

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
January 6, 2009

9:00 a.m. - Meeting called to order by Chairman Goodenow. Members present: Fenske, Ritter, Goodenow, Nelson, Stensrud, County Administrator Stomberg, County Attorney Maes, Auditor / Treasurer VanOverbeke.

Pledge of Allegiance to the Flag

Oath of Office for Elected Officials

Goodenow – We need to have our oath of office this morning. Judge Bush swore in Commissioner Ritter and Commissioner Goodenow.

Elect Chair 2009 Board of Commissioners

VanOverbeke – Good morning. I am going to call for nominations for 2009 Board Chair.
Goodenow – I would like to nominate Rodney Stensrud. VanOverbeke called three times for nominations. Hearing no other nominations they were closed. All voted in favor.

Elect Vice Chair of 2009 Board of Commissioners

VanOverbeke - Now I will call for nominations for Vice Chairman for 2009. Stensrud – I will nominate Mark Goodenow. VanOverbeke called three times for nominations. Hearing no other nominations they were closed. All voted in favor.

Approve Agenda

Stomberg – Pull consent agenda item number 10. At about 10:30 Chris Sorenson will be here to discuss mental health transports. About 10:50 we will have the Auditor present four issues: issue Auditor Warrants for 2009, designated banks for investing, transfer money between drainage systems, and amend the 2008 Budget. Under my time under committee discussion we would like to discuss appointing a surveyor and also discuss appropriations in 2009. Goodenow moved, seconded by Ritter to approve the agenda as revised. All voted in favor.

	Per Diems	Expenses
Stensrud	\$50.00	\$14.00
Nelson	-----	\$22.82
Fenske	\$150.00	\$7.02
Ritter	\$150.00	\$15.21
Goodenow	\$50.00	\$43.88

Consent Agenda:

1. Approve Minutes from December 4, 2008
2. Approve Minutes from December 16, 2008
3. Approve Commissioner Warrants 114791 - 114910 in the amount of \$252,811.22 dated 12/31/08 and 114911 - 114928 in the amount of \$35,976.22 dated 1/7/09.
4. Approve Auditor Warrants 114701 - 114732 in the amount of \$239,671.11 dated 12/18/08, 114733 - 114744 in the amount of \$292,402.69 dated 12/19/08, 114759 - 114772 in the amount of \$8,495.43 dated 12/24/08, and 114773 – 114790 in the amount of \$224,009.69 dated 12/31/08.
5. Approve Per Diems & Expenses
6. Designate www.lyonco.org as official website
7. Approve \$135.00 payment for DWI & Traffic Safety Training from Criminal Justice Fund
8. Consider revision to 2009 PW Fee Schedule
9. Approve 2009 tobacco license
10. Approve 2009 Liquor License

Fenske moved, seconded by Ritter to approve consent agenda items 1 through 9. All voted in favor.

Resolutions and Contracts

Approve a resolution to hire a peace officer

Stomberg – At our last meeting we hired a Deputy and we need to do this because of PERA. Goodenow moved, seconded by Ritter to approve and authorize a resolution for a peace officer. All voted in favor. (Resolution 01-09 on File in County Administrator’s Office).

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Approve work request – Pipestone County

Fenske moved, seconded by Nelson to approve work request 2008-5 with Pipestone County. All voted in favor.

Welfare Fraud Contract

Stomberg – This is our annual contract with Human Services. Nelson moved, seconded by Fenske to approve and authorize the Chair to sign a Cooperative Agreement between Lyon County Sheriff's Office and Lincoln Lyon Murray Human Services. All voted in favor.

Jail Update

Splett – Yesterday I did get the Security Exchange room framed. Stensrud – Are we holding close to schedule? Splett – Yes. With the masonry work it has made a drastic change. Fenske – Energize building what is involved there? Splett – We are trying to energize the transformers. Fenske – Are the generator parts here? Splett – They are scheduled to be here today.

Authorization to make conditional offers of employment

Marks – This is a follow up on last year's request. We have previously requested to make a list. Goodenow moved, seconded by Ritter to approve the authorization of conditional offers of employment for two Correctional Officers. Ritter – Is there five originally? Stomberg – There are five in the budget in 2009. The hiring schedule is to bring two on in the beginning of the year. Marks – We are gauging it on the progress with the new jail. Stomberg – There will still be some overlap in paying salaries to these individuals and boarding prisoners out. Fenske – Does this have to do with putting together the manual? Marks – No. We have an interview list created. We will be conducting interviews on January 16. Ritter – Have any other counties contacted you about housing inmates in the next year? All voted in favor.

Leave of absence without pay for Correctional Officer Cheri Engler

Marks – She recently had a child and she is new to the Department. She has requested a leave of absence without pay. Ritter moved, seconded by Fenske to authorize a leave of absence without pay for Correctional Officer Cheri Engler from January 1, 2009 to February 14, 2009. All voted in favor.

Consider Final Payment to Duinick Brothers, Inc

Kanwar – The total amount paid is \$438,027.17. Fenske moved, seconded by Goodenow to approve final payment to Duinick Brothers, Inc. in the amount of \$21,901.36. Fenske – Is the \$21,000 included? Kanwar – Yes. All voted in favor.

Approve and sign Gravel Pit Lease Agreement

Kanwar – We were trying to purchase a piece of land but we found a lease. I looked at the past ten years. We have always used 50,000 or more. After 5 years it will be open for review. Goodenow – The price is set for five years. Nelson – Did you do some boring? Kanwar – Our estimate was 10 years. It meets our quality. Ritter moved, seconded by Nelson to approve and authorize the Chair to sign a gravel pit lease agreement. Ritter – I didn't see any terms on dust control. Kanwar – We don't have any neighbor or house close by. We do provide some measures to make sure there is. Goodenow – Does this have to go to Planning and Zoning. Stensrud – What are we from a tar road? Kanwar – About a ½ a mile. All voted in favor. Stensrud – Let's go to the 10:50 business with Stomberg.

Out of State Travel Policy

Stomberg – We are required to review and approve this annually. Goodenow moved, seconded by Ritter to approve the elected officials out of state travel policy. All voted in favor.

Official Newspaper

Nelson moved, seconded by Ritter to approve the Headlight Herald as the 2009 official paper. Nelson – Will Cottonwood still publish? Stomberg – Yes. All voted in favor.

Committee Discussion

Ritter – I would like to see us put each Committee in a hat and pull it out. It would split it up. I think for myself it would be good to be on some other committees. Nelson – I think drawing them out of the hat would be risky. But you could insist they change something. Ritter – I would like everyone to change to two new Committees. Fenske – Technically the Chair can appoint any way you want them. Stomberg – We will plan on making the Committee appointments at the next meeting. Stensrud – At Western Mental Health we will have an alternate. Goodenow – We do

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have the Citizen Committees. Stomberg – We wanted to talk about appointing the County Surveyor. He had recommended Dan Butell. Goodenow – Is this the appointment the Chair or Board makes. Stensrud – The maps he showed he has the information. Goodenow moved, seconded by Ritter to name Dan Butell as the 2009 Surveyor. All voted in favor.

Probationary Increases

Stomberg – The question was brought up at our last Department Head meeting. We have six employees that are on probation. Four are in the jail and dispatch area. The other two are in Public Works. With the four in the jail and dispatch area a couple of weeks ago we received a status quo order they are looking at voting on a union. Part of the order is there will be no changes in wages. If it is successful there will be no changes in wages until there is a contract. As we know with AFSCME that has taken a year and a half. If they were to decertify it would go back. Nelson – You have two categories you have pay raises and probationary raises. When you hire them it is kind of an untold promise. I think one would be a yes and the other a no. If you designate that separately you could probably hang your hat on that. Stensrud- It is not really an increase. Ritter – We weren't promised from the state that we were going to be unallotted either. Kanwar – Usually when they are hired they are paid less. They were offered less than market. They are both very good employees. If we don't there is a good chance we may lose one or both of them. Discussion. Ritter – We voted in December on pay freezes. Stomberg – And a probationary raise is a merit raise. Ritter – We can't deviate from what we did in December. We can't promise them that. There is nothing to guarantee out there anymore. Ritter moved, to approve performance increases to be considered part of the salary freeze. Stensrud – Is there a second to that motion? Motion dies for lack of second. Goodenow – I wouldn't expect the Administrator to make those adjustments without direction from us. Fenske moved, seconded by Goodenow to consider the probationary increases separate from the merit increases if they meet the conditions.

Voting in Favor:

Fenske
Nelson
Stensrud

Opposed:

Goodenow
Ritter

Motion carried 3 to 2.

Appropriations

Stomberg – There is some concern about the monthly operating costs. We tentatively approved an amount. I am looking for direction should we send 1/12 of their appropriation at the first of the month and should it be at 2008 or 2009 rate? Also the Historical Society and Soil and Water are paid quarterly. Goodenow – I would like to be flexible. Maybe we should do it for three months. Nelson – What is the status of wages with library staff? Goodenow – It is frozen. Discussion. Fenske – What is the difference between 2008 and 2009? Goodenow moved, seconded by Ritter to pay the January 2009 library appropriation at the 2008 rate. All voted in favor.

Goodenow - Soil and water is quarterly? Stomberg – We pay the quarter in January. Stensrud – Are they cash short for this month? Stomberg – They haven't contacted me. Goodenow – We could do a 1/12 for everyone. Nelson – What is status of Area II? Stomberg – No appropriations have been approved.

10:02 a.m. Meeting Recessed

10:18 a.m. Meeting Called Back to Order

Chamber Transportation Update

Steve Strautz and David Sturrock presented on the Chamber Transportation Update. Strautz – MNDOT was in attendance at our meetings. The proposed area of the underpass would be the old entrance into the University. We do have a tentative date set for an initial regional meeting. It is January 21. We asked Granite Falls to host that. Fenske – Do you have a time and place? Strautz – Probably be a 5:00 start. Discussion. Strautz – I would open it up to any questions you might have. We are looking at making a real push for private sector funding in the first 90 to 120 days of the first year. Stensrud – It looks like you are working on Safety Issues. Fenske – Has there been any contact with Oberstar or Peterson on any stimulus package? Sturrock – It is our understanding it has to be channeled through MNDOT. Our lobbyist Ed Cain will be in Washington next week. Stratz – Kanwar has become involved in our Committee and we appreciate that. Sturrock – We have been very pleased with the progress. Fenske – Construction projects are economic development.

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Mental Health Transports

Sorenson – I think we have a solution that will provide a viable solution. I met with Dan DeSmet from North Memorial. He had gotten authorization to work with us from North Ambulance. They would be willing to provide the service at a 50% rate for this type of transport. I wanted to give you a rough estimate. They estimate 40 to 50% would be covered by MA or other insurance. I would use 40%. Using 60% as the county's responsibility and take a general number. If Human Services does the contracting and establish a fee for those that can pay we mitigate the costs. It would be anywhere from \$15,000 up to that for each entity. Fenske – Would this cover all transports? Mather – No it would not take care of any of the court ordered. This would take care of the initial 72 hour holds. Sorenson – The Sheriff has been willing to help us out to the Dispatch portion of it. The exception from North's standpoint would be someone that they were unable to control. I think that is going to be the rare exception. I think it would take care of all the transports that we have been discussing. Stensrud – It is not necessarily a cost savings but a time savings. Sorenson – They would use an ambulance, they have an extra one. Fenske – You discussed North with Avera. Sorenson – Yes. We have someone who is a known and proven provider. It is probably more expensive than having a private car but there were such liability issues. Stensrud – What portion are court ordered? Mather – I would say maybe out of every 10 held on a 72 hour hold 3 would make it to Court. Goodenow – Is there no obligation of the hospital to cover some of the costs if it is not court ordered? Sorenson – I don't think there is. The way the statute is written the county is the mental health authority. Goodenow – Does it make any difference if they are a patient, isn't there an obligation? Sorenson – They are required to only release that patient to someone at or above their level of care. With the unit there now, they can be admitted and be patient's up stairs. Discussion. Goodenow – It is a better quality of service. Nelson – What happens when they come from other counties? Will they get billed for this? Sorenson – Where that person resides will ultimately be the payer of service. Discussion. Sorenson – I would say any and all outside county residents we would seek payment and reimbursement for. Fenske – Right now Lincoln and Murray get billed. Discussion. Sorenson – I would be asking for your approval to draft a contract. Stensrud – Mather, do you think this is a good thing to follow up on? Mather – I do. Ritter moved, seconded by Fenske to authorize Chris Sorenson to draft a contract for the Commissioners, Administrators, and Attorney's approval. All voted in favor.

Water Plan Update Approval

Nelson moved, seconded by Ritter to approve and authorize the Chair to sign a resolution to adopt the update to the Lyon County Comprehensive Local Water Plan. All voted in favor.

Discharge of an account receivable

Barker – I am here to request that the Board take action to allow us to remove accounts receivable for a bad check. Goodenow moved, seconded by Ritter to declare that an outstanding fee of \$46.00 created by a bad check written by Archer Land Title, LLC as a bad debt and write off accounts receivable. All voted in favor.

Ritter – In light of current mortgage crisis how has that affected your business? Barker – We're down. Looking at foreclosures in last year. I think we had 36. Not as many as we dealt with in the 80's.

Issue Auditor Warrants for 2009

Goodenow moved, seconded by Ritter approve the Auditor / Treasurer to issue auditor warrants for 2009. All voted in favor.

Designated Banks for Investing

VanOverbeke – These are the same banks. I did remove Edward Jones because we have not used them. Fenske moved, seconded by Ritter to designate the banks for investment for 2009. All voted in favor.

Transfer Money Between Drainage Systems

Ritter moved, seconded by Goodenow to approve the Auditor / Treasurer to transfer funds between drainage systems for year end of 2009. Fenske – Do you have some systems where you anticipate you are going to have to make some changes? VanOverbeke – Yes. Nelson – Where are we at with MCIT payment? VanOverbeke – We received it in and made the journal entry to pay back the county. Stomberg – Do you know how much? VanOverbeke – I thought it was less than \$2,000. Ritter – What percentage of ditch inspector's is assessed back to the ditches? VanOverbeke – The total. All voted in favor.

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Amend the 2008 Budget

Goodenow – What are we adjusting? VanOverbeke – We are using reserves. Nelson – Reserves were not budgeted for. Goodenow moved, seconded by Nelson to amend the 2008 budget. All voted in favor.

Reviewed Meeting Schedule

Commissioners Reports

Goodenow reported on Plum Creek.

Ritter – On January 9 this Friday there is a meeting at Public Works at 10:00 a.m. I had labor negotiations with LELS. We did not have a chance to meet with the mediator. I saw Kandiyohi county is doing a contract with Big Stone for dispatch services. I also saw there is a VA home in Montevideo. I was wondering how it came about. Reported on Public Health. Lincoln County turned down the proposal for integration. There was a proposal put together by Director Sorenson to look at is as a management contract.

Nelson – I had no meetings. Area II's annual meeting is Wednesday at 9:00 a.m.

Fenske reported on labor negotiations and Transit Advisory Meeting. We did have a PAC meeting. Fenske – With Nort leaving now what is happening there? Does our hiring freeze apply to that position? Are we looking at integrating something with Marshall. Stomberg – He wasn't an employee. The funding was an appropriation. \$44,000 was the number for 2009. Goodenow – We have not had a Board meeting since then. He started his new job yesterday. They hired an individual on a part time hourly. We have discussed a lot of transitioning that position from a non-profit employee to a county employee. Beyond that there are some options. You could maintain the status quo, we could look at hiring a full time or part time person and use the appropriation for that purpose. Working with the City EDA that is a possibility. One of the things that Nort has done well is get them to work well between them. Now is the time to discuss that. I don't know if you have ideas on how to have that discussion. Ritter – I would suggest that our County Administrator contact the City Administrator and the other EDA Directors to see what they can work out. As much as we can collaborate I think it would be beneficial. Discussion. Goodenow – What the non-profit was supposed to do was to help businesses get started. I think we are missing opportunities for county type EDA things where you would get some grants. I think the emphasis would be a bit different. Stensrud – Is there any possibility of sharing Cottonwood and Tracy? Nelson – It is hard to tell they are in the same bind.

Stensrud reported on Public Health. Also reported on Soil and Water and Western Mental Health.

Ritter – I talked to Vice-Chairman Goodenow this morning there is an outstanding bill from a local electrician and they have been billed monthly since July. I told him to get it to me and I will get it to Paula.

Goodenow moved, seconded by Ritter to go into closed session for labor negotiations. All voted in favor.

Ritter moved, seconded by Fenske to come out of closed session. All voted in favor.

Stensrud adjourned the meeting.

Rodney Stensrud, Chairman

Attest: Loren Stomberg
Lyon County Administrator