

UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
April 19, 2011

9:00 a.m. Meeting was called to order by Chairman Fenske. Members present: Fenske, Ritter, Goodenow, Anderson, Stensrud, County Administrator Stomberg, Attorney Maes, County Auditor/Treasurer Van Overbeke.

Pledge of Allegiance to the Flag

Approve Agenda

Stomberg – Under resolutions and contracts if we could add a resolution acknowledging May as Mental Health Awareness Month, a resolution requesting a presidential declaration of a major disaster, and a tax abatement. Pull Terry Wing's items until next meeting. Ritter moved, seconded by Stensrud to approve the agenda. All voted in favor.

Identify any Conflict of Interest

No conflict of interest identified.

	Per Diems	Expenses
Fenske	\$150.00	\$49.98
Ritter	\$240.00	-----
Anderson	\$100.00	\$30.60
Stensrud	\$150.00	\$85.68

Consent Agenda:

1. Approve Minutes April 5, 2011
2. Approve Commissioner Warrants 124516-124622 in the amount of \$160,161.43 dated 4/20/11.
3. Approve Auditor Warrants 124424-124471 in the amount of \$126,131.67 dated 4/7/11 and 124484-124510 in the amount of \$240,266.62 dated 4/14/11.
4. Approve Per Diems & Expenses
5. Authorize Advertising for Bids : Aggregate Processing
6. Authorize Advertising for Bids : Bituminous Materials
7. Authorize Advertising for Bids : Bituminous Patching materials

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

Sentence to Serve Contract

Anderson moved, seconded by Ritter to approve and authorize the Chair to sign a contract with Sentence to Service. All voted in favor.

Appointment of Commissioners to LPRW

Stensrud moved, seconded by Ritter to approve the resolution and authorize the Chair to sign a resolution appointing Bill Ufkin and Mitch Kling to Lincoln Pipestone Rural Water System Board. Anderson – Are these approved on a rotating basis from Lyon County? Ufkin is a Minneota name but what about Kling? Fenske – Their Board brings them.

Voting in Favor:

Anderson
Stensrud
Ritter
Fenske

Opposed:
Goodenow

Motion carried 4 to 1.

Mental Health Resolution

Anderson moved, seconded by Goodenow to approve and authorize the Chair to sign a resolution declaring May mental health awareness month. All voted in favor.

Emergency Management Grant

Stensrud moved, seconded by Ritter to approve and authorize the Chair to sign a resolution requesting Lyon County be included in the State of Minnesota request for a Presidential Disaster Declaration for expenses incurred by Lyon County under the Public Assistance Program. All voted in favor.

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Tax Abatement

Goodenow moved, seconded by Ritter to approve abatement of a portion of the taxes payable in 2011 for Turkey Valley Farms. All voted in favor.

MCIT Annual Report

Jane Hennagair gave the MCIT Risk Management Annual Report.

Yellow Medicine River Watershed District Annual Update

Cindy Potz gave the Yellow Medicine River Watershed District Annual Report.

Sheriff Mather and Jeff Hohensee, Drug Task Force Update

Mather and Hohensee gave a drug task force update. Discussion on grant funding and increase in cost to participate in 2012.

10:15 Meeting Recessed

10:30 Meeting Called Back to Order

Fees for appliance recycling

Goodenow moved, seconded by Anderson to set the appliance recycling fee from \$0 to \$15 depending on the cost. All voted in favor.

E-Waste Collection Day

Stensrud moved, seconded by Goodenow to establish the fees for E-Waste Collection day at Public Works on Wednesday May 18, 2011. All voted in favor.

Authorize Chair to sign Agreement with MNDOT and City of Cottonwood

Goodenow moved, seconded by Anderson to approve and authorize the Chair to sign an agreement with MNDOT and the City of Cottonwood. All voted in favor.

10:38 a.m. Commissioner Stensrud left the meeting.

Accept Low Bid for SAP 42-603-24, SAP 42-603-25, SAP 42-607-25, SAP 42-615-14

Anderson moved, seconded by Ritter to accept the low bid of \$2,139,943.61 from McLaughlin & Schulz, Inc for SAP 42-603-24, SAP 42-603-25, SAP 42-607-25, SAP 42-615-14. All voted in favor.

Accept Annual Report for Highway Department

Goodenow moved, seconded by Ritter to accept the annual report for the Highway Department. All voted in favor.

10:41 a.m. Commissioner Stensrud returned to the meeting.

Change in maintenance process

Kanwar – I have a small change from all to sealcoat operations. Fenske – So this meets MCIT approval? Kanwar – Yes. No action taken.

Work Force Analysis for Public Works

Kanwar – We have the option to stay with the traditional model and the other option is change. We do not want to cut the services, that is not the goal. We want to provide the best service at the most reasonable cost. The traditional model has one issue, our operation fluctuates with season and we don't have any consistent way to match those fluctuations. Goodenow – What you are proposing is 19 employees? 12 need to be high skilled. So right now our high skilled workers are doing the lower skill jobs. Discussion on page 3 graph and staffing levels. Fenske – Meeker County has been doing this for 15 years. I had a chance to visit with the county engineer and one of the Commissioners. They have been using this and it has worked very well for them. They have a constant list of part time employees. It is working well. Stensrud – What are the savings suppose to be? Kanwar- There is a range. We can save up to \$600,000. Goodenow – What is an average? Kanwar - \$350,000 to \$600,000. Stensrud – What about stock piling gravel? Discussion on stockpiling gravel. Anderson – I talked to someone in MNDOT. Most of the time they have to retrain every year. A lot didn't pass the background check. Kanwar – We are not making any abrupt changes. It will be done gradually. Fenske – There wouldn't be any immediate layoffs? Kanwar – No it would be through attrition. Discussion on job duties.

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Goodenow – We do have an opportunity to try this when we wouldn't have any layoffs. Fenske – Commissioner Goodenow in the packet on page 2 that is the MnDot staffing level. Goodenow – Even if it is \$200,000 you save I would rather it go into a project. I would like to shift it over to road projects. Fenske – Would you go into information on recommended staffing? Stomberg – If the proposal doesn't work what is the fall back plan? Kanwar – Go back to the original plan and hire. Stensrud – I don't think we were talking about hiring 3 people. When you see the number of hours on there the numbers don't lie. Anderson – We are not going to be able to give the same services. Ritter - I think we need to try it. It is our job to make this county run the most efficient. We work for the tax payers and are accountable to them. Fenske – We have not run the highway department the most efficient. Anderson – Where I have problems is the park and fair board. It limits. You can't manage Garvin and Twin Lakes and do all the rest and do it right. Goodenow – We are trying it to see how it works. Discussion on three year time period. Goodenow – The plan does include having at least two people at each shop? Kanwar – Each shop will have two. Goodenow – Right now there is only one in Minneota. Kanwar – We can hire someone for Minneota or move someone permanently. Kanwar –I'm not going to remove Mark from the Parks but I want Mark to become available to the highway department in the winter. Stensrud – Who is going to take care of the park? You said in the summer you were going to take him? Kanwar – It would be for emergencies only. STS is there and interns and highway. It also goes in the other direction. If we have a real need in the Park, and we have done this before, last year Twin Lakes Park no one went and mowed it and then highway went and took care of it and it Parks was fully staffed. In Garvin Park there was an old house and it was there for years and no one took care of it. Highway went and took care of it. It is a two way street. Discussion on staffing. Fenske – Did you care to comment on your recommendations? Kanwar – My recommendation is that each shop has a core group of two and a list of temporary help available and a summer intern program. Fenske – I would like some comment on planning and zoning and ditches? Discussion on planning and zoning and compartmentalizing job duties. Kanwar – One thing I want is department knowledge not one person and get more people involved. Goodenow moved, seconded by Ritter to approve the Public Work's Director's recommendations for the public works department.

Voting in Favor:

Ritter
Goodenow
Fenske

Opposed:

Anderson
Stensrud

Motion carried 3 to 2.

11:30 a.m. Public Hearing for West Twin Lake Park

Biren – Today we are asking the board to consider a water surface use ordinance for West Twin Lake. In 2007 the park board has been discussing purchasing this land. We purchased this land to develop. One of the items is a water quality.

In summary this Ordinance is enacted for the purpose to control and regulate the use of all waters during open water conditions of West Twin Lake located within Lyon County. The intent of the ordinance is to regulate the operation of watercraft by not allowing the use of gasoline powered motors for mobility. Electric motors are a permissible motor for mobility. Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor. The ordinance shall be effective May 14, 2011.

Fenske – What about a big boat that has a gas motor but has an electric trolling motor? Can he do that? Biren – As long as the motor is not being used it is permissible. Maes – The enforcement and penalty provisions are given by statute, it is already provided for and that is how it will be handled. Chuck Obler, Fisheries Specialist, DNR – The vegetation is a very important factor as far as keeping the water clear and clean. It is one of the few lakes you can actually see the bottom of the lake. The lake has become much cleaner since the vegetation has become present. In summary we want to protect the vegetation out there. The last time we surveyed it there were 14 types of aquatic vegetation. I have never seen a lake in Southwest Minnesota with that many. It is an accumulative thing. The fishing is getting better. Stensrud – What is the difference in clarity between east and west? Obler - In east 6 or 7 feet. West stays pretty much without algae blooms. The DNR is willing to work with the county on putting in better access. Ritter – What is the difference in the effect of the lake with a waves versus a 40 mile per hour wind? Obler – A boat wake gets higher wave height then wind action does. Vegetation is a lake acts as a damper for wind action. Ritter – You are saying the DNR wants to close it to motors only electric? Obler – Or a no wake lake. Anderson – One of the comments that I got from a resident down there, is most of the vegetation centered around the southwest side of the lake. Obler – The rarer species are in the west end of the lake but pretty much all around the lake. Biren – This was a letter addressed to Carol Oakland from John Giese.

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Ms. Carol Oakland
504 Fairgrounds Dr.
Marshall, MN 56258

4-11-11

Hi Carol!

I had a short visit with John Biren and he was telling me about your park expanding to the East and West Twin Lakes. What a great thing to happen.

We discussed having a no wake zone for West Lake and I would just like to encourage you to strongly encourage that. When you have a lake with good vegetation and fresh water shrimp in So. Minnesota you have a gem. It is very good for both the fish and the ducks. The Lesser Scaup "Blue Bill" ducks depend very much on these species for their migration and are getting less of these lakes all the time. Bigger and faster boats seem to have an adverse effect on these small lakes and I hope you people consider keeping the wake down to a minimum.

The fish, ducks, and other wildlife greatly benefit from this as does the shoreline erosion.

Sincerely,
John M. Giese
Slayton, MN

11:50 a.m. Fenske opened the public hearing

Carmen Christianson (landowner on East Twin) – From the beginning it was brought up to have something special to protect the vegetation in the lake. I was in it for the no wake because you could still use your bigger motors. It definitely limits the use of the lake. I bet 50% of the lake is covered in aquatic vegetation. Steve Tinklenberg – I'm from Sioux Falls, SD – I have a vested interest in being here. I grew up 7 miles south of west twin. I have been skiing there for 10 or 15 years. I have cleaned up that ramp. The water is warm, it's clean and no one is there. I am thrilled that you are looking to develop the area. I have supported the area all along. If the lake is closed for what I use it for I have no reason to come back. I have snorkeled the entire lake. There are three reasons the lake stays clear first is the vegetation, that bottom is full of clams, the entire lake is surrounding by rock shore line it doesn't have the mud. They are also muddy because when water levels rise and you get wind action it erodes the shore. I have seen no one use that lake irresponsibly. I called the DNR they are not pushing for this, this is a local initiative. In other lakes in Minnesota, particularly in the metro area, they limit the number of people that can get on those lakes. The other thing is once that lake is closed it will never be reopened. My first choice would be to leave it as is, leave it in its primitive state. Number 2 limit the number of boats. I am incredibly disappointed this is even an issue. Erick Peterson – I have fished it a couple of times. The secret is out that this is the new hot lake in Southwest Minnesota. My recommendation is put it down to an electric motor. We have tons of other lakes you can ski on. You have to look at the fact that with increased use you are going to have damage. We compromised a lot in this whole area. I would say that it would be a lot better to be preventive. Jeff Baker - I agree with a lot of the points. Anyone who has a boat knows that weeds and motors don't mix. About 20 years ago the southeast side of the lake was washing out. The county extended the culvert. I think we need to lower the water level. It used to have a beach but it hasn't had a beach in forever. Fenske called for additional comments. Upon hearing none the public hearing was closed.

12:11 p.m. Public Hearing Closed

Goodenow moved, seconded by Anderson to approve the water surface use ordinance for West Twin Lake; Shelburne Township. Maes – This one was used in part from another county and when I read through this my thought was the ordinance covered things that were already given by law but it is good to include that. Also, I think this may have come in part of off an amended one not an initial one. When you adopt the ordinance in the first part third line it talks about Commissioners on today's date and to be effective on May 14. In the exception, I didn't know if you wanted to include authorize law enforcement personnel, emergency responders and government resource management personnel acting in the course of their duties just two words. Finally I don't know about originally passed maybe this ordinance is adopted by the board on this date and effective May 14. Fenske – Would you add these changes? Goodenow – Yes. Anderson – I would like to see to that we can tweek this and I would like someone to come back. I would like to revisit this in February. Maybe look at the no wake. Ritter – Once it is in place I think it is going to be hard to change anything. Goodenow – It is more difficult to allow it to start and then don't do it. Anderson – If we start out then we can always go the other way. Ritter – If you don't have an updated ramp. Anderson – If the fishing is good there people will find a way to get a boat on that lake. Ritter – I think it is premature to do it before it is decided on what the rest of the development is going to be. Stensrud – If you can limit it to one or two boats but how do you monitor that. Goodenow – That is an interesting idea. Ritter – If Section Line Lake it sounds like that would be an option. All voted in favor.

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Public Works Part Time Help

Goodenow moved, seconded by Fenske to approve hiring summer help for Public Works Projects. Anderson – Because of child labor laws they have to be 16 for parks and on the highway side they have to be 18. Kanwar – For highway it has been 18. All voted in favor.

Jeff Spartz, AMC Executive Director

Discussion on magic act. Fenske – Do you have any information on how the local legislatures think about this? Discussion on support for act. Discussion on levy limits. Board thanked Jeff Spartz for the update.

Land sale update

Stomberg – This is a map of the Timmerman property. The problem with the legal description is the survey's that have been done the lines are not all done correctly. In exchange for clearing the property they would like to square off the property a little. Discussion on drainage easement. Fenske – I am against giving any easements and let it go to land sale. Stomberg – You can sell it as it is or do what they are requesting or some counter proposal which would include an easement. The property will be sold at public auction May 31 and we will bring it to the next meeting. Fenske – You would have our administrator work with the attorney to clean this up. Anderson – I don't think you are offering anything. Stomberg – No easements just transfer the strips of land.

Ritter – I would suggest we add the Barstad Road property to the May 31 auction. Anderson moved, seconded by Ritter to put the Cottonwood property on the May 31 auction. All voted in favor.

Plum Creek Library Joint Powers Agreement

Goodenow – This is the joint powers agreement with Plum Creek Regional Library System. Goodenow moved, seconded by Ritter to approve and authorize the Chair to sign a Plum Creek Library Joint Powers Agreement. All voted in favor.

Health Screening

Stomberg – The cost of doing the screenings is paid for through the grant program. It is about a ½ hour process for employees. Stensrud moved, seconded by Goodenow to approve employee participation in a free health screening. All voted in favor.

AED / CPR Certification

Goodenow moved, seconded by Stensrud to approve using tobacco funds to pay for AED/CPR training for employees. All voted in favor.

Strategic Planning Dates

Fenske set a strategic planning meeting for 9:00 a.m. on May 10.

Reviewed Meeting Schedule

Commissioners Reports

Anderson reported on Historical Society and Planning and Zoning.

Stensrud reported on RCRCA.

Fenske reported on Regional Amateur Sports Commission and AMC District 8 Land Use Committee.

Goodenow reported on library board and Park Board.

Ritter – I noticed some of the E-911 have been replaced, what is the progress on that? Kanwar – It should be complete by the end of the week. Ritter reported on Lake Marshall Township meeting and Extension Committee.

1:20 p.m. Ritter moved, seconded by Goodenow to adjourn. All voted in favor.

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Robert Fenske, Chairman

Attest: Loren Stomberg
Lyon County Administrator