

**UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS**  
LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN  
February 17, 2009

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

**Pledge of Allegiance to the Flag**

**Approve Agenda**

Stomberg – I have two additions under Kanwar a MNDOT agreement and about 10:15 Colin Peterson is in town and asked to be put on the schedule. Fenske moved, seconded by Nelson to approve the agenda. All voted in favor.

	<b>Per Diems</b>	<b>Expenses</b>
Fenske	\$240	\$71.50
Nelson	\$50	\$44.55
Ritter	\$150	-----

**Consent Agenda:**

1. Approve Minutes from February 3, 2009
2. Approve Commissioner Warrants 115454-115455 in the amount of \$116.05 dated 2/18/09 and 115361-115453 in the amount of \$377,140.93 dated 2/18/09.
3. Approve Auditor Warrants 115289-115307 in the amount of \$259,599.60 dated 2/5/09 and 115308 – 115336 in the amount of \$255,438.34 dated 2/12/09.
4. Approve Per Diems & Expenses

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

**Feedlot Resolution**

Biren – This would be the first of several steps if we moved forward with this. We are looking to work on a feedlot inventory for a period of two years. In 2011, once it is done a decision will need to be made whether we want to be a full forced delegation. Goodenow – The work plan MPCA has to approve that? Biren – Yes and the resolution. Stensrud – Has there been any more visiting with Yellow Medicine? Biren – Yes. Fenske – Are they delegated? Doesn't a delegated county have to have an inventory? Biren – Yes they are delegated but no they do not have to have an inventory. Maes – If a county just wanted to do a feedlot inventory they don't have to be delegated they could take it on their own. The process which is what the resolution sets out is the administration of that. You would not have to indicate that you want to work with other counties. It is the process that we are looking at this or are entertaining this. You then do the work plan and that needs to be signed off on. And it would lay out who is doing what and it is my understanding that Public Works will not be hiring anyone? Biren – That is correct. Discussion. Ritter – Is that two year funding from MPCA? Maes – You need to get MPCA's approval. There is a process in the rules. Goodenow – The funding isn't just for the level 3 survey? Biren – Correct. Currently what we have been promised is \$80 per feedlot and there are 331 one of them. If we entered into this March 1 we would get the prorated rate. The work plan will be the meat and potatoes of this. Our work plan is going to be real simple. We aren't going to be focusing on much else besides getting that level 3 feedlot inventory done. The reason for the specific language is I wanted to put MPCA on notice that we have good intentions. Discussion. Maes – I think the idea behind this is they feel a local agency has a much better handle on it. Fenske – Once you are delegated do you have enforcement power to? Maes – Yes. I think a lot of this will all be set out in the plan. Nelson – Your 331 is what the payment is based on? Those are the voluntary feedlots? Biren – Yes those are the ones that came forward. Nelson – What about those that are not inventoried you won't get paid for them? Biren – Not right away until they are inventoried. Nelson- You will inventory the feedlots, find out where the problems are and document that? Nelson moved, seconded by Goodenow to approve and authorize the Chair to sign a resolution allowing Lyon County to conduct a Feedlot Inventory. Ritter – This is a perfect fit for Planning and Zoning. Nelson – I also think with the economy the way it is people won't be building as much so it is a good time to work it in. Biren – With Soil and Water we will have a presentation for the Board regarding the work plan and Soil and Water will help us put it together. All voted in favor. (Resolution 07-09 on file at the County Administrator's Office).

**CUP Gravel Pit**

Biren – This was operated by Mclaughlin & Schultz and it will now be operated by the county. The township okayed this. Fenske moved, seconded by Ritter to grant the Lyon County Highway Department a Conditional Use Permit for a gravel pit (extract, mine and process gravel). This request is an amendment to the Conditional Use Permit granted to Gladys Grant in September of 2005. Amendment request is to add a haul road: 120<sup>th</sup> Avenue to CSAH 4. The property is owned

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by Gladys Grant, Galen and Marie Grant, Gregory and Lori Grant and Greta and Robert Lintelman. The property is zoned agricultural and described as the North Half of the Northeast Quarter (N1/2 NE1/4) and the South Half of the Northeast Quarter (S1/2 NE1/4) and the Northwest Quarter (NW1/4), of Section 29, Island Lake Township. As per recommendation of the Lyon County Planning Commission and the Island Lake Township Board. With the following stipulations:

1. Conditional Use Permit will be reviewed annually.
2. Conditional Use Permit is granted for 40 acres or the life of the operation whichever is less.
3. Top soil will be stockpiled and used for reclaiming and leveling.
4. Reclaiming and leveling of land is to be done as work progresses.
5. Grade site after extraction is completed so as to render it usable, seeding required avoiding erosion and an unsightly mar of the landscape.
6. Must maintain a backslope of 4:1 or flatter.
7. Responsible for maintenance on roads that trucks will be hauling on.
8. Responsible for dust control on haul roads.
9. Haul roads designated as: 240<sup>th</sup> Street to 130<sup>th</sup> Avenue to CSAH 4 and 120<sup>th</sup> Avenue to CSAH 4.
10. Owner must notify the Lyon County Zoning Office when work is complete.
11. Must obtain permits from appropriate agencies.
12. A copy of the Lyon 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.
13. Must comply with Soil and Water and DNR regulations.

All voted in favor.

**Consider approval to hire summer help for Public Works projects**

Kanwar – We hire help every summer. We have a possible stimulus project coming. I believe it is a good program and economical for us. I understand there is a hiring freeze. Stensrud – What did we hire last year? Kanwar – For highway we hire about how many? Johnson – Two in construction and two in maintenance and one does the mowing. And Anderson had a couple in Parks and GIS will have one. Stomberg – If my memory is correct we put \$5,000 in the budget and that is for a sign inventory? Stensrud – And that has to be done. Nelson – This is in the budget? Stomberg – We are looking at \$500,000 in cuts this year. Stensrud – Is there any reason we could put this off? Kanwar – Schools like to know for placement purposes. Ritter – In December the Board unanimously approved a hiring freeze. Ritter moved, seconded by Goodenow to deny the request. Fenske – If none of these are hired what would be the implications? Kanwar – If we have a stimulus project we need to have staff for all our federal projects. We need to have an inspector on each project. We have two certified inspectors. The other option we have is to request a private contractor. The minimum is \$90.00 per hour versus \$13.00 per hour. Goodenow – My concern with this is it is too wide open. I look at the request to hire summer help as we always did. Maybe the ditches won't get mowed as much. Nelson – Mowing the ditches is a safety factor. Kanwar – I can put a comparison together for 2008 versus 2009. Fenske – For example maybe we don't need two parks people. Fenske – Now the motion is to deny it? Does it deny it permanently or can he bring it back? Stomberg – In the past they have hired their summer help without coming to the Board.

**Voting in Favor:**

Stensrud  
Ritter  
Goodenow

**Opposed:**

Nelson  
Fenske

Motion Carried 3 to 2.

**MNDOT Detour Agreement No. 93949**

Kanwar – We have the option to hire some type of consultant and compare. Johnson – It gives about \$15,000 for the use of the road and about \$18,000 for repairs. You get \$33,000. There is a gas tax form that is in there. Nelson – This is pretty standard. Nelson moved, seconded by Ritter to approve and authorize the Chair and County Administrator to sign agreement number 93949 with MNDOT. All voted in favor. (Resolution 08-09 on file at the County Administrator's Office).

Kanwar – I am requesting approval if I can advertise for a price on crushing gravel? Nelson – To get bids? Stomberg – We should be adding this at the beginning. Ritter – Can we put it on the agenda at the next meeting? Kanwar – Yes that is fine.

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**Recycling Contract Amendment**

Henriksen – We changed it to 180 days. Fenske moved, seconded by Ritter to approve the amendment to the original recycling contract. Nelson – On page 2 to 3 to now therefore number 1. The county will make arrangements for distribution and number seven says the contractor. Who is going to do it? Henriksen – We will do the initial and they will do the change. Maes – If you want to add on 7 A after initial distribution. Ritter – What is the start date? Henriksen – April. Fenske – Have they located enough carts for us? Henriksen – No. All voted in favor.

Goodenow – I assume we are putting out the same size or are you going to have them call? Discussion.

**Recycling Carts**

Henriksen – Right now they have about 6,000 carts and that would be for them. We will have to get approval for additional carts. Stensrud – They might have to be new? Henriksen – They may if we cannot find used ones. Ritter moved, seconded by Fenske to approve the purchase of used recycling carts from Waste Management. Ritter – Lyon County's logo what are we going to do for that? Henriksen – I am looking for a sticker and it would be on the side as you are driving towards the cart to pick it up. Ritter – I think it would be a good idea for you to go to each council meeting to explain it. All voted in favor.

**Landfill Update**

Doran – I wanted to give you notice that we are intending on doing liquidated damages when it should have been done versus when it was done. Ritter – How far behind were they? Discussion. Ritter – So they were about two months behind? Doran – That equates to about \$40,000. There are also a couple of change orders. Stensrud – Are these included or extra? Nelson – There was no contingency in the bid? Doran – Not in the bid specifically. Ritter – In that \$36,000 are there engineering fees too? Doran – No just VEIT fees. Stensrud - Is there a deadline for permanent closure? Doran – Six months. The other two are the feasibility studies that we have going. We have been waiting to take a tour of the Cherokee Iowa facility. We did a waste characterization at your landfill. We did a green house gas analysis. Discussion. Doran – There is a Fairmont RDF burning facility and some interest in building a facility at the landfill. Stensrud – I am understanding that Poet-Chancellor will take anything. Ritter – When will have you have a final? Doran – As soon as we get the Cherokee visit done within a month to month and a half. Discussion. Doran – The last project is the MPCA grant project for the gas study. We modeled eight different conditions. Ultimately what we have to do is look at and compare the amount of money that goes into shredding. Alternative 1 you have the potential to have two megawatts of electricity generated out there within two years. Alternative 2 may switch. Alternate 3 Turkey Valley is interested in it directly. Discussion.

**Jail Update**

Splett – The schedule goes through phase 1 and 2. It is broke down by contractor. Second floor cells are complete. We will start to get into some finishes. Stensrud – Everything is on time? Splett – I believe so yes. Fenske – Is Summit complete? Splett – They are just getting going. Stensrud – Are you about done pouring concrete? Splett – Just about. Fenske – Your mechanical is going well? Splett – Yes very well.

**10:08 a.m. Meeting Recessed**  
**10:20 a.m. Meeting Called Back to Order**

**Representative Colin Peterson**

Stensrud – What do you think of the stimulus package? Peterson – I think in the big picture a lot of the economists were telling everyone that something had to be done and had to be done fast. The economist decided we needed a jolt to the economy. Obama, I think he is doing a great job. He allowed the leadership of the Congress to write the bill and not take control of it himself. He had talked about a tax cut for everyone under \$250,000. That campaign pledge along with the Republicans was to cut taxes. The combination of the Republicans and Obama was to put the tax cuts into the bill. We thought a lot of this was going to be about infrastructure. What ended up happening is the infrastructure piece got cut back to \$65 billion. Oberstar was given the reason that it was cut back was because of the tax cuts. A lot of the money in there goes to the state. A lot of us wanted to have it go straight through to the counties and cities. They are under pressure to move this. We met with the leadership and legislature. We are borrowing all of this money. We are probably going to add a trillion and a half to the deficit which was already at 8 to 9 billion. My guess is this will not be the last stimulus. I tried to be for this but I just couldn't. I have been unwilling to cut taxes and raise the debt. Some of the education stuff they put in there is now going to be the Governor's discretion. I am worried about the huge amount of debt we are piling on. I am worried China and Japan are going to run out of money. A lot of our problem was the cheap

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money that was available. I am worried about are we going to get back into 15% to 20% interest. One way or another I think interest rates are going to go up significantly from what we are use to. The last six months I have been dealing with Wall Street. Big picture, I am worried about the debt. I believe we are going to have to bottom out before we will get better. The people that have money are sitting on it. They were able to do what they are doing because they don't operate like they use to. We have nine or ten banks that are too big to fail and I agree with that. I didn't vote for the bailout. I believe we need to start living within our means. I am worried that when we do get to the bottom we won't have the money to inject into it. This is one vote I hope I am wrong. I think we are going to nationalize the banks because we have basically done it anyway. Nelson – Last summer when AIG was allowed to own commodities way over the amount that anyone else was allowed to didn't that drive the market? Discussion. Stensrud – Highway 23? Peterson – I had DOT in my office Wednesday. They are not going to use any of this money to complete the Paynesville bypass. It is on the docket for 2011. It is on their agenda. Discussion. Nelson – In looking for projects has anything been done on the Mississippi River and the locks and dams? Peterson – That was another mistake. Ritter – How much feedback did you get on this pork bill? Meg Louwagie – 20 to 30 calls a week. There were two calls in Marshall in favor of this in two weeks. Peterson - We got a lot of calls in Detroit Lakes they were 100 to 1 against this. Board thanked Peterson.

**Out of state Travel for Anthony Rolling**

Fenske moved, seconded by Goodenow to allow Anthony Rolling to go to out of state training in Fort Dodge, Iowa from March 9 through 13, 2009. All voted in favor.

**Vehicle Quotes**

Mather – I met with Commissioner Ritter and Commissioner Stensrud on this. I would feel more comfortable with purchasing two squads versus one four wheel drive. Stensrud – We should cut down some on transports shouldn't we once the new jail opens? Mather – Some. What I would like to do is I would like to stay away from the Impala's because we have experiencing a lot of brakes and transmission. I have \$22,000 in my budget and \$8,000 in seized. Fenske – Would you be trading in the 2005 Chevy and 2000 LeSabre? Ritter – Since we met there has been a retirement could we use his car? Mather – That is the 2000 Buick LeSabre. It is falling apart. Nelson – No bid from Ford? Mather – They were higher. Stensrud – What are you thinking? Stomberg – We have some vehicles that we lease from the state. Mather – Yes. Discussion. Stensrud – We talked about the van and using that because it has like 15,000 miles on it. Mather – I would like to utilize it for the transports they do in town. Ritter moved, seconded by Nelson to purchase one Dodge Charger from Lockwood Motors, Inc. for \$22,800 with a trade in. Fenske – This is for one? Ritter – We need to be more cost conservative. I had a van I drove for my business that had 300,000 miles. All voted in favor.

VanOverbeke – Are county employees going to be able to use that van? We had five people that we used it for. Discussion. Goodenow moved, seconded by Ritter to transfer the van from the general motor pool to the Sheriff's Department. All voted in favor.

**Accept Resignation of Deputy Philip Myhrberg**

Goodenow moved, seconded by Ritter to accept the resignation of Philip Myhrberg effective February 27, 2009. All voted in favor.

**Authorize backfilling of Deputy Myhrberg's position**

Mather – I am asking to backfill his position. I am not overstaffed for the size of the county. Ritter – When we voted to staff the new jail they were to be doing transports. Why don't we do like two part time officers? Stomberg – A part time Lyon County Deputy working less than 40 hours. This would be for one year. Mather- He is in the courts, transports and serves papers. Mather – I would like to have it temporary and with a sunset. Ritter moved to advertise for a fully licensed person to work part time. Motion failed due to lack of a second. Goodenow moved, seconded by Fenske to hire a temporary full time Deputy for one year. Nelson – You are hiring a full time licensed employee? Goodenow – Yes at the most it would be a year. All voted in favor.

**Accept resignation of Judy Sorenson**

Marks – Our cook has resigned. It was effective February 3, 2009. She had nearly 24 years of service with the county. Ritter moved, seconded by Fenske to accept the resignation of Judy Sorenson effective February 3, 2009. All voted in favor.

**Authorize hiring Whitney Gregoire**

Marks – The previous meeting we had been authorized to hire three officers. One of them has withdrawn. Fenske moved, seconded by Nelson to authorize hiring Whitney Gregoire at an hourly rate of \$13.81 per hour and effective date of February 17, 2009. All voted in favor. Stomberg –

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There are two more we need to add? Do you propose we go through an advertising process again? Marks – Yes.

**Consolidation of School District Balaton and Tracy**

VanOverbeke – We are in the process of consolidating the school districts of Balaton and Tracy. This is information that they will be voting on this.

**Telephone System**

Stomberg – This has to deal with the phone system in Human Services and the law enforcement center. Their phone system is out of capacity. There is no more physical room in either Human Services or Law Enforcement. The thought is instead, buying one system that could handle the courthouse, law enforcement center, human services, and public works. I don't know what the cost will be. We have some funds left over when we built the LEC building. There is \$88,200 in that fund. We also have \$40,000 in the designated tech fund and we might have some other funding available. Human Services would be paying into this as well. One of the thoughts that we had was in exchange for this is we would adjust the rent which would reimburse the county and make it easier on their budget. VanKeulen – Right now there are about five systems in the building. Stensrud – It is a bad time, but we can't be broke down either. The LEC that was designated for some type of data? VanOverbeke – It was part of the bonding at the very beginning of the program. I did some back checking when we did our investments, we earned interest. Ritter – How many dollars in interest? Stomberg - \$108,355. The bonds are paid, the project is done. There was a project done between MMU, the City and school and they put in a new system. There is some concern that if they are on one system and it goes down they all go down. Ritter – When does the decision have to be made on the law enforcement? What is the deadline? Do we need Stomberg and VanKeulen to go back and get some quotes? Stomberg – Splett do you have any sense for when the phones are going to go in? Splett – They will be routed to the central location. Stomberg – I will bring back some options.

**Reviewed Meeting Schedule**

**Commissioners Reports**

Nelson reported on RC & D annual meeting and Area II.

Fenske reported on MNDOT state transportation plan. There are three bridges CSAH 3 and CSAH 9 and one in Amiret. Also reported on RC & D annual meeting, reported on exit interview with State Auditor and District 8 planning session.

Goodenow reported on Library Board. The city of Marshall is funding at the new amount for 2009. We looked at proposals to downsize the project.

Ritter – I have heard some discussion that there is some possibility that the city has wanted to do a complex with putting city offices and library at the old middle school. Ritter reported on Planning and Zoning, Extension, and Western Mental Health. Also reported on AMC Region 8 meeting.

Fenske – One of the models they talked about was to have it all in one but to have legs on it and have someone running it. Stomberg – The nine counties would save \$1.5 million in cuts over two years. Ritter – It was asked at that meeting if County Board members that weren't there if you want us to continue to meet? Like Big Stone and Kandiyohi is doing dispatch together, privatizing highway departments or sharing equipment. If that is something you would like us to continue to meet I don't have a problem with doing it. Fenske – I don't have a problem with it either but it has to be up to everyone. After we get some concrete ideas it would go to the full board. Stensrud – I am in favor. Fenske – It sounds like the Board wants us to continue.

Stensrud reported on meeting with Sheriff's vehicles.

12:00 p.m. Stensrud adjourned the meeting.

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Rodney Stensrud, Chairman

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