

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
July 7, 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, County Attorney Maes.

Pledge of Allegiance to the Flag

Stomberg – There are a couple of things. Let's move number 7 to number three under resolutions and contracts. Also at 9:20 if Sheriff Mather could be there we had a correctional officer leave. And after my time if we could have Attorney Maes present a bill from the courts. Fenske moved, seconded by Nelson to approve the agenda. All voted in favor.

	Per Diems	Expenses
Nelson	\$200.00	\$139.15
Ritter	\$100.00	\$11.00
Fenske	\$200.00	-----
Stensrud	\$350.00	\$88.00

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

Consent Agenda:

1. Approve Minutes from June 16, 2009
2. Approve Minutes from June 16, 2009 Board of Appeals
3. Approve Minutes from June 30, 2009
4. Approve Commissioner Warrants 116939 – 117055 in the amount of \$227,155 dated 7/8/09.
5. Approve Auditor Warrants 116827-116850 in the amount of \$311,270.66 dated 6/18/09, 116865-116874 in the amount of \$16,671.31 dated 6/25/09, and 116920-116938 in the amount of \$2,421,786.90 dated 7/2/09.
6. Approve Per Diems & Expenses
7. Authorize signing of Grant 2008/2009 JABG-00002
8. Approve Quote for cleaning leachate collection lines

Resolutions and Contracts

Maintenance Support Agreement

VanOverbeke – We had a three year maintenance agreement originally. Now we need to renew our contract. The M-100's will have to come out of the budget. I will be billed one third of it each year. I'm sorry it is four years. Nelson – \$4,419 per year? VanOverbeke – The M-100's it will be \$2,430 and the auto marks are taken care of. Goodenow moved, seconded by Nelson to approve and authorize the Auditor / Treasurer to sign a maintenance agreement with ES & S. Ritter – Has the county attorney looked at this or how does this work? Maes – I have not. VanOverbeke – This is standard for eighty counties in the state. The metro counties use a different vendor. All voted in favor.

LPRW Joint Powers Agreement

Stensrud – This is for their expansion. Stomberg – We acted on the Jackson Nobles expansion on April 21st. Stensrud – This one has two parts to it. Ritter – Again has the County Attorney looked at this? Maes – I did. Ritter – Any feedback? Maes – Again like the other one there is some exposure. The other counties are all going with it. Goodenow – Aren't we like the third level? Goodenow moved, seconded by Ritter to approve and authorize the Chair to sign a joint powers agreement with Lincoln Pipestone Rural Water System. All voted in favor.

2008/2009 JABG-0007

Goodenow moved, seconded by Fenske to authorize the Board Chairman and Auditor / Treasurer to sign the 2010 JABG-0007 Grant. All voted in favor.

Jail Update

Splett – We are starting to wrap up the jail. Yesterday we got Security electronics to fully operate all of the doors. Fenske – What is the projected date for prisoners to move in? Splett – I believe it is planned for September 1st. Any questions schedule wise? The last few weeks we have had some discussion about some issues. I was asked to get some pricing for the work around the generator. To put concrete in that area it is about \$6,800 and rock was also brought up and you are looking at \$1,435. These are just my estimates. There is a fairly significant difference. Is there any preference? Should I send the rock out with the pr? Goodenow – With the concrete you would need a drain. Stensrud- I am not so sure it shouldn't have been done anyways. Goodenow – Me either. Discussion. Fenske – Going back to the sidewalk you are going to increase that? Splett – Yes. Stensrud – If we all agree delete the sod out of there and put the

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rock in there. I think you need to take a look at the rock. Goodenow – What about the engineering? Stensrud – Do we need a consensus or motion to go from sod to rock? Goodenow – I think if we have a consensus. Stensrud – With a show of hands. Okay we will change it to rock. Ritter – We have a real qualified Engineer in the room I am sure he would work with Jason on it. Kanwar – I can do that. Stensrud- I see you have the canopy and the signage. Splett – We are going to be starting the parking lot as well. Goodenow – Did Steve have a recommendation? Discussion. Goodenow – Or you could remove the word courthouse on there. You could leave Lyon County and government center could be smaller on the bottom. Stomberg – You would like to see us reuse the sign, get Lyon County on there and government center if possible and the flag poles in back. Goodenow – Yes.

Correctional Officer

Mather – I would like to have the Board accept the resignation of Steven Quart. Goodenow moved, seconded by Nelson to accept the resignation of Steven Quart. All voted in favor. Goodenow moved, seconded by Fenske to authorize the filling of a Correctional Officer Position. All voted in favor.

Mather – How would you like to handle inviting other counties and Sheriff's to the jail open house? Goodenow – I like the idea of a postcard. Goodenow – You want an evening one for this one? Ritter – You could post it on the web site too.

Consider Final Payment for Aggregate Processing

Kanwar – I am requesting the final payment to Hard Rock Screening. We got close to 60,000 cubic yards. They did a really good job. We did fill two or three spots because it was clay only. Nelson moved, seconded by Fenske to approve final payment to Hard Rock Screening LLC in the total amount of \$4,317.20. All voted in favor.

Authorize Advertising for Bids SP 42-599-135

Kanwar – This is a township bridge in Amiret. Nelson moved, seconded by Fenske to authorize advertising for bids; SP 42-599-135 and set the bid opening date for July 21, 2009 at 11:00 a.m. in CR 3 at the Government Center. All voted in favor.

Commercial Recycling

Henriksen – We have had a lot of requests from churches and small businesses. It seems to me there is enough interest out there to do something. I would look at doing a separate contract for a commercial and have an opt out clause. I don't see the big companies being part of this program. Fenske – Would you have the county do the billing? Stomberg – How do we do that with churches when they are tax exempt? Henriksen – It is a service fee. Waste Management – I think any type of service would work for that. Waste Management – Lincoln County does a similar program for that. Ritter – How does Lincoln County fund it? Henriksen – Through the service fees. Ritter – Right now a commercial business works with the individual hauler. If you get a call you need to direct them to their hauler. Goodenow – I would try to make it optional. I think the original assumption was for the big ones to have their own. Waste Management – In Lincoln County it doesn't take a very big facility to fill a yard and a half container. Goodenow – Maybe there is a limit to how big we go. If you want more you go to another company. I think it is worth looking at. Stensrud – I think so. Henriksen – I will work on that. Stensrud – Maybe visiting with the haulers you will get something. Ritter – And when you come back you need to have some numbers on how it will be financed.

EPA Grant Application

Henriksen – It won't cost anything other than a little time to draft up the application. It is a 50/50 match. Stomberg – This would do the collection for the landfill space we have now? Henriksen – Yes and the equipment. Stomberg – What if the county goes to a different system? Would it still be a good investment? Stensrud – The flare burning wouldn't be that big of a difference. I think we need to do a little more checking out. If this doesn't tie us to anything I think we need to apply. Ritter – What are you going to gain besides burning off the green house gas? Henriksen – You might be able to sell the carbon credits at some time. Fenske moved, seconded by Goodenow to approve developing and submitting an EPA grant application for the installation of a landfill gas collection system. Ritter – My question is has the County Attorney seen this? Maes – I did and it looked good. All voted in favor.

3rd Quarter Appropriations

VanOverbeke – I am requesting the County Board to approve the third quarter payments. I marked the quarterly ones with an X. I wanted the Board to be aware that on July 2 we made the payment of the \$6,010 for the Development Corporation. Stensrud – There are five of them we pay quarterly. VanOverbeke – The library is monthly. Goodenow – On our agenda today and in our packet we are looking at the revised 2009 budget. That shows the pull back from

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unallotment. Stomberg – The revised budget did not touch the appropriations. If you want to pay these with the exception of the Development Corporation. Stomberg – The library budget it seems to me the city made some adjustments. Nelson – Are we sticking with the 2008? Stensrud – Can't we leave it at 2008 and make the adjustment at the end of the year. Ritter – I would feel more comfortable doing it on a quarterly because the next projection is out. Goodenow moved, seconded by Ritter to pay the appropriations as they have been being paid in 2008 to the Marshall Lyon County Library, Lincoln Lyon Murray and Pipestone Public Health, Lyon County Historical Society, Lyon Soil and Water, and RCRCA. All voted in favor.

10:00 Meeting Recessed

10:15 Meeting called back to order

Discussion on Economic Development

Stomberg – About a month ago we heard the recommendations Committee report. We were going to have a public meeting. Does the Board want to discuss their goals of economic development before we meet with other entities? Nelson – I would think we would want to present what we think we need and then go from there. I am not very happy with the one that the recommendations came up with. Stomberg – The other part is there is the ability to levy a tax that is outside the levy limit. If we were to put that into place in 2010 we would need to have a preliminary levy by September 15th. We would also need to know which communities are participating. I think the idea of an EDA is a good idea if there is a definite idea of what you want to achieve. Goodenow - I wouldn't mind entertaining a plan from our county administrator. Stensrud – I think we were going to have a public meeting of some kind. Goodenow – Some of it are the details. Maybe our Administrator could take a shot at it. I know a lot of counties have the five Commissioners. Discussion. Nelson – Are we interested in that taxing authority? What about for this year? Goodenow – I don't think we have time to do it. Ritter – I wouldn't be comfortable if the County Board didn't have any authority. Fenske – I think we need some more planning before we go to a public meeting. Stomberg – Give me a time line. Ritter – How about after the preliminary budget in September? Stomberg – First meeting in October.

2009 Revision

Stomberg – Number 61 information technology. The difference is the amount of money we had in place to hire an IT person. Also number 63 it is not an election year. Goodenow – That will have to be made up next year. Does this freeze any of the capital expenditure in road and bridge? Stomberg – The road and bridge is still what we agreed to in 2009. Fenske – Under general revenue that was revised down almost \$100,000. How come that is down? Stomberg - That reflects the net tax levy. Discussion. Nelson – What you are covering is \$161,000? Stomberg – Yes. Discussion. Stomberg - I will review it and come back with it.

2010 Process

Goodenow – One question you ask us is what the maximum tax levy is? Fenske – What is the max going to be 1 to 1.5? Goodenow – Plus you can levy back what we got cut. Nelson – We have never abused that idea that your bonding cost is be added. Fenske – One of the other factors in talking about the budget is if we going to keep the wage freeze in 2010? Discussion. Goodenow – The question philosophically again I lean a little more towards permanent fixes. Fenske – I don't think it is fair to the employees. Ritter – I would like to see this Board do a zero levy increase. I would like the Administrator to put together a budget at 2009 levels. Stensrud – If you go through with that you are going to be looking at layoffs. Goodenow – And cutting some services. I would also like to know what our max potential is under levy limits. Stensrud – I think there is a happy medium. Nelson – I think Ritter has a good idea. Start at zero. Ritter – I think most of the Commissioners were at Truth and Taxation last December. I think we need to keep that in mind and remember who we work for. Discussion. Fenske – Hennepin County has had some real success with employees taking unpaid leave. Redwood County is going to be starting that too. Goodenow – One other complication I think the corn plant comes out of TIF this year. The corn plant is the largest tax payer in the county and we have not collected anything. That could shift tax burdens as well. Stensrud – My personal opinion I would like to know where the max is too. Fenske – You are saying the max and levying it back? Discussion. Stomberg- I can come up with an estimate of the number of the max and at zero. Fenske – I think we should be looking at the zero and the other end and we can work in between there. Goodenow – You might have some input from the Department Heads. If there is going to be merit there will be certain numbers in their department. If they are trying to hit last year's budget and they want merit increases something else will have to go. Discussion.

Highway Maintenance Non-Union Wage Adjustment

Stomberg – This has to do with the decertification of the Union. We looked at what they would have been making if the status quo order had not been in effect. I didn't feel it was appropriate for me to sign off on it. I would recommend that we approve the pay adjustments. Fenske – That is what they would have started in 2009 if there had not been a union. Stomberg – They did get merit increases. They have remained on the 2007 pay range. Nelson moved, seconded by

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Goodenow to approve the wage adjustments and pay the back pay for Jeff Biever, Dave Schultz, Dennis Wambeke, and Michael Williams. All voted in favor.

Court Bill

Maes – It is a bill that is outstanding to the Diocese of New Ulm. It ordered counseling be paid out of the medical aid fund. They went with one that was fluent in Spanish. This was in lieu of a Rule 20 request which is a state expense. This one came in and right now it is almost \$5,000. Going through it what appears to be legitimate counseling. Discussion. Goodenow – This is a resident of Lyon County? Is it a possibility for it to come out of Human Services the part that is not court related? Discussion. Fenske – I would not be in favor of paying off the whole thing. Maes – I was thinking of getting it itemized. Nelson – When you have to pay for a person in jail health and dental if they have insurance is that viable or do you get billed and pay it? Discussion.

Reviewed Meeting Schedule

Commissioners Reports

Fenske reported on PAC, State Auditor Meeting, and the Special Board Meeting.

Nelson reported on the Board of Appeals, Special Meeting, Area II, Water Plan Meeting, and Dispatcher's Meeting.

Ritter reported on the Airport Commission meeting.

Goodenow reported on Public Health. We have agreed that we are not going to have meeting between the city of Marshall and Lyon County regarding the Marshall Lyon County Library budget. By contract we are suppose to have one by July but we are not changing anything so we have agreed not to have it. The point of the meeting is to go through the budget and nothing is changing. I would like it in the Minutes that we have agreed to not have it since there are no changes.

Stensrud reported on Western Mental Health, Soil and Water, Regional Radio Board, meeting with POET, Yellow Medicine River Special meeting, and the MCIT insurance update.

Closed Session LELS Correctional Officers / Dispatchers Negotiations

Nelson moved, seconded by Ritter to go into closed session. All voted in favor.

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

Ritter moved, seconded by Goodenow to adjourn until July 21, 2009 at 9:00 a.m. All voted in favor.

Rodney Stensrud, Chairman

Attest: Loren Stomberg
Lyon County Administrator