

LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY COURTHOUSE, MARSHALL, MN
July 7, 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 the addition of Myron Knutson from Evensen Dodge for bonding of CD#6 improvement.

Minutes were presented for approval. Buysse moved, seconded by Gladis to approve the minutes for the reconvened Commissioner Meeting on May 19, the continued Hearing for JD#23 on May 19, the regular Commissioner Meetings on June 2 and June 16 and the Board of Equalization meeting on June 17. All voted in favor.

Ditch Vouchers were presented. Discussion on CD#7 bills from RCM and Wendland-Timmerman. Jorgensen - I have a resolution ready that will loan CD#7 improvement \$57,500 from the County's general fund. Vandelanotte - What is the amount of the bills for the legal fees? Jorgensen - Somewhere in the high 40,000 dollar range. Fenske - Do you recommend approval of the CD#7 improvement bills if we plan to approve the resolution? Jorgensen - I recommend you approve the ditch vouchers excluding the bills for CD#7 improvement, then after the resolution is passed, you can approve those bills. Vandelanotte moved, seconded by Gladis to approve the ditch vouchers excluding the RCM and Wendland-Timmerman bills for CD#7 improvement. All voted in favor.

Hammer - The City of Marshall has requested a final hearing date be set for CD#62. Discussion on date. Fenske - We will set the date for the final hearing for CD#62 on October 6 at 11:00. This will be during the regular commissioner meeting.

Hammer - I received the viewer's report for JD#23 and JD#10, the ditches by Tracy. A hearing date needs to be set. The viewers are also looking at CD#36. In their estimation, there is a portion of CD#36 that can not be consolidated with JD#23 and JD#10. Jorgensen - So there will be two ditch systems instead of three. Hammer - There could be, yes. Discussion on date for hearing. Fenske - The hearing for re-determination of benefits for JD#10 and JD#23 the ditches by Tracy, will be September 1 at 2:00.

Jorgensen - I have the resolution to make the loan to CD#7 improvement. The loan will be for \$57,500 from the General Revenue Fund. Gladis - Will any be billed back to YMC? Jorgensen - This is for CD#7, so no probably not. Discussion on possibly billing back. Buysse moved, seconded by Goodenow to approve the resolution (on file at the Auditor's Office) to loan CD#7 improvement \$57,500 from the general fund to use toward legal fees to be paid back in five years with 5% interest. All voted in favor.

Discussion on possibly billing JD#10 back for some of the legal fees charged to CD#7 improvement. Buysse - The ditch authority for JD#10 hired the attorneys. Goodenow moved, seconded by Gladis to approve paying the RCM bill for engineering and the Wendland-Timmerman bill for legal fees on CD#7 improvement. All voted in favor.

Jorgensen - I gave you all a copy of the Lincoln County interim feedlot ordinance.

Jorgensen - We need to find alternative dates for the board to get together with the YMC board. Discussion. Fenske - Let's suggest July 13, July 15, and July 22 all at 2:00.

Gladis - Just a point of interest. I was talking to a county commissioner from a county up North about the Planning and Zoning Board. One of his fellow Commissioners is not only a voting member of their board, but also the chairman.

Maes - You need to approve the modified Aerated Lakes Ordinance. I called the DNR and expressed my displeasure at the process. I was told that they were busy at the time and it just kind of slipped through. They said we need to modify wording in Sections One and Five. Goodenow - Do we have any lakes that go into other counties? Vandelanotte - Yes, School Grove. After looking at the map, it was discovered that the only part of School Grove that goes into Yellow Medicine County is a slough area. Maes - The DNR said we should have a joint powers agreement with any county that a lake goes into. Goodenow moved, seconded by Gladis to approve the Aerated Lakes Ordinance which has been modified from the one previously approved, with the changes being made in Sections One and Five. All voted in favor.

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

Voigt - I have projects ready that need to be advertised for, but I will need additional funds. I would like to advance \$642,802 from next years State Aid allotment. I have a resolution here that states this and it will also cap what I can borrow from next year. Fenske - What is next years allotment. Voigt - Around 1.2 million dollars for construction. Fenske - A year from now will

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you be requesting another advance? Voigt - In all honesty, there is a good chance. I may have to scale back the five year plan somewhat. If you recall when we talked about the five year plan, you agreed that I should take an aggressive approach, that way if extra funding comes in, we have projects ready to go. Fenske - In the future we may have to cut down. Discussion on what happened in the past. Jorgensen - Let's just make sure that what happened in the past, does not happen in the future. At some point, if you continue to borrow, you could run into trouble. Voigt - We do have more Federal dollars coming and there is talk of an increase in State funding. I am not establishing a pattern. Goodenow - We will look at next year when the time comes. Voigt - If we can demonstrate that we have spent the federal money and have had to borrow, we have top priority for funds. Buysse moved, seconded by Goodenow to approve the resolution (on file at the Auditor's Office) to advance \$642,802 to Road and Bridge from next years State Aid allotment. All voted in favor.

Voigt - Now I need to advertise for some projects. Vandelanotte moved, seconded by Goodenow to approve advertising for SAP 42-607-18, SAP 42-610-26, CP 97-59, CP 98-01(Minneota) and CP 98-02 (Cottonwood). Discussion. All voted in favor.

Voigt - I have a resolution that authorizes the county engineer to sign the DSR 933 with FEMA. This will be for the last payment from the 1993 floods. Jorgensen - How much? Voigt - Maybe as much as \$100,000. Jorgensen - Is that money that was already spent? Voigt - Yes. Buysse moved, seconded by Goodenow to approve the resolution (on file at the Auditor's Office) authorizing the County Engineer to sign the DSR 933 with FEMA to receive the last of the money for the 1993 floods. All voted in favor.

Voigt handed out information on the TEA-21 meeting on July 9. Voigt - I encourage everyone to attend. Fenske - For those of us who can not make it, could you fill us in at the next meeting? Voigt - Yes.

Voigt - Just to let you know, I will not be here for the next board meeting because I will be on vacation.

Buysse - How are the bridges in Westerheim coming? Voigt - I am working on them.

General Revenue Vouchers and Special Projects were presented. Discussion on autopsy transport. Buysse moved, seconded by Goodenow to approve the General Revenue Vouchers and the Special Projects. All voted in favor.

General Revenue Fund	\$140,195.37
Road & Bridge Fund	\$21,278.74
Landfill Special Revenue Funds	\$62,884.07
Water Project-Special Revenue	\$164.00
Ditch Fund	\$25,994.33
Sinking Ditch II	\$250.00

Beginning Warrant Number: 320043; Ending Warrant Number: 320192.

Jorgensen - You should all have a copy of the Sick Leave Bank Policy with all the recommended changes made. Goodenow moved, seconded by Gladis to approve the Sick Leave Bank Policy for Lyon County. Fenske - It appears everything is in order. If there are future problems, the policy can always be amended. All voted in favor.

Jorgensen - We will probably have an agreement on the DeVries land in a short time.

Jorgensen - There is a Lyon County Historical Society strategic planning session on July 15 at the museum. Fenske - Are all commissioners invited? Gladis - I think so.

Jorgensen - AMC sent information on the Midwest Conference of Counties if anyone is interested.

Jorgensen - There is an open house for Camden State Park on July 22 from 7 P.M. to 9 P.M. at the Lynd Community Center. Gladis - There are three landowners who are willing to opt in some land. I will be attending that meeting.

Jorgensen - Just to let you know, Plum Creek sent a proposed budget for FY-99.

Jorgensen - Rick Anderson wanted me to check with you and see if August 4th at 5:30 works for the annual Park Board Meeting. Everyone agreed that would work.

Jorgensen - I sent you out a draft position description for the Auditor/Treasure position. Fenske - The salary range is from \$31,500 to \$51,600 with a salary grade of 18. Buysse - Who else is at 18? Jorgensen - The Court Administrator. Discussion. Gladis moved, seconded by Vandelanotte to approve the job description, salary grade and range for the Auditor/Treasurer position. All voted in favor.

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Zimmer - I have a request to allow Stokke to sign an agreement with the State Patrol to split the cellular towers how they stand today dealing with 9-1-1 calls. Gladis - Where do the calls go? Zimmer - The State Patrol here in Marshall. Goodenow - Now the cell phone 9-1-1 calls will go to the County? Zimmer - The calls using the towers in Marshall will go to the County Sheriff's Department and the phones using the tower in the south and the tower in the west will go to the State Patrol in Marshall. Jorgensen - Zimmer had previously sent a letter to the State Patrol requesting this. Gladis moved, seconded by Goodenow to authorize Sheriff Stokke to sign the agreement with the State Patrol in Marshall to split the cell phone towers as they stand today so some 9-1-1 calls will go to the State Patrol in Marshall and some will go to the Lyon County Sheriff's Office. All voted in favor.

Zimmer - I have a request regarding investigation equipment. The equipment we have now is going bad. I request \$4,900 from the Criminal Justice Aid Fund to purchase new audio equipment and another \$800 from the same fund to purchase a digital camera. Jorgensen - The funds are available. Discussion. Vandelanotte moved, seconded by Buysse to approve using \$5,700 of Criminal Justice Aid Fund to purchase new audio equipment and a digital camera all for investigation purposes. All voted in favor.

Stokke - We received only one quote for someone to take a look at our radio system. This company comes very highly recommended. I feel we need to do something with the present radio system. Jorgensen - With the Joint LEC, we have been looking at this and there is a need to have someone come in and define our needs. Stokke - This company also gets into staffing needs. Fenske - Is this in the Sheriff's budget? Jorgensen - It was budgeted for in the Joint LEC project. Gladis - This is not included with the company looking at the expansion? Fenske - No, this is communications. Mike Johnson - Has this been sent over to the City? Jorgensen - Yes. Johnson - I just would like to request that we work together so the City can offer appropriate input. Goodenow - Are they doing an inventory everywhere? Stokke - Yes. Johnson - What is their time line? Jorgensen - It says they should have the results forty-five days after the finalization of the principal findings. Goodenow moved, seconded by Gladis to approve the signing of the contract with PSC to study the communications needs for the Joint LEC. All voted in favor.

Fenske - MCIT announced the Governor's Traffic Safety Awards in May. There were two counties in Minnesota that received awards: Brown County and Lyon County. Fenske presented a plaque to the Lyon County Sheriff for the Minnesota Safety Council Outstanding Achievement Award for injury prevention performance in 1997. Stokke - Thank-you, but I have to give credit to my men.

LeAnn Jorgensen from the Marshall Area Fine Arts Council met with the board to give information on the Council and request support. L. Jorgensen - We are interested in promoting the area. L. Jorgensen showed a video on the Taste of the Arts 1997 that was held in Marshall. L. Jorgensen - This event showed that there is an interest in the area. Our idea is to establish something like this in the community. We are here to ask that you include us in your developmental plan. Exposure to the arts is very important to our children. Would like this to be available on a regular basis. Right now we have 95 members. We have received large corporate donations and some individual donations as well. We would like you to consider help with funding for a part-time coordinator and a location. Bob Cool - You have seen what we are trying to do to help keep people in the community and the entire area. We plan to showcase regional artists right now, maybe in the future we can bring in outside talent. Fenske - Will you rent a small place? L. Jorgensen - Yes, we will start with renting. We have to start somewhere. Fenske - Are you looking for funding for 1999? L. Jorgensen - That would be ideal. Fenske - Since this is community as well as County involvement, are you requesting funds from the cities in Lyon County as well. L. Jorgensen - Yes. Bob Cool - We started with the City of Marshall then the County then on to the other cities. Fenske - Do you have a specific amount that you would like us to fund? L. Jorgensen - Enough for the part time coordinator, we feel that is more of a county oriented position and maybe a telephone. Fenske - That is about one-third of the proposed budget. Gladis - We have had other groups approach us and say they were going to request funds from other sources, but it happened that they got all they needed from Lyon County and then went no where else. I would like to see a list of who you are asking for funds and how much they have contributed. L. Jorgensen - We approached individuals, corporations, now government bodies. Gladis - I would like to see some actual figures. Fenske - We are certainly not opposed to this, but would like to see the other cities in Lyon County approached also. We will consider this for 1999. Buysse - Quilting is an art also. L. Jorgensen - Quilting is a huge part. We not only want to showcase paintings, but poetry reading, story telling, sculpting, music etc. There are all kinds of art. Gladis - The figure you have here for rent is that for a specific place. L. Jorgensen - We took kind of an average of several that would work for us. Should we submit some sort of formal proposal for appropriations request? Fenske - Please work with M. Jorgensen and we will certainly consider this.

Shirley Anderson-Porisch met with the board to request approval for out-of-state travel. Anderson-Porisch - I would like to attend the Annual Meeting of the Association of Family and Consumer Sciences in Rapid City, South Dakota. My expenses will be \$225 for the registration

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fee and \$175 for six nights of lodging. Gladis moved, seconded by Vandelanotte to approved Shirley Anderson-Porisch to travel to Rapid City to attend the Annual Meeting of the Association of Family and Consumer Sciences. All voted in favor.

McCormack met with the board to discuss the past Swan appeal. On October 7, 1997 in anticipation of needing the funds for the Swan appeal, the board approved the amount of \$10,000. Only \$2,171 was spent then. Two bills for Court Appointed Attorneys have come in which amount to \$4,459.54. Since the \$10,000 was approved to be used in 1997, I need approval to use the Criminal Justice Aid fund for the \$4,459.54 for the Court Appointed Attorneys. Jorgensen - In 1997 the board approved the use of the Criminal Justice Aid Fund to pay for the fees for the Swan appeal. You just need to approve for 1998. Goodenow regretfully moved, seconded by Gladis to approve using \$4,459.54 from the Criminal Justice Aid Fund to pay for the Court Appointed Attorneys for the Swan appeal. All voted in favor. McCormack - That is all for Swan's appeals. The Minnesota Supreme Court denied his petition for further review so this should be the end of it.

McCormack - For your information, the State has been gathering information from various counties on the cost for sexually dangerous criminals. In the future there may be some funding available.

Meeting recessed.

Meeting back to order.

Shane Klokonos met with the board to discuss wages. Fenske - Klokonos, you have went through the proper steps and now you are here. Klokonos - Yes, I went through the Sheriff's Office and have gotten no answers so now I am here. I understand in 1996 there was a pay freeze. I would like the term probationary pay clarified. I started out at entry level, then went to probationary pay, and then the pay freeze so I was not moved on to Step One. I started in September 1995.

Jorgensen - Under the old compensation system, the first step was entry level then probationary then to Step One. These were just half steps. There were four other employees in the same position as you. Klokonos - The problem is that I have done my job as best as I can and due to the freeze some of the part-timers were making as much as I was. Now, I have been given an increase, and I am at where I should have been in 1996. Why wasn't I brought up to the status I should have been at in 1997? Jorgensen - The task force made the recommendation to the board that there should not be retroactive pay after the pay freeze. Was it fair? Not necessarily, but it was done. Klokonos - I have stayed here, and I am frustrated. There is no reward for seniority. Jorgensen - The task force believed that seniority should not be rewarded, but performance should be. In order to do the modifications needed to the merit scale, the task force felt there should be a freeze. We all lived under it and we all came in and did our job. Gladis - Who was the task force? Jorgensen - Volunteer from each department. Goodenow - Was the new system in place for last year? Jorgensen - Yes. Because of unionizing, federal statues require they go under the system that was in place and the new one went in place about two days before the official papers were filed for unionizing. COLA's were withheld for 1997 until the contracts were ready. This was not our choice, it is because of unionizing. Fenske - Now the step system is gone. Jorgensen - Yes. Klokonos - At my recent review, performance was rated on a one to five scale, is that the old way? Jorgensen - No, that is the new system. Goodenow - The idea behind the new system was that it would be based on how well you are doing. Jorgensen - Let's you and I sit down and discuss it. Fenske - We would like this cleared up also. I think Jorgensen's suggestion is a good one.

Jorgensen - I received a request from the workforce center about possibly using some of the space upstairs. I showed them the space on the third floor and they have talked it over and view it as a good move for customer service. They are anxious to continue the discussion and want to know what the next step would be. They probably have needs for approximately one-half of the space. I have not discussed any terms with them. In my mind that would probably be the next step. Discussion on square footage needed. Goodenow - The women's restroom will have to be moved. Jorgensen - One other issue I am looking at is using some of the space for a conference room. McCormack - I would just like to remind you that there will be future courtroom expansion and there could be the possibility of getting the Department of Corrections back. It would be very desirable to have them here. I would just like to request that I be included in talks when expanding. Goodenow - We did renovate space for the Department of Corrections and they were here for only a year and then they moved. Fenske - Extension has talked about moving up there also. Jorgensen - Extension has showed some interest, but no firm plans. Goodenow - Is there a parking issue? Jorgensen - Not if people do not have a problem with parking west of the LEC and walking a little ways. Buysse - How long before welfare will need more room? Fenske - As I understand it, there are a couple from Region VIII working for the Workforce Center already. Jorgensen - If the board wants me to proceed, I will start looking at the details. Everyone agreed to go ahead.

Landfill Vouchers were presented. Discussion on attorney fees for hearing. Goodenow moved, seconded by Buysse to approve the landfill vouchers. All voted in favor.

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Discussion on wood waste. Fenske - Has there been further correspondence with Norcraft's attorney, Mr. Gabriel? Maes - I talked to him about the language, but we really did not get anywhere. Bendix has suggested a conference call with Mr. Gabriel tomorrow. Gabriel wants clarification on what the liability would be with the wording that states Lyon County would be liable to the same extent as if the wood waste was being deposited in the landfill. I am quite frustrated with the situation. It seemed to me that he wanted us to rewrite the whole agreement. We have not gotten anywhere as far as having an agreement to sign. Fenske - Do you think you can get anywhere tomorrow? Bendix - Gabriel does acknowledge your communication about the changes and if he is slowing this process, I will do anything in my power to speed this up, it is costing us more money by the day. I know Gabriel wants the degree of liability defined. Tomorrow we can get everyone on the phone and get this done. Maes - It is hard to define because we do not know what actions could be taken in the future. Indemnification needs to be drafted for the third party also. Jorgensen - I received one RFP. Gladis - This is just dragging on too long. Goodenow - The best we can ask for is to have the documents ready for signing next meeting. Jorgensen - Henriksen has recommended approval of the RFP that was received from the Kesteloots, but that can be done at the next meeting. Gary Kesteloot requested a copy of the third party hold harmless.

Jorgensen - Myron Knutson from Evensen Dodge will be here at 1:00 to talk about the CD#6 improvement bonding.

Per diems were presented. Buysse moved, seconded by Fenske to approve the per diems for Gladis in the amount of \$80 and Goodenow in the amount of \$40. All voted in favor.

Jorgensen - I have been in contact with a Washington, D.C. organization that places interns from Japan. They have come back with a specific proposal. The Intern would spend two weeks at no cost to the County. Goodenow - Would this be too disruptive? Jorgensen - No. Everyone agreed this would be a good idea. Goodenow moved, seconded by Buysse to extend an invitation to a Japanese intern to spend two weeks in Lyon County. All voted in favor.

Jorgensen - The 1999 budget needs to be discussed. We need to make a recommendation for parameters under which the department heads should work. There will be levy limits this year. Fenske - What do you mean by parameters? A percent? Jorgensen - Yes. Most departments are going to be flat if not decreasing to make up for the other requirements in the county. Fenske - Are salary costs included? Jorgensen - They should be. Fenske - Even if we ask them to hold to a 1 or 2 percent increase, they will have to do some cutting. What do you recommend we request the department heads do? Jorgensen - I would say not more than a one percent increase. Goodenow - Part of the reason levy limits are low is that inflation is low. Fenske - This may be the end of the levy limits. The Commissioners requested that the department heads use a one percent increase for their budget for FY-99 as a parameter and if it needs to increase more than that, there must be a very legitimate reason.

Commissioner Reports:

Gladis - There was an Ad Hoc Fair Board Meeting. It seems everyone wants the extra space. We talked a little about paving. At the Restorative Justice Coalition, we talked about gangs and graffiti. Teen Court was also discussed. The Safety Committee is in the process of doing a bunch of different things. Jorgensen - Just a little note, you probably read about Yellow Medicine County and their problems with OSHA. About fourteen months ago, we hired McNeal Environmental to come in and assess our situation. The amount that we are spending on the three year contract with them will be less than the fines. Discuss having a booth at the fair.

Vandelanotte - The meeting in Wabasso of the MN River Basin was well attended. The two year grant is running out. They will be asking Lyon County for \$2,000. Gladis - They said in order to get State funding, they need local support. Some of the twin cities areas were not that happy. Vandelanotte - The Met Council is putting in \$100,000. The MN River Basin is also trying to get South Dakota involved.

Goodenow - I was at a Humane Society meeting and they have made really good strides. They are working up a budget. The endowment fund will support the Humane Society. I was very impressed. They have a coordinator that works part-time. I apologize for missing the Board of Equalization meeting.

Fenske - We received a thank-you for our efforts on CR#2.

Fenske - I attended the Chartering Our Way. . . . Southwest MN in the year 2050, it was interesting.

Fenske - I received a letter from the State Auditor stating that our rates will remain the same at least until January of the year 2000.

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Fenske - I received a letter from Tom Behm and it seems MnDot has no plan of putting a stripe along Highway 23 for the bike path. They claim they did not know anything about it. It seems to be a small price to pay for safety reasons. Discussion on how MnDot had been involved in the past discussions on the bike path. Goodenow - It was my understanding that this was kind of a three way deal between MnDot, the City of Marshall, and the County.

Buysse - We had an Area II meeting and now all the counties should be signed up. A funny thing happened at the meeting, Nepperman, who is the chair, was in the hospital and the vice chair broke his hip, so I ended up chairing the meeting.

Meeting recessed.
Meeting called back to order.

Myron Knutson, Evensen Dodge, met with the board to discuss the bids received for bonding of CD#6 improvement. Knutson - The bids were for general obligation ditch bonds. The low bid was from Bernardy Securities with an interest rate of 4.6552 percent. Discussion on the bond production report. Knutson - You have gotten a pretty good deal. Fenske - Is the interest rate what you expected? Knutson - Yes, I thought if you got something under 4.8 percent you would be getting a good deal. The bonds were sold unrated because to get a rating from Moody's it costs about \$4,500 and you get no lower interest rate. The first principal payment starts in the year 2001. I recommend you accept the low bid. Jorgensen - I agree. Buysse moved, seconded by Gladis to accept the low bid from Bernardy Securities with an interest rate of 4.655 percent for the bonding of CD#6 improvement. Voting for: Buysse, Fenske, Gladis, and Goodenow. Abstaining because of conflict of interest: Vandelanotte. Knutson - The closing will be in three weeks.

Buysse moved, Gladis seconded motion to adjourn meeting until Tuesday, July 21, 1998 at 9:00 A.M.

Robert Fenske, Chairman

Attest:

Mark R. Jorgensen
Lyon County Administrator