

**UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS**  
LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN  
July 6, 2010

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

**Pledge of Allegiance to the Flag**

**Approve Agenda**

Stomberg – Under resolutions and contracts I handed out an RBA on reimbursements for Radio board and under my time if we could add discussion on public safety radio grant and the appointment of Diane Konjura to the extension committee. If we could extend it until Thursday or Friday and not do the closed session today. Ritter moved, seconded by Goodenow to approve the agenda. All voted in favor.

	<b>Per Diems</b>	<b>Expenses</b>
Fenske	\$200.00	\$45.00
Stensrud	\$100.00	\$73.00
Nelson	\$250.00	\$157.00

**Consent Agenda:**

1. Approve Minutes from June 15, 2010
2. Approve Minutes from County Board of Appeals and Equalization
3. Approve Commissioner Warrants 121111-121242 in the amount of \$578,905.60 dated 7/7/10.
4. Approve Auditor Warrants 121063-121080 in the amount of \$78,729.05 dated 6/24/10 and 121081-121110 in the amount of \$384,857.95 dated 7/6/10/
5. Approve Per Diems & Expenses
6. St. Clotilde Church Gambling Application Exempt Permit

Goodenow seconded by Ritter to approve consent agenda items 1 and 2 and 4 through 6. All voted in favor.

**Commissioner Warrants Consent Agenda Item Number 3**

Ritter – On page 3 dated 6/30/10. I noticed that there were two people from the Recorder's office that attended a conference in Two Harbors and they both drove. They need to start using a county car or start car pooling. It was \$212.10 each. Fenske – I saw that too Ritter, I'm glad you brought that up. Goodenow moved, seconded by Nelson to approve consent agenda item number 3 commissioner warrants. All voted in favor.

**JPA \$800,000 GO Bond Lincoln, Pipestone Rural Water**

Goodenow – This was an additional bond. Healy – I'll be covering that in my report if you want to wait.

**Reimbursement Resolution for Armor Radio**

Fenske moved, seconded by Goodenow to approve and authorize the Chair to sign a reimbursement resolution to allow the county to repay itself from the proceeds of a bond sale for the cost incurred in the project before the sale of bonds. All voted in favor.

**Dennis Healy, Lincoln Pipestone Rural Water Annual Update**

Healy – I have Ken Buysse here with me he is from on Lyon County and on the Board. I will point out a few specific items and we can deal with those as they come up. Healy gave the Board the annual update. Ritter – I wanted to comment thanks for sending this out a week ahead of time. Healy – Yes we have been hearing that. We did not have a rate change this year at this point we are not anticipating any for the next year. Ritter – Is there any intentions on the Lewis and Clark? Healy- Yes we have prepaid our share as have nineteen of the members and three states. Right now there is tremendous amount of project that is under construction. The water treatment plant is being built. Discussion. Scott Riddlemoser – I have worked previously on some Y2k programs in New York, have you had the system evaluated to make sure there are no hackers that could get in and shut it down? Healy – Right now it is all radio controlled it is a stand alone. As technology grows we have plans to allow our employees remote access. Discussion. Healy – Did you have a chance to read over the appointment reappointment policy? Ritter - A lot of it is driven by state statute. Discussion. Fenske – Have you had this procedure before where you can remove a Board member? Healy – We have never had anything in writing before. Discussion. Healy – On the Jackson Nobles Project what we had originally planned to do we were way under budget because the bids have been coming in really good. Partly due to the communication problems between us and the engineer we decided to build a project that cost

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over 3 million. As a result we had to reject the bids or go ahead with the project. It was all work that was originally scheduled to be done. The unfortunate part is we would have to go through a bonding process again to do that. Lincoln Pipestone has the authority to issue revenue bonds. On strictly revenue bonds we are looking at 6 to 7% interest. USDA offered 3.25%. The table I have attached shows the dollar difference in financing. Overall in terms of our ability to pay for the project we end up better off. Discussion. Goodenow – Your USDA loan do you have to use Minneapolis wages when you use that loan? Healy – On the traditional financing no on the stimulus dollars we get from the grant we do. Yes we have to do all the provisions and requirements. Stomberg – Number 16 it says the CEO has calculated the ratio. Healy – There shouldn't be any water sale requirements. Board thanked Healy for update.

**JPA \$800,000 GO Bond Lincoln, Pipestone Rural Water**

Nelson moved, seconded by Ritter to approve and authorize the Chair to sign a JPA relating to an \$800,000 General Obligation Bond Nobles County intends to issue for the benefit of Lincoln Pipestone Rural Water System. All voted in favor.

**John Biren / Lucas Youngsma**

Youngsma – I am the area Geologist with the Minnesota DNR. We service as the intermediary between the federal and local level. Within the flood insurance program there are flood insurance rate maps. They first got one in 1977. The second generation maps came out in 1998. The background map behind it had a little more information. Goodenow – In your process we have gone through the comment period I don't see any others in there? Youngsma- The comment period and appeals period has passed. Everything that was submitted was reviewed. Youngsma presented FEMA flood plain update. Scott Riddlemoser- Is Lyon County going to put the link to the FEMA website on its website? Will there be any formal training with the builders? Youngsma – That is typically handled when they come in for a building permit. Biren – Our building permit process is when the education occurs most of the time. We do not enforce universal building code. Riddlemoser – Could you kind of distill this down for newspaper and people reading it? Is it November 26 that a homeowner would have to self-disclose to their insurance company? Biren - For people that want to keep ahead of the curve the effective date would be November 26. Youngsma – The mandatory flood insurance requirement is tied back to the lender. If they are able to purchase a preferred risk policy they are able to maintain coverage. There is a letter of map change process that will change the map.

**10:10 Meeting Recessed**

**10:25 Meeting Called Back to Order**

**Approve recruitment of Correctional Officer**

Stomberg – We have one vacancy. Goodenow – One is to begin the process and creating the list. Goodenow moved, seconded by Fenske to approve advertising and interviewing for a Correctional Officer position. Ritter – This is because someone has left? Stomberg – Yes. All voted in favor.

**2010 EMPG grant**

VanOverbeke – The minimum amount they can give you is \$4,000. You are stating the county will supply up to 50% of my wages for 2010. Fenske – Where is this money used? VanOverbeke – To supplement my salary and the program. Fenske moved, seconded by Goodenow to approve and authorize the Chair to sign and the county will match the 2010 Emergency Management Performance Grant. All voted in favor.

**HSEM Interoperable Emer. Comm. grant contract (as fiscal agent for RRB)**

Goodenow moved, seconded by Nelson to approve and authorize the Chair to sign the HSEM Interoperable Emergency grant contract as a fiscal agent for Regional Radio Board. All voted in favor. Nelson – With Wadena was the National Guard there? VanOverbeke – Yes. Nelson – What role did the county board have? VanOverbeke – They made themselves available.

Sheriff Mather - I would like to introduce you to Zach Pringle. He has been interning with us. It is an unpaid position. This is something new that Lyon County has not done. It is a good learning experience for him and our office.

**Information Sharing**

Thomasson – One of the front brakes wore and caused a failure in the piston in the cylinder. The back breaks had worn also and we need to replace those by the end of summer. Fenske – How old is this loader? Kanwar – 2005. I understand where the Board stands. Discussion. Nelson – This is a last chance opportunity and you will never get it done for that again. Kanwar – It is in the budget. Ritter – I am not going to be in support of this. I think the private sector puts a lot of hours on their vehicles. If you have to put breaks in your car you don't trade it off. Kanwar – The

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previous county engineer and Commissioner Nelson wanted a six year warranty which saved us. Kanwar - A machine like this if it breaks down it will cost half of this to fix it. Nelson – This came about from a very goofy bidding process. Benson pushed this into a replacement. Nelson moved, seconded by Fenske the approve trading in the 2005 Case Loader Model number 821E for a 2010 821C loader for a total cost of \$69,500 plus tax. Stensrud – What is on for next year? Thomasson – We haven't sat down and looked at it yet. Stensrud – I know we have cut the budget. Ritter – What are we looking at for local government aid cuts? Fenske – What is our local government aid now? Stomberg – We are down to \$800,000 out of \$1.3 million. I haven't seen any specific breakdowns by county it is all state wide.

**Voting in Favor:**

Nelson  
Fenske  
Stensrud

**Opposed:**

Goodenow  
Ritter

Motion carried 3 to 2.

**Consider amending detour agreement No. 95280**

Goodenow moved, seconded by Ritter to approve and authorize the Chair to sign the amendment to detour agreement number 95280 for the T.H. 23 project. All voted in favor.

**John Biren & Debra Pile, MPUC Conference Call**

Biren – We have commercial and non commercial. The non commercial is 5 megawatts and under. Our ordinance doesn't distinguish between megawatts. We distinguish by set-backs. We utilize our districts. There has been some talk about the wind rights. Our ordinance does not address that. Goodenow – Which one trumps? Biren – 5 megawatts and smaller we don't need to. We do have the conditional use process and can address it. The state does not address anything smaller than 5. Goodenow – One of our options is we don't have to be delegated. Biren – Good Morning Deb. We have five Commissioners, staff and several members in the audience. Debra Pile (MPCA)- I have Ingrid who is with our staff. Biren – We did provide a list of questions here. We will go with our list of questions. Question one, is the county obligated to have the same standards and guidelines on wind energy conversion systems under 5 MW as the State would impose on projects 5 MW and larger? Pile – Is this relating to a county who has or has not adopted? Biren – For adopted. Pile – If you are permitting any of those facilities that are from 1 to 25. I would think you would want to take a look at projects that are under 5 and have some rationale to back that up. I think your ordinance looks at commercial and on commercial size turbines. We can get combinations. Biren –The two issues at play are the internal spacing and the wake set back we do not address the PUC standards are those particular standards within the ordinance. Pile – For example in your resolution you list the things that are more stringent. The concept of the wind access buffer isn't in your ordinance anywhere. Discussion. Biren – Question two, is the county bound by state standards on wind energy conversions systems 5 MW and over whether or not the state standards are written in the ordinance? Pile – How you embrace the general permit standards. I think that is up to you how you want to have the ordinance structured. It doesn't say you are adopting the permit standards. Your resolution doesn't say that is what you are doing. You could in your resolution say by resolution you are going to be enforcing the general permit standards. The way a lot of counties have done it is put the general permit standards in it. To some extent it is what is going to be clearest to an applicant. Biren – Question three, does it matter to the state if a county ordinance references state standards or is the delegation resolution sufficient? Pile – We don't have a lot of cases out there yet but the commission handles its permitting on a case by case basis. The commission builds a record for each permitting process. The first step is asking for comments. Biren – Question five, when the state permits wind energy conversion systems, are power lines, accessory structures, and associated substations addressed and regulated? Pile – That depends on several factors. One is what they are asking for in the application. Biren – Question six, what direction do you see the wind industry moving? Would you predict the size of future developments to be larger or smaller? Are the counties or is the state going to see the permitting pressure? Pile – Judging from what we see here, projects are larger they are spreading into different parts of the state. We are not getting a whole lot in the 20's. It is in the 40's 50's and above. Ingrid – I think it will continue to be a bit of a mix. Discussion. Biren - Question seven, what issues might the county be exposed to if the 5 by 3 rotor diameter wind access buffer is not applied to projects less than 5 MW? Pile – I think your current ordinance is based on commercial and non commercial. Biren – Question eight, if the state does not impose the more stringent standards of the county's ordinance what recourse does an aggrieved neighbor have? Would the county be more liable if the standard was part of the ordinance? Goodenow – If we abandoned delegation it would all come out of the state office. You don't do anything at all with under five. If we don't do something they would not be regulated. We do have to maintain the state standards? Pile – No not under 5. If it is under five it does not come into play at all. Other then state noise standards and things like that. It would

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be similar to other processes where they state jurisdiction comes into play. Stensrud – I think Scott Riddlemoser has a question. Riddlemoser – I have a couple of questions on the wind access buffer set-backs. Pile - I'm talking to a utility grade or commercial tower. If I understand what you are asking I would have to go back to saying that the 5 megawatts is the threshold for the states jurisdiction. The PUC has established the standards. Scott Riddlemoser – I want to get back on the wind access buffer setback and go through what the state has re-affirmed in that area. I agree with you that just because you have 4 1.5 megawatt turbines and you go down to 3. Illogically for me it is hard to conceptualize that the wind access buffer set back that was designed to protect the wind rights of an adjacent land owner goes away. In exhibit A the state in the PUC process reaffirmed that the setback should be established against all state and public lands. In the case that we have a CUP going through our local process what is your opinion on us following that process to estate land which in the future could be developed for wind energy? Pile – Meaning any type of tower? Riddlemoser – Anything I am talking to is a utility grade or commercial tower. I'm trying to understand just because we go over or under this threshold not only the wind rights issue but also the set-back for state and public lands just kind of vanishes. Pile – I have to first go back to saying that the 5 megawatt is the threshold for state jurisdiction. Any combination that is less than is not within the state jurisdiction. The PUC has established the general permit standards that it thinks is appropriate for commercial turbines in order to protect wind resources itself. Riddlemoser – Conceptually and I don't want to address the jurisdiction issue, if you have 3 1.5 megawatt units and it falls below the threshold there still could be an impact to an adjacent landowner with the wind turbulence that that is why the PUC established the 3 by 5 setback for projects over 5 megawatts that fell within their jurisdiction. Pile – That is correct. So you are not having undue influence on one turbine of one project to another project. Riddlemoser – That is why the state established minimally the setback for state and public land so in the future if the state decided to develop on that land you would still have that buffer? Pile – That was really a recognition that the state has as much right as any other landowner to decide what it wants done on its property.

**Letter from Scott Riddlemoser of Balaton regarding Conference Call**

Date: July 2, 2010

From: Scott Riddlemoser, Balaton, MN  
To: County Administrator Stomberg

References:

- (a) Lyon County Resolution # 0308, approved February 19, 2008
- (b) Minnesota Public Utilities Commission Order, dated; 11 January 2008 Establishing General Wind Permit Standards.
- (c) Comments and Recommendations of the Minnesota Office of Energy Security Energy Facility Permitting staff DOCKET NO. E282/WS-09-178, dated: 10 September 2009
- (d) MN Office of Energy security Presentation give at the SW CERT Forum on April 26, 2010 titled: Minnesota State Permitting Process for Large Wind Energy Conversion Systems
- (e) Comparative Analysis, author – S. Riddlemoser dated; 19 September 2009

I received the 6 July Board Packet on Thursday, July 1 at 3:27PM. This did not provide me ample time to submit this information for inclusion/use during the subject agenda item therefore I respectfully request this document be submitted for review and consideration.

**Background:**

Starting in August 2008 and following the adoption of reference (a) Lyon County Resolution 0308 I have been requesting that Lyon County either update the Lyon County Wind Ordinance (Article 21) to become aligned with the reference (b), the January 11, 2008 MN PUC's Order Establishing General Wind Permit Standards, or, simply add a reference within our Wind Ordinance (Article 21) to the effect: "WECS with a combined Nameplate Capacity between 5MW to 25MW shall be permitted in accordance with the MN PUC Order dated; 1-11-2008 titled: "Establishing General Wind Permit Standards".

Link to PUC Order, reference (b):

<http://energyfacilities.puc.state.mn.us/resource.html?Id=19461>

Since I co-authored the "draft" language in Resolution 0308, I thought my request was a simple administrative change that would provide the citizens of Lyon County full transparency in the current laws governing Wind Development and Wind Rights especially since Lyon County Assumed Permitting Authority per MN Statute 216F.08(a) via the Lyon County Resolution 03-08 and therefore is mandated to follow the PUC Order when permitting those projects.

In the PUC Order it talks about a setback created to protect an Adjacent Landowner's Wind and Property Rights, know as the "Wind Access Buffer Setback" (please refer to page 4, 5 & 8 within the PUC Order).

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The MN PUC has been very clear in their decision regarding Wind Rights and with the MN Office of Energy Security Permitting Department's enforcement of the protective "Wind Access Buffer Setback" in all permitting falling under their jurisdiction. This was especially true with the highly publicized New Ulm issue (reference (c) starting on page 6) When the city threatened eminent domain against landowners because they could not acquire the appropriate Wind Rights to allow the establishment of the "Wind Access Buffer Setback", the MN PUC stepped in and upheld the Landowner's Wind Rights issue.

**Background: (continued)**

During the Southwestern Clean Energy Resource Team (SW CERT) interactive forum held on April 26, 2010, two representatives from the MN Office of Energy Security overviewed the reference (d) presentation reaffirming the Permitting Departments enforcement of the "Wind Access Buffer Setback" and reiterating the need to enforce that setback to all Public lands. (see reference (d) pages 10 and 12).

**Phone Conference with Ms. Pile – July 6<sup>th</sup> Agenda Topic**

Mr. Ritter's request for the meeting with Ms. Pile stems back to October 6, 2009 when I made a presentation before the Lyon County Planning Commission identifying the first issue below, the second and third issues have come to light since that time. I have formally raised all three of these issues while before both the Lyon County Planning Commission and the Lyon County Board of Commissioners for their review and consideration.

**Issues and Concerns**

**1) Wind Access Buffer Setback** – Is the MN Office of Energy Security's Permitting Department enforcing this requirement when permitting Wind Projects falling under their jurisdiction? In Ms. Pile's professional opinion (although not mandated by law), does she feel based on her experiences it would be prudent for the Lyon County to align its Ordinance with or refer to the PUC Order Establishing General Wind Permit standards especially since Lyon County has assumed MN Statute 216F.08(a) Permitting Authority. In my comparative analysis dated: September 15, 2009 and submitted to Mr. Biren and Ms. Zimmer on September 18, 2009, I identified many conflicts, inconsistencies or omissions when comparing the Setbacks and Standards within Article 21 vs. the PUC Order's Exhibit A Setbacks and Standards. I believe this may cause confusion to a prospective Developer and a Landowner seeking further information on this matter.

**MN Statute Language** – The MN statute 216F is clear for those who have assumed Permitting Authority, the PUC Order must be followed "*when permitting*" projects between 5MW and 25MW however, the statute is silent on any requirement to incorporate these requirements into a local ordinances. Mr. Biren and Ms. Zimmer have acknowledged the County must adhere to the PUC Order when permitting but my focus has always been on the availability of that information to the citizens of Lyon County or providing "transparency". Currently the Lyon County Resolution 0308 is the only document that makes reference to the PUC Order and contains specific language addressing the critical nature of the "Wind Access Buffer Setback" but that document is not easily accessible to the public nor would an individual know to ask.

**2) Recognizing a County's Local More Stringent Setbacks and Standards** – In an email to Mr. Biren, I suggested that he seek an official response in the form of a letter from the MN Office of Energy Security about this issue of recognizing a locally adopted Setback or Standard that is considered "More Stringent" than those within the 1/11/08 PUC Order even when the county has not assumed Permitting Authority per MN Statute 216F.08(a). Public statements were made during the SW Cert by MN Office of Energy Security Staff Members that would suggest the MN PUC would recognize local "More Stringent Setbacks and Standards" regardless if they officially assumed permitting authority.

**3) Wind Rights Applicability when issuing Conditional Use Permits (CUPs)** – Since the MN PUC has reaffirmed the protective measures for Wind Rights (Wind Access Buffer Setback), in Ms. Pile's professional opinion should Lyon County Consider adopting these similar protective measures when considering the issuance of a CUP for Wind Projects < 5MW when "Utility Grade Turbines" are utilized. Within the MN PUC Order it states the Wind Access Buffer Setback shall be applied to all Public Lands, how is the CUP Process affected when the same "Utility Grade" turbines are used in projects less than 5MW of output, does the setback requirement to Public Lands simply go away.

**MN Statute Language** – The law is clear that the PUC Order only has jurisdiction over Wind Projects with total nameplate capacity between 5MW and 25MW. My focus, if a Wind Project uses (4) 1.5MW "Utility Grade Turbines" for a total output of 6MW then the protective "Wind Access Buffer Setback" applies, even to Public lands.

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Subtract just one of the 1.5MW Utility Grade Turbines creating a total output of 4.5MW and the whole issue of "Wind Rights" seems to vanish, along with the state's Wind Access Setback to Public lands.

I believe the Wind Access Buffer Setback and its implementation for all Public Lands should be a consideration in the Lyon County CUP Process and the County should incorporate the following language in its process when evaluating a WECS < 5MW of nameplate output:

"The Lyon County Planning Commission shall apply the Wind Access Buffer Setback for all WECS utilizing a Utility Grade Wind Turbine (over 200' in height and output of 1MW) unless the Lyon County Planning Commission finds good cause not to apply that Setback."

Very Respectfully,  
Scott Riddlemoser  
Balaton, MN

### **Annual Levy Hearing**

Stensrud set the county ditch hearing for August 17, 2010 at 4:00 p.m. in CR 1 & 2 and the judicial ditch meeting for August 17, 2010 at 4:30 p.m. in CR 1 & 2.

### **CD 60B Branch 10**

Maes – You received a petition from the city. You would recess briefly and call the drainage authority to order. You have a suggestive date of September 7 at 1:00 p.m.

11:38 am. Goodenow moved, seconded by Fenske to recess the county board meeting. All voted in favor.

11:38 a.m. Stensrud called the drainage authority for CD 60B Branch 10.

Stensrud set the public hearing for transferring jurisdiction of a portion of Branch 10 CD 60 B for September 7, 2010 at 12:00 p.m. All voted in favor.

Fenske – How much of the ditch are you looking at? Olson – Right now the branch starts just by Applebee's and goes through the University corner and past the high school.

11:46 a.m. Goodenow moved, seconded by Nelson to adjourn drainage authority for CD 60B Branch 10. All voted in favor.

11:46 a.m. County Board Meeting Continued

### **Ditch Overseers**

Ritter – How did it get to the point that there are deceased members on here? Is it not looked over? Hammer – I haven't been able to find anybody to take over. Goodenow – Are we required to have them? VanOverbeke – We are the only county that has them. VanOverbeke – When we set our maintenance levy hearings we always notify these individuals. Stensrud – We should talk about that at the ditch hearing. Hammer – We will notify these people on the list. Goodenow – What about the redetermination? Hammer – We do have GIS staff attending meetings with me.

### **Change Order #1 and Landfill Construction Update**

Henriksen – I touched on this at the last board meeting. They had to readjust some piping. Stensrud – They had to move and recover it and readjust the line. Goodenow moved, seconded by Nelson to approve and authorize the Chair to sign change order number one. All voted in favor.

### **Library Update**

Ben Martig – We have a formal draft contract that the city attorney has prepared. Basically we are updating a number of other agreements. I am asking the agreement be approved at the July 20 meeting. This agreement would be an amendment to the existing contract that we have. Number 4 relates to the sale of the old building. I didn't lay out all of the particulars for the interim period. We are looking at updating the downtown area. There is no plan for the public reuse. Nelson – Your county portion is going up again. When we voted it was \$270,000 and before that it was \$183,000. What passed this Board was \$270,000. Now you are coming and saying it is \$358,000? Martig – The way that I presented it was we will not increase it. If this is inaccurate I will get you the one approved. Nelson – If we were to get a 1/3 back you would need to sell it for 1 million. I would like to see a fixed amount and not this 1/3 business. Discussion. Nelson – Is Mr. Martig aware of some of the things I talked about. Stomberg – I haven't had that conversation. Martig – I don't believe the library bylaws call for a meeting. I don't think we met last year. Stomberg- We sat down but we adopted the one from the year before. Goodenow –

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There was no increase from last year. We need to have that by the end of July or early August.  
Martig – My office will coordinate that.

**Kiosk sign placement**

Martig – I believe there was some action prior to me taking over EDA activities. I have a request for an alternative location. Stomberg- I think we were waiting for some language on liability.  
Nelson – Is this lighted? Martig – No. Stomberg – We can see if there is an appropriate place to put it. If the transit wants to put up a bus shelter. Fenske – At our last transit meeting they talked about a bus shelter. It would be by the sally port or back there. Stomberg- If we hold off on it and see if the bus shelter becomes a reality. Fenske – I think it would be fine if the Administrators talk it over.

**Business Retention and Expansion**

Martig – The city EDA has been discussing looking at different alternatives of doing a business retention plan. Stensrud – How long is this going to run? Martig – With that we get a facilitator and we are looking at if they approve us we would be looking at late summer and fall. There is a software package that all of the information is inputted into. Stomberg- The report would give a blue print for an EDA. Goodenow – How much do we have in the EDA? Stomberg – We have about \$26,000 if we take this it will go down to about \$18,500. Ritter – Once this is done who takes the bull by the horns and gets the volunteers going out and talking to the county? Martig – There is a group of coordinators. There is a task force that is identified as well. Goodenow – That is an overall county thing. Nelson – Who gets the \$15,000? Martig – The U of M extension. Fenske – I am thinking if we could share the \$7,500 with Cottonwood and Tracy. Ritter – The extension service puts this on and they are reimbursed for it. Aren't they already funded by tax dollars? If they weren't working doing this what would those people be doing? We are already paying taxes to fund it I think we are getting hit twice. Fenske – I disagree with the philosophy. Goodenow – I want it to be county wide. Goodenow moved, seconded by Fenske to fund up to \$7,500 to conduct a county wide business retention and expansion project.

**Voting in Favor:**

Fenske  
Stensrud  
Goodenow

**Opposed:**

Nelson  
Ritter

Motion Carried 3 to 2.

**Plumbing repair – government center**

Ritter – Should you have an alarm on anything when the pressure drops? Stomberg – Insurance covers some of the initial damage. Krause – Yes and we got a check for that. They will put pvc pipe in and we won't have the corrosion issue. Goodenow moved, seconded by Ritter to approve preventative plumbing work in the 1972 portion of government center building in the amount of \$7,943. All voted in favor.

**12:53 p.m. Meeting Recessed**

**1:15 p.m. Meeting Called Back to Order**

**Public Works Lease**

Stomberg- We have had conversations with the Minnesota Pollution Control Agency and they are interested in renting out the top floor of the public works building. Fenske – How many employees do they have? Discussion. Ritter – What are they paying now? What is their square footage existing now? Their lease is up when? Stomberg – I think it is up and they are doing an extension of it. Nelson – Do we have \$250,000 out there yet? Goodenow – Left over from the bonds. VanOverbeke – About \$167,000. Ritter – I appreciate the work you have done on this. My concern is you have the person who owns the building now and they are paying taxes so those taxes are subsidizing this. I am not going to vote in favor of this. I don't like competing with the private sector. Goodenow moved, seconded by Nelson to authorize the County Administrator to proceed with build out and negotiations with the State of Minnesota to lease the top floor or the Public Works Building.

**Voting in Favor:**

Nelson  
Goodenow  
Fenske  
Stensrud

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**Opposed:**  
Ritter

Motion carried 4 to 1.

**Copy Machine**

Stomberg – It would be a shared unit. Fenske – If you lease it do you get service with it? Stomberg- The service contract is separate. Fenske – It really isn't a lease. Nelson – The temporary VSO you have? Stomberg – Is paid through a grant. Nelson – So there is no cost to us? So we have the actual \$7,100 in personnel? Stomberg – I will be asking the Board to consider Virtual Veterans software. It is the trend to what they are moving to. Discussion. Fenske – Your machine is in pretty bad shape. Nelson – Is there tax on that? Stomberg – Yes that would be additional. Goodenow moved, seconded by Nelson to purchase a Konica Minolta C452 copy machine for the County Administrator and Veterans Service Office in the amount of \$8,995. Ritter –So you said you won't be back for 10 years. Maes – The maintenance plan? Stensrud – Do you want to include the maintenance? Goodenow –I figured that was an administrative thing. All voted in favor.

**SWHHS JPA Meeting**

Stensrud appointed Commissioner Mark Goodenow to attend the SWHHS JPA meeting.

**Radio Grant**

Stomberg – When we participated in some grant funding for the portables we had also approved an additional match. Nelson – They need to know that this is going to be on the budget and they need the letter from the auditor that we have budgeted for it. Nelson – We need to have a resolution showing we passed it. It has to be done by August 31. Stomberg- I'll bring it back at the next meeting.

**Diane Konjura Extension Committee Appointment**

Stensrud appointed Diane Konjura to the Extension Committee effective July 6, 2010 to January 1, 2013.

**Budget Discussion**

Goodenow – It is that time of year that we talked about strategic planning. I think we need to honestly look at it. Stensrud –Do you think a strategic planning session would be a good idea? Ritter – I would like to see the department heads come with their budget. That is our role. Fenske – That is our job. Discussion.

**Reviewed Meeting Schedule**

**Commissioners Reports**

Nelson reported on Regional Radio Board and the Fair Board.

Fenske reported on Transit Advisory Board, Insurance Meeting, Safety Meeting, Regional Amateur Sports Committee Meeting.

Ritter reported on Planning and Zoning Meeting.

Goodenow reported on SAMMY.

Stensrud reported on Soil and Water, RC & D, and Western Mental Health.

2:08 p.m. Stensrud recessed the meeting until July 8, 2010 at 10:00 a.m. for a closed session.

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Rodney Stensrud, Chairman

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Attest: Loren Stomberg  
Lyon County Administrator

**Continued Meeting from July 6, 2010**

**Resolution for Closed Session for Pending Litigation in the matter of:  
Rick Anderson, et al., vs. County of Lyon, et al.**

Member Fenske 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.

10:58 a.m.

After the Board came out of closed session Goodenow moved, seconded by Ritter to adjourn until 6:30 p.m. on July 20, 2010. All voted in favor.

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Rodney Stensrud, Chairman

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Attest: Loren Stomberg  
Lyon County Administrator