

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
September 15, 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 - Ben Martig is here from the city and has an update on the library proposal. Under Henriksen's time if we could add consider leachate hauling. Nelson moved, seconded by Ritter to approve the agenda. All voted in favor.

	Per Diems	Expenses
Stensrud	\$150	\$95.70
Goodenow	\$200	-----
Fenske	\$140	-----

Consent Agenda:

1. Approve Minutes from September 1, 2009.
2. Approve Commissioner Warrants 117754-17856 in the amount of \$233,089.37 dated 9/16/09.
3. Approve Auditor Warrants 117791-117717 in the amount of \$46,125.87 dated 9/16/09 and 1177180-117741 in the amount of \$361,164.85 dated 9/10/09.
4. Approve Per Diems & Expenses
5. Consider Flu-Stop Clinic
6. Authorize Chair to sign aeration permits
7. Agent of record for ancillary benefits
8. Approve 2010 Snowmobile Maintenance Grant Agreement

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

Approve Resolution in support of the tax equity for health plan beneficiaries act of 2009

Stomberg – This comes from our health insurance coop and the intent of the resolution is to support legislative change. Goodenow moved, seconded by Fenske to approve a resolution in support of the tax equity for health plan beneficiaries act of 2009. All voted in favor.

Resolution/Delegation of authority for Sheriff to enter into agreements and sign contracts with the Department of Public Safety involving traffic safety projects and programs

Mather – It is something to keep all counties uniform and go through the process. Fenske moved, seconded by Ritter to approve a resolution/delegation of authority for Sheriff to enter into agreements and sign contracts with the Department of Public Safety involving traffic safety projects and programs. All voted in favor.

Resolution to appoint Commissioners to the Lincoln Pipestone Rural Water Systems

Stomberg – This is to go through the process of reappointing them. Goodenow – Is there a term limit? Stomberg – No term limits. Nelson moved, seconded by Ritter to approve and authorize the chair to sign a resolution for the re-appointment of Jerry Lonneman, Rod Spronk, and Joe Weber to Lincoln Pipestone Rural Water System Board of Commissioners.

Voting in Favor: Nelson, Fenske, Ritter, Stensrud

Opposed: Goodenow

Motion Carried 4 to 1.

Area II 90-day JPA extension

Nelson – This has always been the Chair signs it. Goodenow moved, seconded by Fenske to approve the AREA II 90-day JPA extension resolution and authorize the delegate to sign on Lyon County's behalf. All voted in favor.

Library Update

Martig – I'm here to update you and request the Commissioners to take action at the next meeting. There was a strong majority to support the current budget of 5 million. It was 5 to 1 in support of a general contractor. They did not think there needed to be special funding on the referendum. There was no support of dedicating one million dollar cash proceeds. 5 to 2 there was support to contribute if they set up a community endowment. That is shown in the cash flow. The last one as far as the contribution of additional debt service funds and there was 4 to 3

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support to move that ahead. I am in discussions with the architect to set up consideration of the contract approval. The contract proposed would be directly with the City Council and the purpose would be because the city council was bonding it directly. The terms of the contract the dollar amounts have changed a little bit. Discussion. I am here to suggest that one consideration I would like to know if you would support contributing any additional funds and what the operating budget would be? Historically it has been a 1/3 to 2/3 split. First, do you support additional capital expenditures, if so what level? On the operating side, there have been some inconsistencies in the past. I am suggesting we go into a 1/3 and 2/3. The existing facility would go to pay back the capital costs of the project and it would go back 1/3 to 2/3. I didn't get specific into the future building ownership. I would be looking at it would be similar to the law enforcement center. The other thing as we move into the construction document phase the city council would be holding the contract but I would recommend having a building committee. Discussion. I am giving you information today and if you need additional information I can get that for you. I will be presenting to the city council at their October 13 meeting. I would say in general the council is leaning towards something. Again if the bids came down we would share those savings. I am looking for the Commissioners to take into consideration the expenditures for the capital and operating expense. Ritter – Has there been an appraisal done on the existing facility? Martig – I believe a 2006 appraisal. I believe it came in at a little over ½ a million. Fenske – If that were sold review that again how would you allocate? I know 2/3 and 1/3 would it go towards paying on the bond? Martig – Take the total sale less expenses and allocate it back. Basically yes you would get credited back or credited forward. Stensrud – Is that what the city plans to do is sell it? Martig – 6 to 1 was to put it up for sale. We have no intended public use for it. Stensrud- On the annual maintenance if that is shared overall? The parking the city took care of now you will have a parking lot to take care of. Goodenow – There is a tentative agreement with the school. Traditionally it has been the cities responsibility. Nelson – We should not get involved with maintenance. We don't with Balaton or Cottonwood. Discussion. Nelson – Even our operating we were told that one floor would be more efficient and they wouldn't need more help and it came back with more help. Goodenow – We took that off the table quite a while ago. The heat cost will be about the same. Stensrud – I don't think we will take a vote on this today but I think we will take a look at it at the next meeting. Nelson – I think we deserve a copy in print of all the proposals. Discussion. Fenske – Are you looking for two questions, one is additional funding for the bond issue and the operating costs? Stensrud – I think we have to vote on as one thing. Nelson – You can't tie those together. Fenske – Our share is operational right now. Goodenow – I think we are going to have to do a little more discussion on the maintenance thing. Fenske – Right now we don't have any commitment in maintenance. Discussion.

Pat Foley Volunteer Tax Force

Foley – Eco Water Systems. We are members of the Volunteer Tax Force in Lyon County. We are asking you to please not raise our taxes and to reduce your budget by 5%. It is serious gentlemen and we need your help. We did send you 86 letters that represented 86 businesses. You represent us. The following citizens are here representing this group:

Al Greig	Greig-Gregorson Management LLC
Art Matthys	Floor to Ceiling
Keith Miller	Grill Works, Inc.
Randy Parde	Seasons Gallery
Mike Fox	True Value
Ray Fox	True Value
Roger Wartner	Subway
Norm Gregerson	Greig-Gregorson Management LLC
Bob Lockwood	Lockwood Motors
Chad Wyffels	Borch's
Tom Nybo	Carew Properties
Mary Jacobson	Best Western
Darla Buyssee	Best Western
Donna VanKeulen	Treasured Times
Donna Schilling	Alluvus LLC
Pat Foley	Eco Water Systems
Russ Labat	Marshall Independent

Government Center Signage

Splett – The parking lot has been started. On Thursday, Pete and the Engineers will be down to walk through the courthouse. We have about \$82,000 left in contingency. Fenske – What is the thinking on the general conditions? Splett – I think we will end up with some left in that. We are looking at about \$32,500 for the two signs. One on Main Street and one located in the back by the work release entrance. Goodenow – I can tell you why the 8 foot sign went to 12 feet. The sign in front of the law enforcement center is 12 foot and they would be the same. Ritter – How important is this to be done now? Splett – This morning I contacted the structural engineer. There are other ways around it. If we leave the area in the concrete open. I think the big thing is to get some conduit over there. Goodenow – But on the other hand we do need some signage. Ritter – Why can't we do it like on the west side of law enforcement put it on top of the building? I

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would like to wait and see next spring where we are on our contingency. VanOverbeke – For the sign you could be using the capital improvement fund versus using the jail fund. Goodenow – Which is fine for the one in front but the one in back wouldn't have been taken down. Stomberg- The sign location on the main street is about the same location as the Marshall sign. Goodenow – We talked about putting it in front. Ritter – If I am not mistaken the signage on the west side of the jail was \$3,500. I think that is an option because I am not going to support \$35,000 for signage. Goodenow – If you don't put the sign on it takes \$8,000 off. Ritter – Can we get some dollar amounts like they did on the west side? Does this have to be decided today? Discussion. Stensrud – You could go to the 8 foot one. Fenske – You need a sign on the front no matter what. Ritter – You could get us an option with the signage on the top for the front and back. Goodenow – I would still like to have the electrical put in. Fenske – I just don't think the letters would work. Ritter moved, seconded by Goodenow to put the electrical in the back and Splett to come back with pricing for letters in the front and the back. Goodenow – There is a place on this entrance also on six. So three, six, main and the parking lot. All voted in favor.

Update H1N1

Cris Gilb – Right now the information is coming out all over the place. We are on weekly conference calls. We are going by the guidelines we get from the CDC. Public Health is the lead agency. The first thing that needs to be done is pre-registration. Vaccine is expected to be here by mid-October. Right now they are saying there won't be a shortage but we are going to stick to the identified populations. We are planning on holding vaccine clinics in all of the schools. We are encouraging everyone to get the vaccine. Stomberg – Is there any immunity if you get H1N1 and get over it? Gilb – You should build up some immunity. Stensrud- When you go into the schools do they have the right to refuse? Gilb – Yes it is voluntary. Fenske – How many cases are in Marshall now? Gilb – There have been cases in Marshall, Cottonwood, and Tracy. Discussion. Moberg –We are doing the education on how to cover your cough. We have it set up now with the radio stations. I am trying to send out news releases every two weeks. We are utilizing some of our public health preparedness funds to have a call in center. Stomberg – So the H1N1 is similar to the seasonal flu? Discussion. VanOverbeke – Public Health is the lead agency. Tomorrow we are going to be at a table top exercise at Jackpot. It is very fluid and very hard to give out correct information. I sent out a county wide email yesterday that we all use. It is flu.gov and the information is changing. I have been standing by and working with Public Health. There are different things that county government needs to look at. I hope to address the Safety Committee. What do you do when 40% of your workforce isn't here? What do we do if people don't have sick leave? We have to decide what our essential services are. I have been waiting to see some guidance from the Minnesota League of Counties. I help Public Health get what they need. Stensrud- I think getting the information out. Nelson – There is a possibility this could mutate at any time? Tami-Flu is not very effective? Gilb – It has been effective in most cases. Physicians will be selective in who gets it.

City of Cottonwood – ATV ordinance

Greg Isaackson – We do have ordinances in place but we need to update them. We have had a problem with underage persons driving carts, ATV's, and snowmobiles. We have drafted three new ordinances. We want to obtain permission for carts, ATV's, and snowmobiles on county roads. Currently state law does not allow these vehicles to be driven on county roads without the county board adopting an ordinance to allow it to happen. What we are asking is for the county to allow these types of vehicles to be driven on the county roads in the city limits. We would be requiring an annual permit of \$20. That would require every vehicle to be licensed. The city council could revoke permits. Only people with driver's license could drive them. Also the hours of operation. There is also provisions for liability insurance and to restrict the speed limit to 15 miles per hour. The next steps that we are looking at the City Council is going to hold a public hearing on this issue. After we have had that and adopt an ordinance we would bring the final ordinance back to the county board. Stensrud – I would like Mather and Maes comments. Mather – There are certain restrictions in there that would be good tools for enforcement. My recommendation would be whatever Maes thinks. Maes- I looked at the statute and at least pertaining to the golf carts and four wheel drive. I think the county wanted to move forward they would need their own ordinance on county roads. The concern is, if it is going to expand to other communities? You are allowed to put together an ordinance to allow travel on a designated road. They can cross a county road but they cannot travel on them. I think if you want to move forward with this you could craft something. I like that they are looking at the age limit. The golf carts and ATV's you are talking about 4 wheeled low flotation of 800 ccs or less. You have the sunrise to sunset request. There is a permit. Statute requires an annual permit. In the county ordinance you could require them have a city permit. Goodenow – Does any other city allow this kind of vehicle on their roads? Maes – On city roads yes. Nelson – Your golf course is pretty well at the edge of town. Pertaining to liability requiring liability insurance is that going to be good enough for Lyon County if an accident occurs? Goodenow – I think we need to ask our County Engineer about road safety. Kanwar – One of the things if they are going to drive they should have to go the minimum speed limit and seatbelts should be required. Isaackson – We could add language that these vehicles drive on the far right side. Kanwar – But they are still in the lane. Maes – That would have to come in the county ordinance. Isaackson – We have the lake and fish houses in the winter. Discussion. Fenske – I would be in favor with our Attorney working with the

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City. Goodenow – Some communities invest in golf cart trails. Discussion. Kanwar – Goodenow's point is it is not safe and I agree. Fenske – They are already there. Discussion. Goodenow - We can work on this but you have to convince me this is safe. Discussion. Isaackson – Another requirement is they have a slow moving vehicle sign. Stensrud – I am going to ask for a motion to move ahead or say no. Fenske moved to work with and develop an ATV ordinance for the city of Cottonwood. Ritter –Is that going to be exclusive to Cottonwood or county wide? Stensrud- I think with the city. Kanwar- This will be an example. Stensrud – We can handle it on a case by case basis. Ritter – This is not going to include the county just Cottonwood? Fenske – My motion said work with and develop it for the city of Cottonwood. Motion failed for lack of a second.

Ritter moved, seconded by Fenske to develop a county wide ATV ordinance within municipality's city limits on an as needed basis. Maes – If you are going to make it county wide even on roads that are 55. Goodenow – You could write it that it is within city limits. Maes – But you would have to look at permitting. I like the idea of working with the city and taking it on a case by case basis. Goodenow – If the community doesn't want to have any ordinance. Maes – I don't know how you are going to develop need? Goodenow – Couldn't you put if the municipality has a corresponding ordinance? So we don't allow it unless the city has an ordinance. Isaackson – There has to be a permit. Maes – What we would do is allow the city to permit. And we are directing county road 10 within the city. Stensrud – This is to allow our attorney to develop it and he will bring it back to vote on.

Voting in favor: Stensrud, Ritter, Fenske
Opposed : Goodenow and Nelson

Motion carried 3 to 2.

Cooperative Agreement for State Project for 42-00122

Kanwar – We will be sharing 10% of the cost. That share will be paid from state aid. Goodenow moved, seconded by Nelson to approve and authorize the Chair to sign Cooperative Agreement for State Project for 42-00122. All voted in favor.

Fenske – I had a question on a culvert on 23. It is a township road they asked for help if anything can be done. It is going to change drainage. Didn't they build a holding pond? They are moving the water. Discussion. Kanwar – They would have had to get a permit from the DNR.

10:45 Meeting Recessed
10:57 Meeting Called back to order

Project funding request

Netzke – There is tremendous flood control and reductions. Between state and federal funding we can cover 75%. The remaining 25% is local. The 75% I have no problem with that. The 25% local match is where we need some help. The remaining balance I would like to request assistance from Lyon County. There was a separate fund set aside years ago. VanOverbeke – There is \$153,000 in the fund. Discussion. Nelson moved, seconded by Ritter to approve funding in the amount of \$14,452.09 from the Lyon County Flood Retention Project Fund for the Island Lake 4 dam project. Ritter – There was \$124,000 that wasn't used that was part of the estimate couldn't you use part of that? How about the maintenance? Netzke – The maintenance falls on the landowners. The first year is on the contractor. The funding it is because of the 75/25 split. For the life of the project it is the landowner. These are private. Stomberg – Can the landowner decide to take it out? Netzke – It is deeded onto the property. In a situation where if they wanted to remove it it would take permission through the Minnesota DNR. There are permanent pools behind both of them. All voted in favor.

Monroe 8

Nelson moved, seconded by Ritter to approve funding in the amount of \$33,924.20 from the Lyon County Flood Retention Project Fund for the Monroe 8 dam project. All voted in favor.

Landfill Update

Henriksen – As for the construction the contractors pulled off and it is basically complete. The final cover for phase 7 is complete. The other issue is we have the two leachate ponds. It has two liners and there appears to be a leak between the two liners, the primary and secondary. We have a contract with the city of Marshall but they are taking about 8,000 gallons. Another option was taking it to St. Paul but that is 300 miles. We contacted the city of Sioux Falls and they are willing to take the water from that pond over a short time frame. According the gentlemen I talked to it has been approved. Ritter –So how many gallons? Henriksen – About 750,000. Ritter – Can you take ¼ million to the city of Marshall? Henriksen – We need to get it down in a relative short period of time. Fenske – Could they take a load into Marshall each day? Ritter – So it will take about 3 weeks? Discussion. Ritter – So who is going to be responsible? If it is the

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Contractors who is going to pay it? Discussion. Stensrud – We are looking at \$340 a load. Fenske – One hundred loads. Goodenow – And then you have to pay them to take it down. Stomberg – About \$40,000. Henriksen – We have probably saved \$500,000 over the last ten years. Ritter – If it is not the counties fault and it is the contractor. Nelson moved, seconded by Fenske to approve Viessman Trucking to haul leachate to Sioux Falls WWTF at a cost of \$342.78/load at 6,500 gallons. All voted in favor.

Wetland Credit Sale

Henriksen – This is for Robert Lange for 2.12 acres. We have approved selling it to him and this is the application for withdrawal. Goodenow moved, seconded by Nelson to approve the application for withdrawal of wetland credits for 2.12 acres for use by Robert Lange. All voted in favor. Ritter – How many acres does that leave us with? Henriksen – Between 20 and 25 acres.

Set the proposed 2010 levy

Stomberg – I passed out a copy of what we looked at two weeks ago. I didn't change any of the numbers. One is how we are going to handle the contract with the LEC. That is probably the biggest item I can think of. We did hear a request of sharing financing for the new library. Appropriations, I have left those in at the requested level. I would plan on having a session between now and truth in taxation. Discussion. The proposed budget has factored in a merit increase but I did not factor in an increase in pay ranges. Goodenow – You didn't figure in anything in on the cafeteria increases? Stomberg – I left that the same. The main street businesses asked for a 5% reduction. That would be a cut of \$609,000 over this. We have levy limits on in 2011 so if we reduce this year's levy that carries forward that is a two year decision. Discussion. Stomberg – With the action today we cannot increase the levy but we can decrease it. The LGA cuts are not levied back in. Stensrud- That is an official cut. Fenske – You counted in our estimated wind energy credit? Stomberg – I did. Fenske – The wind tax doesn't have anything to do with the program aid. It cuts you down as to how much you can raise. It does affect our levy limit but not our program aid? Stomberg – Correct. Discussion. Goodenow – I think the employees have done well to get it down to .2%. Stensrud – Technically it is the increase from Human Services. Fenske – That letter will be presented to the Human Services Board tomorrow and I am going to request that the Director read it aloud. Stomberg – These are what was appropriated for 2009 Nelson – What was our number in 2008 paid in 2009? Stomberg - \$253,869. The historical society is up \$1,000 from last year. Stomberg reviewed appropriations. Stomberg – Economic development I have \$10,000 for small business administration and \$4,155 for the work force council and \$44,000 as a place holder for Enterprise Corporation. Goodenow - I do feel strongly about not taking it away. Fenske – We wouldn't have to appropriate as much. Goodenow – We could bring it back. Stomberg – The transportation group through the chamber we did contribute \$17,000 last year. Nelson – They want \$18,000 each for 2010, 2011, and 2012. Nelson – Are we going to tax Lyon County people to pay lobbyists in Washington? Has this country decayed this much. Stensrud – Any discussion on the budget? Goodenow moved, seconded by Fenske to set the levy at .2% increase or \$12,191,568. Ritter – Can't we get this down to zero? Goodenow – I think at .2 we will decrease taxes. Fenske – The tax base has increased. Nelson – It won't decrease for the farmers. Marshall industry goes to TIF. Goodenow – That is changing. Nelson – I am talking about the land the new TIF Marshall installed. Stensrud – On 59? Fenske – When is ADM off of TIF? VanOverbeke – Next year. We have one or two districts the following year. Goodenow – Main Street is in TIF. Fenske – Do you think we will get any action tomorrow at Human Services? We could about take it to zero. Goodenow – This is setting the maximum. Nelson – Is the \$44,000 in there? Take that off and live with the residue of last year. We could vote on that foundation.

Voting in favor:

Stensrud
Fenske
Goodenow

Opposed:

Ritter
Nelson

Motion carried 3 to 2.

Fenske – I think it is important to fine tune this. Stomberg – We are required to announce the time and date of Truth in Taxation. It will be held on December 1, 2009 at 7:00 p.m. in CR 1 & 2.

Reviewed Meeting Schedule

Stomberg – The AMC conference starts December 7th this year. Ritter – I would like to see a maximum of two Commissioners go because it can be pretty expensive.

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Commissioners Reports

Goodenow reported on Public Health. They are working on an accounting manual, do we have one? VanOverbeke – I am working on it. Goodenow – It is getting to the point where it needs to be done.

Fenske reported on Insurance Committee meeting.

Nelson reported on Planning and Zoning and Area II.

Stensrud reported on Public Health, RC & D, and Yellow Medicine Watershed. Stensrud – We have a request from Bob Moline wanting input from our county about meeting on collaborative issues. Discussion.

12:22 p.m. Ritter moved, seconded by Goodenow to go into closed session to discuss LELS Labor Negotiations. All voted in favor.

12:35 p.m. Ritter moved, seconded by Goodenow to come out of closed session. All voted in favor.

Stensrud adjourned until October 6, 2009.

Rodney Stensrud, Chairman

Attest: Loren Stomberg
Lyon County Administrator