UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
October 4, 2011

8:30 a.m.- Meeting was called to order by Chairman Fenske. Members present: Stensrud, Fenske, Ritter, Goodenow, Anderson, County Administrator Stomberg, Attorney Maes, County Auditor/Treasurer Van Overbeke.

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

Identify any Conflict of Interest
None identified.

	Per Diems	Expenses
Goodenow	$100.00	----------
Ritter	$150.00	$65.49
Anderson	$240.00	$108.78
Fenske	$150.00	$70.49
Stensrud	$165.00	$87.69

Consent Agenda:

1. Approve Minutes from September 20, 2011
2. Approve Commissioner Warrants 126424-126515 in the amount of $168,874.75 dated 10/4/11.
3. Approve Auditor Warrants 126395 in the amount of $3,239.37 dated 9/22/11, 126376-126394 in the amount of $8,491.82 dated 9/22/11 and 126400-126423 in the amount of $153,905.16 dated 9/29/11.
4. Approve Per Diems and Expenses

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

Member Ritter introduced the following Resolution and moved its adoption:

RESOLUTION WAIVING DEADLINE TO JOIN SWHHS

WHEREAS, Rock County has notified SWHHS that it wants to become a member of SWHHS and participate for both Community Health and Human Services, commencing January 1, 2012, upon approval of the SWHHS Governing Board; and

WHEREAS, due to various circumstances, Rock County was unable to meet the July 1, 2011 deadline set in the Joint Powers Agreement; and

WHEREAS, in order to vary from the terms of the Joint Powers Agreement, all parties to the Agreement must consent;

NOW THEREFORE, BE IT RESOLVED BY Lyon County Board of Commissioners as follows:

1. The Board hereby agrees to waive the July 1 deadline for joining SWHHS and agrees that Rock County may become a member of SWHHS effective January 1, 2012.

2. The Board Clerk is hereby authorized to notify SWHHS of this action and provide a copy of this Resolution.

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

Ritter, Stensrud, Goodenow, Fenske and Anderson
and the following voted against the motion: None

Whereupon said Resolution was declared duly passed and adopted

Member Anderson introduced the following Resolution and moved its adoption:

RESOLUTION WAIVING DEADLINE TO JOIN SWHHS

WHEREAS, Rock County has notified SWHHS that it wants to become a member of SWHHS and participate for both Community Health and Human Services, commencing January 1, 2012, upon approval of the SWHHS Governing Board; and

WHEREAS, due to various circumstances, Rock County was unable to meet the July 1, 2011 deadline set in the Joint Powers Agreement; and

WHEREAS, in order to vary from the terms of the Joint Powers Agreement, all parties to the Agreement must consent;

NOW THEREFORE, BE IT RESOLVED BY Lyon County Board of Commissioners as follows:

1. The Board hereby agrees to waive the July 1 deadline for joining SWHHS and agrees that Rock County may become a member of SWHHS effective January 1, 2012.

2. The Board Clerk is hereby authorized to notify SWHHS of this action and provide a copy of this Resolution.

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

Ritter, Stensrud, Goodenow, Fenske and Anderson

and the following voted against the motion: None

Whereupon said Resolution was declared duly passed and adopted

Stensrud moved, seconded by Ritter to approve amending Articles 3.3, 5.6 and 5.7 of the Southwest Health and Human Services Joint Powers Agreement shall be amended to recognize that funding for Human Services will be based upon consideration of: 1) population based on the most recent national census; 2) tax capacity; and 3) the most recent three (3) year average Social Services Expenditure and Grant Reconciliation Report (SEAGR). All voted in favor.

Ritter moved, seconded by Anderson to approve and authorize the chair to sign a joint powers agreement between the State of Minneota, acting through the Department of Public Safety, Bureau of Criminal Apprehension (BCA) and the County of Lyon on behalf of its prosecuting attorney. All voted in favor.

Ritter moved, seconded by Anderson to approve the 2012 health insurance renewal through the Service Coop with BCBS. All voted in favor.

Anderson moved, seconded by Ritter to offer Medica Prime with the option to buy up to the BCBS Senior Gold. Fenske – There is no limit on the numbers? Anderson – No we even called. All voted in favor.

Deputy Sheriff Replacement
Stensrud moved, seconded by Ritter to allow the Sheriff to post internally to create a list. All voted in favor.

Anderson moved, seconded by Stensrud to approve the quote from Lyon County for daily cover at $2.75 a cubic yard. All voted in favor.

Public Hearing, Amendment to Local Water Management Plan
9:24 a.m. Fenske opened the public hearing and asked for comments. Fenske asked three times for comments.
9:25 a.m. Upon hearing none Fenske closed the public hearing.

9:36 a.m. Meeting Recessed
9:36 a.m. Fenske called Drainage Authority to Order.

Stensrud moved, seconded by Ritter to order a re-determination of county ditch 6 and appoint Ron Rinquist, Ryan Wendt, and Ross Eichens as viewers and Bill Molsted and Bill Wedeman as alternates and authorizing the Chair to sign the order. All voted in favor.

9:53 a.m. Fenske adjourned the Drainage Authority Meeting and called the meeting back to order

9:53 a.m. Meeting Recessed
10:05 a.m. Meeting Called Back to Order

Goodenow moved, seconded by Anderson to approve the following:

Compensation to Landowner for Temporary Construction Easement	
Year of Construction	$800.00
1st year after (50% crop loss)	$400.00
2nd year after (40% crop loss)	$320.00
3rd year after (30% crop loss)	$240.00
4th year after (20% crop loss)	$160.00
5th year after (10% crop loss)	$80.00
Total Compensation per Acre:	**$2,000.00**

for 2012 compensation to landowner for temporary construction easement for the construction season with review and incorporation of suggestions for 2013. Fenske – We are setting this for 2012? Goodenow – Yes but asking for the formula. All voted in favor.

Goodenow moved, seconded by Anderson to accept lowest bids from R & G Construction for SAP 42:599:142 in the amount of $112,851.40 and SAP 42:599:143 in the amount of $86,452. Anderson – Is there a pretty good chance this will get done this year? Kanwar – Not both no. All voted in favor.

Goodenow moved, seconded by Stensrud to accept the lowest bid for 2011 striping project from Traffic Marking Service in the amount of $50,795.20. All voted in favor.

Goodenow moved, seconded by Ritter to approve purchase of costrite highway accounting program. All voted in favor.

10:36 a.m. Fenske called the public hearing for Twin Lakes Legacy Grant
10:55 a.m. Garvin Park Public Hearing
11:10 a.m. Marshall to Camden Bike Trail Public Hearing
11:32 Fenske asked for public comment.
11:51 a.m. Fenske adjourned the public hearing
11:52 a.m. Meeting Recessed
12:00 p.m. Meeting Called Back to Order

Greater Minnesota Council

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American Federation of State, County and Municipal Employees, AFL-CIO

RETRACTION

TO: All County Commissioners of Rock County, Nobles County, Lincoln County, Lyon County, Murray County and Pipestone County

FROM: Matthew Miller, AFSCME Staff Representative

I am writing to retract my prior statement that called into question the ethics or integrity of Ann Goering of the Ratwik, Roszak & Maloney law firm. I have no factual basis to support my prior statement.

I and AFSCME Council 65 also apologize for and retract my prior statement that any of the above listed counties should not do business with either Ann Goering or the Ratwik, Roszak & Maloney law firm.

Dated: September 28, 2011.

Matt Miller
Staff Representative
AFSCME Council 65

Steve Preble
President
AFSCME Council 65

Your Hometown Union

118 Central Ave.
Nashwauk, MN 55769

The Union For Public Employees

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Anderson moved, seconded by Stensrud to approve Cigna as the long term disability provider and Madison National Life as the life insurance provider effective January 1, 2012. All voted in favor.

Consider acceptance of Staff Representative Matt Miller and AFSCME Council 65 retraction and apology.

Stensrud moved, seconded by Goodenow to approve the purchase of a Toshiba-e Studio 3040c Color Digital Copier System from Copier Business Solutions for the purchase price of $5,575.00 All voted in favor.

12:30 p.m. Ritter moved, seconded by Stensrud to go into closed session for LELS Labor Negotiations. All voted in favor.

12:46 p.m. Stensrud moved, seconded by Goodenow to come out of closed session. All voted in favor.

12:46 p.m. Anderson moved, seconded by Ritter to adjourn. All voted in favor.

Robert Fenske, Chairman

Attest: Loren Stomberg
Lyon County Administrator