.
 - a. #104539 - #104557 dated 9/07/06 in the amount of \$1,797,014.86.
 - b. #104559 - #104575 dated 9/14/06 in the amount of \$140,069.04.
4. Approve Per Diems and Expenses previously presented.
5. Set Final Assessment Public Hearing Date – E-911 Rural Address Signage at 10:30 AM, during the regular meeting on Tuesday, November 21, 2006.
6. Approve \$2,135.22 from the Designated Technology Fund to cover the purchase of a replacement phone switch from Insight for the Public Works phone system. The following three prices were acquired for the switch:
 - a. Insight: \$1,965.54
 - b. The Computer Man: \$2,081.00
 - c. Access Communications: \$2,356.00
7. Authorize the sale of surplus inventory at the City auction on October 19, 2006.

Nelson moved, seconded by Goodenow to approve Consent Agenda Items 1-7. All voted in favor.

Proposed Lyon County Jail Addition Presentation

Steve Johnson, Architect from Vetter Johnson Architects, presented schematic designs of the proposed jail addition between the current jail and the Government Center. The presentation and schematic designs were the result of the Phase I Jail Design and Development Study that Johnson had been hired to conduct at the March 7, 2006 regular meeting.

Johnson explained that several concepts merged together into this preliminary design. Vetter Johnson had met with the State building inspectors and the numbers given today should be good through the design process. Examples of linear, indirect podular, and direct podular designs were shown. Indirect podular was recommended for Lyon County's current and future jail population. Johnson remarked that if more space were needed, the jail could be constructed so as to allow for vertical expansion. Johnson handed out a preliminary design and described each area of the addition to and the renovation of the current jail.

UNOFFICIAL MINUTES – SUBJECT TO CORRECTION
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
September 19, 2006

Goodenow commented that one would be looking directly at the garage door of the sally port when exiting the main entrance of the Government Center. Johnson stated the current view is of a dumpster and suggested the use of sight screens. Ritter asked where the handicapped parking would be. Johnson – There would be diagonal handicap parking along the side of public health.

Johnson stated that pre-booking and juvenile holding areas would be located outside of the jail facility, offering liability advantages. Food would be prepared in the LEC which is also outside of the jail. It had not yet been determined whether or not the jail administrator's office would be in a secured area.

Johnson – The goal is to get most of the cells in view of the central pod. Goodenow asked what the maximum number of beds would be. Johnson – There is the potential for eighty-seven beds if you double-bunk most cells. Goodenow – Do you have a projection of how long this will meet our needs? Johnson – No. Goodenow – Will this last thirty years? Johnson – It will probably be good for about twenty years out, but additional space could be added. The proposed design is for two floors.

Fire safety and setbacks were discussed. Skylights could negate the need for a reverse intake system. The top of the second floor would need to be below the windows of Court Administration. Stomberg – Would a third floor need special fire proofing? Johnson – Yes. Stomberg – Would staff need to be increased if a third floor were added? Johnson – Yes. However, Johnson opined that vertical expansion would not require more staff in the long-run.

Johnson gave the following cost estimates for the jail addition/renovation:

\$6,738,110	Construction
<u>\$572,739</u>	Architectural/Engineering Services
\$7,310,849	Total

Johnson – This does not include the following costs:

- Relocation & Boarding
- Building Permits
- Administrative
- Whether there are Hazardous Materials to be removed
- Communication/Data Systems
- Bond/Financing
- Construction Contingency
- Non-Detention Furnishings

Goodenow – Does this include moving the (communications) tower and re-doing the current jail? Johnson – Renovating the jail is included. Moving the tower is not. Johnson described two additional options for consideration.

The first option relates to the appearance of the addition. It will be precast concrete construction, which would look different than the surrounding Government Center and Law Enforcement Center. Brick could be added to tie the addition to the other buildings. This would cost an additional \$116,000.

The second option concerns future expansion. To build the addition so as to permit vertical expansion would add \$91,000 to the cost. Johnson said these estimates were in "today's dollars," and would need to be fine-tuned in the future.

Ritter introduced Judge Bush. Bush asked that a coordinated effort be made to include the needs of court services. Court Administrator Karen Bierman suggested it is a logical step to look at courts to see what needs to be addressed. Handicap accessibility, courtroom space, and

UNOFFICIAL MINUTES – SUBJECT TO CORRECTION
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
September 19, 2006

security issues were a few of the needs Bierman described. Bierman stressed that these were needs as opposed to wants.

Fenske – Is it important to have two courtrooms designed for twelve jurors? Bierman – Yes, we only have the availability of one trial at a time. Bush stated there were overall space needs to be considered. “We don’t have enough space,” Bush said. He described a situation that had happened a day prior where there were five parties to a case and they had to be squeezed into the jury box. Bush also said they were unable to utilize technology in the courtrooms because of their design. The circular design worked in the past, but now it blocks the view of presentations. The need for a conference room was mentioned as well. Nelson – I believe the jail committee is looking at these issues and today we have an agreement not to exceed \$14,000 to study the needs of the court system.

Goodenow – At what point is it better to do what Worthington has done? It would make it easier to expand in the future. Discussion. We need to compare the cost of a jail addition to the cost of building a new facility at a different location.

Goodenow suggested moving the front entrance to the 6th Street side of the Government Center. Goodenow – It would improve security and make the entrance easier to find. Discussion. Anita Benson, Public Works Director/Engineer, said the location of the sally port would not be ideal for the transit buses. The transit buses do not back up for safety reasons. Goodenow suggested having a “pull-off” lane for the buses.

Ritter – Where do we go from here? Stomberg – I think it would be good to digest this for now; this is new information for three members of the Board. Goodenow requested a rough cost comparison between the proposed addition and a new site. Discussion. Stomberg reiterated that the purpose of the study had been to design the addition - not to evaluate sites. Stomberg asked Johnson to describe Phase II. Johnson said Phase II is the planning phase where schematic designs would be drawn and construction contracts would be developed. Discussion.

Goodenow – It is the right time to ask this question. How much would it cost to do a jail at a different location? Nelson said the addition is the best option. Discussion. Goodenow – We need to have numbers. Nelson – This has access to the courts. It cuts deputy needs, etc. Ritter – There would also be the cost of abandoning the building. Fenske – We should be able to get some numbers on this. Ritter – This contract does not include looking at other sites. Johnson – We could add it to the court study. We could look at a generic facility on a green site. Discussion. Buysse said that a study of locations had been done 5-6 years prior.

Fenske moved, seconded by Ritter to enter into an agreement with Vetter Johnson Architects to include services relative to planning for the immediate and long-term needs of the Lyon County courts system and to include a cost comparison of a jail on a green site, compensated on an hourly basis, not to exceed a maximum of \$14,000.00. All voted in favor.

Phase I services would include the following:

- A building survey to determine the condition of existing systems and their ability to be expanded or modified.
- The development of a building program that outline long-term needs.
- The development of preliminary concept plans that will diagram new and remodeled space configurations to meet identified short-term and long-term needs.
- The development of preliminary cost estimates, commensurate with the level of design.

Meeting recessed at 10:35 AM.

Meeting was called back to order at 10:50 AM.

UNOFFICIAL MINUTES – SUBJECT TO CORRECTION
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
September 19, 2006

Women's Rural Advocacy Program (WRAP) Presentation

Becci Leonard – Program Coordinator, Tammy LaTurco-Pitzl – Women's Advocate, and Pam Russell – Fiscal Officer, presented information on services, answered questions, and requested funding for Women's Rural Advocacy Program, Inc.. WRAP provides services to victims of domestic abuse in Lyon, Lincoln, Murray, Redwood, and Yellow Medicine Counties. Sheriff Dahl said the intervention provided by WRAP takes a burden off Law Enforcement. Goodenow – Are there other organization in Lyon County who provide the same services? LaTurco-Pitzl – No, not domestic assault specifically. No Board action was taken.

Discuss Petition for Abandonment of Portion of County Ditch #40

Ross Eischens, Lyon County Soil & Water Conservation District, presented a Petition for Abandonment of a portion of County Ditch #40. Eischens – All have voluntarily entered into this program. Ritter – Will this slow down water going into Rock Lake? Eischens – Yes. Nelson – It does not endanger the pipeline? Eischens – No. Eischens stated the petitioners are not requesting a re-assessment. Goodenow questioned the wording of the petition. Goodenow – Number six should say benefits instead of assessments. Discussion. Hammer – They want an abandonment of the tile, not the benefits.

Ritter set the date and time of the public hearing of the *Petition for Abandonment – County Ditch #40* to be on Tuesday, October 17, 2006 at 11:00 AM in Rooms 1 & 2 of the Lyon County Government Center.

Consider CUP for Trillion to Construct Communication Tower

John Biren, Planning & Zoning Administrator, requested approval of a CUP for Trillion on Shirley and Kevin Grimes' property to construct a communication tower.

Nelson moved, seconded by Buysse to grant a Conditional Use Permit to Trillion to construct a new communication tower. The area affected is zoned agricultural. The land is owned by Shirley Grimes and Kevin Grimes and is described as part of the Northwest Quarter (NW1/4), Section Thirteen (13), Coon Creek Township. As per recommendation of the Planning Commission and the Coon Creek Township Board. With the following stipulations:

1. Site may be inspected to ensure compliance of all applicable regulations.
2. Must follow the Lyon County Zoning Ordinance.
3. Site must be kept clean (weeds controlled).
4. Must apply for and obtain permits from other appropriate agencies including FCC/FAA to operate the communications tower.
5. Tower must be a minimum of tower's height (160') from the road right-of-way, side and rear property lines.
6. When lighting is required and permitted by the FAA, it shall be oriented inward so as not to project onto surrounding residential property. If lighting option is available, must go with red light rather than strobe light at night.
7. If Trillion does not use tower for one year, they are responsible to remove the tower.
8. At the request of the landowner and applicant, the board agrees to waive the 6' fence requirement provided that the landowner and applicant take steps to prohibit unauthorized access to the tower. Access ladder shall be a minimum of 20' above ground and no accessory buildings will be on the tower site. Landowner and applicant accept any liability and damage that may occur in absence of fence.
9. This Conditional Use Permit is in the agricultural district. Existing and future agricultural uses found in the Lyon County Zoning Ordinance shall be tolerated. These uses may

UNOFFICIAL MINUTES – SUBJECT TO CORRECTION
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
September 19, 2006

- generate noise, dust, vibration, or other nuisances typical of uses allowed in the agricultural district.
10. Future building permits will be reviewed and shall meet the requirements of the County Zoning Ordinance.
 11. A copy of the County Board of Commissioner's Motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees to be paid by the applicant for the actual costs incurred by the County for the recording fees.

All voted in favor.

Consider and Award E-911 PSAP Bid

Sheriff Dahl requested that the Board award the E-911 PSAP Bid to I.E.S. (Independent Emergency Services) of Hutchinson in the amount of \$74,299.22. Two other bids were received. Qwest (Positron) submitted a bid for \$138,640 and I.P.C. (Command Systems, Inc.) submitted a bid for \$97,780.

Fenske moved, seconded by Nelson to award the E-911 PSAP Bid to I.E.S. (Independent Emergency Services) of Hutchinson in the amount of \$74,299.22. All voted in favor.

Adopt Resolution for Peace Officer

Sheriff Dahl requested adoption of the Resolution for Peace Officer to cover Temporary, Full-Time Deputy Sheriff Steven Schouviller. Dahl – P.E.R.A requires this action for members of the Police and Fire P.E.R.A. Fund.

Goodenow moved, seconded by Buysse to adopt the Resolution for Peace Officer – Steven Schouviller. All voted in favor. Resolution 32-06 is on file with the County Administrator.

Consider Agreements & Requests for Bid Proposals

Paul Henriksen, Environmental Administrator, requested consideration of two bids and two agreements: one bid and agreement for the collection of single-sort recycled materials and one bid and agreement for the transportation and processing of collected materials. Henriksen said the collection would be from ten towns and two communities. Current recycling containers could be used.

Whether to bid collection, transportation, and processing individually or collectively was discussed. Consideration was also given to increasing recycling rates, contractor performance, and competition among contractors. The Board directed Henriksen to draft a single proposal for the next meeting and to look into extending the current contract with Waste Management.

Consider Solid Waste Agreement – Redwood County

Fenske moved, seconded by Nelson to approve the Solid Waste Disposal Agreement with Redwood County. All voted in favor.

Authorize to Hire Technical Clerk

Buysse moved, seconded by Nelson to authorize the hiring of Michelle DeSmet for the position of Technical Clerk for the County Attorney's Office at a wage of \$12.50 per hour with a start date of 9/26/06. All voted in favor.

Commissioners' Business

UNOFFICIAL MINUTES – SUBJECT TO CORRECTION
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
September 19, 2006

Meeting schedule was reviewed.

Fenske moved, seconded by Goodenow to accept the resignation of Commissioner Clarence Buisse as of 12/31/06. All voted in favor.

Goodenow reported on the Library Board and the DAC.

Nelson reported on Area II, RCRCA, LLMP, Fair Board, JD 20 LMR, Canvassing Election, and the Jail meeting.

Fenske reported on JD 20 LMR and the AMC Legislative Policy Committee.

Ritter reported on MCIT, Jail Committee, Park & Rec Board, Canvassing Board, and a tour of courts.

Buisse moved, seconded by Goodenow to adjourn the meeting until Tuesday, October 3, 2006 at 9:00 AM. All voted in favor. Ritter adjourned the meeting at 12:45 PM.

Stephen W. Ritter, Chairman

Attest: _____
Loren Stomberg, Lyon County Administrator