

LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY COURTHOUSE, MARSHALL, MN  
June 16, 1998

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

Pledge of Allegiance to the Flag.

Agenda approved as printed.

Gladis - We need to discuss the DeVries land by the landfill. I think we need to get going on this. Vandelanotte - What have they been offered? Jorgensen - \$1100 per acre. Goodenow - The appraised value was less than \$1000 per acre. Vandelanotte - Maybe we should boost it a little. Gladis - I talked to Tim DeVries and he told me water was backing up, I told him I could not comment on that until I went out to see it and I will be going out there soon. I told him to come up with a realistic offer. He also said his dad wants to live on the farm. Jorgensen - I have gone out and looked at it with him and so have others. It was included in the offer that Marvin DeVries could live out there. There is also an issue with the fence line. Buysse - Let's just get it going. Vandelanotte - I would just offer him \$1250 per acre. Goodenow - Let's tell Stoneberg to give him a call and find out if they have a counter offer.

Ditch Vouchers were presented to the board. Fenske - How are the CD#7 bills going to get paid? Jorgensen - Again, I think the repair bills need to be paid and the legal fees can wait. Hammer - I recommend holding off payment of the legal fees. Gladis - Is this the same bill we saw last time? Hammer - Yes. I have not received anymore for now, but there will be some coming in. Jorgensen - Will have to make a loan and the paperwork will be ready by the next meeting. Hammer - I also recommend holding off payment on the JD#9 bill, I have been trying to get a hold of Clarence Huck. Buysse moved, seconded by Goodenow to approve the ditch vouchers excluding the JD#9 bill and the Wendland-Timmerman bill for CD#7 improvement. All voted in favor.

Jorgensen - CD#6 is in the process of getting bonds let and sold. I have a resolution for reimbursement using the bond money when it comes in. This allows the ditch to go ahead, bond, and pay bills. Buysse - Will we be bonding for CD#15 also? Jorgensen - We can still bond for CD#15, but a reimbursement resolution was not passed for this ditch so interest will be higher and no reimbursement can be done with the bonded money. I recommend since the loan is in place for CD#15 and it is working, that we leave it the way it is. Buysse moved, seconded by Goodenow to approve the reimbursement resolution for CD#6 (on file at the Auditor's Office). Voting For: Buysse, Fenske, Gladis, Goodenow. Abstaining because of conflict of interest: Vandelanotte.

Jorgensen - The engineer has sent a request for the last \$1000 payment to Scherff for work on CD#7 improvement. Hammer - There were some approaches that needed to be fixed and all the work has been completed. Jorgensen - I recommend payment. Vandelanotte moved, seconded by Buysse to approve paying the final payment of \$1000 to Scherff Construction for work on CD#7 improvement. All voted in favor.

Jorgensen - I have a partial payment request from R&G for work done on CD#62. The engineer has signed off. Gladis moved, seconded by Buysse to approve R&G's partial payment request of \$24,869.70 to be passed on to the city of Marshall. All voted in favor.

Jorgensen - I received a petition for improvement on JD#24 from the Yellow Medicine County ditch inspector. I talked to the YMC Auditor about the meeting on the 23<sup>rd</sup>. The Board wants to talk about the jail issue, JD#10 and this JD#24 petition. Hammer - Will the board take any action after the ditch board is reorganized? Gladis - Don't you have to advertise? Goodenow - Will have to reestablish everything that the previous board did so it is in the minutes. Also, I am very sorry, but I am scheduled to be out of town next week so I will not be able to attend that meeting. Hammer - The viewers should have all the figures in on JD#23 by Thursday, then they will start JD#10. Vandelanotte - We do not want the re-determination stopped on JD#10. Discussion. Fenske - They have one member with a conflict of interest so he shouldn't be able to vote. Jorgensen - Do we want to go over there on the 23<sup>rd</sup> or not? Vandelanotte - I don't think we should go without Goodenow. Fenske - Let them know that one of us will be out of the state. Goodenow - You can blame it on me, it was an oversight on my part. Fenske - I know they are very interested in the letter we sent on the jail. Discussion on possible meeting dates. Fenske - Let's suggest July 30 at 3:00, July 1 at 1:00 or July 2 at 3:00. Jorgensen - I will let them know.

Jorgensen - Everyone should have gotten a copy of the story on large scale hog operations.

Hammer - There will be a township feedlot meeting tonight in the Courthouse at 7:30. Gladis - Are they getting everybody at the table? I may ask that question tonight. Goodenow - Is it a public meeting? Hammer - Yes.

Fenske - Part of the new state law is that there must be an inventory of feedlots. Do we have one yet? Hammer - No.

LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY COURTHOUSE, MARSHALL, MN  
June 16, 1998

Road and Bridge Vouchers were presented. Discussion. Vandelanotte moved, seconded by Gladis to approve the road and bridge vouchers. Goodenow - What does MARC stand for? Voigt - Marcom, the radio system. All voted in favor.

Voigt - I know there have been concerns about the water retention projects and wanting more involvement by Area II. I have asked Kerry Netzke and Billy Thomas to be here to explain what they do. Voigt - My understanding is that Area II will do preliminary survey and hydraulic work. The most time consuming part for us is the detailed survey work. Area II does have a little different perspective, they look at a system of retention's not just a single project. I have certain projects, and it is hard to do a system. I am working on projects, but have a big workload this year. Vandelanotte - I always hear how come it takes so long? Voigt - I do not feel comfortable letting Thomas do all the hydraulics because I can not sign off unless I have been extremely involved. Fenske - How much can you help us? Thomas - We do surveying in connection with the projects we design. We also do try to design a system, so something downstream can be added easier later. When we are getting a project ready, we will estimate a recommended road height. On projects we are going to recommend, I will survey and do an estimate of storage. Then it will be presented to the Area II board. If they want to go ahead, then we talk to the counties or the townships. The one thing we have found is that the GS Quad Maps can be off by quite a bit. Goodenow - Are we running out of projects? Netzke - We don't have a master plan, a lot of our projects are recommended by counties, townships, or watershed districts. Some watersheds are limited due to geography. Voigt - There are still some first priority projects that could not go through because of land owner objection and not getting easements. Goodenow - Are there off road projects? Voigt - Yes, but the board had directed me to go with the road retention projects. Netzke - I agree. You can get more funding. Voigt - Area II can basically help us with initial assessment and preliminary and basic design. Then I have to do the detailed work. Netzke - We promote using Area II for data collection. We will give a size of pipe recommendation for the county. We have talked with Voigt about reaching some sort of comfort level where he can sign off on Thomas's work. Voigt - Thomas has given me designs and I go through his figures. Sometimes things change a lot and other times there are hardly any changes. Goodenow - I think we should try to do four or five water retention projects a year. Voigt - We have not quite averaged that, but this year is a very busy year and next year will not be as bad. Fenske - Does Area II use Bowser money for administration? Netzke - The money for administration is allocated from the State. Buysse - We will be considering the Joint Powers with Area II later today.

Voigt handed out an updated cash flow for Road and Bridge.

Voigt - Paul Henriksen is here to talk to you about CR#2. Henriksen - I am representing the residents on CR#2 who did not get chloride on the road in front of their houses. We would like to request that either chloride be put down or the road closed to local traffic only. Voigt - Even though the road is graveled it is still heavily traveled. In front of one of the properties, we applied the chloride as part of negotiation for taking trees. In our policy, it says owners will pay if they want dust control, but this is a different situation—traffic is higher and it used to be black topped and will be again next year sometime. It costs about \$2,500 per mile to apply the chloride. Goodenow - Would it be on the whole road? Voigt - No, just in front of the homes. We are talking about \$600 per ¼ of a mile. Vandelanotte - This is different because it is an on going project. Voigt - This is a decision you have to make because this is deviating from policy. Buysse - Could this be included in the project cost? Voigt - Not for this project, but in the future it could. Goodenow - We will have to look at doing this again when a project is going to last for more than one year. Buysse moved, seconded by Goodenow to apply chloride in front of homes for dust control when a project lasts for more than a year and where the surface was blacktopped and will be again at the completion of the project. All voted in favor.

Bob Finley, RCRCRA, met with the board to discuss the Redwood River Clean Water Project. Finley handed out a packet of information. Finley - The information in this packet addresses the changes in the Redwood River from 1991 to 1997 and whether the activities have made a difference. There have been a number of changes. There has been a decrease in total suspended solids, nitrates, sulfates, and ammonia. There has been a steady increase since 1994 of soil saved. Species of fish was studied also. In 1995 we embarked on a six year plan, we are now about half way through that. We need to sustain this level to reach our objectives. We studied rainfall across the watershed from 1991 to 1997 excluding 1993. Even though flow fluctuated, total suspended solids have gone down. This is kind of a short time frame, but we need to continue at the rate we are. Buffer strips are growing and financial support remains good. We will come out with the final report hopefully next month. We are in the midst of testing/planning for the Cottonwood River which we are going to try to finish up this summer and hopefully move into the implementation stage next year or the year after. Finley called attention to a survey done in 1995 and 1998 in which the level of concerns basically stayed the same. Finley - The survey showed people are willing to make sacrifices. I do have a budget related comment. The board met last night and for the last seven or eight years our county appropriations have been the same and the recommendation was to leave it that way. From time to time we request matching funds for grants and we may ask you to consider budgeting for that. Fenske - Lyon County is firmly committed to RCRCRA and we appreciate you coming here to give us this update.

LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY COURTHOUSE, MARSHALL, MN  
June 16, 1998

Roger Albertson, State Auditor's Office, met with the board to discuss the 1997 audit. The disaster money was the money that the townships received for roads, it goes through the county. Expenditure level is actually going down. You have eleven months of reserves. Fenske - What is recommended? Albertson - Eight to Twelve months worth so you are in good shape. Your other funds are looking better also, even Road and Bridge is looking better. The main thing there is that the expenditure level has gone down. We are not seeing the drop in the cost of welfare, but the climb has slowed. Ditches are also looking much better. This year 13 of the 94 ditches have deficits as compared to 22 last year. The Landfill is very well run. Albertson talked about new requirements from the Federal Government. Albertson - The one thing that needs to be done is getting the board minutes signed. I would also like to see an inventory control for the canteen fund in the Sheriff's Office. You also need to have some kind of a budget for the ditches. Fenske - How do we do this? Albertson - It would be a separate item than the official record. Fenske thanked Albertson for his time.

Tammy VanOverbeke presented the annual resolution to accept a grant from the State Department of Emergency Management for emergency management in Lyon County. VanOverbeke - I requested \$13,000 and received around \$4,800. Buysse moved, seconded by Gladis to approve the annual resolution (on file at the Auditor's Office) to accept a grant from the State Department of Emergency Management for emergency management in Lyon County. This year the amount is around \$4,800. All voted in favor.

Meeting recessed.  
Meeting back to Order.

Kerry Netzke, Area II, presented the board with the new joint powers agreement. Netzke - The new and biggest revisions are that County Commissioners will be the only county representatives and the length of the agreement will be for two and one half years. This time period was requested by the counties of Brown, Lac Qui Parle, and Yellow Medicine. They thought they could get a better handle of where Area II is going. They are specifically watching the Lazarus Creek project. This joint powers agreement will expire on June 30, 2001. Most county attorneys have looked it over. Discussion. Buysse moved, seconded by Gladis to approve the joint powers agreement with Area II which will expire on June 30, 2001. All voted in favor.

Liz DeBlieck with the Group Home met with the board to discuss the bids for windows for the group home. Jorgensen - We will only replace two and the rest will have combination storms put on except a couple upstairs which will have solid glass. Goodenow - Solid glass? DeBlieck - They are windows in closets which are not used. Discussion on size and how the storms fit. Jorgensen - I recommend accepting the low quote from True Value and doing both the upstairs and downstairs windows. Buysse - Was labor included in the quotes? Jorgensen - STS crews will be used so no labor was included. True Value's bid was \$1,891.10. We received bids from Independent Lumber and Tracy Builders Supply. UBC in Minneota was asked but we received no response. Gladis moved, seconded by Goodenow to approve purchasing the needed windows and storms from True Value for the amount of \$1,891.10. Fenske - When will this be done? Jorgensen - I am not sure. DeBlieck - I will order the windows today. All voted in favor.

General Revenue Vouchers and Special Water Projects were presented to the board. Buysse moved, seconded by Gladis to approve the general revenue vouchers and special water projects. Jorgensen - The \$1,100 for staffing specialists is for the maintenance staff. One employee resigned and one is on disability. Krause has hired one full time person and is working on a job description for the other so he is using a temporary for now. Goodenow - What is the probation bill? Jorgensen - For juvenile detention services. The one for the Lyon County Group Home is probably for detention also. Fenske - Brown County bill? Jorgensen - We pay for beds on a daily basis so we are guaranteed beds. Goodenow - Did the Court Administrator use the County Paper when she advertised for help wanted. Jorgensen - Yes, she got a reduced rate. Fenske - STS? Jorgensen - We pay semiannually and usually sign a two year agreement with them. All voted in favor.

General Revenue Fund	\$47,560.93
Road & Bridge Fund	\$63,806.09
Landfill Special Revenue Funds	\$11,400.37
Water Projects-Special Revenue	\$891.65
Ditch Fund	\$100,453.09
Total	\$224,112.13

Beginning warrant number: 318766; Ending warrant number: 318914.

Jorgensen - Fish and Wildlife sent back the easement because it needed to be signed in one more place.

Jorgensen - Area II is going to fund \$45,000 of the Black Rush Lake Project and the money will be funneled through the county, but it will not affect our wetland banking. This project is in the Redwood River Watershed.

LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY COURTHOUSE, MARSHALL, MN  
June 16, 1998

Jorgensen - We have received the request from the Historical Society for the \$2,000 grant to the Cottonwood Historical Society. A check for 80% of the \$2,000 will be issued.

Jorgensen - Loren Pihl stopped by yesterday and we talked about water retention. One of his ideas is an off road structure, but the other one is on a road. I will pass the information that he gave me on to Voigt. Discussion

Jorgensen - Mark Seline has accepted a transfer. His duties will be divided among the other agents. There will probably be a replacement at some point. He will be done the end of June. One of the other agents is taking over his administrative duties.

Jorgensen - There will be a mediation session on July 14 at 11:00.

Jorgensen - A deputy in the Sheriff's Office has filed a grievance. He has talked to the Department Head and to myself and has had no satisfaction. He will be coming before the Board in July.

Jorgensen - I have a partial payment request from R&G in the amount of \$63,344.46 for CD#6. The engineer has signed off and I recommend payment. Fenske - When is the completion date? Jorgensen - They have until October 15. Buysse moved, seconded by Gladis to approve partial payment request from R&G in the amount of \$63,344.46. Voting For: Buysse, Fenske, Gladis, Goodenow. Abstaining because of conflict of interest: Vandelanotte.

Per diems were presented. Goodenow moved, seconded by Gladis to approve the following per diems:

Gladis	\$45
Vandelanotte	\$130
Fenske	\$180
Buysse	\$60

All voted in favor.

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

Henriksen - For the wood waste, we need to discuss the indemnification and the RFP's. I developed the request for proposals (RFP's) that would go in the paper. The Board would make a recommendation based on the proposals sent. Gladis - Could it be included in the third party agreement that soil testing would be required every so often? Is that feasible? Henriksen - It could be done, but there would be expense involved. Vandelanotte - Farmer test anyway. Gladis - If it does not cost much, why not include it in the agreement? Goodenow - I think the big problem we have in the end is signing the indemnification with Norcraft. Discussion on indemnification agreement. Goodenow - No other county has done this. I am willing to say that we will take the responsibility as if it had come to the landfill. Buysse - When we pick up recyclables, are we responsible? Henriksen - Probably to a certain extent because we contract with the haulers. Goodenow - I like the RFP and I think we should go ahead and publish it. If we don't sign the exact agreement, will Norcraft back out? Jorgensen - I recommend approving the RFP's, but have Maes work with Norcraft's attorney to modify the agreement. Goodenow - If worse comes to worse, we could always say if Norcraft does not like the changes in the agreement and an agreement can not be reached, we can refuse it coming into the landfill. Buysse - I don't see any problem. Goodenow - I kind of always take letters from insurance with a grain of salt. Gladis moved, seconded by Vandelanotte to accept the RFP and advertise. Gladis - Are we going to require yearly testing? Kesteloot - We test for N, P, and K every other year. Henriksen - Testing could go into the indemnification agreement. Kesteloot - When we started this in 1989, we took it to the Universities to be studied so we could make sure it was not going to be detrimental. So far it has not drastically changed the levels of N, P, or K. Vandelanotte - When it comes right down to it, we don't know what is going to happen in ten years. All voted in favor. Fenske - Should we have Maes modify the indemnification? Goodenow - Yes. Gladis - By next meeting? Fenske - Yes. Gladis - Can we pass something in modified form? Goodenow - We can vote to sign it when we approve an RFP.

Henriksen - We are looking at building a litter fence on the property line by the landfill. The REA is replacing some highline poles and we are getting them delivered for \$15/pole. This will be to protect DeLanghe's and Linsay's property from litter. Discussion.

Gary Kesteloot - Just one more comment. I had a conversation with Pete Bendix from Norcraft and he said he did not know how things were going because he had not heard from Maes. Jorgensen - I talked to Bendix last week and gave him the time line on how things were going to progress. Fenske - Maes should be in contact soon.

Commissioner Reports:

LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY COURTHOUSE, MARSHALL, MN  
June 16, 1998

Gladis - The District VIII meeting was good. Feedlot inventories, Joint Powers with non-profits, and funding for jails were just some of the things discussed. Buysse - Was there any campaigning for AMC? Gladis - Yes, for the Vice President spot. Gladis also mentioned the group home.

Vandelanotte mentioned the MN Rivers Board Meeting in Wabasso.

Goodenow mentioned the need for plans to improve and actual improvements needed around the Courthouse. Goodenow - In some of the window wells, plants were dug up, is something going to be replanted? I think the trees need to be professionally trimmed. Jorgensen - This is an issue I have been working with Krause on.

Fenske - We need to change the date for the Annual Ditch Meeting; we had previously set it for August 18. Discussion. Fenske - The date for the Annual Ditch Meeting will be August 4 with County Ditches being discussed at 2:00 and Judicial Ditches at 3:00.

Jorgensen - There will be a meeting on the Comprehensive Transportation Plan with the City of Marshall and MnDot. It will be on July 8<sup>th</sup> from 12:30 to 2:00. If there is anyone you think should be invited, let Voigt or I know. Fenske - Has the City been advised? Jorgensen Yes. Fenske - I was thinking that the businesses should be advised of this.

Fenske mentioned the upcoming seminar on Chartering Our Way in Southwest Minnesota in 2050.

Fenske - Did anyone see the article in the Minneapolis Sunday Tribune? The article talked about how Mahnomen County was having trouble with the US Fish & Wildlife. Jorgensen - The County turned a project down with them because they don't always make up for the lost tax base. US Fish and Wildlife took their case to the State Land Exchange Board and it was reluctantly approved. Black Rush Lake was included. US Fish & Wildlife would rather work with the Counties, but if the County will not work with them, they will go higher up for approval. Fenske - We should watch out for this because US Fish & Wildlife will not always pay what they say they are going to if they don't get the appropriations.

Gladis - I talked to Jorgensen about getting an Ad Hoc Fair Board meeting together. Jorgensen - Anderson is trying to pull one together.

Buysse - I am very happy with putting the chloride on CR#2, I think that is a very good thing.

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

\_\_\_\_\_  
Robert Fenske, Chairman

Attest: \_\_\_\_\_

Mark R. Jorgensen  
Lyon County Administrator