

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
June 30, 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, Absent : County Attorney Maes.

Pledge of Allegiance to the Flag

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

	Per Diems	Expenses
Goodenow	\$250	\$123.75

Ritter moved, seconded by Fenske to approve the per diems and expenses. All voted in favor.

Advertising for Bids; SP 42-591-02 Cottonwood Bike Trail

Kanwar – The bid opening date would be July 30. It is for the bike trail. Goodenow – This is a city project not a school project. Isaackson – It is a city project. It is about 2,200 feet. Goodenow moved, seconded by Ritter to authorize advertising for bids and set a bid opening for July 30, 2009 at 11:00 a.m. in Commissioner Room 3 for SP 42-591-02. Goodenow – Why are we doing this at the end of July? It has been discussed for awhile. Shouldn't it have been bid in March? Aaron VanMoer – Our plans have been up there since March. They had to go through the ranks. I think it sat on someone's desk at St. Paul for ample time. Kanwar – It came last week that is why I asked for a special session. Goodenow – Are they going to be able to get it done before it freezes? VanMoer – Completion date is September. Ritter – What is the engineers estimate? Isaackson – About \$110,000. All voted in favor.

Fenske – On county road 73, which is a gravel road out by Green Valley, was it posted 5 ton before? Kanwar – We had a few calls for people to use it. We have a policy where they need to get a permit from us. Fenske – Where does this road run? Discussion. Ritter – During harvest time aren't they allowed to take it to the field with a semi? Stensrud – With 23 I think we need to give the locals a break. Stensrud – Our next thing on the agenda is to have a closed session for pending litigation.

Member Ritter introduced the following Resolution and moved its adoption:

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 duly seconded by Goodenow 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.

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After the Board came out of closed session Ritter moved, seconded by Nelson to adjourn until 9:00 a.m. on July 7, 2009. All voted in favor.

Rodney Stensrud, Chairman

Attest: Loren Stomberg
Lyon County Administrator