

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
October 6, 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 – After the jail update if we could add an update on the radio system and under Henriksen’s time we have a subordination agreement and under Martig’s time just a note there was a handout and after Kanwar if we could add VanOverbeke to do cancelled checks and appropriations. Ritter moved, seconded by Nelson to approve the agenda. All voted in favor.

	Per Diems	Expenses
Fenske	\$340.00	\$26.95
Nelson	\$330.00	\$283.80
Ritter	\$290.00	\$61.60
Goodenow	\$350.00	-----
Stensrud	\$200.00	\$75.90

Consent Agenda:

1. Approve Minutes from September 15, 2009
2. Approve Commissioner Warrants 117947-118066 in the amount of \$499,425.14 dated 10/7/09.
3. Approve Auditor Warrants 117857-117880 in the amount of \$147,959.11 dated 9/17/09, 117896-117913 in the amount of \$140,311.45 dated 9/24/09, 117914 in the amount of \$1,210.00 dated 9/25/09, and 117927-117946 in the amount of \$231,485.24 dated 10/1/09.
4. Approve Per Diems & Expenses
5. Sale of wetland credits

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

Agreement with Lois Novosad

Stomberg – This is a renewal of a long standing agreement we have had with Novosad. Fenske moved, seconded by Goodenow to approve an agreement with Lois Novosad to handle rentals at the fairgrounds. All voted in favor.

2010 Sheriff Fee Schedule

Stensrud – The only change is he has some hourly changes. Goodenow moved, seconded by Ritter to approve the 2010 sheriff fee schedule. Goodenow – He talked about changing the contracts? Will they have to be renegotiated? Stomberg – I think this is in anticipation of it. Goodenow – Rather than doing a flat fee doing an hourly instead? Stomberg – The municipality can decide that. All voted in favor.

Jail Update

Splett – The demo is coming along nicely. The parking lot we need to get a few dry days and then we can continue with that. Goodenow – Are you through pouring the concrete out there? So the basis for the flag poles? Splett – We discussed pillars for that. Goodenow –The funny little jag down by the handicap parking is that going to stay? Splett –That came up with code review. It was designed to be like that. Goodenow – The architect has looked at that? Splett – He hasn’t been here to physically see it but that is how it was designed. Stomberg- He will be down tomorrow. Splett – We can review it with him then. Stomberg- I think we have all of our inmate’s home. Marks – They were all here as of September 30th. Splett- I got some additional pricing on some signage. To do the aluminum cast letters for 3 sets it would be \$7,761 for all three of them. These are 10 inch the same as on the jail. Goodenow – Did you find room to put it on the building in front? Splett – I don’t know how to make it work with that round section. Nelson – Have you poured and ran electric? Splett – Nothing has been poured we ran wire under the sidewalk. Goodenow – The sixth street entrance I think the aluminum letters are fine. Out front I think you still need the matching sign. Ritter – There is no way you can make those 10 inch letters work on the front part? Splett – It would be tough. If you put letters around the curve you will see pieces of it. Ritter – It has been that way for 30 years. Goodenow – It is for those that don’t know where the courthouse is. We do service Southwest Minnesota. Nelson – We could put a sign out front and letters on the other. Stomberg – Are you running up with a deadline? Goodenow moved, seconded by Fenske to put a back lighted sign on the main street entrance and letters on the sixth street entrance and to evaluate the cost of letters on the back entrance. Ritter – What is the total dollar cost? Goodenow – One can come out of the jail and the other out of capital improvement funds. Stensrud –It is a \$9,000 savings. Goodenow – And

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you are going to get an extra sign? Splett –Is anything coming out of the jail money? Goodenow – The one we tore down.

Voting in favor:

Goodenow
Nelson
Fenske
Stensrud

Opposed:

Ritter

Motion carried 4 to 1.

Radio Discussion

Mather – The fee schedule we broke it down and averaged it out. Fenske – Will this have anything to do with your contracts? Mather – Yes. The FCC is requiring narrow banding mandated by 2013. The state of Minnesota had hired federal engineering for a study. Right now we have a Southwest Regional Radio Board. This boils down to we can keep our current analog system but narrow band it. It is going to decrease coverage and it doesn't help with congestion. By us narrow banding our system it probably won't do us much good. The cost is about \$900,000. Alternate two VHF Digital the estimated cost of that is \$2.1 million. The last alternative is the Armor system. We would have three towers in our general proximity. The state has offered to allow local agencies to set up their equipment on them free of charge. It creates interoperability among agencies. It is a trunk system and the estimated project cost is about \$2.2 million. If you go to the ARMOR system there is a lot of grant money out there. Goodenow – The two and three million follow up is that county? Discussion. Goodenow – I understand there are grants too? There are a lot of different varieties. Nelson – You can have twenty four different talk groups. Stensrud –When are you anticipating a decision will need to be made on this? Mather – Murray County is probably the closest. They have their participation plan done. I will need a resolution from the Board on options. It won't commit us. Stomberg – The dollar amounts that are here? Any idea what year we will be spending it? Discussion. Stomberg – We will be okay in 2010 but will look at 2011 at having some expenditure? Ritter –Is this only emergency management or is it street departments? Mather – It is public safety. We would have to figure in Public Works. Mather – This is every existing radio we have now.

Landfill Annual Meeting

Henriksen gave an update on the annual landfill meeting.

Quotes for daily cover at the landfill

Henriksen – We sent it out to seven entities. We got quotes back ranging from \$2.70 per yard to \$3.70 per yard. Ritter – Can we have some discussion? Nelson moved, seconded by Goodenow to approve a quote from the Lyon County Highway Department of \$2.70/cy to deliver daily cover from the Demolition Landfill to the Sanitary Landfill. Ritter – It looked pretty fishy to me. I think when you are going to do it this way you need to do it with sealed bids. I had two of the contractors call me. I know you were asked to do it last year. Henriksen – That is the reason I brought it forward here. I did not provide it to the highway department. I didn't realize it would be this close. Goodenow – What was last years? Henriksen - \$2.80. Kanwar – Thomasson and I put this together. I have 10 years experience and he has 30. Stensrud – I think from now on you have to have it as a bid and invite them to come in. Ritter – My personal opinion is I am going to move it to Tolk graveling because they are the lowest private bidder. Stensrud- We have a motion on the floor. Goodenow – We have wanted to use our highway department if we could. If you know you want your county highway department to do it we shouldn't go out for bids. Kanwar – We aren't making any money from it. Fenske – What does our Attorney think? Maes – I think I like the suggestion of moving ahead. If you want to remove your own entity you can do that. The purpose is to go with the lowest but that doesn't mean you can't remove yourself. Kanwar – We were asked before to be part of the bidding. There was nothing shared. Ritter – I am not saying that it was. It was not received well by myself or the public. Fenske – You are always looking for ways to save money. Ritter – It should have been bid not quoted. Kanwar – We should get a policy.

Voting in Favor:

Nelson
Goodenow
Stensrud
Fenske

Opposed:

Ritter

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Motion carried 4 to 1.

Subordination Agreement

Fenske moved, seconded by Ritter to enter into a subordination agreement with Wells Fargo Home Mortgage on a note and septic system lien owned by Lyon County for a septic system replacement loan granted to John and Crystal Yearous in the amount of \$6,314.00. All voted in favor.

Fenske – I was asked if there was any way to recycle shrink wrap? Discussion. Nelson – I have had some complaints from Tracy on the recycling bins down on Front Street. They say some people dump garbage in it and wondering if we are replacing the wood ones.

Library Discussion

Martig – The city is reviewing that agreement. There are shared interest opportunities in here. I am asking you take into consideration two separate items today. First are you willing to support the general terms and proceed with creating an agreement for a total operating cost between the City, County and Library Board? If you and the City agree to move ahead I am going to recommend an ad hoc committee. Martig presented action/recommendations for the Marshall-Lyon County Library. Steve Ritter – When would you need the first input of money from the county? Martig – We wouldn't make our first bond payment until 2011. Goodenow – But we would have a pledge in reserve what we could do before that. In your proposal you added the operating costs? Discussion. Goodenow – Part of what the county was going to do was help with cash flow of the project. It was more of an assistance of the financing rather than buying of the building. I am willing to discuss it but I don't think we can have that done by October 15. Nelson – You have Balaton and Cottonwood owning their building. I see no reason why we would be interested in it. Nelson moved, to leave our agreement as it was as operating costs and not include maintenance. Stensrud called three times for a second. Motion failed for lack of a second.

Fenske – I thought this was two separate issues. Goodenow moved, seconded by Ritter that Lyon County would be willing to participate in funding the bonding to complete the library contingent upon that when the old building is sold 1/3 will go to the county to pay off the outstanding obligation on the bond. Nelson – Are you first in line or last? I want to protect all the money. I would rather give it to them out of reserves. Stomberg – We would not be on the bond. Nelson – You should have some security. Why doesn't Marshall bite the bullet? I will guarantee you that Tracy will be here and Minneota if this is the route you are going. Stomberg – So it is 1/3 of the remaining bond payment? On the dollars that we are coming on from the community endowment funds, those are on interest? We would be looking at a payment schedule no fluctuation from that? Martig – Yes. Fenske – The reason it is so hard to vote yes for this. I don't hear a lot of support. I don't think it was publically demonstrated for and a need for it. Another thing I continually get hammered on is the location is why did the library board refuse to look at another site? Goodenow – The site at the middle school was never allowed. When we were deciding the location it was not available for us. As a county commissioner I wouldn't let them consider it because it wasn't visible. I pushed to have it out on 23. The only reason they want it from Main Street is they think it will draw in more people. If you look at where your patrons are. Fenske – I represent the east side of Marshall and they want it downtown. Goodenow – In the end being next to the middle school and in line to the YMCA. Stensrud - I have heard very little public support. My opinion I heard \$100,000 and then I heard \$120,000. The cost is \$7.87 every time you go in and out of the door. Ritter – It costs you that to go to the basketball game. Fenske – It has been very difficult to come to a decision on this. Goodenow – Part of that is the project has lasted this long. Nelson – Where is the capital coming from? Stomberg- It will be built into the annual budget. Goodenow – It will be similar to the law enforcement center.

Voting in Favor:

Ritter
Fenske
Goodenow

Opposed:

Stensrud
Nelson

Motion carried 3 to 2.

10:20 Meeting Recessed

10:35 Meeting Called Back to Order

Lyon County Ordinance Article 21 (WECS)

Riddlemoser – I have been talking with Biren on and off since the last revision on Article 21. This is a presentation on trying to focus on moving forward. I am going to go through the

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requirements. The highest level statute in Minnesota is 216 F. Riddlemoser presented information regarding Lyon County Ordinance Article 21 (WECS). Riddlemoser – Are there any questions? There are two issues here. One are the recommendations I made. One is making sure the ordinance is in line with the PUC. Right now because we don't identify the PUC order at all. I think for clarity those other definitions should be smoothed out. Fenske – Have you gone over this with Planning and Zoning? Riddlemoser – I understand the Planning and Zoning Board will be absent because of harvest. Discussion. Biren – I think it is important the reason for the 3 by 5 is there is a downwind impact. Discussion. Riddlemoser – I understand what Biren said I don't agree that there is any ability for the county to make any discretionary decisions. You can act more stringent. That is the minimal set the 3 by 5 is there. Goodenow – It is a relatively easy fix is if we follow the standard from the state. Riddlemoser – I understand there could be negotiations. Ritter moved, seconded by Fenske to send Lyon County Ordinance Article 21 (WECS) to Planning and Zoning to take a look at it. All voted in favor.

Final payment for SP 42-599-135

Fenske moved, seconded by Ritter to approve final payment to R & G Construction in the total amount of \$4,912.28 for SP42-599-135. All voted in favor.

Cooperative Agreement for City of Marshall underpass project MNDOT Agreement No. 95280

Ritter moved, seconded by Goodenow to approve and authorize the Chair to sign MNDOT Cooperative Agreement 95280. All voted in favor.

Cooperative Agreement for TH 23 resurfacing project in 2010 MNDOT Agreement No. 95349

Goodenow moved, seconded by Nelson to approve and authorize the Chair to sign MNDOT Cooperative Agreement Number 95349 including the correction on page 3. Fenske – I think on page three there is an error where it says 3.5 miles I think it is 5 miles. I think they did catch it when they figured it out. All voted in favor.

Cooperative Agreement 95350-R

Goodenow – The project to realign 7 is? Kanwar – In 2011. Goodenow moved, seconded by Nelson to approve and authorize the Chair to sign cooperative agreement 95350-R to build an acceleration lane on TH 23. All voted in favor.

Fourth Quarter Appropriations

Goodenow moved, seconded by Ritter to pay fourth quarter appropriations to Public Health, Lyon County Historical Society, Soil and Water, and RCRCA. All voted in favor.

Goodenow moved, seconded by Ritter to pay the library the next three months at the 2008 rate. All voted in favor.

VanOverbeke – The Arts and Humanities you only paid partial. Stensrud – We paid ½ of it. Goodenow moved, seconded by Ritter to pay \$1,000 to the Southwest Arts and Humanities. All voted in favor.

Human Services Cancelled Checks

Fenske moved, seconded by Ritter to approve cancelled checks for Human Services. All voted in favor

Lyon County Cancelled Checks

Ritter moved, seconded by Nelson to approve cancelled checks for Lyon County. All voted in favor.

2010 Health Insurance Renewal

Stomberg – I want to update the Board on the conversations. Discussion. Fenske – At the Insurance Meeting there was a lot of discussion and there was also a presentation for an agent of record. But the thing that is so difficult is the \$200 deductible. And everyone talks about they want to eliminate that. Really the best thing would be is to have three VEBA plans. Schroeder – As being a part of the insurance committee I think it is difficult to get consensus when you are trying to represent 250 members. I think the representatives recognize the way this needs to go. I think that the representatives on the insurance committee while trying to do the best job they can they see the direction it needs to go. I think what we are lacking right now is the details.

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Reviewed Meeting Schedule

Commissioners Reports

Nelson reported on Area II, the Fair Board, MR B, and the Regional Radio Board.

Fenske reported on Policy Advisory Committee, Insurance Meeting, Transit Advisory Board, Fairview Township and road problems, Safety Committee, and Census Committee Meeting.

Ritter – I want to comment on Human Services there was a letter read from this Board read to that Board on the \$27,000. Fenske – I am glad you brought that up. We were very adamant about that is how Lyon County Board feels. Ritter – Sorenson said he would be able to get it down.

Goodenow reported on Advance and Public Health.

Stensrud reported on Soil and Water, Western Mental Health, Public Health, and the Landfill meeting.

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

Rodney Stensrud, Chairman

Attest: Loren Stomberg
Lyon County Administrator