

**UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS**  
LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN  
September 1, 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 – Under jail update if we could have a discussion on the court administrator remodeling and after that there was an RBA requesting a signature for the Sugar Beet Coop. Before me, if we could put Paula VanOverbeke, down and if we could have a discussion on ditch interest and under my time if we could add discussion on 2010 health insurance renewal. Ritter moved, seconded by Nelson to approve the agenda. All voted in favor.

	<b>Per Diems</b>	<b>Expenses</b>
Fenske	\$200.00	\$22.00
Nelson	\$250.00	\$107.25
Ritter	\$200.00	\$49.50
Stensrud	\$250.00	\$83.60

**Consent Agenda:**

1. Approve Minutes from August 18, 2009 Regular Meeting
2. Approve Minutes from August 18, 2009 Ditch Meetings
3. Approve Commissioner Warrants 117613 – 117700 in the amount of \$190,918.12 dated 9/2/09.
4. Approve Auditor Warrants 117556-117587 in the amount of \$576,971.52 dated 8/20/09 and 117588–117600 in the amount of \$5,634.26 dated 8/27/09.
5. Approve Per Diems & Expenses
6. Approve Sale of Wetland Credits

Goodenow – We need to pull the minutes from the 2009 ditch meeting. Stomberg – We will pull number 2. Ritter moved, seconded by Fenske to approve consent agenda items 1,3,4,5 and 6. All voted in favor.

**Ditch Minutes**

Goodenow – There seems to be two possible errors and we may need to run it by Mr. Hammer. Nelson – Redwood JD 15 R & L. It is sort of mixed up between that ditch and JD L & R improvement. If I am correct the first one does have a \$7,000 bill on it. Nelson – You had asked for 10% and you got 15%. We need to straighten that out. Unless you want to go with the 15%? Originally it was 10 and amended to go to 15. Goodenow – And part of the conversation was from that ditch. If we had it we had not paid enough money. I asked about the math here too, but I don't know if we needed to change that one. Nelson – The minutes got a little cloudy on it. Hammer – I would recommend to the Board to collect 15%. VanOverbeke – I had a conversation with the Redwood County Auditor Treasurer and there was some confusion on percentages and we could drop it back down to 10%. Goodenow – We could scratch the conversation and if we want to change it we will have to do it as a separate action. Stensrud – The minutes are okay except for the conversation. Nelson – You could get rid of the amendment. Stensrud – You will need a motion to strike it out of there. Goodenow moved, seconded by Ritter to correct the Joint Ditch Board Minutes by striking the second sentence. All voted in favor.

Nelson moved, seconded by Goodenow to correct the assessment for CD 69 from 10% to 2%. All voted in favor.

Goodenow moved, seconded by Ritter to accept the ditch minutes as corrected. All voted in favor.

Stensrud – Now we need a motion if you want to lower JD 15 R & L from 15% to 10%. Nelson moved, seconded by Fenske to assess JD 15 R & L from 15% to 10%. All voted in favor.

Stomberg – Who will be notifying the overseer? VanOverbeke – We will notify the overseer.

**Cooperative Agreement with MN Department of Ag**

Stomberg – This has to do with our household hazardous waste program. Fenske moved, seconded by Ritter to approve and authorize the Chair to sign a cooperative agreement between Lyon County and the Minnesota Department of Agriculture for the collection of waste pesticides. All voted in favor.

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**Approve Deer Hunting Resolution**

Stomberg – We have historically approved this annually. Fenske moved, seconded by Goodenow to approve the deer hunting resolution for Garvin Park for archery only. All voted in favor. (Resolution 20-09 on file at the County Administrator's Office).

**Jail Update**

Splett – We are pretty much wrapped up in the new building. The kitchen is coming along well. If we do get the remaining pricing for the signs we are going to try and get that started next week. Stomberg – The parking lot portion will that be happening in September. Discussion. Goodenow – The prices we are looking at is to do the signs and the flagpoles on the plaza. The price you are getting is for two signs and two flag poles. Discussion. Ritter – The electronics part are they working with you? Splett – Yes. We are working out the final little bugs before we open up. Nelson – I would like to thank Jason and their firm for what they did in the open house and also the Sheriff and his crew and the Jail Administrator. Fenske – What about sending a thank you to the Correctional Officers on behalf of the Board.

**Court Administration Remodel**

Stensrud – Pete gave us some numbers and it came back to about \$160,000. I think before we go ahead there needs to be a few corrections. Ritter – I would suggest that we stop right now and everyone look at it. Karen Bierman – There were some small changes about visibility of staff to each other. Nothing structurally. Will the bid include all of the security locks and what we are going to need to make this a secure area. Discussion. Stensrud – I think more for information today and if we could meet a day. Stomberg – You would have to get the bid documents. So you want to move forward with this? Goodenow – What is the next step, is it asking the architect to come up with bid plans? Stensrud – I guess we could do that. Goodenow moved, seconded by Ritter to approve moving to the next step by getting more detailed plans for a court administration remodel. Ritter – Is that to include security? Goodenow – Yes. Ritter – We still have the right to reject prices? Stomberg – Absolutely. Fenske – Are we assuming Contegrity is going to supervise this? Goodenow – Yes we hope they could do that. They could bring that information too. All voted in favor.

**Sugar Beet Coop**

Biren – The application for withdrawal came on Friday. The first page explains what is going on. This was approved at a prior Board meeting at a different price. The second page is the contract for this. We need a signature on page 2. It was a ration of 2 ½ to 1. That is what they are required to replace with what they are required to fill. Fenske – We are selling them credits. Stensrud – Instead it should be 7.11? Biren – Correct. Stensrud – Our classification for our wetland will be okay? Biren – Our upland grasses around our wetland need some work. Goodenow moved, seconded by Nelson to authorize the Chair to sign the application for withdrawal of wetland credits, for 7.11 acres, for use by the Southern Minnesota Beet Sugar Cooperative. Nelson – We had a discussion on where the money would go as it was borrowed from landfill or general fund? VanOverbeke – It was borrowed from the general fund. Ritter – The sales tax rate I'm assuming is not 6.5%? That new environmental tax doesn't affect that? Goodenow – It is not a sales tax it is a transaction fee. All voted in favor.

Ritter – How many acres are left after this? Kanwar – About 25 acres.

**Consider Cooperative Agreements SP 42-591-01 and SP 42-591-02**

Kanwar – We have two agreements. Ritter moved, seconded by Fenske to approve and authorize the Chair to sign Cooperative Agreements SP 42-591-01 and SP 42-591-02. All voted in favor. Fenske – You are going to get some of the engineering costs from this aren't you? Kanwar – Yes.

**Accept lowest Bid for 2009 striping project**

Kanwar – We have two bids. Traffic Marking Services was the low bid. Stensrud – How many miles are we doing? Kanwar – We are still working on that. Fenske moved, seconded by Nelson to approve and authorize the Chair to sign a contract with Traffic Marking Service, Maple Lake, MN for C.P. 09:HS. All voted in favor.

**Cooperative Agreements 95317**

Kanwar – This is a cooperative agreement with MnDot. They will be receiving the federal aid on our behalf and transfer it to us. Goodenow moved, seconded by Ritter to approve and authorize the Chair to sign Cooperative Agreement 95317 with MNDOT. All voted in favor.

Kanwar – Any questions? Nelson – Apparently they don't have to sign it? Stensrud – It is just our resolution. Ritter – In the past we have always gone on a fall tour of the roads. I think it is

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important to see where we spend dollars. Kanwar – We are going to do that. Fenske – So in two weeks we will have a firm date?

**Ditch Interest**

VanOverbeke – What I had done is the ditch funds are sitting within the general fund checking account. I have a spread sheet that already works with interest. I plugged in the total balance in the spread sheet. I put together another spread sheet and it breaks it out per ditch if it gets any interest. It can be done. I would like to see a journal entry once a year to have it done so we are not making 95 entries. Fenske – What about Paula's time is that charged? VanOverbeke – My office charges per parcel per assessment. So if they don't have a ditch assessment there is no charge. It runs from 2 cents to \$3.27. It varies. Goodenow – Does it make it more complicated to set a number? If it doesn't make at least \$25 we don't bother? VanOverbeke – It will vary with how much is in our checking account. Discussion. Fenske – What about those that have a negative but it will get taken care of when the money comes in and the general fund is going to cover them? They should be charged interest until it comes in. Ritter – It shouldn't happen if we levy every year. Stensrud – How many negative ones do you have? VanOverbeke – Seven to nine somewhere in that area. I talked to the Auditor in Redwood because of the fact that we got charged a lot of money and no one was aware of the work they were doing. Stomberg – Shouldn't there be a joint ditch meeting? VanOverbeke – I feel there needs to be a little more conversation between Ditch Inspectors or Auditors so we can plan ahead. Ritter – Are we obligated to pay that if we are not notified? Maes – I think you would have a strong case not to pay it. Discussion. Goodenow – Redwood County pays a flat fee per ditch each year. We try to link the expense to each ditch. Ritter – It would be advantageous for every ditch inspector and auditor to get together once a year to communicate what they are doing. Discussion. Ritter – If they are doing work and we are being assessed back it is not fair to our tax payers. Stomberg – Would we want to start this for 2010? Goodenow – I don't mind paying the interest. But on the other hand if we are going to be that up and up I want to make sure Todd's truck being paid for out of ditches. VanOverbeke – The gas bill is split between the ditches. Ritter moved, seconded by Goodenow to pay interest on the ditch balances in the individual ditch accounts starting January 1, 2010. All voted in favor.

Goodenow moved, seconded by Fenske to review the ditch inspection costs. VanOverbeke – If we are using my office I will have them keep track of their time. Ritter – And for what ditch. All voted in favor.

Ritter – What about direction for Paula and Todd for 2010 to sit down with the other counties? Stomberg – Maybe come up with a policy. Fenske – A policy on meeting with other counties. Ritter – Keep us informed on all your communication with the other counties.

**RCRCA Joint Powers Agreement**

Stomberg – We had done an extension for three months. This will get us back into the two year cycle. Ritter moved, seconded by Goodenow to authorize Commissioner Nelson to sign the RCRCA Joint Powers Agreement extending the joint powers agreement 21 months through June 30, 2011. Ritter – How many members are on that Board? Nelson – Sixteen. Eight County Commissioners and eight from Soil and Water. This memorandum suggests that this be signed by the member that is there and not the Board Chair. Ritter – I would change that. Nelson – Is that agreeable? Ritter – Yes. All voted in favor.

**SWRDC Regional Trail Plan Update Steering Committee**

Stomberg – They are asking for two people to be appointed. Fenske moved, seconded by Ritter to appoint Rick Anderson and Suhail Kanwar to the SWRDC Regional Trail Plan Steering Committee. Ritter – We will get updates on a quarterly basis after you meet? Nelson – Does Southwest Regional Development know how they are going to maintain these once they get them in? We can't even maintain the roads. Nelson – Go down to Currie it is a nice setup but it is getting cracks. Anderson – I think this will be part of the discussion on the state one too. All voted in favor.

**10:00 Meeting Recessed**

**10:15 Meeting Called back to order**

**Emergency Shelters Grant**

Angela Larson – Every two years our agency applies to the Minnesota Department of Human Services. We don't have a shelter here so we do a very short stay in local motels. In order to use the funds we need it approved by the county. Fenske moved, seconded by Ritter to approve and authorize the Chair to sign an emergency shelter grants program resolution. Stensrud – How many are there? Larson – In 2000, we served four households. In 2008, we served 50. The funds went up quite a bit in 2006 and 2007. Fenske – Does it cover the cost? Larson – It doesn't cover administrative costs. It would be great if we could get a shelter in the area. All voted in favor.

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**Proposed 2010 Levy/Budget**

Stomberg – It goes from a 1% to a .2%. I can say the next version is going to change. I feel confident we will be able to keep it in the .2% range. The other thing is we did get our certification of the levy limit. This is the information I received from the state. It is down and the thing that is new is the almost \$370,000 for the wind certification tax. Ritter – Do you have certification on that? Stomberg- That came from the state. The second draft of the budget does bring us within levy limits. Levy limits I believe go on through 2011. I think 2011 will be a much different picture. Ritter – The \$25,228 increase for Human Services at the last meeting that Board voted to raise every county's levy by 1%. Chairman Fenske and I were not in favor of that. The agency Director said they could make it without that. I was a little disappointed that the other counties voted to raise that levy when the Director said that was not necessary. Fenske – There were only three of us that voted against it. Ritter, myself, and one of the Commissioners from Lincoln County. One of the members there, the lay person, pushed for 2.5%. But like Ritter said we didn't need to do it. Ritter – It would be different if you knew the cuts were a certain percent and the agency needed it. It came down to they wanted more fluff there. Stomberg- I don't know what the joint powers agreement says but at a minimum the County Board could send a letter. Stensrud – I totally agree with it. Nelson – It would be a chance to open the door. Stensrud- They said they could make it work and they did not need it. Stomberg- We are not required to certify until September 15<sup>th</sup>. Ritter – I have another comment, I know the Chairman you and I are on the capital expenditure committee and I would like to meet with the Sheriff and Public Works Director to see what is in there. My goal is to keep it at zero. I know what the highway department is but I don't know what the Sheriff's is. Stomberg- One of the discussion items is going to need to be economic development. We still have \$44,000 in for 2010. Stensrud – Do you want to drop it off? Ritter – What about health insurance increases what did you plug in there? Stomberg – The renewal came in at 12.5%. We had the renewal for the retiree group over 65. That is up 2.29%. The health insurance on the actives I did not budget an increase. Discussion. Stensrud – We have three plans? Stomberg – We have four plans and we need to get down to three. Goodenow – I would assume we would be looking at the \$200 deductible. Discussion. Stomberg- Do we want to go and take this out to bid? At the 12.5% and the number of high active claims we have I don't think we will get one. Discussion. Ritter – Once you do that there is a possibility you won't go back in the pool right? Stomberg – There is a two year window and you can't go in and out. Nelson – I don't think it is worth it this year.

Goodenow moved, seconded by Nelson to write a letter to Human Services regarding the increase in the budget during tough economic times when the Administrator believes it is not required. All voted in favor.

**LELS Contract**

Fenske – If you read through it you would notice there are some changes like new Deputies would go on the cafeteria. Goodenow moved, seconded by Ritter to approve the 2009-2010 LELS contract contingent upon Steward Anthony Rolling's signature on the contract. Ritter – Note on page 12 that one of the Stewards didn't sign it but they did sign page 16. I will second with that in the motion. All voted in favor.

**Reviewed Meeting Schedule**

**Commissioners Reports**

Nelson reported on RRB, LEC, and the jail open house.

Fenske reported on the Ditch Levy Hearing, Transit Meeting, and the Complete County Census Committee.

Goodenow reported on Water Plan Advisory Board, LEC meeting, and Advance.

Ritter – I wanted to thank the Board for the Human Services support. It is unfortunate it has to go to this point when the Director said he could make it work. Ritter reported on the Airport Commission meeting. A comment on the jail, I think it was an excellent job done by everybody, the Commissioners and staff. I had no comment from any tax payer disagreeing with it. I think communication was well done.

Stensrud reported on Western Mental Health and Soil and Water. The Soil and Water signs are pretty rough looking but there is no money to fix them but the Board members are going to pay for them out of their own pocket they are about \$200 a piece and there are five of them. Also reported on Yellow Medicine Watershed and the Jail open house. Thank you to all the jail staff and everyone.

Ritter moved, seconded by Goodenow to adjourn. All voted in favor.

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Rodney Stensrud - Chairman

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Attest: Loren Stomberg  
Lyon County Administrator