

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

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

Pledge of Allegiance to the Flag

Approve Agenda

Stomberg – One addition is an RBA to advertise for patching materials. Also at the end if we could go into closed session for a performance evaluation on Richard Downing and close to discuss labor negotiations for AFSCME and LELS.

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

	Per Diems	Expenses
Ritter	\$100.00	-----
Fenske	\$50.00	-----
Nelson	\$150.00	\$136.40

Consent Agenda:

1. Approve Minutes from March 3, 2009
2. Approve Commissioner Warrants 115691-115792 in the amount of \$136,433.28 dated 3/18/09.
3. Approve Auditor Warrants 115626-115645 in the amount of \$104,918.92 dated 3/5/09, 115646-115674 in the amount of \$238,132.66, and 115675-115690 in the amount of \$353,156.82 dated 3/16/09.
4. Approve Per Diems & Expenses
5. Approve Liquor License/Sunday License for Cottonwood Country Club
6. Garvin Park Playground Equipment
7. February Cash and Investment Summary
8. Reservations, deferred and designation balances
9. RC&D Grant Application

Fenske moved, seconded by Ritter to approve the consent agenda. All voted in favor.

Bituminous Patching

Fenske moved, seconded by Ritter to advertise for bids for bituminous patching. Ritter – What period of time or what length of time will there be patching this summer? Kanwar – It would be scattered. I can get you a schedule. All voted in favor.

Joint Powers Agreement LPRW

Nelson – This has been pretty routine but Lincoln County one of their members was a former manager and he said they didn't pass this they want to look at it more because the money is being spent in Iowa and spread over everybody. Ritter – I had a question for Rick on this. On item number 13 it says that we will guarantee the bonds to be issues by Nobles County. If you divide the 8 million dollars it is around a million dollars. Maes – If they divide it evenly. That was a concern of mine. Fenske – This is if they sell enough hook ups to pay for it. Maes – And before it was already lined up. Goodenow – I think we could have a motion to have someone from Lincoln come in. Ritter moved, seconded by Nelson to postpone the agreement until a representative from LPRW comes to discuss the agreement. All voted in favor.

Turkey Hunting Resolution

Fenske moved, seconded by Nelson to approve and authorize the Chair to sign a turkey hunting resolution. All voted in favor. (Resolution 12-09 on file in County Administrator's Office)

Lyon County Development Corporation Presentation

Denise Pfeifer – Some of the topics of discussion we are where Lyon County Development Corporation is now and talk about economic development. I am going to turn it over to Gail Bofferding to discuss where we are at now. Bofferding – We started as a facilitation group. As times changed we thought it was more appropriate to move towards becoming an actual economic development group. Discussion. Pfeifer – I wanted to put together a definition of what economic development is. Forty percent of Minnesota cities and counties engage in an HRA right now. Another service would be a primary point of contact. We do attend the smaller EDA meetings in the counties. Housing is another service. We look at how to form a county EDA and we need to follow the statute. We need to follow two key points which are how the recommendations

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committee is formed and a report needs to happen within 90 days of initial meeting. That statute says you have to have between 11 and 15 members. Ritter – As I read this it says no fewer than 11 and no greater than 15. I think it is important for the County Administrator to be involved. Pfeifer – I would say that our intention with this committee is to fill the room. I would think this would be more of the voting committee. Ritter – So anyone can sit there and have input? Pfeifer – Yes. I want to take you through the timeline. We formed this agenda and put an RFP out. The University of Minnesota came back with a proposal. Extension plans on going out and having three focus groups. That information will be brought back to the Committee so they can start prioritizing and looking at service options that are available. The final meeting we will look at how we create this and what is the implementation plan. Goodenow – We are talking today about setting up the Committee but that does not create the EDA. Pfeifer – The goal date is June 2 that the recommendation would be completed. We are hoping there could be a decision made by April 6, 2009. My biggest fear is that if we don't keep the ball rolling it is going to take twice the amount of effort to get a county EDA going again. The budget would be for the U of M \$4,650 and the Lyon County Development Corporation I estimated it about \$1360. Bofferding – Just a word about the U of M it is less than half of another proposal that we received. Discussion. Goodenow – And Pfeifer we only have her to June. We have not given any of the appropriation to the Development Corporation. Ritter – A lot of the decisions that are to going to be made would come from the Committee. Goodenow – It is an opportunity. We do have some of the Board members here. Pfeifer – It starts setting the framework. Any other questions? Fenske – No. It was a good presentation. It laid it out pretty nicely. Pfeifer – We appreciate your time. Kanwar – Does the EDA have any tools to measure the impacts on an EDA in terms of how many jobs are created? Pfeifer – Yes DEED has a lot of data. It is just what we would like to measure. Goodenow – Being on the Committee is a volunteer situation. Goodenow – That action you are leaving us with? Pfeifer – To approve the Committee and the funding for it. Goodenow – Are there questions? Are we ready to take an action? Discussion. Bofferding - If there is any substitution you would like to see on the Committee you are well within your rights to do that. Ritter moved, seconded by Fenske to accept the recommendations and approve the Committee and approve the \$6010 payment out of the appropriations. All voted in favor.

Jail Update

Splett – We have Johnson Nelson Masonry in there right now. There are a few miscellaneous walls. This week I have the painters here they are starting on the second floor cells. Filippi – We went back and reconciled everything against VanOverbeke's records and we got everything to line up. Fenske – When does the sales tax come back? VanOverbeke – I have submitted \$112,000 but I haven't seen it come through yet. Fenske – How long has it been? VanOverbeke - A couple of weeks. Stomberg – So we seem to be on track for when we get to the remodel phase? Discussion.

Deputy Gniffke resignation

Fenske moved, seconded by Nelson to accept the resignation of Deputy Jeff Gniffke. All voted in favor.

Temporary Full-Time Deputy

Mather – This would have a sunset of one year. I would like approval to hire Brittney Bowman. Fenske – What is her background? Mather- She comes from the Mankato area and is working at the Blue Earth County Jail. Fenske moved, seconded by Nelson to approve hiring Brittney Bowman as a temporary full-time Deputy with a start date of April 6, 2009 and a starting salary of \$18.37 per hour. All voted in favor. Fenske – Do you have a vehicle for her? Mather – Not at this time. We will look at that. Fenske – Will this give you the full number of Deputies? Mather – It is temporary filling Myhrberg's position.

Approval of DNR Boat and Water Funding Grant

Nelson moved, seconded by Fenske to approve applying for the 2009 DNR Boat and Water Safety Grant. All voted in favor.

Mather – I would like to move forward in applying for a grant that would pay for three years and the only commitment is we would have to keep them on for one year after that. So the cost would be 25 cents on the dollar. Fenske – Pretty good chance of getting it? Mather – I don't know. Ritter – So that would be an additional Deputy? Mather – No that would fund the temporary Deputy. Ritter – Was that in our packet? Mather – As soon as I get the information I will provide it for you.

10:04 Meeting Recessed

10:15 Meeting Called Back to Order

Public Meeting – Level 3 Feedlot Inventory

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Goodenow called the public meeting to order. Biren – I would like to introduce Mark Jacobs and Brent Riess from the MPCA. We are considering completing a level 3 feedlot inventory. We signed a resolution. It documents the feedlots in the county and documents which ones have pollution potential and which ones do not. It is our intent if the Board signs it we have the meeting with the area towns and do some PR things. I would like to talk about the delegation and work plan. The first page is the signature page. Our work plan will be to complete this over a two year period of time that is where our focus is. Currently our zoning rules address all feedlots. Our goal is to get the feedlots into compliance and work with the producers. We are planning on doing this inventory with our current staff. We haven't set a budget with this. There are some training requirements that we will be attending. Are there any questions? Nelson – At what point do you become delegated? Discussion. Goodenow – Your basic plan includes 2009 and 2010 and finish it up in 2011? Fenske – The PCA has to approve of all of this? Biren – Yes. The PCA has helped draft this document. Our work plan is really focused on this inventory. Schroeder - We have two primary objectives. One to assist the producer for compliance and one is protection of surface water resources. Biren – The MinnFARM is the current feedlot runoff evaluation tool. We are going to find different feedlots. The MinnFARM targets the open lots. We won't be running this model on all the feedlots but just the one with the open lots. The Area 2 is the Watershed that draining through the feedlot. For example, the 7020 would allow a feedlot in City Limits but zoning would prohibit this. We have 338 feedlots that MPCA has in its inventory. We are starting this in the middle of the year so there will be a prorated amount. Are there any questions? Nelson – The \$80 is that paid as you go? Biren – It is paid by the Natural Resources Block Grant. Our main focus is to get the level 3 feedlot inventory done. The minimum program requirements will be met by the county performing the level 3 feedlot inventory. Goodenow – Are there questions of the Board? Goodenow opened the meeting to the public. Maes – Is there anything that Riess wanted to add? Riess – The \$80 per feedlot the match requirement is 60%. Don DeLanghe – Just curious what kind of liability the county is picking up and what future cost are we tied into some issues later on and can we give it back to the state or are we locked in? Biren – Giving it back to the state yes that can be done. The funding portion, there are tax dollars that are given back. Feedlots are a high priority in MPCA. The third question of liability. We are going to be dealing with compliance issues. Our policy is as long as that producer is working with us and as long as they are not doing something blatantly wrong our policy is to work with them. Barker – Will there be anything recorded? Biren – No. But we are currently recording our conditional use permits. Fenske – Are you going to keep an up to date record of all of the feedlots in the county? Biren – Once we have this done we are going to take a look at these 25% per year. So we visit them once every four years. Ritter – Biren if there is enforcement issue who is responsible? Biren – We have what the PCA refers to as a toolbox it will depend on the issue. If it is a violation of the 7020 rule the county attorney will probably want to sit down with the MPCA. DeLanghe – This is for all the lots that are under 1,000 animal units and the other ones will be taken care of by the PCA? Bob VandenPutte – If you live next to a feedlot and you don't know how many they are registered for? Biren – We are going to physically go out and meet with each of these producers. A cattle yard will be different than a hog confinement situation. VandenPutte - Suppose he is registered for 800, who is going to go out there and count cattle? It needs more teeth you need to have more people counting and looking. Run it right or don't run it at all. Discussion. VandenPutte - Under 1,000 that will be under a different control? I don't know how to say it. Discussion. VandenPutte – A small lot they are going to be under less control. Some of the big lots do better. I hate one farmer tattling on the other that is a no no. This is the first time I have complained. I could care less how many you feed if you do it right. It depends on the operator. Goodenow closed the public meeting. Goodenow – We have a proposal in front of us. Nelson moved, seconded by Ritter to approve the Lyon County feedlot program delegation agreement and work plan. All voted in favor.

Change Order 2 – Phase 9A Cell & Pond Construction

Henriksen – Matt Evans is here from RW Beck. The first thing would be a change order. I will let Evans go through what the changes were. Evans – Veit had a couple of things that were outside the scope of the contract. These were all improvements. The contractor requested over \$60,000 for these items and we worked what we consider a fair change order amount. Nelson – You had change order number one also? Evans- That was at the beginning of the project. Discussion. Fenske – The original estimate was \$4 million? Henriksen – Yes. Goodenow – Number 3 the control panel? Evans – The pressure switch was only a few hundred dollars. There is more to it lights and control and emergency shut off. Nelson – If you add the two changes orders together it is \$200,715. It is not really out of line. Then you fine them for being late? Fenske moved, seconded by Nelson to approve change order number 2 phase 9A cell and pond construction. All voted in favor. Ritter – Just a comment I am assuming those change orders were done throughout the construction phase. I think it is important that the Board is updated. We get an update every two weeks on the jail project.

R.W. Beck Work Request 2009-4

Ritter – Will the county get reimbursed for R.W. Beck's time? Evans – The contractor did a very good job for about 90 to 95% of the project until it came to closing it out. Ritter – What is the

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retainage dollars? Evans –Right now it is \$200,000. Ritter moved, seconded by Fenske to approve work request 2009-04 with R.W. Beck. All voted in favor.

Ritter – Henriksen can you give an update at the next meeting on how the carts are doing? How far you are advanced and how the education with the public has been?

2009 Appropriations

Stomberg – As you recall we did approve several items. I did take a look at where we are at in what we are losing in government aid. About half of that is covered by the wage freeze and if we don't fill the IT position and that would get to \$200,000. Ritter – And the unallotted amount in 2008 was? Discussion. Nelson-What are you figuring for state aid? Discussion. Stomberg – That is what I know. All of these fixes are temporary it is not a long term solution.

Fenske moved, seconded by Ritter to pay the second quarter for the Marshall Lyon County Library, Lincoln Lyon Murray & Pipestone Public Health, Lyon County Historical Society, Soil and Water, and RCRCA. All voted in favor.

Ritter – On Public Health with the management contract with LLMHS they have substantial reserve of about \$800,000 with that management contract there could be some savings. Nelson – Area II how is that usually paid? Stomberg – They usually send an invoice.

Ritter moved, seconded by Fenske to approve the appropriation of \$2000 for Memorial Day. All voted in favor.

VanOverbeke – Is the \$6,000 going to be an upfront payment? Fenske – I would think you would wait until you got the bill from Extension. VanOverbeke – We are only the fiscal agents for them.

State Audit Engagement Letter

Stomberg – This outlines the services that they will be providing. Ritter moved, seconded by Nelson to accept the engagement letter. All voted in favor.

Reviewed Meeting Schedule

Commissioners Reports

Ritter reported on Lake Marshall Annual Township meeting and a meeting attended where Governor Pawlenty spoke about the budget.

Nelson reported on Area II, Public Works Engineering meeting with City of Tracy, RCRCA and the Minnesota River Board.

Fenske reported on the Safety Meeting, Regional Development Commission, and Private Industry Council Meeting.

Goodenow reported on SAMMIE and Marshall Lyon County Library.

Ritter moved, seconded by Nelson to go into closed session for a performance evaluation on Richard Downing. All voted in favor.

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

Goodenow adjourned the meeting.

Mark Goodenow, Vice-Chairman

Attest: Loren Stomberg
Lyon County Administrator