

**LYON COUNTY BOARD OF COMMISSIONERS
UNOFFICIAL MINUTES**

February 5, 2013

8:30-9:00 Closed meeting pursuant to Minn. Stat. § 13D.05 Subd. 3 (c), (3) for Land Negotiation

Present: Commissioners Anderson, Goodenow, Ritter, Sanow, and Stensrud. Also present County Administrator Stomberg, and County Attorney Maes.

9:00 am – Regular Commissioner meeting called to order by Chairman Anderson.

Pledge of Allegiance to the Flag

Goodenow motioned to approve agenda, seconded by Ritter. All voted in favor, motion carried.

Identify any Conflict of Interest – none identified

	Per Diems	Expenses
Anderson	\$ 240.00	\$ 229.95
Goodenow	\$ 250.00	\$ 50.85
Stensrud	\$ 50.00	\$ 52.55
Ritter	\$ 480.00	\$ 129.95
Sanow	\$ 370.00	\$ 194.36

Consent Agenda:

1. Approve Minutes from January 15, 2013
2. Approve Commissioner Warrants 132139-132174 dated 01/17/13 in the amount of \$680,256.74
3. Approve Auditor Warrants 132175-132194 dated 01/24/13 in the amount of \$18,074.35; Warrants 132237-132255 dated 01/25/13 in the amount of \$63,115.44; Warrants 132267-132297 dated 01/31/13 in the amount of \$162,033.78; Warrants 132298-132406 dated 02/06/13 in the amount of \$167,125.48.
4. Approve Per Diems & Expenses
5. Surplus Equipment List- Landfill Radios
6. "On Sale" License, 1-day

Ritter motioned to pull consent agenda item #5 and table until February 19th Board meeting, seconded by Goodenow. All voted in favor, motion carried.

Ritter motioned to approve consent agenda's 1-4, and 6, seconded by Sanow. All voted in favor, motion carried.

Resolutions/Contracts

1. Next Generation 911

Allow Sheriff and County Administrator to be authorized signatory for grantee requirements. This grant (3-17132) between Lyon County and the State of Minnesota is for enhanced Next Generation 911 equipment. This will be for equipment and installation in the amount of \$10,000.00.

Goodenow motioned to allow Sheriff and County Administrator to be authorized to sign the Next Generation 911 grant agreement, seconded by Ritter. All voted in favor, motion carried.

(Next Generation 911 Grant Contract Agreement on file at County Administrator's office)

2. Resolution Approving Engagement of an Entity for Benefits

Lyon County along with Murray County, Redwood County, and SWHHS, have been interviewing firms to assist the group to explore health insurance options available as a multi-county/agency group rather than as individual entities. Once a decision is made as to partner entity, we will need to work quickly to pull the data together and get the required forms completed to go to bid for the 2014 year.

Member Goodenow introduced the following Resolution and moved for its adoption:

R 7-13

Resolution Approving Engagement of an Entity for Benefits

WHEREAS, the Lyon County Board of Commissioners have the authority to set benefits for county employees.

WHEREAS, the Lyon County Insurance Committee includes two Lyon County Commissioners and the County Administrator.

WHEREAS, the Lyon County Insurance Committee desires to interview and select an entity to assist with the development of a possible new health cooperative and health plan(s).

WHEREAS, this project may have rigid timeframes the Lyon County Board of Commissioner's allows the Lyon County Insurance Committee to make executive decisions regarding this process.

WHEREAS, other benefits may also be included as the Lyon County Insurance Committee sees fit:

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

1. The Lyon County Board hereby approves and authorizes the Lyon County Insurance Committee to interview and select and enter into a contract with an entity to assist with the development of a possible new health cooperative and health plan. In addition, other benefits may also be included as the Lyon County Insurance Committee may see fit.
2. The Lyon County Insurance Committee will provide updates as needed or requested to the Lyon County Board of Commissioners.

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

Goodenow, Ritter, Anderson, Stensrud, Sanow

and the following voted against the motion:

none

Whereupon said Resolution was declared duly passed and adopted.

All voted in favor, motion carried. *(Resolution 7-13 on file at County Administrator's office)*

3. 2012 Audit Engagement Letter

Motion to approve the engagement letter with the State Auditor for the 2012 Audit.

Stensrud motioned to approve 2012 Audit Engagement Letter, seconded by Sanow. All voted in favor, motion carried.

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(Audit Engagement Letter on file at County Administrator's Office)

NIMS Compliance Sign off on the Lyon County EOP

Request Board to designate a point of contact (POC) for assuring compliance with NIMS (National Incident Management System) for the county board and any other county departments they feel should be trained. Chair of Board requested to sign off on the Lyon Co. Emergency Operations Plan, which is still being tweaked to comply with ARMER system.

NIMS Compliance is required for 10 disciplines including Governmental Administration. All required courses are independent studies and can be done on-line. Records of compliance need to be kept with a designated point of contact and signed off on an annual basis.

Lyon Co. Emergency Operations plan requires an annual review signature. Every 4 years this needs to be done by the County Board and the Regional Review Committee. Plan will be completely finished by Regional Review Committee August 21, 2013. **Supporting Documents:** On completion of required courses, POC will provide emergency manager with signed compliance document. The vast majority of our EMT personnel have received this training. All county personnel who would respond to a disaster should have this certification. Suggested point of contact (POC) for Lyon County is the County Administrator's office.

POC decision is tabled until February 19th Board meeting. This will be brought up at the upcoming Department Head meeting next week for input and discussion.

Emergency Operations Plan update and Mass Fatalities Plans (EOP).

Stensrud motioned to accept the EOP for the four year cycle, seconded by Sanow. All voted in favor, motion carried.

Suhail Kanwar-Engineering Proposal for Camden Regional Trail

The proposed Camden Regional Trail, an off-road, paved, multi-use and multi-season trail, will provide users with opportunities to experience a natural setting where wildlife, historical sites, prairie landscapes and winding rivers are part of the overall experience. The primary destination is Camden State Park. The trail will be desirable to users from the southwest Minnesota region, accessible from the MnDOT designated Interregional Highway 23 Corridor connecting Interstate 94 to Saint Cloud going north and connecting Interstate 90 to Sioux Falls, going south, as well as visitors and tourists who wish to take advantage of the amenities in Camden State Park, Marshall, Lynd, and the surrounding communities like Russell and Florence in Lyon County.

The Camden Regional Trail will serve multiple communities. This project has a direct impact for the community of Lynd and the neighboring regional center in Marshall. Lynd is a small community lacking an existing trail system.

Though Marshall has an extensive existing trail system, there is no current connection to trails outside of its city limits (except as designated on trunk highway shoulders). This trail will connect the residents, visitors, commuters, and tourists of the regional center in southwest Minnesota to the State park and provide the residents of Lynd with a new opportunity to enjoy high quality outdoor recreation opportunities. A segment of this trail will be developed on the main thoroughfare of Lynd, providing ease of access to the trail for all residents in Lynd. The trail will be located parallel to the river bluff of the Redwood River, which gives significant venues of scenery of the river bed, access to wildlife, native prairie grasses, and birding interests.

Prairie, wooded, and wetland habitats along the trail provide the user a scenic, peaceful, and interesting experience.

Development of the trail away from the shoulder of the trunk highway makes the experience safer for all age groups and ability levels, and adds to a more relaxing and enjoyable experience.

Important destinations with this trail development include: Camden State Park, the historical landmarks within Camden State Park, the Kiel & Morgan Hotel / Lyon County Courthouse in Lynd (see entire listing of the U.S. National Register of Historic Places in Appendix E), and the Army Corp of Engineers flood control project in Marshall.

An expanded trail head is planned in Marshall at Wayside Park, the connection point to Camden State Park from Marshall's existing paved trail system. Proposed trail map is shown in Figure 1.

The Trail project and engineering services will be funded using DNR Legacy Funds.

Scope of Work

The Scope of Work will be broken into Three Phases. Phase 1 is Predesign, required to obtain a signed contract with DNR in order to start using funding. Cost of this phase is all local. Phase 1 will be all work required to prepare the project for construction, including pre-design, final design, PS&E, and project letting. Phase 2 will be the Construction Administration of this project.

Phase 1-Pre-design

Task 1: DNR Contract Preparation. This task will include preparing all forms and documents required by the DNR to obtain a fully signed contract between Lyon County and the DNR. This shall include:

A required certification form and memorandum of concurrence from all administrators of public lands that are crossed or utilized by the project.

The Minnesota Natural Heritage Information System Data Request Form.

Evidence of Compliance with Water and Wetland Regulations

Evidence of Compliance with Minnesota Environmental Rules

Preapproval of the Project from the Minnesota State Historical Preservation Office (SHPO).

Environmental Assessment Statement (EAS) Checklist Form.

Preparation of all reimbursement requests to the DNR.

Review and preparation of DNR Contract for board approval.

Phase 2

Task 1: Public Involvement & Agency Coordination. This task shall deal with all preparation and meetings with the land owners, public, cities, utilities and agencies. Determine final alignment with help of DNR and Lyon County officials.

It is anticipated there will be one public meeting to inform interested people of the plans being contemplated for implementation on this project.

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It will be necessary to meet once with each of the City Councils of both Marshall and Lynd to present the proposed plan and obtain approval.

It will be necessary to meet with the Lyon County Board of Commissioners to present the final design, as well as specifications and engineers estimate for their approval prior to letting this project.

It will be necessary to coordinate with all utilities identified as being impacted by the project.

It will be necessary to coordinate with agencies which are identified as requiring a permit to perform this project.

It will be necessary to conduct any necessary wetland delineations for final approval of the Lyon County wetland

Technical Evaluation Panel.

Task 2: Permitting. This task will obtain all required permits in connection with construction of this project. (Any required permit fees will be paid by the County.)

Final Design

Task 3: Field Data

Conduct a topographic survey and field data collection of the project corridor, as necessary, to develop plans and specifications in accordance with MnDNR and MnDOT for bike trails.

Conduct soils investigation and reporting to obtain necessary information for structure design and possible mucking activities in accordance with MnDNR and MnDOT requirements for bike trails.

Conduct utility surveys and coordinate any utility removal/relocation and complete a Utility Relocation Certificate.

Task 4: Right-Of-Way (ROW) Data

Research property data to evaluate ROW acquisitions, easements, permits, and/or agreements required for the trail corridor.

Conduct legal surveys and draft legal documents required to convey property via fee titles, permanent easements, temporary easements, permits, and or agreements.

Negotiate all easements or acquisitions necessary for proceeding with this project.

MnDOT may have an electronic computation of the existing ROW on TH23. Coordination would be needed to work with the District 8 ROW Office.

Task 5: Plan and Specification Preparation

Prepare an approved Construction Plan in accordance with MnDNR and MnDOT standards for the proposed project.

Prepare a Plan Review Checklist

Prepare an Engineer's Estimate.

Prepare appropriate bidding documents that includes all necessary proposals, specifications (based on the current MnDOT's Standard Specifications for Construction Manual), and language required to successfully complete a public bidding process.

Submit all design and drafting electronic files in a file format available to be imported into Autodesk Civil 3D software and/or opened with Microsoft Word or Excel.

Prepare all plans for approval of Lyon County, MnDNR, and MnDOT.

Task 6: Bid Letting

Collect and tabulate all bids for this construction project.

Prepare Recommendation for the County Board to award to lowest responsible bidder.

Prepare Contract between Lyon County and Awarded Bidder.

Phase 3 - Construction Administration

Task 1: Project Management This task will include preparation of monthly invoices, communication with County staff and DNR staff on administrative issues, and general management of the project. This will include periodic meetings with County staff on the project status as necessary.

Task 2: Construction Contract Management Provide overall construction contract management for the project. This will include:

Coordinating all construction activities with the onsite construction observer and contactor on behalf of the County.

Conduct a pre-construction meeting with County Staff, Contractor and all other appropriate participants.

Preparation, submittal and securing approval for any change orders through the County.

Preparation of all reimbursement requests to the MnDNR.

Preparation and submission of monthly pay requests to County Staff.

Addressing any design issues.

Conducting weekly onsite construction meetings. Preparing and distributing meeting minutes.

Providing the County with a weekly updates on the construction status.

Meeting with County Staff, residents or local business as necessary.

Coordinating the final project closeout including final pay voucher and insuring that all punch list items and warranty items have been addressed.

Task 3: Construction Survey Provide surveying services during construction. Locate and provide all necessary staking for the contractor. The survey crew will be scheduled through the onsite construction observer.

Task 4: Construction Observation Consultant will provide the day to day construction observation and coordination. This will include:

Completing and submitting all County project documentation required.

Insuring that all aspects of the project meet the requirements in the plans and specifications.

Collecting Data and redlining plans for as-built drawings.

Coordinating the construction activities with the local residents. Insuring they are informed on any issues related to their specific property.

Keeping the County and the Construction Contract Manager informed on a status of construction on a daily basis.

Task 5: As Built Plans Following completion of construction prepare as-built plans based on redlines prepared by the construction observer. The plans will be provided to the County in electronic (AutoCAD) format.

Available Information

Lyon County Will make electronic contour information available from Lidar data.

Project Constraints

The successful responder will be under contract with The Lyon County for the entirety of this project; however the City of Marshall and MnDNR have a vested interest in this project and will be involved agencies.

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Responder will be responsible to complete other tasks as necessary to secure approved construction plans for the proposed project.

Responders are encouraged to propose additional tasks or activities if they will substantially improve the results of the project.

Proposal Content

The following will be considered minimum contents of the proposal and must be submitted in the order listed:

1. Responder's company name, business address, the contact person's name, telephone number, fax number and email address.
2. A statement of the objectives, goals and tasks to show or demonstrate the responder's view of the nature of the project.
3. A description of the proposed project approach and methodology to be utilized and deliverables to be provided by the responder and a description of the proposed project management techniques including approach to public/agency involvement.
4. A detailed description of the responder's background and experience with similar work. This should include examples of similar work indicating the responder's level of involvement in the project, and the key personnel involved with the project. For the similar work identified, provide information on: 1) cost management (comparison of final cost to the initial Contract price with explanation of significant increases); 2) whether the sponsor's schedule was met (with explanation of any delays), and 3) sponsor feedback regarding quality of services (for example any constructability or other plan reviews, any significant re-work required, or any known Contractor claims relating to plan errors). Emphasis should be placed on ability and history in handling projects with special constraints similar to the County's proposed project.
5. A list of the key personnel who will be assigned to the project and their area of responsibility. Provide statements for each of the key personnel detailing their work experience and qualifications relevant to the proposed work. No change in personnel assigned to the project will be permitted without the written approval of Lyon County Public Works.
6. A description of the responder's familiarity with the project locale and the advance notice required to be available to the project locale.
7. The forms and documents required under any other section of this RFP.
8. A cost shall be submitted for each of the work tasks indicated above. The proposal shall include a not to exceed amount for each Phase 1, 2 & 3.

Phase 1 is estimated to cost \$5,500. This is a review of environment impact such as EAS, review of wetland impact, etc. **Sanow:** is there a match for the county for this? **Suhail:** not for this specifically in Phase I. The County will be responsible for phase I, but this is only \$5,500. Phase II is preparation and Phase III is construction. **Ritter:** can the \$5,500 be put towards in-house review? **Suhail:** no, and we cannot work through the city of Marshall either. **Anderson:** the county does not have a certified archeologist to do the historical work required in Phase I, so this will have to be contracted out. **Stensrud:** I see we are paying for a construction manager, can we do this? **Suhail:** this year we have over 8M in projects and the county staff does not have the time to manage the construction. **Ritter:** are we better off to do an RFP for Phase I and II? **Anderson:** we cannot combine Phase I with Phases II and III. Phase I is our cost and cannot be combined with the Phases covered by grants. **Suhail:** I recommend we split Phase I and II and they are covered by reimbursement. **Sanow:** can we do an RFP for three proposals; Phase I, II, and Phase I & II together?

Suhail: I am asking board for approval to begin Phase I so I can move forward as needed with Phase II and II.

Anderson motioned to see quotes before moving forward with Phase I and present to 2-19-13 meeting, and then an RFP for Phase II and III separately, and Phase II and Phase III combined, seconded by Ritter. All voted in favor, motion carried.

Authorize for Quotes Mower and Deck

Requesting the Board to approve authorization to receive quotes for a commercial lawn mower and mower deck. Trading in a 2002 1445 John Deere Lawn Mower that has 2490 hours. In 2011 and 2012 replaced the electric cooling fan each year for a total of \$834.47 (overheating). Replacement mower would be of similar size. Authorize to receive quotes until Friday, February 22, 2013 with award date of Tuesday, March 5, 2013. The current mower is not highly valued. Board requests that bids be requested for both trade-in and outright purchase.

Ritter motioned to authorize quotes for a commercial mower and commercial deck for Garvin Park, seconded by Stensrud. All voted in favor, motion carried.

Fairgrounds Rental Agreement

Requesting the Board to approve Fairgrounds Rental Agreement. Fairgrounds Rental – change the amount of Certificate of Insurance required for non-alcoholic events. Requiring \$250,000 general liability insurance coverage. With County reserving the right to require more than \$250,000 of general liability coverage at any time or for any use. Prior amount was \$1.5 million each occurrence and \$3 million aggregate. (Examples to increase amount would be for a circus or the like). Alcoholic Events require Liquor License and Certificate of Liquor Liability Insurance coverage with minimum coverage of \$1.5 million each occurrence and \$3 million aggregate. (Change is from a MCIT workshop – event should be rated by risk.)

Stensrud motioned to approve the Fairgrounds Rental agreement, seconded by Ritter. All voted in favor, motion carried.

BREAK

Chair Anderson recessed the County Board meeting and convened the County Ditch Authority.

10:15 Accept amended CD 13 petition. Authorize engineer to present amended engineer report to include Curt Peterson and Wally Wichmann. The County Attorney has accepted the petition for the two branches CR 13 and sent to Bolton & Menk. Request to set continuation date of the December 13th 2012 preliminary hearing on CD 13 improvement.

Stensrud motioned to set date for continuation of December 13th preliminary hearing on CD 13 improvements, seconded by Sanow. All voted in favor, motion carried.

Ritter moved to adjourn CR 13 Ditch Authority, seconded by Goodenow. All voted in favor, motion carried.

Board was notified of pending petitions with Lyon and YMC for JD 12 (relocation and abandonment of a tile line and proposed impoundment located one mile east of Hwy 50 on CR 10 to Yellow Medicine River) and JD 3 (north and east of Cottonwood). This is notice that these are upcoming and will need to appoint joint boards. Most of the benefits on this system are in Lyon County.

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Sheriff Mather/Rey Freeman - Armer Radio Project

Rey Freeman of Geo-Comm presented review of radio project with Sheriff Mather. Sheriff Mather requested that the Board acknowledge county accountant Dar Brewers for exceptional work with this project. She has been the fiscal agent for this 13 county project. Goodenow: what is the life span of this system? **Freeman:** technology changes aside, this project should be viable for at least 10 years. **Goodenow:** how do we plan ahead, because the equipment will need updating at some point? **Freeman:** some counties/cities have this in a capital improvement project. **Ritter:** Why West Central vs Alpha Wireless? **Freeman:** Although Alpha does have a local presence, considerable business is conducted out of Mankato. West Central has been the right choice for the County. The Board thanked Mather, Freeman, and Brewers for their work on this project.

Capital Purchases for Environmental Dept.

Authorize to advertise bid request for equipment purchases for Landfill. Environmental Office met with capital purchase committee on Jan. 2nd to discuss a request for capital purchases. Request an authorization for all of the 2013 equipment purchase requests at one time. The list of equipment is attached for your review.

APPROXIMATE COST NO TRADE-IN	\$50,000.00	\$50,000.00
APPROXIMATE COST EST. TRADE-IN OF 2007 JOHN DEERE GATOR	\$15,000.00 \$ 1,500.00	\$13,500.00
APPROXIMATE COST ESTIMATED SCRAP METAL	\$14,000.00 \$ 500.00	\$13,500.00
APPROXIMATE COST ESTIMATED TRADE-IN OF 1982 TRAILER	\$ 9,000.00 100.00	<u>\$ 8,900.00</u>
TOTAL EQUIPMENT		\$85,900.00
MN SALES TAX		\$ 0
GRAND TOTAL-----		\$85,900.00
2013 EQUIPMENT BUDGET-----		\$88,000.00

Ritter motioned to approve the capital equipment purchase, seconded by Stensrud. All voted in favor, motion carried.

Contract for sale of Carbon Credits

Mike Cook with SAIC presented to the Board. Element Markets, LLC is considering the purchase of carbon credits from Lyon County Landfill. They have provided a draft contract for your review. The contract presented is a 7 year period from 2010 to 2017. This contract would provide for the purchase of carbon credits at \$1.25/tonne and pay for the verification process. Starting in 2011 the credits would be approximately \$30,000/year. If the Board were to approve this contract, Element Markets would perform due diligence on this project. The County would have some consultant expenses with this proposal. After discussion regarding the terms and the escape clause regarding the contract, the Board requested that Henriksen bring the contract back to reevaluate.

Motion made by Stensrud stating the fourteen (14) radios from the Sheriff's department and two (2) from the Landfill are excess property and the county will sell to highest bidder, seconded by Ritter. All voted in favor, motion carried.

Lateral Transfer – Carol Oakland Tech III to Legal Clerk

Request motion to approve the lateral transfer of Carol Oakland from Tech III in Public Works to Legal Clerk in the County Attorney's Office effective on or about February 19, 2013. A vacancy exists from a resignation in the county attorney's office for a legal clerk. Carol had applied in the last competitively advertised vacancy three months ago, was a finalist, and was the next choice on the list. She has accepted the opportunity to make the lateral transfer, subject to county board ratification.

Goodenow motioned to approve the lateral transfer for Carol Oakland from a Tech III to Legal Clerk in the County Attorney's Office, seconded by Stensrud. All voted in favor, motion carried.

Goodenow: I'd like to see Carol's vacated position backfilled and to look at the filling of the Park Manager position. **Suhail:** with our new parks, this is a good time to hire a park manager. **Ritter:** I would be in support of HR, Dept. Heads, and County Admin, and two Commissioners to look at hiring a Park Manager.

The Board directed Commissioners Sanow, Anderson, Human Resources, County Administrator, County Engineer, and John Biren to evaluate the Park Manager position and present recommendations to the Board.

Administrative Intern hire

Authorize to interview and hire an Admin/HR/Payroll intern for Administration. This position is for approximately 12-15 hours per week at \$10.00/hr. The internship will end in May 2013. Goodenow motioned to approve hire of Hannah MacArthur for Admin Intern with end date of SMSU graduation date, seconded by Ritter. All voted in favor, motion carried.

Letter of Support for SWHHS

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Letter of support to Commissioner of Health for continued delegation agreement for Southwest Health and Human Services (SWHHS) with the Minnesota Department of Health (MDH) and expansion of Food, Pools, and Lodging (FPL) Program by 2014 for Lyon and Redwood Counties

SWHHS had an FPL evaluation in July of 2012. SWHHS was told at a meeting with MDH (meeting on how to make a smooth transition with Redwood) in September of 2012 that MDH was recommending termination of the Food Program. SWHHS responded to the preliminary and final reports and MDH made minimal changes to the recommendation. SWHHS appealed to Linda Bruemmer, Division Director of the Environmental Department. The recommendation is still termination of the delegation agreement. The SWHHS Governing Board voted on January 16, 2013 to appeal to the Commissioner of Health.

Goodenow motioned to approve letter of support for SWHHS for the FPL Program, seconded by Ritter. All voted in favor, motion carried.

2013 Building/Capital Projects

Discussion on building projects considered in the 2013 budget. Items discussed in the 2013 budget included:

Public Works additional office space – Space Study

Government Center storage garage

Fairgrounds grandstand – either remove roof or grandstand entirely. \$50,000-\$100,000 range.

Other – SPCC remodel, Main St property- Possibility of hiring 3-4 more people for that agency within the next year. It would be good for Lyon County to keep this entity in the building as it has the potential to be a substantial employer.

Phone system – updates and upgrades for various departments.

City of Marshall- impounds lot/cold storage partnership with the county.

Office furniture purchases for various departments

Cottonwood shop property – determine future plans.

Ritter: Can you state the appraisal on Cottonwood shop? **Suhail:** approx. \$30,000. **Goodenow:** I'd like to sell the property.

Stensrud: the property is zoned commercial and they would like it zoned residential. **Goodenow:** The city of Cottonwood has the power to make those changes. **Sanow:** to re-zone to residential must have this in a city long term plan, the city cannot spot-zone. The request to have the property rezoned would be from the individuals purchasing the property from the county.

Goodenow/Sanow: this is the responsibility of the buyer, not the county.

Fairgrounds grandstand **Anderson:** we have talked about a building improvement/expansion out at Public Works. The most pressing of these projects is the Grandstands. Replace or fix the roof? **Stomberg:** We can take the PW project of the list if we want to hire the architect for a space study out of Public Works. We have interested tenants. **Stensrud:** The rental contracts are up next year. **Ritter:** we need to keep in mind that the Hockey rink may be available. **Stomberg:** a space study will give us a plan. **Goodenow:** this will give us the square footage and future needs.

Stensrud motioned to spend up to \$12,000 on a space analysis study for Public Works, seconded by Goodenow. All voted in favor, motion carried.

SPCC remodel

Goodenow: we can take the money out of the Capital Improvement fund. These funds come from rent from tenants.

Goodenow motioned to authorize remodeling for a new tenant in the Blue Room area, seconded by Stensrud.

Ritter: what is the time frame? **Anderson:** It depends upon the possibility of STS for some of the demolition work. **Krause:** it depends upon what work needs to be done. We can do this quickly if just a door and carpet remodel. Walls/electrical work will take longer. **Stomberg:** this will be looked at closer, if we need to contract out we will come back to this. It is not an expensive property.

All voted in favor, motion carried.

Phone system

Goodenow motioned to authorize bids to update phone systems for LEC and Public Works, seconded by Stensrud.

Ritter: what are the phone costs? **Stomberg:** This came out of the Building funds. The new phone system we are piggybacking with SWHHS are \$500 per phone – 30 phones at PW, 40-50 or so at LEC. About 90 total.

All voted in favor, motion carried.

Government Center storage garage

Storage for maintenance and impound parking for county was discussed.

Cottonwood Property

The Board discussed plans to sell the property and directed County Administrator Stomberg to begin process to sell the property in Cottonwood. The goal is an April 1, 2013 sale date.

FLSA Exempt Employee Policy

After the adoption of the pay equity plan, the board had requested a discussion on the overtime policy as it relates to the new pay equity plan. Discussion on the current application of the counties FLSA Exempt Policy as it pertains to the payment of overtime wages. If a position is exempt it means the employer is not required to pay overtime over 40 hours/week. Criteria that trigger exempt status are managerial, administrative, and professional statuses. The Board has approved the pay plan and I was instructed to investigate the exempt/non-exempt status from the pay plan.

Stomberg: we do have three positions that have been treated as non-exempt that are now considered exempt with the most recent comp worth study. These positions are currently getting overtime. We are not stating any abuse, this is just a change that has occurred over time. Exempt status is work of professional nature and supervising others.

Goodenow: Another is that the job requirements state that a four-year degree is a criterion for exempt status. It is based upon professional standards. One is management of other people without a four year degree, or just a four-year degree.

Stomberg: The investigator does not require a four year degree and has been crossed out. Landfill supervisor, sergeant deputy, R&B superintendent are exempt based upon our recent study. Historically these have been given OT, but have evolved over time and taken on more supervision. Project Engineer has been given OT, but the intent is to no longer be paying OT. Our policy is straightforward; we do not pay overtime for exempt positions. We have had lengthy discussions in Dept. head meetings on leaving overtime payments as status quo. Required shifts to fill create differences in these positions that may give you reasons to make exceptions. According to FLSA standards the county must pay non-exempt OT, with exempt you don't have to. The

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Board has an option to pay overtime to exempt employees. This is a board decision. This is not an issue of money, it is a policy issue.

Stensrud: The County Assessor does not have meetings on holidays and middle of the night. This is a difference as to the nature of work if you have to come in for a shift or in the middle of the night. If we don't want to pay OT, then increase their salary.

Sanow: when positions were reclassified was a pay scale established? If so, the exempt/non-exempt status has been figured into the pay scale. My issue is making that adjustment in the pay scale, plus OT for exempt classification. How does that fit into your reports for state comp worth reporting and fair practices? The professional hired based wages according to the wages for the exempt position. From my experience with the city a salaried position is assumed to be a 45 hour work week.

Ritter: we are the policy makers and we need to decide if we want to deviate from the policy manual or uphold the manual.

Goodenow: we have policies in place that we don't follow.

Sanow: if you don't follow your policy, it puts the county at a liability risk.

Anderson: does past practice support paying overtime?

Goodenow: past practice is not our policy.

Thomasson: I have gone through this process many times, why am I exempt now when I never was before?

Stomberg: when this study was done, the exempt status was requested specifically. That is why this is coming up now.

Mather: the duties that the sergeants currently have are because I have not filled the Chief Deputy position. This has saved the county money, and these individuals help our department by taking on extra hours and shifts. Are you saying you are not going to pay OT to these individuals? The Commissioners need to look at this part of the policy.

Sanow: the county spent the money hired a professional to do this and then we chose not follow their advisement? If we choose not to, then why didn't we do this in house?

Stomberg: what triggers the exempt/non-exempt status is in the CPQ.

Anderson: the Project Engineer position concerns me. This person will put in many extra hours in the summer and we have a small staff.

Goodenow: there is an issue with those that have to work on holiday. Maybe have something worked out that can handle that kind of shift work.

Stensrud: this study doesn't take into account holiday/weekend work.

Goodenow: the person who did the study does take that into account.

Ritter: this is known by those that enter certain professions.

Suhail: why are we making this change now?

Stomberg: because we aren't currently following our policy.

Goodenow: and we also have exempt taking comp time as well as overtime. So we are down to enforce, change, or leave it as is.

Sanow: then do we have all our exempt get OT? If we aren't going to enforce the policy then get rid of it, or change the policy.

Ritter: our constituents want us to do the best for them, so we either follow the policy or we don't.

Ritter motioned to follow the policy and pay no overtime for exempt employees and address the comp time issue in the County Attorney's office and all departments, seconded by Sanow.

Voting in favor:

Goodenow

Ritter

Sanow

Opposed:

Stensrud

Anderson

Motion carried.

Goodenow: so we follow the policy as is and look towards input from those affected to change (amend) the policy. We need to uphold our manual as is.

Stomberg: we'll bring this to dept. head meeting and bring forth suggestions and discuss possible changes to the policy manual.

Commissioner Reports

Sanow: AMC New Commissioner Training update, City Bus update, questioned the 360 Review process currently occurring in the county. County Engineer Stomberg will contact city HR (Sheila Dubs) as a neutral party to conduct review.

Goodenow: DAC update, Public Hearing meetings

Ritter: S&W update, Western Mental Health update

Anderson: Park Board update, SWRRB update, SPSS update (RFP from SWHHS), Joint Paving Project in Tracy (with school board) update, 4-H hiring update.

Meeting recessed until 7:00pm

7:00pm Pursuant to notice, the Lyon County Board of Commissioners re- convened with the following members present: Commissioners Sanow, Stensrud, Anderson, Ritter, and Goodenow. Also present: County Administrator Stomberg, HR Director McDonald, County Assessor Champine.

Six audience members were present.

Chair Anderson opened by presenting purpose for the Public Hearing for Appointing Auditor/Treasurer and Recorder.

Resolution requesting special legislation for AT and Recorder Office

Consider a resolution asking for special legislation making the offices office of Auditor/Treasurer and Recorder appointed professional positions rather than elected offices. The county has held informational meetings in the cities of Tracy, Russell, Minneota and Cottonwood to explain the process of moving from elected offices to appointed positions and to gather public feedback.

LYON COUNTY BOARD OF COMMISSIONERS
UNOFFICIAL MINUTES
February 5, 2013

RESOLUTION 6-13

WHEREAS, streamlining county government structure and operations to effectively and efficiently deliver services to citizens is require if Lyon County is to survive and thrive during periods of decreasing financial resources and increasing cost; and

WHEREAS, the appointment instead of the elections of the Lyon County Auditor-Treasurer and the Lyon County Recorder will allow consolidation, eliminate duplication, promote efficiency and produce better services to the public; and

WHEREAS, the appointment instead of the election of the Lyon County Auditor-Treasurer and the Lyon County Recorder will insure that future officials to these offices are appointed based upon their backgrounds, expertise and ability to carry out the policies established by the Lyon County Board of Commissioners and the State of Minnesota; and

WHEREAS, accountability to the public rests with the Lyon County Board of Commissioners as policy makers, appointments of the Auditor-Treasurer and Recorder will allow the Lyon County Board of Commissioners to better meet the requirements of the constituents to operate the most effective and efficient system with the least amount of taxpayer's dollars.

THEREFORE, BE IT RESOLVED, that the Lyon County Board of Commissioners hereby requests that the Minnesota State Legislature pass legislation to allow Lyon County to appoint the positions of Auditor-Treasurer and Recorder.

Anderson: Lyon County is in a unique situation and has a strong presence in the state legislature.

Stomberg presented background on the appointment process in Lyon County. In this legislative session there are approx. a dozen counties desiring to appoint the AT position. This is a process and this is a first step.

Dick Broman: I prefer to see it remain elected. I feel my needs would be better addressed with an elected official.

Bill Chukuske: I am a self-employed business person. Hiring for this position should be based upon qualifications, not on voter popularity. I am in favor of having this position appointed. These two positions are so important because of the responsibilities this position entails.

Jeannie Barker: The county inhabitants are smart enough to elect Commissioners, but not deemed intelligent to elect an AT?

Goodenow: There are five commissioners so the responsibilities are spread around, but the AT is just one person and the constant updating of regulations is a challenge.

Barker: Agreed, but the requirements are determined by the state or fed govt and the Board makes many of the decisions for the county so the responsibilities are not handled by one person.

Goodenow: With this change, as we can determine position duties if the AT is appointed.

Barker: Why didn't we put the on the local ballot in November? Why are we doing this now?

Stomberg: if the legislation passes for this it is not effective until 2015. If this went to a vote and passed, the Auditor Treasurer elected in 2014 would serve their four year term before the appointed position would be put in place. So the appointment would not take place until 2018.

Barker: This is not being brought forward the population in the county. If the position is appointed by a simple majority of the Board, who is going to discipline an AT appointee? My point is that if this person is appointed, we have eliminated any cross check with this position. Who will be the check and balance of the Commissioners if everyone is appointed?

Goodenow: We cannot move money without the State Auditor involved.

Sanow: If a person is hugely popular in this county and doesn't have the credentials to do this job, the County Commissioners cannot remove a person from the Auditor Treasurer position they are elected. The voter often does not vote for credentials, it is based upon popularity and if a person really wants to be elected, they can say what they want to...to get the vote.

Bruce Herold: I appreciate that this county is looking towards the qualifications of the person who may be appointed in this process. I think it is refreshing.

Chair Anderson asked for further discussion. None was heard.

Ritter motioned to move R- 6-13 requesting special legislation for AT and Recorder Office forward, seconded by Stensrud. All voted in favor, motion carried. (*Resolution 6-13 on file at County Administrator's Office*)

Ritter adjourn, seconded by Sanow. All voted in favor, motion carried.

Upcoming Meetings:

2/19/13..... Regular Commissioner Meeting 9:00 a.m. CR 1&2

2/19/13..... JD #6 Fairview at 3:30pm CR 1&2

WARRANTS FOR PUBLICATION

Warrants Approved On 02/05/13 for Payment on 1/17/13

<u>Vendor Name</u>	<u>Amount</u>
A'VIANDS, LLC	\$ 16,396.16
BLUE CROSS AND BLUE SHIELD OF MN	2,460.00
FLEET SERVICES DIVISION	5,051.85
JOHNSON LAW OFFICE, LLC/LYNN A	3,960.54
MARSHALL LYON COUNTY LIBRARY	62,499.99

**LYON COUNTY BOARD OF COMMISSIONERS
UNOFFICIAL MINUTES**

February 5, 2013

MARSHALL MUNICIPAL UTILITIES	19,101.95
MEDICA	2,178.00
MN U C FUND	8,548.34
NOBLES COUNTY SHERIFF	214,194.42
QUARNSTROM & DOERING P.A.	3,453.25
RENVILLE COUNTY EMERGENCY MANAGEMENT	83,448.00
RUNCHEY, LOUWAGIE & WELLMAN	7,795.14
SOUTHWEST RIDGE RUNNERS	18,578.16
STONEBERG, GILES & STROUP P.A.	5,135.49
SWHHS	131,202.78
U S BANK	87,571.25
UNITED HEALTHCARE INSURANCE COMPANY	4,054.87
18 Payments less than \$2000	4,626.55

Final Total: \$ 680,256.74

WARRANTS FOR PUBLICATION

Warrants Approved On 02/05/13 for Payment on 1/24/13

<u>Vendor Name</u>	<u>Amount</u>
SWHHS	\$ 4,274.32
THEIN WELL	6,947.74
18 Payments less than \$2000	6,852.29

Final Total: \$ 18,074.35

WARRANTS FOR PUBLICATION

Warrants Approved On 02/05/13 for Payment on 1/25/13

<u>Vendor Name</u>	<u>Amount</u>
CITY OF COTTONWOOD	\$ 3,215.81
CITY OF LYND	7,112.04
CITY OF MARSHALL	22,892.88
CITY OF MINNEOTA	6,967.25
CITY OF TRACY	10,224.24
LINCOLN-PIPESTONE RURAL WATER	7,182.86
SCHOOL DISTRICT 2167 TREASURER	9,716.76
SCHOOL DISTRICT 2902 TREASURER	7,656.20
SCHOOL DISTRICT 2904 TREASURER	10,238.05
SCHOOL DISTRICT 413 TREASURER	39,786.44
SCHOOL DISTRICT 414 TREASURER	20,022.39
SCHOOL DISTRICT 415 TREASURER	10,221.38
SWHHS	33,006.78
TOWNSHIP OF COON CREEK	2,590.94
TOWNSHIP OF EIDSVOLD	2,055.25
TOWNSHIP OF MONROE	3,843.37
TOWNSHIP OF ROCK LAKE	2,073.31
25 Payments less than \$2000	22,448.11

Final Total: \$ 221,254.06

WARRANTS FOR PUBLICATION

Warrants Approved On 02/05/13 for Payment on 1/25/13

<u>Vendor Name</u>	<u>Amount</u>
CITY OF COTTONWOOD	\$ 7,600.47

**LYON COUNTY BOARD OF COMMISSIONERS
UNOFFICIAL MINUTES**

February 5, 2013

CITY OF MARSHALL	3,345.81
LINCOLN-PIPESTONE RURAL WATER	38,123.85
SCHOOL DISTRICT 2902 TREASURER	4,562.73
SCHOOL DISTRICT 413 TREASURER	3,813.45
14 Payments less than \$2000	5,669.13

Final Total: \$ 63,115.44

WARRANTS FOR PUBLICATION

Warrants Approved On 02/05/13 for Payment on 1/31/13

Vendor Name

<u>Vendor Name</u>	\$ <u>Amount</u>
LOVSNESS/REED	9,963.50
MII LIFE - VEBA	13,775.00
PIPESTONE COUNTY	21,238.30
REDWOOD COUNTY SHERIFF	3,279.56
RENVILLE COUNTY EMERGENCY MANAGEMENT	98,000.00
SHETEK CONSULTING SVCS LLC	4,206.30
VIETNAM & ALL VETS OF BREVARD INC/THE	4,505.50
24 Payments less than \$2000	7,065.62

Final Total: \$ 162,033.78

Rick Anderson , Chairman

Attest: Loren Stomberg
Lyon County Administrator