

LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY COURTHOUSE, MARSHALL, MN
March 17, 1998

Meeting called to order by Chairman Fenske. Members present: Buysse, Fenske, Gladis, Goodenow, Vandelanotte, County Attorney Maes, and County Administrator Jorgensen.

Pledge of Allegiance to the Flag.

Agenda approved with cancellation of Henriksen because of illness and the addition of a request for disability leave for a County employee.

Ditch Vouchers were presented to the board. Discussion. Hammer - We have a bill from Yellow Medicine County for JD#10 in the amount of \$7107.89. The ditch only has \$1508.32 in its account. Most of the bill is for attorney's fees. There are also some expenses for the bridge costs. Fenske - What is happening is that Lyon County landowners are paying for Yellow Medicine County's appeal. Discussion on JD#10 expenses. Vandelanotte - Should we have a Joint Board meeting? Goodenow - I think we are going to have to loan the ditch some money. Jorgensen - Ultimately, the bill will need to be paid, but the paperwork is not done so we will have to wait until next meeting. It will be next year before a levy would generate any money. Goodenow - 89% of the interest rate should go to Yellow Medicine County. Discussion on interest rate and who pays. Vandelanotte moved, seconded by Buysse to approve the ditch vouchers with the exception of the JD#10 bill in the amount of \$7,107.89 from Yellow Medicine County. All voted in favor. Gladis - Hammer, when you come back with this bill, could you break down exactly what the expenses are for?

Jorgensen - I have a bill for CD#62 from Bolton and Menk; I recommend approval. Buysse moved, seconded by Gladis to approve the CD#62 bill from Bolton and Menk in the amount of \$919.24 to be passed onto the city of Marshall. All voted in favor.

Hammer - I asked the viewers to look over the situation with the Bue property. Ted Schwing read the attached statement. Dennis Simpson - I am here on behalf of the city of Marshall and CD#62. They have the same position as the viewers. The correct procedure was not followed and an appeal did not happen within the thirty days. The city is asking that no additional damages be paid. Goodenow - Some of the tenants complained that they lost costs for putting the crop in. Josephson - The owners knew that the ditch was going to be built and that the tenants should not plant in the staked areas. This to me is a landlord/tenant issue. Goodenow - Did the Bue's know we were going to talk about this today? Hammer - Yes. Gladis - I thought the City had agreed to pay \$430 in damages. Simpson - I think in an attempt to settle this, they agreed to the \$430. Gladis - What is the City's position on this? Simpson - Approving the \$430 would be no problem. Gladis - If we approve the \$430, we could just as well approve the \$1100. If we are not approving the \$1100 because procedure was not followed, we can't approve the \$430. Discussion. Gladis - The two problems that stand out in my mind are that the construction workers were driving on acres not accounted for in the damages and that the tenants had planted around the stakes because in previous years when construction was planned, nothing happened. Fenske - The letter from the engineer states that a little over fourteen acres was used and they were paid damages for eighteen acres. Buysse - The appeal process was not followed. Fenske - The Bues requested that we consider further damage payments and we have, but we will not take any action because the appeal was not made within the thirty day appeal period.

Hammer read statues 103E.701 and 103E.715 pertaining to CD#40 and the repair petition from Art Matthys. Discussion on options. Goodenow - If there is only \$13,000 in benefits maybe it should be abandoned. Hammer - I'm sure if benefits are re-determined there would be a lot more. Jorgensen - No matter which way you decide to go, a public hearing will have to be held. My understanding is that there are people draining into the system that are not assessed. I recommend you set a public hearing. Fenske - The public hearing for CD#40 will be on May 5, 1998 at 3:15 P.M. in the Commissioner's Room in the Lyon County Courthouse.

Jorgensen - I have the contracts for CD#6 Impr. that need to be signed. The total cost is \$136,356.30. Discussion. Goodenow moved, seconded by Gladis to approve the chair to sign the CD#6 Impr. contracts. Voting for: Buysse, Fenske, Gladis, Goodenow. Abstaining: Vandelanotte.

Goodenow - Hammer, the biology people at the college may be contacting you about doing some seeding along CD#62.

Road and Bridge Vouchers were presented. Discussion. Vandelanotte moved, seconded by Gladis to approve the road and bridge vouchers. All voted in favor.

Voigt - The State contract numbers are not available yet for the single axle truck replacement. Approximate quotes are \$49,000 for single axle and \$63,000 for tandem. Right now we are looking at replacing the single axle truck that was damaged in the accident. We were hoping to have delivery by this Fall, but the State delivery date is not until January 1999. Steve Johnson checked and found one vendor that could deliver by September. Goodenow - Was a single axle truck set to be traded in? Voigt - There wasn't one in my replacement schedule. We are budgeted to replace a tandem this year and one for next year. I recommend we advertise for bids on at least

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one tandem truck and the single axle truck. If the bids come in way over the State bid, we can always reject them or we can decide to approve a higher bid because of an earlier delivery date. We can decide once the bids come in. Gladis - I think this is a good idea because it gives the locals a chance to bid. Voigt - Some of them possibly get the chance to bid through the State bid also. Gladis moved, seconded by Vandelanotte to approve advertising for bids for one single axle truck and one tandem axle truck. Gladis - What is the State bid for trade-in? Voigt - That has to be negotiated. All voted in favor. Voigt - Advertise for bids for one tandem truck for this year and wait until later to advertise for next years? Gladis - Yes. Goodenow - Part of looking at bids is deciding where the money comes from. Since it wasn't in the budget to replace a single axle truck we will have to decide where the money will come from. Fenske - That is something we will have to discuss.

Voigt - We have received additional funds to help pay for the CR#59 project. Last year the CR#2 project impacted a DNR wetland, so from the Black Rush Lake project we need some wetland acres. It would be nice to have at least fifteen to twenty acres banked. Rose Anderson, SWCD- At this time we can do the application for wetland acres, but we will need the plans when they are finished by the US Fish and Wildlife Service. Right now it looks like you will get about 40 acres. Please be aware that the landfill will need about 20 acres. Voigt - I will need about two acres. Steve Kallin, US Fish & Wildlife Service - The amount the County is eligible for is up to forty acres. Discussion on easement and payment. Anderson - As far as the application goes, we are using the acres specified before. If you want more, we can make another application. Vandelanotte - Voigt, do you think we need some banked? Voigt - I think it would be a good idea. Goodenow - What will the cost of banking be? We wouldn't get the \$850 per acre for the easement. Kallin - County would have to pay a portion of the cost to restore. Goodenow - Could this be very expensive? Kallin - County would pay about 10%. Goodenow - Dollar for dollar we need to know what wetland banking will cost us. Kallin - The project is going to cost somewhere in the ballpark of \$130,000 total and this includes the road repair. Jorgensen - Maybe you should look at banking 30 acres. Kallin - Construction is set to start this Fall after the crops come out. Voigt - What was the reason for the detailed elevation study? Kallin - So it would come to the agreed elevation. Anderson - From listening to your discussion, you may want to wait on the application until you know for sure what banking will cost you and how many acres you want to bank. Steve Durkee, US Fish & Wildlife Service - I gather you are probably not ready to sign the easement. Jorgensen - No, not at this point. Kallin - We can nail down Ducks Unlimited cost and total cost of Black Rush Lake. We should be able to come up with a County cost. Anderson - Maybe you want to have credits and then sell them to other counties. I understand they are buying them at high prices. In our records, we have a sale at \$10,000 per acre. Buysse - At some point we will have to meet with the people from JD#9 to have the abandonment hearing. Durkee - We have talked in terms of coordinating that with construction of the dike. Jorgensen - Most of the engineer work has been done. Kallin - We have met with all the landowners and taken elevations and RCM has taken a look at it and they say there should be no problems. Durkee - We need to set a date for this. Kallin - I would suggest around September 1st. Fenske - Anderson, should we take no action on the application? Anderson - I think you should wait until you know how many acres you want to bank. Voigt - What do you need to complete the application as it stands? Anderson - A copy of the final plan from US Fish & Wildlife. Jorgensen - Durkee, could you explain the easement. Durkee handed out a copy of the easement. Durkee - The legal department suggested two split easements - one for the donated part and one for the paid part. Jorgensen - It depends how many acres we bank on how big each section is? Durkee - Correct. This document also gives you freedom of action on the upland. Kallin - Still about three or four acres we need to acquire in the NW corner. We are optimistic that we can work this out.

Voigt - As of today, the house and senate version still contain money for off-system bridge bonding. If that happens, more money will become available for the counties. I may need to get help from a consultant on a couple bridges. Gladis - On the Amiret project is the DNR involved? Voigt - The consultant or whomever works on it will be directly involved with them.

Voigt - The Technical Review Board has completed the Marshall Area Study and we should have the results soon.

Buysse - Voigt, give an overview of water retention projects. Voigt - We are planning to do one by Balaton, one by Floyd Wild and in Island Lake Township. Discussion.

Fenske - Voigt, are you attending the meeting tonight? Voigt - Yes, how is the agenda because I would like to show a video on road restrictions and weight limits and what it does to the roads. Fenske - There should be plenty of time for that.

Voigt - Would the Board like to go on a road tour this year and when? Also think about what you would like to see. Fenske - We can set the date at the next meeting.

Goodenow - As far as planning and zoning goes, there seems to be a conflict between what P&Z okays and what Road and Bridge okays. Voigt - The law states the road authority has the authority with public utilities and right-of-ways. Goodenow - I think part of it is that they want to do what you want them to do.

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Discussion on right-of-way violations. Voigt - Before I would start reporting violations, I would need to know what we are going to enforce. Goodenow - Is there a problem and does it need fixed? Fenske - P&Z needs to discuss and decide what to enforce. Goodenow - Part of enforcing is advertising. I'm sure many people don't even realize there is a set back.

Discussion on Kesteloot request to take wood chips from Norcraft. Fenske - The opinion from Norcraft and the County's insurance, MCIT, is that the wood chips have to go to the landfill. Jorgensen - There are some liability issues that our insurance company is concerned with. I really don't have a recommendation one way or another. Henriksen is using the wood chips for daily cover. Norcraft position is that they have made a business decision to bring the wood chips to the landfill. Kevin Stroup - Seems to be a low risk matter. I think the insurance company would have said no if there was a big risk. Maes - In my opinion, it has to go to the landfill and be available for anyone to use it. Gary Kesteloot - If we can't get it all, it is not feasible for us to use it. Goodenow - Couldn't we have a dump site in Cottonwood? Jorgensen - If you do that you have to put tight restrictions on it. Gary Kesteloot - We have concerns with dumping it on the ground and possibly getting rocks in our equipment. Discussion on chipping. Stroup - Couldn't do an agreement with County, Norcraft, and Kesteloots? Maes - It could be explored, but my biggest concern is the availability issue. Glen Kesteloot - I can't see it as a problem. We have spent a lot of money for the equipment to chop it up. Vandelanotte - The other thing is the landfill can use it. Gary Kesteloot - I asked Henriksen if he wanted it for cover and he told me he did not want it in the landfill because it was too much tonnage. I told him if he wanted it, I wouldn't pursue the issue. Jorgensen - I think Henriksen's initial thought was that it was going to fill up the landfill. But he has since gotten MPCA approval to use it. Goodenow - Is there some way there could be a three-way agreement that protects Norcraft? Jorgensen - We need to protect the County also. Fenske - We can't spend any money on another station for dumping. Stroup - Why not leave it in the truck? When it goes to a separate location, it becomes the County's. Then when it is weighed, it becomes the Kesteloot's. Fenske - Would have to have some type of agreement and hold harmless clause. Stroup - Would want insurance company to look at the agreement first. Gary Kesteloot - Any of the wood that has varnish, we do not take. Fenske - So some would be taken to the landfill anyway. Glen Kesteloot - Norcraft separates the varnished stuff out. Vandelanotte - I think it should be looked at. Gladis - I think it is worth looking into. It would count as recycling. Goodenow and Buysse agreed to see if some sort of an agreement could be reached. Fenske - Stroup, go ahead and draft an agreement as quickly as you can.

Jeanine Barker met with the Board give an update on the Recorder's Office. Barker - Passport fees have changed. They are lower and the County receives a larger portion. They also lowered the ten year age for passports to sixteen. There has been an increase in fees for birth and death records. This is to help fund a new computer system. Lyon County has the possible opportunity to be involved in a State pilot project dealing with this computer system. I need to look this over a little more. The State will offer some funding for it. From 1995 to 1997 documents have been pretty steady, but there has also been low interest. Compared to January and February of 1997, this year there has been an increase. The Torren's Department is sluggish, but we are implementing a new computer system. Our new computer equipment was delivered to the vendor and I am in the process of sending my staff to computer courses. There has been new legislation to clean up fees. It has passed the House and the Senate Leader has asked each County to write a letter of approval. I would like your okay to do that. I don't see a huge change for Lyon County. Goodenow moved, seconded by Gladis to approve Jeanine Barker, County Recorder to write a letter on behalf of the County and the Recorder's Office supporting legislation dealing with fees. All voted in favor. Barker - The biggest increase in our office is the request for service the public wants. I'm not sure how much we are supposed to be doing for them. I have a problem with private companies sending a staff person up and one of my staff has to spend a significant amount of time with them. I have been thinking about a possible service fee for research. Fenske - I encourage you to look into this more thoroughly. Barker - We have begun to be a collections office for surcharges. 26% of the revenue goes to the State. Please watch for legislation dealing with surcharges. Fenske - Need, in addition, to watch where the charges go. Thank-you for you update.

Doug Zimmer met with the board to discuss GPS units for Tracy Ambulance and North Ambulance. Zimmer - Would like to purchase the units for them as long as they buy the radio that it hooks to. Fenske - Is Tracy Private? Gladis - Essentially yes, but there are volunteer funds. Gladis explained more about how the Tracy Ambulance works. Jorgensen - Maybe give the GPS units to the cities to put into the ambulances. Fenske - What is the cost? Zimmer - approximately \$1950 per unit. Fenske - If we provide the units, would they still be County property? Zimmer - Yes. Goodenow moved, seconded by Gladis to approve providing one GPS unit per city of Minnesota, Marshall, and Tracy to be used for their private ambulance service and the unit will remain the property of Lyon County. All voted in favor.

Zimmer - As far as the new addressing goes. The post office is using the 9-1-1 addresses. I don't think Cottonwood or Balaton have received their new addresses yet. I have been getting calls that we should have street signs. Gladis - At one of the Township meetings, they thought it would be nice to have signs. Goodenow - Would the money for the signs come out of 9-1-1 funds?

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Zimmer - No. Vandelanotte - Who would maintain these signs? Fenske - We will discuss this tonight at the Annual Township Meeting.

Meeting Recessed.
Meeting Back to Order.

Don Stokke introduced Al Brinkman from the Department of Corrections. Brinkman - The study of the jail that was done in May 1995 was accurate for that time, but not for now. The update made in February 1998 is based solely on court findings and jail average daily population. We try to encourage every jail to have a margin of workability which is to run at approximately 70% capacity. I will give you an update on average daily population (ADP) of the jail. From 1983 to 1989 there were peaks and valleys which is normal. In 1989 there was a spike probably due in part to the DWI legislation. From 1989 to 1993 there were normal peaks and valleys. From 1994 to present, there has been solid upward progression from year to year. We looked at three different scenarios when predicting future ADP. First we took all the numbers from 1983 to 1997 and the ADP would be around 30.24; second we used numbers from 1990 to 1997 and the same thing occurs. However, when we used number from 1994 to 1997, there is a 20% increase in ADP which amounts to approximately a 40 bed difference. We used raw, actual data. It leaves no comfort zones for future legislation or for economic changes. The biggest increase is in minimum custody people. Goodenow - The 1995 report basically told us that we didn't need additional space. Brinkman - I did not use the at-risk group. The information I used came from court filing and detention facilities. Goodenow - What are other counties doing? Brinkman - Nobles, Meeker, and Kandiyohi are looking to expand. These are the ones I am working with. I will not tell you to build or not to build. I will tell you that your biggest need is your minimum custody/work release. You have a waiting list for people to serve their time. Goodenow - What are we looking at? Doubling size, adding beds or what? Brinkman - Lyon County is the only County in the area besides Nobles that works with female occupants. You would also have the possibility to get occupants from other counties. Stokke has said they are turning away eight to ten from other counties every month. Fenske - According to your numbers, ADP of Lyon County's jail will go up by approximately 3.5 inmates per year. Brinkman - There are also economic factors that are not included in these numbers such as what would happen if Heartland closes or Schwans moves. You have to ask yourself if you want to help neighboring counties? Goodenow - Any financial help? Brinkman - Charging rent. Goodenow - Could we have a Joint Powers with the other counties? Brinkman - Something like that has been talked about, but nothing has been done. Goodenow - With the JDC there is a staffing issue. Brinkman - And that is really your only problem because now legislation allows co-location and co-recreation. Fenske - We will be impacted if the DWI level changes to .08. Brinkman - My study is tailored to your County. The Sheriff and Jail Administrator have the numbers and know their needs. Jorgensen - From the stand point of the current jail, would we lose our double bunk waivers? Brinkman - If you were to build a 48 bed, one staff person facility, you would probably lose one waiver. Goodenow - Next step? Brinkman - If intentions are to possibly expand, maybe you should pass a resolution to look at economics, feasibility, JDC etc. You should formally establish someone coming on to put numbers together. Goodenow - Architect, consultant? Fenske - Do we have an immediate need? Stokke - We are running full right now. We are taking care of our own, but once we start transporting our prisoners, it will get costly. Fenske - Who do we contract from? Brinkman - An architectural firm will do the study. Jorgensen - I have had consultants calling me. Brinkman - I will do what I can to help you. Fenske - Maybe we need a little more investigation to make sure we know exactly what we are going to ask the consultant. Goodenow - Do we need proposals to give to a consultant? Jorgensen - I like the idea of finding out what other counties are doing. Vandelanotte - According to this study, we will run out of room for our own prisoners. Discuss money availability. Jorgensen - Stokke knows what the needs are, but for public perception I think there needs to be more study. Fenske - We need more information. Brinkman - An architect will take the information and assess needs and tell you how you can build in the least costly matter. Buysse - What about electronic surveillance? Stokke - Our judges are not in favor of this. There is a staffing issue involved. Jorgensen - I recommend taking a look at this. We may not go any further, just because we get proposals does not mean we are going to build. Goodenow moved, seconded by Vandelanotte to request proposals for options for the possible expansion of the Lyon County jail and to use the information to determine possible financing. All voted in favor.

Landfill Vouchers and Special Water Projects were presented by Jorgensen because Henriksen was ill. Buysse moved, seconded by Goodenow to approve the landfill and special water project vouchers. All voted in favor.

General Revenue Vouchers were presented. Discussion on autopsy. Gladis moved, seconded by Vandelanotte to approve the general revenue vouchers. All voted in favor.

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| General Revenue Fund | \$84,327.19 |
| Road & Bridge Fund | \$42,419.84 |
| Landfill Special Rev. Funds | \$24,598.70 |
| Water Projects-Special Revenue | \$16,955.85 |
| Ditch Fund | \$16,785.67 |

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| Sinking Ditch II | \$421.25 |
| Total | \$185,508.50 |
| County Revenue | \$83,507.64 |
| Building & Improvement | \$819.55 |
| Total | \$84,327.19 |

Beginning warrant number: 317527; ending warrant number: 317689.

Jorgensen - I received a letter from the city of Marshall explaining why a crosswalk would not be appropriate on Sixth Street. Goodenow - I think you should request alternatives from the city to make that a safer crossing.

Jorgensen - The County received another tax appeal on a mobile home park in Marshall. It was actually on the books for less than it sold for. Discussion on appeal and payment.

Jorgensen - You need to set a public hearing date for the Aerated Lake Ordinance. Fenske - The public hearing for the Aerated Lake Ordinance will be on May 19 at 10:00 A.M. in the Commissioner's Room in the Lyon County Courthouse.

Jorgensen - You should all have a copy of the E-mail policy. Please look it over. I have been working with Region VIII to have one policy for the entire Courthouse.

Jorgensen - The Lyon County Chapter of the American Cancer Society will be holding its Relay for Life on August 21 and 22 and has requested a waiver of fees to use the Fairgrounds. Vandelanotte moved, seconded by Fenske to approve the waiver of Fairground's fees for the American Cancer Society's Relay for Life on August 21 and 22. All voted in favor.

Jorgensen - I have a request from Starlyn Mulder, Lyon County Employee, for a maximum six month disability leave. He has run out of sick leave etc. This would allow him to keep his insurance through the County. This is an approved leave without pay and he is still considered a County employee. Star has had heart problems for a couple years and suffered a massive heart attack in December 1997. Vandelanotte moved, seconded by Goodenow to approve disability leave for Starlyn Mulder. Fenske - He is still considered an employee but unpaid? Jorgensen - Yes. He is requesting a maximum leave of six months. He will be insured under the County's policy but pay for it himself. All voted in favor.

Per diems were presented. Buysse moved, seconded by Gladis to approve the per diems for Vandelanotte (\$225), Gladis (\$115), Fenske (\$110), and Goodenow (\$40 for planning and zoning). All voted in favor.

Commissioner Reports:

Gladis - I attended the township meetings in my district. The Department Heads are working on programs for County Government Week and they are going to ask the Commissioners to do something. We discussed the tobacco ordinance at the Restorative Justice Coalition meeting. The Group Home received a grant for \$7500 to purchase computers and redo an area for them. Jorgensen - What do you mean redo an area? Gladis - I'm not exactly sure what they are doing, but STS is helping install some sort of lab area for the computers. Jorgensen - I am just concerned that we have a plan for construction and I don't want to have to redo things because they are doing construction now. Gladis - I think it is more restructuring of counter space. Friday is the County Extension meeting in the cities so I will miss the RCRCA meeting. I sat in on a feedlot discussion and the Association passed a resolution that stated they are against a feedlot moratorium.

Vandelanotte - You are all invited to the RCRCA meeting on Friday starting at 8:30. I made it to one township meeting and the feedlot issue was discussed at length. Fenske - Do they want the County to enact something? Vandelanotte - No, I think we should just leave it alone. I have done some checking and on a lot of Planning & Zoning boards, there are seven people and on most of the boards there is one county commissioner with voting rights.

Goodenow - At my township meeting they said they are happy with the way the County is handling the feedlots and tobacco issue, so they won't be doing anything. I received a few negative comments on the golf course. STS helped down at the library and they did a very good job.

Buysse - At my township meetings the major questions I received were to do with the new addressing. Yellow Medicine River Watershed Board's new administrator is Terry Renkin. Area II Joint Powers has been tentatively approved. Last time we talked about having a small copy of the Constitution available for people to take during County Government Week. I checked on the prices and it will cost about \$131 for 100 copies. Vandelanotte - I think this is a good idea, and we should at least have a few. Buysse moved, seconded by Goodenow to purchase 100 copies of

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the United States Constitution at the cost of approximately \$131 to be available free of charge during County Government Week. Buysse - I believe very strongly that people need to be more aware of this. Over 1,300,000 people have died defending the US Constitution. All voted in favor.

Fenske - I received a letter from Marty Seifert about the resolution we passed dealing with sales tax exemption. He co-sponsored an amendment for sales tax exemption. Representative Mulder handed out copies of our resolution to everyone on the floor. The legislation failed by one vote. Just to let you know of the Representatives in our area, Ted Winter voted against it. Goodenow - Seifert said the urban representatives gave him some grief about his amendment and wanted to know why he was pandering to local government. Discussion.

Buysse moved, seconded by Fenske to close the meeting to discuss pending litigation. All voted in favor.

Buysse moved, seconded by Goodenow to reopen the meeting. All voted in favor.

Buysse moved, Gladis seconded motion to adjourn meeting until Tuesday, April 7, 1998 at 9:00 A.M.

Robert Fenske, Chairman

Attest:

Mark R. Jorgensen
Lyon County Administrator