

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
 LYON COUNTY BOARD OF COMMISSIONERS
 LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
 May 19, 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: Attorney Maes.

Pledge of Allegiance to the Flag

Approve Agenda

Stomberg – The addition I passed out is Marg Louwagie's resignation under Kanwar's time. Also, Aviands will not be here so we will pull that one. Ritter moved, seconded by Fenske to approve the agenda. All voted in favor.

	Per Diems	Expenses
Goodenow	\$300	-----
Fenske	\$100	\$347.58
Ritter	\$230	\$206.25
Nelson	\$50	\$65.45

Consent Agenda

1. Approve Minutes from May 1, 2009 and May 5, 2009
2. Approve Commissioner Warrants 116404 – 116518 in the amount of \$116,340.29 dated 5/20/09.
3. Approve Auditor Warrants 116307 – 116338 in the amount of \$73,170.47 dated 5/7/09 and 116351 – 116384 in the amount of \$283,321.96 dated 5/14/09.
4. Approve Per Diems & Expenses
5. Approve awarding bid for Bituminous Materials

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

MCIT Member Report

Gail Sater – Lyon County has been a member since 1980. When we were formed it was an emphasis on worker's compensation claims and how to process that. MCIT was able to return \$12.5 million to its members last fall. Our claims department is divided into two departments the work comp division and property casualty group. Our liability claims represent 23% of the claims. The auto claims have the highest frequency. Board thanked Sater.

Feedlot Expansion, Peter and Scott Louwagie

Roger Schroeder – The expansion is very minimal for animals. They are correcting a couple of open lot areas. There was no opposition at the public hearing. Goodenow moved, seconded by Ritter to grant a Conditional Use Permit to Peter and Scott Louwagie, 2516 360th Street, Cottonwood, Minnesota, for a feedlot expansion and to hear public comment to fulfill Minnesota Session Law 2000 – Minn. Stat. § 116.07, subd 7 (l), to construct or expand a feedlot with a capacity of 300 animal units or more. Odor OFFSET setback requirement is 94%. The land is zoned agricultural and described as the Southwest Quarter (SW1/4), Section Twenty-two (22), Vallery Township.

Existing Facility Consists of:

Cattle Dairy, Mature Cow over 1000 pounds (150 x 1.4 animal factor)	= 210 Animal Units
Cattle Dairy, Heifer (100 x .7 animal factor)	= 70 Animal Units
Cattle Dairy, Calf (50 x .2 animal factor)	= 10 Animal Units
Cattle Beef, Slaughter (300 x 1.0 animal factor)	= 300 Animal Units

Type of Buildings:

- Total Confinement Barn (Parlor) 50'x36' with 1,100 Gallon Tank Milk Center Wastewater Storage
- Total Confinement Barn (Monoslope) 123'x390' with Manure Pack on Lot or Floor 123'x390'
- Partial Confinement Barn 34'x64' with Open Lot with Runoff Controls 16'x64' with Manure Pack on Lot or Floor 50'x64'
- Partial Confinement Barn 20'x40' with Open Lot with Runoff Controls 27'x57' with Manure Pack on Lot or Floor 20'x40' and 27'x57'
- Partial Confinement Barn 54'x96' with Open Lot with Runoff Controls 224'x94' with Manure Pack on Lot or Floor 54'x96' and 224'x94'
- Partial Confinement Barn – 50 Calf Huts each 4'x8'

Proposed Facility to Consists of:

Cattle Dairy, Mature Cow over 1000 pounds (150 x 1.4 animal factor)	=210 Animal Units
(new)Cattle Dairy, Mature Cow over 1000 pounds(20 x 1.4 animal factor)	= 28 Animal Units
Cattle Dairy, Heifer (100 x .7 animal factor)	= 70 Animal Units
Cattle Dairy, Calf (50 x .2 animal factor)	= 10 Animal Units
Cattle Beef, Slaughter (300 x 1.0 animal factor)	= 300 Animal Unit

Type of Buildings:

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Total Confinement Barn (Parlor) 50'x36' with 1,100 Gallon Tank Milk Center Wastewater Storage

Total Confinement Barn (Monoslope) 123'x390' with Manure Pack on Lot or Floor 123'x390'

Partial Confinement Barn 34'x64' with Manure Pack on Lot or Floor 50'x64'

(eliminating) Open Lot with Runoff Controls 16'x64' (new) 16'x64' Roof over Open Lot

Partial Confinement Barn 20'x40' with Open Lot with Runoff Controls 27'x57' with Manure Pack on Lot or Floor 20'x40' and 27'x57'

Partial Confinement Barn – 50 Calf Huts each 4'x8'

(eliminating) Partial Confinement Barn 54'x96' with Open Lot with Runoff Controls

224'x94' with Manure Pack on Lot or Floor 54'x96' and 224'x94'

(replacing with new) Total Confinement Barn 75'x90' with Stacking Slab 75'x90'

(new) Manure Concrete Stacking Slab 20'x40'

(new) Dead Animal Composting Facility 12'x24'

(new) 20,000 Gallon Milk House Waste Storage Tank

Manure to be applied agronomically according to manure management plan.

The Total Animal Unit Capacity = 618 Animal Units

As per recommendation of the Lyon County Planning Commission with the following stipulations:

1. That the applicant undertakes the project according to the plans and specifications submitted to the county with the application.
2. That the permit is invalid if the holder has not started construction on the feedlot within a year of the issued land use permit. (A land use permit is valid for one year, and can be renewed administratively for a second consecutive year.)
3. That the county may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and other applicable statutes, rules, and ordinances.
4. Manure in a slurry or liquid form that is being applied in accordance to the manure management plan on file with the MPCA shall be injected or spread and incorporated within 24 hours of spreading except for approved emergency spreading.
5. Manure being hauled on public roads must adhere to policies of the particular road authority involved.
6. The applicant shall obtain all appropriate licenses and permits relevant to the request. Agency involved could be the DNR, MPCA, Board of Animal Health, MDA, MDH, etc.
7. Dead animals shall be disposed of in accordance with the Board of Animal Health Regulations. (Structures used for storing dead animals prior to rendering or structures used for composting shall meet appropriate county and state regulations.)
8. The offset model must indicate 94% annoyance odor free. Any odor control technologies used in the offset model must be in place and maintained.
9. The feedlot shall meet the minimum standards side, rear, and road right of way setbacks, other setbacks, and lot size. Any trees to be planted shall be at least 60 feet from the road right of way.
10. Violations of these conditions or other regulations found in the Lyon County Zoning Ordinance are grounds for enforcement proceedings.
11. A copy of the County Board'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.

Out of state travel request

Marks – This is for two of my officers to go to San Antonio. This is no cost to us other than one night of lodging the night prior to the flight. We are going to look at the security systems and provide feedback to them. They would be leaving the 21st and returning the 23rd. Fenske moved, seconded by Nelson to approve the out state travel for Correctional Officers Robert Jesse and Marc Babcock from May 21st through May 23rd, 2009 to San Antonio, TX. Ritter - Why two people versus one? Marks – I would have gone down there but we have interviews scheduled and I felt more comfortable with two sets of eyes. Nelson – The old locks that we had problems with is this the same one? Marks – No it is different. All voted in favor.

RCRCA Appropriation

Stomberg – We had approved this twice. So if we could have a motion to rescind. Nelson moved, seconded by Goodenow to rescind the motion for the RCRCA appropriation from the May 5, 2009 Board Meeting. All voted in favor.

AREA II

Stomberg – They are asking the member counties to extend the current contract for 90 days. Ritter moved, seconded by Fenske to approve and authorize the Chair to sign an addendum extending the current contract 90 days past the June 30, 2009 expiration date of the current agreement. All voted in favor.

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Telephone

Stomberg – The current phone system we have is at its capacity. With the new jail going in we have to add phones to that. We can buy a phone system and buy one large enough to accommodate all of our needs and the county would own it. To get law enforcement up is about \$45,000 and that is Mitel. Knology has given us a proposal where they will provide the call accounting software. Discussion. Goodenow – But you don't have the investment up front. Fenske – I was at a workforce meeting yesterday and they are hurting. Stomberg – We would still need to buy the phone. Stensrud - Either system you would have to go to a new phone. Goodenow – It is \$4,000 to \$5,000 more but that covers all the phones. If we could add what we needed we would probably be up that any way if we could add to our current system. Nelson – It seems to me at Public Works we needed a maintenance contract. Discussion. Goodenow – Isn't there another cost savings? Does Public Works have long distance expense? Stomberg – Our long distance carrier through the state is 7 cents per minute Knology will drop it to 5 cents. Fenske – Will Knology do the internal work? Stomberg – We have to bring it to their piece of equipment. Goodenow – If we put in our own system we would have to do that anyway.

10:00 Meeting Recessed

10:15 Meeting Called Back to Order

Jail Update

Splett – We have received pricing from three contractors to do your flooring. We are starting acoustical tile ceilings. We will install the pod glass later this week. Ritter – On the windows, the ones that were supposed to be frosted, what is going on with those? Splett – The glass showed up this morning. We are scheduled for June 1. Fenske – Has that showed up on the outside wall again? Splett – The mason is going back out. Filippi – It is lower. Splett – We had three quotes for epoxy floor pricing. Fenske – Have you had experience with Duluth Coatings or Diversified Coating? Filippi – This coating is more of a specialized process. All three have the same two year warranty. Discussion. Filippi – It will take 4 to 6 weeks to mobilize. Stomberg – The warranty I assumed it was lifetime? Filippi – It is a two year warranty. Fenske – Would you review again what is included in the general conditions? Filippi – Your dumpsters, toilets, a little bit of water. Fenske – If we go ahead with this do we have to decide where to take the money right away? Stomberg – If we decide to pay this out of a different budget we will have to take a look at the building budget. Ritter – I think it would be smart for us to discuss all four issues, the cells, walkways, sally ports, and dayrooms. I would like to have some discussion. Filippi – The sally port will get the vehicle traffic. There are arguments that can be made for all of them. Stensrud – I think it will be easier for maintenance. If you do the sealer will that be an annual thing? Filippi – It will depend on the usage of the floor. Stensrud – Hopefully the epoxy will last. Goodenow – I remember when we talked about not doing the cells and doing the others. Ritter – I was under the assumption it was a lifetime warranty on the floor so what is the life expectancy and I know that is hard for you to answer because you don't know what the traffic will be. Fenske – On the normal wear and tear what would you guess is the life expectancy? Filippi – I will call and on a recoat process. Fenske – If we didn't do the cells are the other prices firm? Filippi – That is why we had them break it apart because we weren't sure. Discussion. Filippi – There are a few other mechanical and electrical issues. Goodenow – We had talked about the outside landscaping. We had talked to the architect about putting up an outside sign. Nelson – It was talked about but not included. Ritter – Are you thinking about leveling the dirt and planting grass? Nelson – Are they going to screen off that generator? Filippi – When we visit with Steve we will see what we can come up with.

Accept lowest bid for S.P. 42-603-22 and sign contract

Nelson moved, seconded by Ritter to accept the lowest bid for the CSAH 3 bridge replacement by M & K Bridge Construction, Inc. of \$317,680.00. All voted in favor. Ritter – Is it the same structure as on county road 8? Goodenow – When will this start and be done? Kanwar – Mid June and they will be done by the end of September.

Accept lowest bid for S.P. 42-605-33 and sign contract

Ritter moved, seconded by Fenske to approve the bid from Duinick Brothers, Inc. for \$446,190.10 for CSAH 5 mill and over project. All voted in favor. Fenske – When will this be done? Kanwar – Before the end of September. Ritter – Will this remain open for the locals? Kanwar – Yes.

Resignation of Marg Louwagie

Kanwar – She worked with us part time for 11 years. Goodenow moved, seconded by Ritter to accept the resignation of Marg Louwagie. All voted in favor.

Kanwar – I wanted to talk about the detour. They opened a portion of 23 so they can cross over to 24. There was also a question about a four way stop on 22 and 9. Stensrud – I got a call from people and the manager at the elevator in Cottonwood. There is going to be a time when we

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have to do something about that 6/10 of a mile. Kanwar – I will find a way to help local traffic. Discussion.

Recycling Cart Update

Henriksen – We are developing a list of people that want a different one. Stensrud – Will you go and exchange them? Henriksen – Yes. Fenske – What about the ones that you picked up on Thursday morning? Henriksen – The biggest issue we have had is cleaning out the carts.

Sign Executable Contract with Pratt Affordable Excavating

Henriksen – We are still waiting on the bonds. Goodenow moved, seconded by Fenske to accept and authorize the Chair to sign a contract with Pratt Affordable Excavating for the construction of Phase 7 construction conditioned upon receipt of insurance documentation and bonds. All voted in favor.

Ritter moved, seconded by Nelson to approve and sign a notice to proceed for the Lyon County Sanitary Landfill Phase 6 through 8 Final Cover Construction. All voted in favor.

Amendment to Recycling Contract with City of Minneota

Goodenow moved, seconded by Ritter to amend the recycling contract with the city of Minneota. All voted in favor.

County Engineer Reappointment

Stensrud – It will be a four year appointment. Also, under the salary we clarified that. Nelson – The performance review will be in January? Stomberg – Yes. Goodenow moved, seconded by Fenske to approve and authorize the Board Chair and County Administrator to sign a contract with Suhail Kanwar and appoint him for a four year term as County Engineer beginning in May of 2009. Fenske – Question, on the hours of work? Does he get treated like an elected official? Where some weeks he may work 35 and others 50? Stomberg – He doesn't get over time because he is salary. All voted in favor.

Telephone Discussion

Scott – The phone system is a voice over IP. In addition to that we have the 911 service. Stomberg – Is the rescue star system currently hooked in? Scott – The system itself we are figuring it is going to be expanded into the courthouse. The phone system itself has been in that market for about 12 years. It is a true voice over IP. It does support analog extensions. Goodenow – So you can have an analog and digital going through the same? Scott – Yes it supports both. Goodenow – Is there a service contract to maintain it? Scott – A one year is included. The voice over IP you can use any type of phone system. Stomberg – What is a 12 button phone versus 24? Debaere – They have a ten button now except there are a few. Your rescue star system does not accept voice over IP. It is analog ports and we can send a fax through an analog port and not pay for a phone line. They are all going to have their own lines. Stomberg – So we would need to get in a line? Scott – A PRI line. There is some sort of redundancy so if one goes down you would still have service. We did a variation on the pricing shown with a down payment and monthly payments. The 911 tie in option that is the one you are going to be most interested in. Kanwar – We have to have a T1 connection? If the internet connection goes down do we lose service? Goodenow – Do you have an idea of the operating cost? Discussion. Goodenow – This is primary for law enforcement but we have the same need all over the complex. Stomberg – The cost to put a phone on a desk is about \$350 per phone. Goodenow – Since your system takes both analog and digital do we have to replace all the phones? Debaere – Yes. Discussion.

Stomberg - The other option is a hosted system where we wouldn't be in the ownership portion. Brett Ritter – The matrix solution is our brand name of IP hosted solution. It is very similar to what the county is doing today. With a hosted IP solution is we bring fiber optic connection the county and we run that through to the Ethernet connection. With a hosted system you have a lot lower upfront cost. You pay per station per month. What you need to buy is the phones themselves. You basically pay us per phone per month. The operating expenses are already included in the monthly fee. I would be happy to answer any questions. We are talking about \$1,600 per month for 80 stations. Stomberg – How do we make the connection with the rescue star system?. Discussion. Stomberg – How much does that phone cost? Ritter – About \$150. All you are required is the hardware you don't need to buy the licenses or software upgrades that is all part of the monthly service. One of the other advantages of a hosted system is it is constantly updated. We are preparing in the near future to upgrade the whole system. Stensrud –For hard wiring an extra? Ritter – You need a CAT 5 or higher certified drop. Discussion. Stomberg – If we were to pick either system what type of lead time would Knology need to get a line into the building? Ritter – I think 8 weeks is pretty reasonable.

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Stomberg – I think both vendors did a good job presenting. I would like some direction by the next meeting. Ritter – I have a question for Fran? Can we lease it? Debaere – Yes. We would like to take you up to the hospital and walk you through it.

Reviewed Meeting Schedule

Commissioners Reports

Goodenow – The Library Board was requesting to have the County Board for a presentation. What they want to do is go through where we are at and do a summary on where the funding is.

Ritter reported on Cherokee Iowa system trip, Rural Energy Board, and a meeting regarding Regional Dispatch.

Mather – There are about 101 emergency answering areas in the state. They are trying to reduce the state dispatch down from 11 to 3.

Fenske reported on Mental Health Committee and a Census Meeting. I received a letter regarding another census meeting my question is should we appoint someone? Stensrud – Is that something we want to get involved in? Fenske – I will volunteer to be on that.

Nelson reported on Area II, RCRCA and Planning and Zoning.

Stensrud reported on EDA Planning Meeting, Yellow Medicine Watershed, a meeting at the Landfill, and Western Mental Health.

Nelson – In 2008 the HRA levied on both my Lyon County properties and what was that for? Stomberg – It was a \$60,000 amount. It wasn't for projects. It was done under the HRA resolution that was passed in 2004. Nelson – Is it still being levied? Stomberg – Yes it is under the general fund. Fenske – What is that money being used for? Stomberg - The Development Corporation and the small business corporation. Nelson – Some of the things I think we need in some of these small towns is funds to rip down some of the dilapidated houses. I don't want to get into building houses.

Ritter moved, seconded by Nelson to adjourn until June 2, 2009 at 9:00 a.m. All voted in favor.

Rodney Stensrud, Chairman

Attest: Loren Stomberg
Lyon County Administrator