

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
October 20, 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, and County Attorney Maes.

Pledge of Allegiance to the Flag

Approve Agenda

Stomberg – One addition under Henriksen’s time is to set the 2010 tipping fee. Ritter moved, seconded by Fenske to approve the agenda. All voted in favor.

	Per Diems	Expenses
Fenske	\$150.00	-----
Nelson	\$100.00	\$86.90
Goodenow	\$100.00	-----
Stensrud	\$100.00	\$40.70
Ritter	\$ 50.00	-----

Consent Agenda:

1. Approve Minutes from October 6, 2009
2. Approve Commissioner Warrants 118131-118230 in the amount of \$201,177.94 dated 10/22/09.
3. Approve Auditor Warrants 118067-118086 in the amount of \$163,226.13 dated 10/8/09, 118099-118116 in the amount of \$248,061.66 dated 10/15/09, and 118117-118130 in the amount of \$157,656.23 dated 10/16/09.
4. Approve Per Diems & Expenses
5. Approve declaring firearms as surplus property and trading them for newer rifles

Ritter moved, seconded by Nelson to approve items one through four and pull item five. All voted in favor.

Declaring Firearms Surplus Property

Mather – I am requesting we dispose of some of the county owned surplus in exchange to purchase some rifles for the squads. All of the weapons on here have been purchased over the last twenty years. Stensrud – Are these set prices? Mather – These are not set in stone. This is step one. We have quite a few weapons that have been seized over the years. Nelson – Those pistols, the owner needs a permit to carry but they can own them? Mather – You would need a permit to acquire it. These will be sold or traded to a federal firearms dealer. Fenske moved, seconded by Ritter to declare the firearms as surplus property and trade them for newer rifles. Ritter – Are there two different motions here? Mather – If you want to authorize the trade of them, but I am not opposed to coming back to the Board. All voted in favor.

Jail Update

Jason Splett – We are doing demo. We have made it all the way through the steel cells. I have Bisbee in there working on duct work. Goodenow – Did you come up with a solution for the sidewalk? Splett – We are going to do that today. Stensrud – Any other questions for Splett? Filippi – Looking at the budget there are still a couple of small items that are pending. For the most part we are sitting with about \$70,000. Along with that we still have a pretty good balance in the general condition budget. I handed out a proposal from Chief Industries. I had brought this back to you in July. This is to rework some of the existing doors. We received a price from them which is \$16,576.71. Nelson – That is six units? Filippi – Yes six doors. They are your sally port doors, both sides of dispatch, one down the corridor, and the outside door from the food service area. Stensrud – Why weren’t they in there? Filippi – I’m not sure why they weren’t included. Fenske – Who does the work on them, who installs them? Filippi – They will come here, everything has to be fabricated on site. Stensrud – It makes sense to do this. Nelson moved, seconded by Fenske to approve six locks for the jail in the amount of \$16,576.71. Ritter- Those dollars would come out of general conditions? Filippi – I would start out of contingency. All voted in favor.

Splett – I will have to get pricing for the increase in size and the height of the letters. Goodenow – The height off the ground, is how far off the ground he has to go. Stensrud – I think they should be all 12 inch. Stensrud- Our motion was to go 10. Goodenow moved, seconded by Fenske to have the letters on the Southwest Entrance at 12 inch letters. All voted in favor.

Ritter – Last Friday Marks took me through the facility and he pointed out that the tile in the old part was going to be covered with carpet. Filippi – It was an idea that Steve brought up last week. There was a possibility right in front of central to put a piece of carpet down to quiet it down. Ritter- That would be pretty expensive wouldn’t it? Filippi – The price is in there but the cost would be to level it out. Discussion.

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Jail Transition Update

Brad Marks – On September 21st we began operation in the new jail. We moved our existing inmates over to the new jail. From September 21st through the 30th we moved them back from Yellow Medicine. Now it is getting acclimated. Marks gave an update on jail transition. Marks – The reason it has gone so well and is working at this point with our limited abilities is the staff. I have to give them credit. Discussion. Ritter – Are we getting any females from other counties? Marks – Not at this point.

Discussion on hiring a heavy equipment operator

Kanwar – This is a request to discuss to see if this is a possibility. We made it through summer it was a struggle. We left out shouldering this year. If it is possible we would like to have someone start soon and get them trained. Goodenow – How many open positions are there? Kanwar – Three. Stensrud – Any questions or discussion? I think in the summer time they could get along a lot better especially if a storm came along in the winter? Ritter- Can we go temporary full time? Why not go to the private side and call them when you need it done? Kanwar – We still have some labor involved. Inspecting the roads. It is not really a cost efficient way to do it. Ritter – This Board voted last December with a 5 to 0 vote to have a hiring freeze. Ritter – What about the parks employees, is that an option to have them help it? Kanwar – It would not be a permanent fix. Thomasson – The blading of the roads, we have 140 miles of gravel to blade. They have a hard time getting it in a week. This one would go to Minneota. I only have one there. Nelson – How much further now is your gravel now, from your old pit? Thomason - 10 to 12 mile further haul. Stensrud – If we do this we would have to rescind this or make an exception. Thomasson – With the two short there that is 65 to 70 miles of road and it would take longer. Discussion. Goodenow – I don't think we thought it would be three in one department. On the other hand I think you need to look at other things like cross training. Fenske – When did the heavy equipment operator leave? It was in the budget? So if we add this it won't increase the budget? Nelson moved, seconded by Fenske to waive the hiring freeze only in this case, and authorize hiring a heavy equipment operator. Goodenow – We have a list of turn backs and we talked about the miles of gravel. We haven't done that lately and at some point we need to have a discussion about where we are at on that list. Kanwar – The county roads we can look at that direction to. Goodenow – We have a list. Kanwar – We do help the townships but we charge them. Ritter – Is that a seasonal? Stensrud – No that is full time.

Voting in Favor:

Fenske
Nelson
Stensrud
Goodenow

Opposed:

Ritter

Motion carried 4 to 1.

9:45 Meeting Recessed

10:00 Meeting Called Back to Order

Health Insurance

Stomberg – BCBS has notified us that we need to cut down to three plans. I have listed in the RBA the summary of the plans we have and the numbers on it. The Insurance Committee met and came up with the following recommendation a \$500, \$1850 VEBA, and \$5,000 VEBA. My recommendation is to go with three VEBA plans \$1,200, \$2,600, and \$5,000. My reasoning for that is if we eliminate the \$200 plan the \$1200 plan we will be able to self insure the extra amount. I really need to stress that we need to keep that \$1200 plan. An alternative would be just to drop the \$500 plan. That does have quite a bit of merit to it. It would have the minimal impact on the number of employees. Stensrud – The \$500, \$1850, and \$5,000 was their recommendation. Fenske – One of the other factors is the Insurance Committee and everyone the discussion was this would be for a year and next year we would be at all VEBA. Stensrud – I think for the next year we could support the \$500, \$1200, and \$2600. Stomberg – That assumes that 10 people are taking the \$500 plan. Fenske – One of the things we have agreed to have an agent of record. I think it will help because they can have individual meetings with each employee. Discussion. Fenske – There is no charge for this year. Discussion. Ritter – On your recommendation what is the difference in cost? Stomberg – There won't be a difference because of the cafeteria contribution. Discussion. Stensrud – There are a number of people that would have gone to the \$5,000. Fenske moved, seconded by Goodenow to adopt the \$500, \$1200 VEBA, and \$2,600 VEBA health insurance plans for 2010. Fenske – Do we need it on record that for 2011 they will all be VEBA plans? Ritter – I still need it clarified, you had recommended the \$1200, \$2600, and R5,000. Stomberg- To me it makes the most sense when you look at where

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the premiums are. Stensrud – There was some question about whether we would do a lump sum going towards the VEBA. It was discussed if you went from the \$2600 to the \$5000 would there be a little more incentive. Fenske – There is an incentive from the Service Coop. The single is \$275 and the family \$675. Nelson – The only discussion I have is it understood that the \$500 is going away next year. All voted in favor.

Agent of Record

Goodenow moved, seconded by Ritter to approve Bill Chukuske as the agent of record for 2010 for health insurance subject to the approval of a written agreement by County Attorney Maes. All voted in favor.

Update on wetland credits and recycling

Henriksen – Right now we have 19.642 acres left and are sitting around \$73,000. Ritter – That \$72,833.39 is in a separate account? VanOverbeke – Correct. Ritter – Is there a number of acres where we are going to quit selling? Stensrud – I think some of these we can't use on our own. Nelson – We were lucky John Biren investigated this and found we had not been paid by Fish and Wildlife. Fenske – I agree with that we need to be looking at this so we don't just sell off these 19 acres. Ritter – You would think the longer you keep it the more it would be worth. Discussion. VanOverbeke – If you are planning on using it for the Twin Lakes Project it would be best if you made a motion designating that. Nelson moved, seconded by Ritter to designate wetland credits for Twin Lakes Park and any expenses for it. Henriksen – There are certain expenses to maintaining that area. Ritter – I appreciate the input. I want it designated, the dollars used for environmental and Twin Lakes. All voted in favor.

Henriksen – We had to order more carts. One thing I learned is we don't have to pay sales tax on those. Ritter – You are referring to those used carts from Waste Management? Henriksen – Correct. This will go through the Auditor's Office. VanOverbeke – This will be applied for in 2010 along with the rest of the jail. We have applied twice for the jail already. Stensrud – How many carts do we have out now? Henriksen – 6,700.

Leachate Hauling

Henriksen – When we started hauling we had 600,000 to 700,000 in the pond. They are only taking 50,000 a day in Sioux Falls. They have to have a permit to haul in St. Paul. Stomberg – Will we be having this need for every rain event? Henriksen – The city of Marshall pretty much shut us down. Ritter – Would you start back at zero again? Henriksen – We have the new treatment ponds. One of them has a leak in it. We had to start pumping it down. The primary liner has a leak. Water is getting between the primary and secondary liner. We attempted to do that and we probably would have been okay if we had had normal rain. But we have had five inches in October. Stensrud – The leak in the liner, there must be someone else responsible? If you get this down to where it needs to be fixed it shouldn't be all ours. Henriksen – 50,000 gallons was not enough. Stomberg – He did call me one of the rainy days and I told him to go forward because you can't leave it on there. Henriksen – We can go 40,000 to St. Paul and 50,000 to Sioux Falls. Fenske moved, seconded by Ritter to approve a quote from KANE for leachate hauling to cities. Ritter – It would be nice to know when repairs are being done. All voted in favor.

Tracy Recycling Sheds

Henriksen – We have two sheds down there. Ritter – So you bring an empty down and a full back? Henriksen – Yes. They will be like the ones at Wal-Mart, Kmart, and County Fare. Nelson moved, seconded by Ritter to approve cost for a recycling roll-off as replacement for Tracy shed. Ritter – Is this going to be through the remaining of the contract. Henriksen – Yes. All voted in favor.

Budget and 2010 Tipping Fees

Ritter moved, seconded by Goodenow to set the budget and 2010 tipping fee. All voted in favor.

Medicare Supplement Renewal

Stomberg – The renewal last year the amount was \$349.50 and this year it is \$357.50. I would recommend we accept that renewal. Goodenow moved, seconded by Fenske to approve the 2010 Medicare Supplement Renewal from Blue Cross Blue Shield. Ritter – How many employees does that cover? Stomberg – About twenty. All voted in favor.

County EDA recommendation

Stomberg – The Board asked me to take a look at the Recommendations Committee report. I do agree that the EDA should be with an HRA. I also think this should be looked at with number 8 and the Board should develop its own clear expectations. Discussion. Fenske – Are you saying

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you agree with the two miles? Stomberg- I agree with it but it may limit what we can do. If we decide to get in the EDA business I think we need to see if it is something that will fit in a department. Nelson – Originally our intent was to create it was to be able to bond? Stomberg – Correct. Stensrud – I know Stomberg has looked at it some. We need to have some money here if we are going to do it. Fenske – You and Nelson were on this committee. It was well done and the committee gave us some good ideas. Goodenow – To summarize you are accepting having a five person Board and building it in. Nelson – You are not ready to turn over a taxing authority to a nine member non -elected Board. Stomberg – If we have clear unambiguous goals then it makes sense to hire them on a contract basis. Nelson – What if we sat overall and they presented to us and we could help if they needed. Fenske – At some point I think it is a good idea that we have a planning session. Goodenow – Can we at least request putting together the enabling resolution? Can we decide to have an EDA and then have a planning session to decide what it is going to do or have a session and then decide to have one and what to do? Discussion. Goodenow moved, seconded by Ritter to request the County Administrator to present the enabling resolution for the HRA/EDA. All voted in favor.

Review Meeting Schedule

Commissioners Reports

Ritter reported on the Road Tour.

Goodenow reported on Library Board.

Nelson reported on RCRC and Road Tour.

Fenske reported on Transit Advisory Committee, Insurance Committee, and Road Tour.

Stensrud reported on Western Mental Health, Road Tour, and Insurance Committee Meeting.

RESOLUTION CLOSING BOARD MEETING

WHEREAS, the Minnesota Open Meeting Law, Minn. Stat. § 13D.05, subd. 2(b) states that “meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege”; and

WHEREAS, the County Board seeks to meet with its attorney to obtain advice regarding a pending lawsuit, Rick Anderson, et. al v. County of Lyon, et. al.; and

WHEREAS, it would be detrimental to the interests of the County for the County Board to hold a public discussion with its attorney regarding its legal position(s), strategy, etc., where an opposing party or opposing attorney could listen to or be made aware of the County’s positions; and

WHEREAS, it is in the best interest of the County for the Board to obtain legal advice in a confidential setting to maintain the attorney-client privilege.

BE IT RESOLVED by the Lyon County Board of Commissioners as follows:

1. The Board hereby closes based upon the attorney-client privilege pursuant to Minn. Stat. § 13D.05, subd. 3(b);
2. The specific subjects to be discussed, pursuant to Minn. Stat. § 13.01, subd. 3, are the claims raised in the above-referenced lawsuit, and the defenses and legal positions to be taken by the County.

The motion for the adoption of the foregoing Resolution was made by Ritter duly seconded by Nelson and upon a vote being taken thereon, the following voted in favor thereof:

Nelson, Fenske, Ritter, Goodenow, and Stensrud.

and the following voted against the same: None.

Whereupon said Resolution was declared duly passed and adopted.

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

Goodenow moved, seconded by Nelson to go into closed session for Labor Negotiations with LELS Jailors/Dispatchers. All voted in favor.

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

Stensrud adjourned until November 3, 2009.

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Rodney Stensrud, Chairman

Attest: Loren Stomberg
Lyon County Administrator