

LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY COURTHOUSE, MARSHALL, MN  
July 21, 1998

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

Pledge of Allegiance to the Flag.

Agenda approved as printed.

Ditch Vouchers were presented. Discussion. Buysse moved, seconded by Vandelanotte to approve the ditch vouchers including Sinking Ditch IV, V, and VI. All voted in favor.

Hammer - I am going to meet with the viewers Thursday afternoon to go over all of our projects. Vandelanotte - Are they working on JD#10 now? Hammer - Yes. Fenske - Are there new viewers? Hammer - Yes, David Josephson and David Javens. Javens has viewed before, but all the projects we have had recently were in his area so there was a conflict of interest, we now have some projects that he can get involved in. Vandelanotte - Are there two crews going? Hammer - Yes. I would also like the board to consider setting a final hearing date for CD#7. Buysse - We should set up a time to meet with Yellow Medicine County. Discussion. Fenske - We'll meet with the Yellow Medicine County Board on Tuesday, July 28, at 9:00 A.M. Marg will call YMC at break to confirm this. Vandelanotte - Is CD#7 totally finished? Hammer - Branch #9 is not installed yet. Matthys wanted to see if it works first. Vandelanotte - How big? Hammer - Five hundred feet of six inch tile. Vandelanotte - So the project really isn't done yet. So we can not set a final hearing yet. Hammer - Let's wait a couple weeks then and see what happens.

Vandelanotte - At the RCRC meeting last night, Finley talked about wetland banking in JD#31. He hasn't really talked to the landowners yet as far as I could tell. Hammer - Some of the landowners have been talked to, but I have not been notified formally. Buysse - The landowners are not talking? Hammer - No.

Goodenow - Did you find out any more on the City of Marshall's project for CD#62? Hammer - When we met with them, we did spell out that the new project was not part of the original one. Discussion on where city would like to put a pond. Goodenow - They are also talking about putting a pond on the other end also. Hammer - Yes, there is talk of increasing the storm sewer size by the hospital up to the park. Buysse - No proposal from them yet? Hammer - No. Buysse - If we get a proposal, we'll look at it.

Conditional Use Permit - A CUP was presented for Ardeen Tolk to extract gravel on land owned by Eugene Heinis in Lyons Township. Gladis - What happens if they don't abide by the stipulations? Hammer - Talk to the County Attorney. Gladis - What if the county had to do the work? Hammer - Bill them for the work. Goodenow - Some places require a bond. Gladis moved, seconded by Goodenow to approve the Conditional Use Permit (on file at the Planning and Zoning Office) for Ardeen Tolk to extract gravel on land owned by Eugene Heinis in Lyons Township. All voted in favor.

Hammer - There is a township feedlot meeting tonight at 7:30. Vandelanotte - Vallery is going to do an interim ordinance. Hammer - Coon Creek is thinking about it too. This committee will eventually come with recommendations to the County Board. Fenske - A farmer could feed over 2000 head if all the requirements are met? Hammer - Yes. Fenske - Just for your information, the resolution that Ted Winter pushed is costing him some votes.

Hammer - I have some thoughts on how to do the feedlot inventory. This count has nothing to do with permits. I was thinking maybe we would hire some high school kids to do the survey. Buysse - Is there a date when this has to be done? Hammer - By the end of the year.

Gladis - I went to the feedlot meeting at SSU and the basic concerns there were the smell and that people needed to make a living.

Hammer - Yellow Medicine County is making changes to their feedlot ordinance also.

Fenske - In talking to other Commissioners in our area, almost all of them have a Commissioner on the Planning and Zoning Board with voting rights.

Road and Bridge Vouchers were presented. Discussion on payment for half of bill for a new windshield for Mark Christianson. Voigt - The claim was submitted to our insurance company and they wouldn't pay because of what our foreman told them. I checked with two people on the claim that he gave us and his number matched theirs. Discussion on the bigger bills. Vandelanotte moved, seconded by Gladis to approve the road and bridge vouchers. All voted in favor.

Voigt - I have the agreement with Burlington Northern-Santa Fe Railroad for the gates on CSAH 24. There is a twenty percent local cost share. I am going to try to get state aid funds for this. Fenske - What is the total cost of the project? Voigt - \$120,000. Vandelanotte moved, seconded by Buysse to approve the resolution with Burlington Northern-Santa Fe Railroad for the gates on

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CSAH24 (on file at the Highway Department) and authorize Fenske and Voigt to sign the documents. All voted in favor.

Voigt - I was going to take vacation this week, but I postponed it until next week.

Gladis - When is the digging going to start on CR#2? Voigt - Bids will be opened on August 18. The contract will not be signed or fully executed until September. I would like it to get started this fall, and I have that stated in the contract.

Voigt - If you would like to see a completed water retention, the one on Highway 14 is done.

Kerry Netzke, Area II met with the board to get approval of a resolution and grant agreement dealing with the Black Rush Lake project. Netzke - The only obligation that Lyon County has is to funnel through the money. This money will not jeopardize the wetland banking. Lyon County will just be the fiscal agent. Discussion. Buysse moved, seconded by Vandelanotte to approve the resolution (on file at the Auditor's Office) requesting \$45,000 from BWSR for Area II to use toward the Black Rush Lake project and authorize Fenske to sign the grant agreement (on file at the Auditor's Office) for the funds to be funneled through Lyon County. All voted in favor.

Buysse - Just to let you know, the Yellow Medicine River Watershed Board is moving ahead with the clean water plan. I have urged them to get a canoe passage.

Netzke - There will be \$27,000 available for the Island Lake Township project.

General Revenue Vouchers were presented by Fenske in the absence of Jorgensen. Discussion on Guardian ad Litum bills and the state possibly taking this over and a possible loss of HACA money. Buysse - If the Court Administrator's Office is taken over by the State, can we charge rent? Goodenow - In all the plans I have heard, the counties will be required to provide space. Maes - On August 1, there will be another law clerk. I hear they would like to see some remodeling upstairs and they would like a visiting chambers for judges that come in. Discussion continued on what to do upstairs. Vandelanotte moved, Buysse seconded to approve the general revenue vouchers and the special water projects. Fenske - Just so you are aware, there is a bill included in this for Bladholm. All voted in favor.

General Revenue Fund	\$155,657.81
Road and Bridge Fund	\$80,641.40
Landfill Special Revenue Fund	\$235,433.37
Water Projects - Special Revenue	\$75.00
Ditch Fund	\$10,596.09
Sinking Ditch IV	\$6,533.75
Sinking Ditch V	\$9,111.25
Sinking Ditch VI	\$18,525.00
Total	\$516,573.67
County Revenue	\$52,127.38
Capital Projects	\$101,405.75
Enhanced 9-1-1 projects	\$2,124.68
Total	\$155,657.81

Beginning Warrant Number: 320240; Ending Warrant Number: 320410.

Fenske - I have two bills for Bolton and Menk for work done on CD#62. Goodenow moved, seconded by Vandelanotte to approve the bills for Bolton and Menk in the amounts of \$2,795.32 (for work done from May 1 to June 1) and \$1,920.95 (for work done from June 1 to July 1). These will be passed on to the City of Marshall for payment. All voted in favor.

Meeting Recessed.  
 Meeting Back to Order.

Paula Van Overbeke, Chief Deputy Auditor, met with the board to discuss the stationary quotes. The quotes are as follows:

Universal Printing	
Regular paper	\$7,455.56
Recycled paper	\$7,460.10
Henle Printing	
Regular paper	\$6,036.98
Recycled paper	\$6,147.22
Tracy Publishing Co. Inc.	
Regular paper	\$7,956.80
Recycled paper	\$7,958.80

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Van Overbeke - I recommend you accept the low bid for recycled paper from Henle's. Fenske - Universal Printing? Van Overbeke - Formerly Gesme's. Buysse moved, seconded by Gladis to accept the bid for stationary quotes from Henle's Printing for recycled paper in the amount of \$6,147.22. Vandelanotte - Recycled? Van Overbeke - Yes, what can be put on recycled is. All voted in favor.

Van Overbeke presented the following per diems:

Buysse	\$60
Fenske	\$80
Vandelanotte	\$100

Gladis moved, seconded by Vandelanotte to approve the above per diems. All voted in favor.

Landfill Vouchers were presented by Fenske in the absence of Henriksen. Discussion on who G&T trucking is. Buysse moved, seconded by Gladis to approve the landfill vouchers. All voted in favor.

Goodenow explained disabilities week which will be the week of July 26 through August 1. Goodenow - John Volker wrote up this proclamation that says that the Lyon County Board of Commissioners proclaim the week of July 26 through August 1, 1998 as the week of Awareness and Celebration For People With Disabilities. It further states that the Lyon County Board of Commissioners encourage all residents of Lyon County to acknowledge and celebrate the accomplishments of people who may have a disability. Then there is a place for all of us to sign. Everyone agreed that this was a good idea. Goodenow moved, seconded by Vandelanotte to approve the proclamation as stated above declaring the week of July 26 through August 1, 1998 as the week of Awareness and Celebration For People With Disabilities. All voted in favor.

Fenske - I received a request for a charitable gambling permit for St. Clotilde Catholic Church in Green Valley. Vandelanotte - This is something they do every year for their raffle and church dinner. Buysse moved, seconded by Fenske to approve the charitable gambling permit for St. Clotilde Catholic Church in Green Valley. All voted in favor.

Commissioner Reports:

Gladis - Attended the SW Regional Development meeting. The Extension budget was gone over and there looks to be a preliminary increase of four percent. This is primarily due to salaries. Community Health should have computer updates shortly, their financial picture looks good. Fenske - Incidentally, they have changed their name to Public Health now. Gladis - At the Historical Society meeting we talked about the budget and it looks like there will be no increase.

Vandelanotte - I am giving you all a hand out from the MN River Basin Joint Powers Board. Please read the whole thing. You are all welcome to come to the meeting in Redwood Falls. Buysse - I dispute some of their numbers. They say Lyon County is 100 percent in the MN River Basin and we actually 97.5 percent. The number they have for population is also incorrect. There is only a \$20 difference though. Vandelanotte - They will be asking for \$2,000. Fenske - What about the resolution on the MN River Basin. Gladis - Should we just state officially that we support? Fenske - There is a unanimous feeling that Vandelanotte will speak for the board and convey our support for the MN River Basin project. Discussion on Met Council giving \$100,000.

Goodenow - We should probably mention the budget for Region VIII. Vandelanotte - They will probably have a zero percent increase this year and will still have salary increases and money for preparing for the year 2000. They need a little more information from a survey they did.

Discussion on how Mary Mulder did a great job of explaining welfare reform and how it works.

Goodenow - There was a foundation meeting for the library. We will be hearing more about this now that they are organized.

Fenske - We received a letter from Balaton School thanking the county for the grant.

Fenske mentioned the public input meeting sponsored by MnDot. Gladis - Did anyone attend the July 8<sup>th</sup> meeting? Goodenow - Yes, Fenske and I did. Fenske - They should have information by January or February. Goodenow - They will stop gathering information in August.

Members of the US Fish and Wildlife Service met with the board to discuss the US F&WS acquisition of land owned by Gary Mitzner. Durkee introduced Drechsel who will be doing the realty work. Durkee - The piece of land we would like to acquire is twenty acres next to the Wally Sherman land that we have already acquired previously. Fenske - Financial? Drechsel - I talked to Carolyn in the Assessor's Office and she said their records are out dated because they only show three acres of wetland and there are about nine. Drechsel handed out information on shared revenue as follows:

Shared Revenue	\$72.00
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Trust payment (\$1,460 X 5.407%)	\$80.00
State Aid Offset - to school district	\$106.00
Total Return to County	\$258.00
Estimated tax on Mitzner property (non-homestead)	\$296.00

Fenske - So if the Assessor's records are updated, the difference should be made up. Drechsel - We need you to approve the certification for acquisition. Gladis moved, seconded by Goodenow to approve the acquisition of twenty acres of the Gary Mitzner Land described as T. 109 N., R. 41 W., 5<sup>th</sup> P.M.; Section 18, W ½ SW ¼ SE ¼. Buysse - Are you going to take care of the weeds? US F&WS - Yes. Being a good neighbor means having less problems. Vandelanotte - Did the township agree? Drechsel - I have not notified them. Durkee - I always make a point to notify the township also. Buysse - Tile lines? US F&WS - Natural open ditch on next property. Discussion on problems with DNR. All voted in favor.

Goodenow - Any other projects in Lyon County? Durkee - No, not right now.

Voigt - I just want to remind everyone about the SW Regional Development Commission meeting on July 27<sup>th</sup>. They will be reviewing their twenty year plan. Voigt - I will not be able to attend. Fenske - I won't be able to make it either. Voigt - I encourage anyone to go if they can.

Voigt - I am handing you out a brochure from the Department of Revenue regarding the mineral tax. Right now Lyon County is not included in the legislation that allow us to collect the mineral tax.

Voigt - I have some information from the TEA-21 meeting. There is not going to be a lot of funding changes except there will be more funds available. Administrative costs are going to take a share of that. I have been appointed to the ATP.

Fenske - Now we need to discuss the wood waste situation. Maes - Since the last board meeting, there was a conference call between myself, Jorgensen, Bendix and Gabriel (the attorney for Norcraft). We worked out the liability issues, but now the Kesteloots and Norcraft can not come to an agreement on how long the contract should be for. I am still holding the same position I did several months ago, but we have attempted to come to an agreement. Now it is coming to the point where the County is acting as a mediator. The sticking point is the termination of the agreement. Kesteloots requested a five year contract with the only back out being non compliance. I think Norcraft is at a point where they are not ready to go more than one year. I question why the County is involved. I suggest the county set a date where they will no longer be temporarily storing the wood chips. I suggest Kesteloots and Norcraft hammer out an agreement. Fenske - Liability was an issue. Maes - The liability issue has been worked out, but I am not sure why the County wants to accept any liability. Fenske - It appears an agreement could have been worked out except for the length of time. We could tell Norcraft we will not accept the wood waste into the landfill. Vandelanotte - The only sticking point is the length of time. Then Lyon County is out of it. Fenske - We could set a date of August 1 and after that no more wood waste. Maes - I talked to Bendix yesterday and he said no agreement. He is out of town and so is Gabriel. Fenske - It really does not make a difference to us whether it is one year or five years. Gary Kesteloot explained why a five year agreement was needed. Goodenow - The bottom line is that our policy states that the landfill does not accept recyclable materials. We reserve the right to refuse. I thought in a way to help a local business and people that we would take the liability and we seem to have an agreement on that. Maes - Need to make it clear that the landfill does not take recyclables and they are not required to take it and as of X date the landfill will not temporarily store the wood waste anymore. I still recommend that Lyon County not enter into an agreement. I think Norcraft needs to sit down with the Kesteloots and work it out. Discussion on when the last day should be that the landfill will accept wood waste. Glen Kesteloot - They won't negotiate much with us because they say their agreement is with the County. Gladis - We need to make sure that Norcraft is notified before it is in the paper. Gary Kesteloot - Just to let you know, I have been on the phone every day since the last commissioner meeting trying to work this out. Buysse moved, seconded by Goodenow to adhere to the policy of Lyon County and not accept recyclable products including wood waste into the landfill effective August 5, 1998. All voted in favor. Gary Kesteloot thanked the board for their help.

Continued Commissioner Reports:

Fenske - We have the resolution here from Blue Earth County on juvenile detention. It does not take our money away. Goodenow - Technically, we can hold the money until the end of the grant time. Jorgensen made a point that we are having a jail study done and looking at a juvenile detention center would be included. Fenske - I personally have no objection to working with Nobles County. Discussion on Pinnacle. Goodenow - This is just a resolution to get on with things. This deals with the meeting that Jorgensen and I attended and the information we gave you last meeting. Just to remind you also, we did commit to having a decision made by September. Goodenow moved, seconded by Buysse to approve the resolution (on file at the Auditor's Office) urging the Commissioner of Corrections to approve the Fifth District revised application. All voted in favor.

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Fenske - Most of the boards in this area send one person to the NACO Conference each year.

Buysse moved, Gladis seconded motion to adjourn meeting until Tuesday, August 4, 1998 at 9:00 A.M.

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Robert Fenske, Chairman

Attest: \_\_\_\_\_  
Mark R. Jorgensen  
Lyon County Administrator