

**UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS**  
LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN  
May 5, 2009

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

**Pledge of Allegiance to the Flag**

**Approve Agenda**

Stomberg – Under my time if we could have a discussion on rental area and consider RCRCA, Area II, and the Fair Board appropriation. Ritter moved, seconded by Nelson to approve the agenda. All voted in favor.

	<b>Per Diems</b>	<b>Expenses</b>
Ritter	\$190.00	\$240.89
Stensrud	\$300.00	\$192.50
Nelson	\$340.00	\$440.89
Goodenow	\$50.00	-----
Fenske	\$320.00	\$193.60

**Consent Agenda:**

1. Approve Minutes from April 21, 2009
2. Approve Commissioner Warrants 116220 – 116306 in the amount of \$168,447.24 dated 5/6/09.
3. Approve Auditor Warrants 116158 – 116172 in the amount of \$490,268.19 dated 4/22/09, 116173 – 116187 in the amount of \$21,420.03 dated 4/23/09, and 116203 – 116219 in the amount of \$18,405.62 dated 4/30/09.
4. Approve Per Diems & Expenses

Ritter – I would like to pull two and three and I have three different items here. Goodenow moved, seconded by Fenske to approve items 1 and 4 with corrections to minutes from April 21, 2009. All voted in favor.

Ritter – Commissioners warrants if you look at April 9, 2009 page 10. There are two things I need an answer on. Under the Sheriff it shows \$7,100 in overtime the second thing is other board of prisoner fee it shows \$11,400. I was curious if we are taking in prisoners now? The second one is the Auditor's warrants April 9, 2009. It shows Balaton Publishing Company and it shows \$11,625.49. VanOverbeke – In 2007, our delinquent tax publication was \$6,574 this year it is \$11,625.49. There were about 3% more in delinquencies this year. I contacted the Newspaper Association and they gave me a couple of different scenarios. The rate has increased from \$18.62 to \$19.00. The font size was much smaller in the Marshall paper and she explained to me that they do it in 8 and they do it all in 8 and it is much larger. Fenske – It is smaller in the Marshall paper? VanOverbeke – Yes. When I pulled last year you could tell the font was bigger and the box was bigger. There were also some property descriptions that were much longer. Ritter – How do we get it back to 2007 actual cost? Stomberg – We could specify the font size in the contract. I think it is about \$92.00 per parcel. Ritter – Can we charge that back to the parcel? VanOverbeke – We charge \$25.00 per parcel. I will be over on my budget for publications. We figured out we could recover a little over \$3,000 if everyone paid. Fenske – Is there any requirement that they publish in legal size or can they use a smaller font? Stomberg – We are going to check on that. We are on year three so that will be up in January. Ritter – The other question I had was putting it on the website? Is the association working through legislation to get that changed? Stomberg – There has been legislation every year. Goodenow – If we put it on the web now we can make it whatever font we want. Stomberg – We will get the details of the contract and see if we can make some adjustments. Goodenow moved, seconded by Ritter to approve consent agenda items 2 and 3. All voted in favor.

**Out of state travel request**

Jeanine Barker – It will be held on the evening of the 12<sup>th</sup> and 14<sup>th</sup>. It covers our software and hardware that is used in our office. Since I wrote this Fidler will be paying my mileage. Goodenow moved, seconded by Fenske to approve an out of state travel request for the County Recorder to attend the annual Fidler Technologies educational conference in Rock Island, IL on May 12<sup>th</sup>, 13<sup>th</sup>, and 14<sup>th</sup>, 2009. Ritter – Are you going to use a county car? Barker – No I was going to use my personal car. All voted in favor.

**Jail Update**

Splett – Next week I plan on starting on pod control. The stairs going up to the penthouse are being installed. Painting of the soffits we will start with primer this week. Next week we will give the generator a test run. I assume you will want to bid out the old one. Splett – I believe we will be able to get it out in one piece. Stensrud – What is the age on that thing? Goodenow – It did not get changed out during the last remodel. Fenske – Have they cleaned up the front? Splett –

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We did go through and clean that up once and he is going to go back in this week. Fenske – Has it came back? Splett – A little but we are going to monitor it. We have prime coat pricing. They are going to come in here tomorrow to do a site visit. Ritter – Who is the company? Splett – Prime Coat Coating Systems. Ritter – Is there someone local you could get a price from? This isn't part of the original contract right? Splett – We can see if there are other contractors around that willing to do it. Discussion. Ritter – Currently we don't have any of that in the old jail? Splett – I believe there are painted floors and colored concrete. Splett – Yesterday Stomberg and I were discussing your existing limestone cap around your old building. I can get some pricing for you if you would like? It would be the 77 building. Stomberg- Does that allow moisture to get in? Splett – Yes. Stensrud – It would be nice to have some quotes so we know what we are looking at. Splett – The cell ceilings there has been some rough construction on that. Pete is contacting another pre cast company. Krause had mentioned that you were questioning the exterior work. Goodenow - Is it time to design the new entrance into the courthouse? Discussion. Goodenow – And we asked to have a sign estimated and the Architecture was go into take a look at that. Discussion.

**Authorize Advertising for Bids; SP 42-627-03, CP 09:01 and CP 09:02**

Kanwar – We combine the city projects to get a better price. There will be three projects. One county project and two for cities. One is for Balaton and the other is for Ghent. Fenske – And Ghent has requested the street be done? Kanwar – Yes. Fenske moved, seconded by Goodenow to authorize bids on SP42-627-03, CP 09:01, and CP 09:02. All voted in favor.

**Authorization to Advertise, Interview and hire a shop mechanic, a heavy equipment operator, and a general equipment operator**

Kanwar – Ritter and I had a discussion about the general equipment operator. We want to finish the process now but we can give them a different start date. Goodenow – You do have a mechanic on staff? Kanwar – We do have one. Stensrud – They are three people short out of a crew of 18. Fenske – Would that heavy equipment be based in Marshall? Thomasson – Either in Minnesota or Cottonwood. The guy in Marshall is maintaining the north half. I have one employee in the Minnesota shop. Ritter – So the person in Cottonwood has been covering it? Thomasson – Since Williamson left. There is no overtime. It takes all week to cover that. He has got a lot done for one machine. Stensrud – So it is getting done just not timely. Ritter – This is not timely to see this. We did a hiring freeze. Until we know what the legislature has done with their dollars I am not going to support it. Fenske – Does a hiring freeze include not replacing? Goodenow – Usually it does. Stomberg – It is entirely up to the Board. Kanwar – I have two guys who have given verbal notice that they are going to retire. I have two employees that have requested references. Stomberg – I don't disagree with the need. I am concerned that we don't know what the legislature is going to do. The legislature is out May 18<sup>th</sup> I would recommend tabling it until then. Fenske – What would you do if the mechanic was on vacation? Thomasson – Greg is on vacation now. Discussion. Ritter moved, seconded by Goodenow to table the request to advertise, interview and hire a shop mechanic, a heavy equipment operator, and a general equipment operator until the legislature is out of session and there is further discussion in June or July. Fenske – What do you do if you have two mechanics and nothing is broke down? Thomasson – I put them on the road and they float as needed. Goodenow – We had a discussion about being frugal and I think it is normal staffing but I think part of being frugal is your road doesn't get the upkeep. Ritter – There is no reason if there is something that needs to be done that we can't utilize the private sector. We are focused on saving tax dollars. We could be unallotted one million dollars for 2010. Once the legislature is done the Governor can unallot. Kanwar – Can we request two instead of three?

Voting in Favor:

Fenske  
Ritter  
Goodenow  
Nelson

Opposed:  
Stensrud

Motion carried 4 to 1.

**Quotes for repair of CD 34**

Hammer – I got two quotes back. The main thing that has changed is the balance of money on the account. We did a levy on that so there is still money coming in. Ritter – Does the money come in twice a year like taxes? So you will be at \$35,000 by May? Hammer – Yes. Fenske – We have had K & K before. Hammer – Yes and they did some repair on the upper portion of this. Ritter moved, seconded by Goodenow at approve the quote from K & K Tiling in the amount of \$25,782.00 to replace 700 feet of 24 inch tile on the outlet of CD 34. Nelson – What kind of tile are they replacing? Hammer – They are replacing it with perforated tile with a polyester sock

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around it. Nelson – That will be a double wall? Hammer – With perforated holes. Nelson – So it still functions as a drain? Hammer – Yes. All voted in favor.

**9:50 a.m. Meeting Recessed**

**10:05 a.m. Meeting called back to Order**

**Fair Board Appropriation**

Stomberg – It is \$12,500. Goodenow moved, seconded by Ritter to pay the Fair Board's appropriation the same as last year. All voted in favor.

**Area II Appropriation**

Nelson – They had a 2% increase. Nelson moved, seconded by Goodenow to pay the full Area II appropriation of \$20,340.51. All voted in favor.

**RCRCA Appropriation**

Stomberg – It is \$15,480. Nelson moved, seconded by Ritter to pay the RCRCA appropriation of \$15,840. Ritter – Once this is done it doesn't mean we can go back and unallot? Nelson – It is a joint powers board you would be out. All voted in favor.

**Rental Rate**

Stomberg – The offer from last week would be to increase in year one go to \$12.00 and by year 2 \$12.25, year 3 \$12.50, year 4 at \$12.75 and \$13.00 for year 5. It is a little over 7,000 square feet. I would recommend the Board take this option and it is a start. Fenske – They are willing to go up to \$12.00 right away. Ritter – Can we shorten it up and go two or three years? Stensrud – Why would you want to shorten it up? Goodenow – Because it locks us in. Nelson – The rate of increase changes but it is 25 cents per year. Fenske – If they are willing to shorten it up that would be fine with me. Discussion. Ritter – Does this have to be acted on today? Stomberg – No the lease goes through June 30<sup>th</sup>. Fenske – We are already shortening the terms we are going from a ten to a five. Goodenow – This also includes us providing our services like the janitorial. We also had a discussion on a phone system. Stomberg- It would depend on if we went with a host system. Goodenow – It seems like the state has been able to pass it on. Discussion. Nelson – Who was it that instigated a five year? Stomberg – I proposed a five year and this was their counter. Their current lease does not have an out clause. They can leave if the lose funding or if the state built a building. Discussion. Ritter – I think it would be nice to have a comparison with the private side. Stensrud – Do you want to give another proposal back to them? Nelson – This is workforce? How many employees do they have? I think either a three year or go with the five year. You have a done deal there but I would want an out clause for us. We sure don't want another ten year. Ritter – It would be nice to know what the other side of the story is and the price of heat and that. Fenske – What does Soil and Water pay? Nelson – I think \$16.00. Nelson moved, seconded by Fenske to approve these figures with a 90 day out clause.

Voting in Favor

Stensrud  
Nelson  
Fenske

Opposed

Goodenow  
Ritter

Motioned Carried 3 to 2.

**Yellow Medicine River Board Annual Report**

Cindy Potz gave the Yellow Medicine River Board Annual Report. Potz – We completed our 10 year overall plan. This covers the plans in the last ten years and the future. We completed the 2008 annual report. This overall plan covers the Phase II project and the Lake Shokatan clean water.

10:35 Attorney Maes arrived

Stensrud – Are we showing improvement in the water quality? Potz – Through our greater Yellow Medicine Water Phase our goal was to reduce the nitrogen and phosphorus by 25%. We have met that goal. Fenske – Have you set a new goal to reduce it further? Potz – We are going to continue monitoring it. There is a new grant called SWAGS where they are going to have a new set of areas to test on the Yellow Medicine River. This shows a map of the projects that we completed. We did 48 projects. It was a grand total of \$167,000 that was spent on

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implementation. Fenske – Are these on a cost share basis with the landowner? Cindy – Yes. Generally 25% or so. Fenske – Are you and the Board aware of what Lyon County is doing with the Feedlot Inventory? Discussion. Nelson – How long have you been appropriating \$10,000 for tree removal? Cindy – The last five years. Board thanked Potz.

**Budget Discussion**

Stomberg – I wanted to bring a few things out so we have an idea where we are going. We adopted a 2009 budget and we know we have to make some adjustments. We are looking at a little over \$300,000 in cuts for this year and a little over ½ million in cuts next year. We will have a revised budget after the session is done. When we revise the 2009 we will need to work on 2010 and I am going to ask then to take a look at 2011. As we get into this in June and July some of the items that we may need to look at, payroll costs are a big item. There are different items anything from layoffs, pay freezes, and furloughs. If we get cut we will not be getting it back. We may need to dip into reserves. Discussion. Ritter – And the interest return is not there either. Stomberg- Realistically we need to look at a little under ½ a million dollars. Fenske – Talking to a number of AMC staffers the general feeling of what they are getting is a 50% cut. Ritter – And that does not include the \$206,000 that was unallotted in 2008. VanOverbeke – Have you heard about them wanting to readjust the market value in the aid? It is tax dollars that we collect and they reimburse us. Ritter – The best solution is to get rid of the state aid and take the mandates away and let us run it. Fenske – It is getting to the point now where they could drop the local government aid and we wouldn't have to pay any sales tax. As the session started out there were a lot of bills and talk of dropping some of these mandates. They are not dropping these mandates. Ritter – July is when the second quarter revenue numbers come out. Fenske – Talking about we are going to wait on this. At our General Government meeting and the question was what are you doing? There were a number that have froze their wages and a large number of furloughs. A lot are waiting until they get some numbers. Stomberg – We will need to have some discussion. There are so many different variables.

**Review Meeting Schedule**

**Commissioners Reports**

Fenske – VanOverbeke, on investments on money market savings we have \$1.4 and they are paying .25 percent interest. VanOverbeke – That just happened. Fenske reported on the AMC Legislative Conference. Fenske - The state cuts to local government are twice as much as what local government has done to raise property taxes to make up for that. On page 4 the local aid reductions are about 2 billion dollars. That is how much the state has taken away the last five years. How can anyone suggest that local government is not being frugal? Our property tax increases have not equaled our loss of revenue.

Nelson reported on the AMC Legislative Conference. The speaker there was Thomas K Sorel, who is the new Commissioner of Transportation. He has not put a hiring freeze on. As far as the stimulus money it was about 300 million. It was sent out about ½ metro and ½ outside. Reported on Regional Radio Board, Fair Board, Area II, and the EDA Committee.

Goodenow reported on Advance and Public Health.

Ritter reported on Rural Energy. Ritter - They want a commitment today. Fenske – It isn't we have to commit dollars? Ritter –Personally I don't think we need to get into the financing business. Nelson – It would be \$280,000 it would pay for the two turbines in 10 years. I think it was a \$3,000 return or 7% and that is not worth it. Ritter – I appreciate what this Board has done. Fenske – Even if we were not in this difficult economic time I would question what the value is to Lyon County. They are interested in getting a long term contract. We wouldn't be getting a return. Stensrud – And the wind turbine stands on your property what do you do with it? Fenske – They also mentioned for decommissioning you break even. Ritter – I don't know if you need to give a consensus. I am not in favor of putting any money in it. There are two things here and one is where to site it. Nelson – From my observation Xcel will buy the power and John Deere will do it for ten years. Stensrud – I think the consensus is no. Stomberg – I am directed to write a letter to Mr. Fox and that we do not want to invest money. Fenske – What about if they raised the money would be willing to site it on our property? Discussion.

Stensrud reported on RC & D, Western Mental Health, Soil and Water, EDA Committee meeting, and an Emergency Management meeting, and the H1N1 Meeting.

Goodenow moved, seconded by Ritter to go into closed session for the Public Works Director's performance evaluation. All voted in favor.

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

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Stensrud adjourned the meeting.

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Rodney Stensrud - Chairman

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Attest: Loren Stomberg  
Lyon County Administrator