

LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY COURTHOUSE, MARSHALL, MN
April 21, 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 as printed.

Ditch Vouchers were presented. Buysse moved, seconded by Vandelanotte to approve the ditch vouchers. All voted in favor.

Hammer - As far as CD#18 is concerned, I asked Byron Kosen to come if he had any questions. We based the percentage for levy on the old benefits and when it was spread in the computer, the new benefits were used. There was a re-determination in 1992. Jorgensen - Want to change the levy to ½ of 1%. This will bring the total to \$2,619.97 which is what we wanted. We will make abatements and send new tax statements.

Regular meeting recessed.

Fenske called to order the meeting of the Ditch Authority.

Buysse moved, seconded by Vandelanotte to approve changing the maintenance levy on CD#18 to ½ of 1% of the current benefits which are \$523,970.25. All voted in favor.

Hammer - On CD#10 on the Johnson property, there are parcels that need to be split. I recommend hiring Ted Schwing to do this. Buysse - Is this an open ditch? Hammer - No, this is all tile. Vandelanotte moved, seconded by Buysse to approve hiring Ted Schwing to split parcels on the Johnson property on CD#10. All voted in favor.

Hammer - I received the viewers recommendation on CD#34. There were two forties being double assessed on the Dean Buysse land and there were also two forties on the system that were not being assessed at all. Vandelanotte moved, seconded by Buysse to assess the benefits as submitted by the viewers for CD#34 (see attached). All voted in favor.

Jorgensen - JD#10 needs a loan from the County. I have worked up the particulars. The first payment would come in June 1999. This would be assessed to the ditch in August. This would be a three year loan from the County General Fund in the amount of \$20,000 with a five percent interest rate. Buysse moved, seconded by Gladis to approve the loan to JD#10Y&L from the County General Fund in the amount of \$20,000; this will be paid back in three years with a five percent interest rate. Hammer - In two weeks should I recommend payment of attorney's fees? Discussion on possible payment of bill. All voted in favor.

Jorgensen - Yellow Medicine County sent a set of minutes for JD#12 from the November 26, 1997 meeting. Would you like a chance to read them and approve at the next meeting? Vandelanotte - We did agree to everything at that meeting. Buysse - I'm sure Mr. Kramer has looked them over. Jorgensen - There is also a resolution to repair the bridge and an Order to start the work. Vandelanotte moved, seconded by Buysse to approve the minutes for the JD#12 November 26 meeting, the resolution to repair the bridge on JD#12 and the order to start the work on the JD#12 bridge. All voted in favor.

Buysse moved, seconded by Gladis to adjourn the meeting of the ditch authority.

Fenske called the regular meeting back to order.

Conditional Use Permit. Gladis moved, seconded by Vandelanotte to grant a Conditional Use Permit (on file at Planning and Zoning Office) to Layle French to operate/expand a business (animal boarding, grooming and training) on land owned by Frances L. French Trust and located in part of the NE ¼ of the NE ¼, Section 28 of Lake Marshall Township. Fenske - Lake Marshall Township approved? Hammer - Yes. All voted in favor.

Conditional Use Permit. Gladis moved, seconded by Goodenow to grant a Conditional Use Permit (on file at Planning and Zoning Office) to Mark Harbo to move in a mobile home as a place of residence in part of the NW ¼ Section 1 of Rock Lake Township. Hammer - This has been recommended by the Township board and the neighbors are happy he moved out there because it is an old abandoned farm place and it needed cleaning up. All voted in favor.

Conditional Use Permit. Vandelanotte moved, seconded by Buysse to grant a Conditional Use Permit (on file at Planning and Zoning Office) to Jeff VanKeulen to move in a double-wide mobile home as a place of residence in the N1/2 of the NE1/4, Section 13 of Eidsvold Township. All voted in favor.

Gladis - Did Mrs. Johnson from Tracy reapply for the kennel permit? Hammer - No. Discussion.

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Hammer - There were about ninety people at the meeting for the feedlots. We talked about coming up with a feedlot ordinance for Lyon County. People from the townships will be on a task force to look into this. Vandelanotte - It was a very good meeting. Discussion.

Fenske - I visited with Dennis Louwagie about CD#62. He said the crews are not within the seeding strips. Hammer - They were not within the seeding strip, but they are within the 18 acre strip. Rock piles were buried for the Bues, so that actually helped them out. Fenske - Seeding today? Hammer - Yes. Vandelanotte - 18 acres were paid damages for and only 14 acres were damaged. Hammer - I think once they get out and dig that a couple times, it will be fine. Discussion.

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

Voigt - We need to open bids for the tandem truck and the single axle truck.

Single axle truck bids:

Falls Automotive Inc. Fergus Falls	1998 GMC C7500	\$59,090.00
Lakeland Truck Center St. Paul	1999 Sterling L8511	\$60,332.25
Olson & Johnson Marshall	1999 International 4900	\$57,918.42

Tandem truck bids (including pup trailer, snowplow, and sanders):

Lakeland Truck Center	\$92,301.42
Olson & Johnson	\$104,590.40 (less sales tax credits on trades)

Voigt - Olson & Johnson's bid will be around \$1000 less. I also have the numbers from the State contract in my office and they are not quite compiled yet. Representative from Olson & Johnson - We have no problem getting you the truck before the snow. Fenske - That is a deciding factor. Voigt - I will come back later in the meeting with my recommendations.

Voigt - I need authorization to advertise for bids on a couple projects. One is smoothing out County Road #13 from Highway 19 North to County Road #8. Fenske - When are you planning to do this? Voigt - Possible June 1st start. Hopefully we can open and award the bids on May 19. The other project I need authorization to advertise for bids on is a water retention project in Rock Lake township south of Highway 14. Discussion. Goodenow moved, seconded by Buysse to authorize the advertising for bids on the grading project for County Road #13 and the water retention project in Rock Lake township. All voted in favor.

Voigt - To expedite projects so they won't get held up by trying to acquire right-of-way, I would like to request that a resolution be passed that gives the County Attorney the right to impose eminent domain. MnDot and other some other counties use this. This will make more work for the County Attorney and the Court Administrator. This is the legal authority we have. Maes - Generally the majority of the counties wait and see if an agreement can be reached with the landowners before they file this resolution. It is preferable to try to reach an agreement first. In the past some projects have been delayed a whole summer because an agreement couldn't be made with a landowner. This resolution would prevent this. The landowner has thirty days to reach an agreement with the County. At the end of thirty days, I would put together a petition for these landowners explaining the process and options. Gladis - Would we approve a resolution for each separate project? Maes - Yes. Gladis - In the past did Voigt negotiate? Voigt - Yes and this resolution would now formalize this and name Maes as part of the process also. This just starts the ball rolling sooner. Goodenow - Cuts us out a little as referee. Voigt - No, not really. There will still be ongoing negotiation after eminent domain is filed for. Maes - Have to generate a letter that makes it clear that we want the project to be finished in a timely fashion. Fenske - I don't want the landowners to get Voigt's offer, not like it, and directly get condemnation. Voigt - There is still ninety days to negotiate. Goodenow - Somehow I would like to know before a condemnation letter gets sent. Voigt - Before the thirty days begins, we send out a package explaining the counties rights and the landowners rights. This explains that the County has the right to eminent domain. Vandelanotte - You have to look at both sides, because some people are ready to get the project going and done and there is someone that is holding it up. Gladis - The majority of people agree? Voigt - Yes, there are always one or two on each project that create a problem. Fenske - If it's for one specific project, I would be willing to try it. Voigt - It is project specific. For each and every project I would have to bring in a new resolution. Goodenow moved, seconded by Gladis to pass the resolution dealing with eminent domain for the County Road #13 project. All voted in favor.

Voigt handed out a copy of the 1997 Annual Report for Road and Bridge.

Voigt - I think it would be a good idea to hold an informational meeting about the bike trail. I have talked to some people and one individual in particular thought it would be a good idea to get

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landowners together for a meeting. Discussion on when to hold the meeting. Goodenow - This is not a public forum to decide anything. Voigt - Right, it is just an informational meeting. Goodenow - Maybe we could have the meeting at Lynd City Hall. Voigt - There could possibly be people from all around the County attending. Jorgensen - Lynd sent a resolution of support for the bike path. Jorgensen - Let's have the meeting on Tuesday, May 19 at Lynd City Hall/Community Center at 7:00 P.M.

Voigt - Do you want to schedule a road tour? Discussion. Fenske - Let's go Thursday, May 21 from 7:30 A.M. until noon. Gladis - Should we invite the DNR? Voigt - I called him and he is busy. Fenske - The press and radio are also invited.

Voigt - The last thing I have is the Safety Program Policy. Jorgensen - This addresses a number of needs the County has. I commend Voigt and the Highway department on this. Discussion. Vandelanotte moved, seconded by Buysse to approve the Lyon County Safety Program Policy. All voted in favor.

Lisa Zmeskal, Lyon County Treasurer, gave an update on the Treasurer's Office issues. Zmeskal - We have made about 850 copies of tax statements this year because of the rebate. Based on a 1992 board policy, the fee is \$1.50 for each copy of a tax statement. This is pretty much in line with other counties. We have had no real complaints. Tax statements went out on March 31 and there were over 19 million dollars worth sent out. Jorgensen - It is interesting that the overall taxes collected went down 4% from last year. The big drop is because the State is adding budget money for the schools. Zmeskal - We have had problems with ditch assessments going out for only two cents. This is a computer issue and has to be worked out with the computer companies. It is not worth the money to send the statement out. Jorgensen - At this point we have to decide whether it is better for the County to just pay. Zmeskal - 9-1-1 address changes have been coming in with the tax statements. We have had a few problems but not too many. Last year we started direct payment for taxes and it is going well. We have about seven percent doing it right now. We are adding more all the time. I am developing an electronics funds transfer policy. We have no actual policy right now, just guidelines. We are also working on getting a dummy terminal so when attorney's and abstract companies come in, they have a terminal to work on instead of hard copy. The last thing I have to discuss is the Worker's Comp Fund. We have no more obligations for this fund. Jorgensen - Prior to 1987 the County was self insured for worker's comp. MCIT has bought down that liability now. Fenske - Should this go back into the General Fund? Zmeskal - Right now the interest earned goes to the General Fund. Goodenow - Worker Comp goes through our insurance now? Jorgensen - Yes. Zmeskal - There is \$183,500 in the fund now. Goodenow - It would be nice to put a label on it. Jorgensen - Can set it up as a separate fund within the general fund. Zmeskal - What do you want to name this separate department? Discussion. Jorgensen - Capital Projects Department. Goodenow moved, seconded by Buysse to approve eliminating the Worker's Comp fund and putting it in a separate department within in the General Fund and this department will be called the Capital Projects Department. All voted in favor. Zmeskal - Interest will go back into the Capital Projects Department? Buysse - Yes. Fenske thanked Zmeskal.

Meeting recessed.
Meeting called back to order.

General Revenue Vouchers were presented. Discuss guardian ad litem program and maintenance department. Vandelanotte moved, seconded by Buysse to approve the general revenue vouchers. All voted in favor.

General Revenue Fund	\$38,155.70
Road & Bridge Fund	\$32,247.03
Landfill Special Revenue Funds	\$17,717.15
Ditch Fund	\$4,204.79
Total	\$92,324.68
County Revenue	\$35,695.57
Enhanced 911 System	\$2,264.68
Building & Improvement	\$195.46
Total	\$38,155.70

Beginning Warrant Number 317952; Ending Warrant Number 318093.

Jorgensen - You all should have had a chance to look over the Lyon County Internet Policy. I recommend approval. Buysse moved, seconded by Goodenow to approve the Lyon County/Region VIII LAN, E-Mail and Internet Access Policy. Goodenow - The Welfare Board approved. Buysse - Is CHS involved. Jorgensen - It has been offered and they are looking into it. All voted in favor.

Jorgensen - I have received one proposal on the Jail Facility Assessment Study from a consultant from Rapid City, South Dakota. I do believe that the Sheriff knows what the jail needs and I believe he is right. But it's nice to have further assessments. Gladis - What is it going to cost? Jorgensen - This proposal states the cost to be \$14,000 and it could cost more depending on which

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options you choose. It talks about some very important issues for example going out to surrounding counties and finding out their needs. Fenske - Stokke knows what we need, but this would give more concrete evidence. Goodenow - Is the Juvenile Detention Center going to be included? Jorgensen - Yes. Fenske - Let's wait until the next meeting to make a decision hopefully the other proposal will have come in by then.

Jorgensen - We need to discuss user fees for faxes and copies. I recommend we refer this back to a group of department heads. I received a letter from an individual that was charged \$41 and this person thought this was too much. I agree we need to cover our costs. Gladis moved, seconded by Goodenow to request the department heads look at the issue of user fees for faxes and copies. All voted in favor. Jorgensen - Do you want to do anything with this \$41 bill? Gladis - Let's send a revised bill out when the department heads make a decision.

Jorgensen - I received a bill from Mears Electric for the lights at the Go-Kart track in the amount of \$5,845.32. Fenske - We talked about paying this because they will actually be County property and then raising the rent per evening. Jorgensen - I recommend you approve payment. Gladis moved, seconded by Goodenow to approve payment of the Mears Electric bill for the lights at the Go-Kart track at the fairgrounds in the amount of \$5,845.32. Goodenow - We are paying this because they will actually be County property. All voted in favor. Jorgensen - Now you need to set the rent for the Go-Kart people. It is now currently \$75/evening. Gladis - I think it should be at least \$125. Goodenow - Eight races would bring \$1000. Maybe we could set it at \$125 this year and review it next year. Gladis - This is almost like a loan but it isn't. Gladis moved, seconded by Vandelanotte to raise the rent from \$75 to \$125 per evening for use of the Go-Kart track. All voted in favor.

Jorgensen - We need to set a date for the Annual City/County Dinner meeting. Discussion.
Fenske - Let's set it for May 13. Jorgensen - I'll let Mike Johnson know.

Jorgensen - I have Tobacco License applications that need to be approved. They all have filled out the form and sent in the \$58.33 fee which is the prorated amount for current vendors.

Gladis moved, seconded by Goodenow to approve the tobacco license requested by Michael Swanson for Mike's Lakeside in Balaton. All voted in favor.

Gladis moved, seconded by Goodenow to approve the tobacco license requested by the City of Balaton for the Balaton Municipal Liquor Store. All voted in favor.

Goodenow moved, seconded by Buysse to approve the tobacco license requested by Dwight Angrimson for the West End Bar in Taunton. All voted in favor.

Buysse moved, seconded by Goodenow to approve the tobacco license requested by Bobbi Kimpe for CJ's Bar & Grill in Minneota. All voted in favor.

Buysse moved, seconded by Fenske to approve the tobacco license requested by Charles Dalager for Dalager's Grocery & Gas in Minneota. All voted in favor.

Buysse moved, seconded by Goodenow to approve the tobacco license requested by Wynston Boe for the Countryside Golf Club Inc. in Minneota. All voted in favor.

Buysse moved, seconded by Goodenow to approve the tobacco license requested by Minneota, Ghent & Taunton Co-op Oil Co. for the MGT Convenience Store in Minneota. All voted in favor.

Buysse moved, seconded by Goodenow to approve the tobacco license requested by Edward Finnegan for Finnegan's Super Valu in Minneota. All voted in favor.

Buysse moved, seconded by Vandelanotte to approve the tobacco license requested by Lee Stafne for Stafne's 66 in Balaton. All voted in favor.

Per diems were presented. Goodenow moved, seconded by Gladis to approve the per diems for Gladis (\$70), Buysse (\$170), and Vandelanotte (\$160). All voted in favor.

Mary McCormack met with the board to discuss the Sick Leave Bank Draft Policy. McCormack - This arose out of an employee's situation. We had a committee consisting of Diane Campbell, Lisa Zmeskal, Ron Stephens, Steve Johnson, Rick Maes, Mark Jorgensen, and myself. There was concern expressed on people who abuse sick leave. We thought a committee made of employees and no department heads would approve if someone could use hours from the bank. The person would have to make an application to borrow against the sick leave bank and then the committee would have to approve. The committee would consist of one person from the Sheriff's Office, one from the Highway Department, and three from the other departments. Only one person from a given department could be on the committee and the people on the committee would also have

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to be actively donating to the bank. We discussed the notion of whether or not to donate to a specific person or just to a pool. We decided it was better to donate to a pool. This policy will go in the sick leave section in the County Policy Manual. A person can draw on this only if they are going to be gone from work at least twenty days, if workmen's comp is not available, and their vacation and sick days are zeroed out. The max they can receive is sixty days. It is not expected that there will be frequent application. Once someone has donated, they can not have it back. Can not draw upon unless donating. Employees can donate once a year in July until 2000 hours are reached. This helps someone who does not have a lot of sick leave built up. Fenske - should include in policy that if they do not donate, they can not use the bank. Vandelanotte - Has this been well received? McCormack - Yes, I think so. After the policy is adopted, there will be an employee informational meeting. Goodenow - Department heads can not be on the deciding committee? McCormack - Right, but they can donate and draw on it. Gladis - Should have included in the policy: who is eligible for the committee, that it is optional to participate, and must participate to draw. Goodenow - Since no department head will be on the deciding committee, will there be a vote to decide who is on the committee? McCormack - We didn't really think that there would be any rush of people to be on the committee. Gladis - Who decides who is on the committee? McCormack - Would probably have employee vote if more than five wish to volunteer. Goodenow - Include in the policy in the section about the committee that if more than five volunteer, there would be a vote by the employees. Vandelanotte - Once this is drafted, it can always be changed if it need to be. Fenske - Bring back the revised policy to our next meeting. You have done a very good job.

Maes - Yesterday CD#7 and JD#10 brought their motions to the judge. There was a motion by Wendland to dismiss the counter claim and a request for a continuance. He got the continuance. The judge removed the bond requirement and directed JD#10 that they could cap off the outlet at thirty inches. The judge may try to put some wording on it that JD#10 can't charge back for the cap. Fenske - what is the width now? Vandelanotte - 48, CD#7 was willing to go to 36. The viewers said if went lower than 36, there would be flooding. Goodenow - No bond could mean the County is liable? Maes - Depends on who they name.

Discussion on make up of ditch boards and what to do in the future.

Voigt returned with recommendations for truck bids.

Voigt - For the single axle truck, Olson and Johnson had the low bid which is \$57,918.42. I checked the State contract and came up with an approximate number of \$54,885.00. This could vary plus or minus \$5000. This one could not be delivered this year. I recommend approving Olson & Johnson's low bid. Gladis moved, seconded by Fenske to approve the low bid of \$57,918.42 from Olson and Johnson for the single axle truck. Jorgensen - Where is the money coming from to pay for this? Fenske - This is the truck that was in the train wreck? Voigt - Yes. Just a prelude also, the tandem truck low bid was \$92,000 and I only budgeted \$75,000 for it. I will have to adjust my budget somewhere to make up for that. We will need some help to pay for the single axle replacement. Jorgensen - This is what a contingency fund is built into the budget for. The only problem is that this would take a good part of it and it is early in the year. Buysse - Will the MACK run another year? Voigt - It would cost us, but yes. Gladis - What is in the contingency? Jorgensen - We budgeted \$100,000. Some of that has been used and there are some things coming up. Voigt - We looked into collision insurance and we will be carrying it on our fleet of on-road heavy equipment. It doesn't really happen very often, but insurance would have saved us this time. Fenske - Are we going to accept this bid and how are we going to pay for it? How long is bid good for? Voigt - Thirty days. We could use some out of our road and bridge budget. Vandelanotte - Jorgensen and Voigt should get together and talk about it. Jorgensen - We can find the cash, the big question is where will it come from? Buysse moved, seconded by Goodenow to table the motion to accept Olson and Johnson's bid on the single axle truck. All voted in favor.

Voigt - Now the tandem axle truck. The low bid for that was from Lakeland Truck for \$92,301.42 which includes trade in of the MACK (\$28,700) and the pup (\$1,700). I looked over the State contract and they do not offer trade ins or the pup trailer. My approximate estimate is \$86,000 plus or minus \$5000. I'm not sure why my estimate was so far off on this. I asked Jim Thomason why he thought the estimate was so far off and we figured that the underbody plow probably did not get in on the budget process. Gladis - What were the trade-in values? Voigt - \$16,000 from Olson and Johnson and \$28,000 from Lakeland Truck Inc. Fenske - You estimated the trade in value to be \$30,000 and Lakeland gave \$28,000. Voigt - Yes, that was pretty close. The underbody plow made some of the difference, but only about \$5000. Goodenow - What brand? Voigt - Sterling. Goodenow - Is there someone in town that will fix it? Buysse - Engines etc. are all interchangeable. The only thing Ford, GMC etc is the body. Jorgensen - In the past you have always told the engineer this is your equipment budget and if you have to cut somewhere else you must do it. Fenske - Do you recommend purchase? Voigt - Yes, and I will cut somewhere else. Fenske - The additional \$17,000 over will have to come out of equipment somewhere. Gladis moved, seconded by Fenske to approve the low bid from Lakeland Truck for the tandem truck in the amount of \$92,301.42 including trade. All voted in favor.

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Landfill Vouchers were presented. Vandelanotte moved, seconded by Buysse to approve the landfill vouchers. All voted in favor.

Henriksen - Just some information on the financial assurance account. The new estimate shows we are probably \$40,000 ahead of what we need to pay into it. Fenske - Can use this for other environmental issues. Henriksen - Can be used for final closure or solid waste. The landfill advisory meeting will be May 12 at 7:30 in the courthouse.

Fenske - Have you heard anything about Norcraft? Henriksen - I called and explained options. They should have something before the May 5th meeting. Buysse - You sent him a letter? Henriksen - I talked to him and will send a follow up letter.

Henriksen - We got a report on the lime sludge. SEH will be sending comments. The report was not very well done. I will send SEH my comments also. Fenske - Ask Commissioners from Madison what they are doing. Henriksen - Would like to use it and then maybe put in on the old landfill site.

Buysse - Anything new on the land west of the landfill? Henriksen - No.

Commissioner Reports:

Gladis - I received a call from Paul Otto at Camden Park and they are doing a boundary review. They are just in the very beginning stages of this. If they want to include other land, they will come to the county first, then go to the State legislature. Nothing can go through without the State's approval and usually they want the County approval also. I will be going to the County Commissioner refresher course in St. Cloud. I am working with AMC on active citizenship movement.

Goodenow - Crosswalk on Sixth Street? Jorgensen - I have not heard anything. Goodenow - We are patiently waiting for something. At the Welfare Board meeting we discussed hours and I asked why they are open from 8:30 to 4:30. And they said because the rest of the Courthouse is open at that time. They said they could discuss the possibility of hours from 7:30 A.M. to 5:00 P.M. The Library is having programs. They are having an all day open house today. You can stop and have cake and ice cream. Things are working very well there. I think it is time to ask Maes to present options for combination of the Treasurer's and Auditor's Offices. Need to come to some conclusions before filing opens. All elected department heads are up for re-election. Maes - A combined Treasure/Auditor Office could be elected or appointed. If combining the office, you would need to make public aware and would need to pass a resolution. Two publications would be required. Fenske - Maes can look at this and let us know our options at the next meeting.

Fenske - Next Monday night is the Western Human Development Meeting. This is non-profit and they have no authority to levy taxes. Buysse - No tax payer money used? Fenske - They have no authority to levy any taxes. Discussion.

Buysse moved, Gladis seconded motion to adjourn meeting until Tuesday, May 5, 1998 at 9:00 A.M.

Robert Fenske, Chairman

Attest:

Mark R. Jorgensen
Lyon County Administrator