

LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY COURTHOUSE, MARSHALL, MN  
August 4, 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.

Goodenow moved, seconded by Buysse to approve the minutes for the regular commissioner meetings on July 7 and July 21. All voted in favor.

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

Hammer - The planning and zoning board made a recommendation for minor alterations to the zoning ordinance. Some of the wording will change the number of days to coincide with the meeting procedures a little better. It will be more specific on how and when to get a building permit. Any building needs a permit. There are some changes in the wording for the Board of Adjustment. Goodenow - They did put term limits back in for the members of the board. Discussion on number of members and who can be member of the board. Goodenow - They were not real concrete on term limits or number of members. They were sort of concrete on not wanting a County commissioner with voting rights. Hammer - We will have a public hearing on these changes and notice will be given. Fenske - When they talked about a commissioner on the board with rights to vote, were they for it? Goodenow - They talked against it. Fenske - Goodenow, did you express your opinion about having a commissioner on the board and able to vote? Goodenow - I told them I thought there should be one, but I did not really argue for it. Jorgensen - I think the ordinance limits the possibility with the way it is worded. Could strike the paragraph that says no elected official can be on the board with voting rights and they could just choose not to have one on the board now. There is nothing that says it has to state that in the ordinance.

Hammer - The levy hearing is this afternoon.

Could I have some of your thoughts on the JD#10 Y&L meeting? Gladis - Disappointed. Hammer - The petitioners on CD#7 have spent money getting records for JD#10. One of the Yellow Medicine County Commissioners has an obvious conflict of interest. The petitioners may be pursuing this. Buysse - There is a conflict of interest law. Jorgensen - He could have been on the ditch board and abstained for any votes. Goodenow - The whole meeting was orchestrated so the re-determination would not go on. Vandelanotte - I think there are election issues. Goodenow - Have you had any feedback on the proposed compromise? Hammer - The CD#7 petitioners have no great objection. Buysse - That meeting was called to ratify what had been done at the last meeting. Fenske - The only thing we should have done that day is reappoint the board. Vandelanotte - There are concerns with Ditch 7 that when the eighteen months is up, they will have to start the process over instead of where it left off. Goodenow - The re-determination needs to be done. Redwood county has two pumps associated with the ditch and they don't pay. Hammer - When I suggested shutting off the pumps, the board would not support it. Gladis - Wouldn't it be possible that if the re-determination is done, each person's assessment could actually go down? Hammer - That would be a very good possibility. Goodenow - They are costing their own people money. Hammer - They said the problem is that there is too much water. But when I suggested cutting off the people not assessed, they did not agree. Goodenow - I think another meeting should be scheduled shortly. Vandelanotte - Yes, after the election. Hammer - I need to request authority to send viewers out to CD#7 and finish on the Boerboom property. It would be the same viewers as before. Buysse moved, seconded by Gladis to approve the viewers (Ted Schwing, Frank Josephson, and Dan Girard) to go out and finish the viewing on the Boerboom property for CD#7. All voted in favor.

Hammer - We came up with a design that Klein and the city of Marshall can live with. They will use low flow culverts and if there is a lot of rain it will go over for about a week.

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

Voigt - Need to open bids for SAP 42-626-05, SAP 42-628-06, and Tracy Project 98236. This is for the work on South Street in Tracy. Included in the bid for this project is the Tracy Project. We did this so we could get a better price and use the same contractor. We must approve the low bid together. There will be two separate contracts one for the City of Tracy and one for the County. The City of Tracy or the County has the right to reject their part of the bid, but then can not go on to a different contractor. The bids are as follows:

Duininck Brothers, Prinsburg, MN	\$1,121,309.40
McLaughlin & Schultz, Marshall, MN	\$1,272,071.59

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We received a third bid but it is invalid because it was only a bid on the City of Tracy's portion. Gladis what was the estimate? Voigt - The engineer's estimate was \$1,068,446.07. Discussion on needing the break down of the County cost and City of Tracy cost. Gladis - What would happen if the city of Tracy does not accept their portion, can we still proceed with ours? Voigt - Yes. Goodenow - Next summers work should have been ready for bids in March or April if possible. Voigt - I agree; though statewide, contracts are being let later.

Voigt - Bids need to opened for SAP 42-607-18, SAP 42-610-26. CP 97:59, CP 98:01, and CP 98:03. The bids are as follows:

Duininck Brothers, Prinsburg, MN	\$414,879.54
Central Specialties, Alexandria, MN	\$386,798.23
McLaughlin & Schultz, Marshall, MN	\$447,370.75

The engineer's estimate is: \$381,336.60.

Steve Johnson will be back with the recommendations.

Voigt - The plat is still being reviewed so we will have to look at it next time.

Voigt - I have a resolution here that allows me to administer the bridge project in Monroe Township in Lyon County and Springdale Township in Redwood County. Redwood County has already approved. Gladis moved, seconded by Vandelanotte to approve the resolution between Redwood County and Lyon County which allows the Lyon County Engineer to administer all remaining aspects of project SAP 64-599-25 (on file at the Auditor's Office). Buysse - How much is Redwood County paying? Voigt - 90%. All voted in favor.

Voigt - Just to let you know, I will be gone for the next board meeting. There will be bids opened that day, and I don't see a problem with awarding them unless you see something you really question.

Buysse - What about the bridges in Westerheim? Voigt - I doubt there will be any construction this fall, but I am working on them.

Fenske - One of the land owners along CR#2 said he appreciated how good of a job the Highway Department is doing. Voigt - That is nice to hear. On the other hand, there are still four parcels that we have not acquired. I have let Maes know and he has started the eminent domain process. We are still trying to negotiate with them also.

Jorgensen - I gave you all a copy of the letter from the MN Historical Society on the designated bridge. Voigt - That is a bridge on a state highway.

Jorgensen - I should let you know that at the NACO conference, I heard a lot of negative comments on the DM&E Railroad issue. One issue that was brought up is that contrary to what DM&E is saying, they are not going to haul any grain only coal. Goodenow - They also promised safe guards at all crossings. But if you read closer, it is stated that they will do what is legally required. Jorgensen - I also understand that they may quit maintaining some of the crossings. Voigt - Without county approval, they can't do that. Jorgensen - That was not the word I got at NACO. Voigt - I believe it won't have that big of an effect either negative or positive on Lyon County. Jorgensen - Lyon County will continue to get contacted about this to see what our position is. Fenske - There is a meeting August 19 in Mankato on this, maybe Jorgensen should go. Goodenow - Balaton does not seem to be complaining and Tracy does not seem to have an opinion one way or another. Vandelanotte - How else is the coal moved? Goodenow - There are two other railroad that can be used. Discussion. Jorgensen - It was felt DM&E was not being truthful.

Richard McDonald from the Marshall-Lyon County Library met with the board to give an update on the library. McDonald - We were recently in the Ghent parade and that was a good time. There is a new check out period for books on tape, it is now two weeks. We also started opening at 8:30 in the morning. I will be meeting with the librarians from the Balaton and Cottonwood libraries once a month. We have adjusted the hours in Cottonwood. They will be open in the morning and closed on Tuesdays. We tracked the people that came in the library to use the internet in July and there were 359 that came in. We will be adding another computer for that. We have also moved the books around. There has been talk of a joint City/School Library in Balaton. We have not totally ruled it out, but there are a lot of difficulties. I would like to invite you all by any of the libraries. Fenske - Do you have any information on the preliminary budget? McDonald - Yes, you should have gotten a copy. Jorgensen - I don't believe that I did. McDonald - I will get you one. Jorgensen - I have heard very positive comments about the library over the past months. Buysse - Have you talked to them in Minneota? McDonald - I have visited them in Minneota and Tracy.

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Jorgensen - It appears we have an agreement on the DeVries property. I have the Purchase Agreement from Paul Stoneberg. Vandelanotte - What are we paying per acre. Jorgensen - We are purchasing it for \$1,200 per acre. There will be five acres split off for the homestead and it will be clearly marked. The County will get the right of first refusal when Mr. DeVries decides to sell. The Purchase Agreement states that anything not taken off the property when the County takes possession will be the property of the County. The County will take possession on December 1. We are also looking at possible wetland banking. Fenske - How many acres are we buying? Jorgensen - 143.76. Vandelanotte moved, seconded by Goodenow to approve signing the purchase agreement for the DeVries land by the landfill and to put down earnest money. Buysse - Is this landfill money? Jorgensen - Yes. Voting For: Buysse, Fenske, Goodenow, Vandelanotte. Abstaining because of conflict of interest: Gladis.

Jorgensen - The annual park board meeting will be in the warming house tonight if it is rainy and cold.

Jorgensen - You should have all received the first draft of the budget information. This is only a first draft.

Goodenow - I have to leave to attend another meeting shortly so could we discuss the wood chips? Maes - I received a draft agreement that indicates that the Kesteloots and Norcraft are in agreement. Gladis - I still believe the time thing is not an issue for us. Jorgensen - It becomes an issue when the Kesteloots say five years and Norcraft says 90 days. If we sign agreements with both, we could be locked into providing wood chips for the Kesteloots. Maes - I am under the impression that everyone is in agreement and the agreement between the County and Kesteloots is for five years and we can get out of it with a 90 day notice if they are not complying with the RFP. Jorgensen - As the County Administrator, my feeling is that this is something that should have stayed in the private sector. I am tired of hearing how government entities can't do things right. I believe this is a case where the private sector couldn't work it out for themselves so they had to come to the County. Maes read the liability portion of the agreements. Maes - There may be a possibility that Norcraft will try to bring action to force the landfill to take it. Discussion. Goodenow left to attend another meeting.

Meeting recessed.  
Meeting back to order.

General Revenue Vouchers and Special Water Projects were presented. Vandelanotte moved, seconded by Buysse to approve the general revenue vouchers and special water projects. Discussion on charge for hepatitis shots in the Sheriff's Office and why not using Public Health. Jorgensen - The Facilities staff goes to Public Health. I will talk to Stokke about this. All voted in favor.

General Revenue Fund	\$176,372.36
Road & Bridge Fund	\$10,539.93
Landfill Special Revenue Fund	\$17,221.91
Water Projects-Special Revenue	\$21,402.00
Ditch Fund	\$1,456.94
Total	\$226,993.14
County Revenue	\$73,162.86
Capital Projects	\$103,209.50
Total	\$176,372.36

Beginning Warrant Number: 320491; Ending Warrant Number: 320601.

Jorgensen - Western Community Action asked for a letter of support for their 1999 transportation funding. They will be applying for a grant. Buysse moved, seconded by Gladis to approve sending a letter of support for WCA's transportation funding. All voted in favor.

Jorgensen - Western Community Action also requested payment of their 1998 appropriation. This was an item that was budgeted for. Buysse moved, seconded by Vandelanotte to approve paying WCA their 1998 appropriation. All voted in favor.

Jorgensen - Also WCA's appropriation request for 1999 is a little less than last year.

Jorgensen - Need approval to pay a couple bills for the Joint LEC. The first one is for Bladholm Construction. Buysse - Has the Architect signed off? Jorgensen - Yes. Vandelanotte moved, seconded by Buysse to approve the partial payment to Bladholm Construction in the amount of \$77,996.00 for work on the Joint LEC. All voted in favor.

Jorgensen - The second bill for the Joint LEC is from Holm Brothers Plumbing and Heating. The architect has signed. Buysse moved, seconded by Vandelanotte to approve the partial payment to

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Holm Brothers in the amount of \$23,911.50 for work on the Joint LEC. Buysse - Is the County paying? Jorgensen - The bonding money has been received. All voted in favor.

Jorgensen - I received a letter from the President of the Lyon County Ag Society thanking Rick Anderson for all his work at the Fair Grounds. Fenske - At first they were a little leery about having him out there, but now they see the value of having him. Gladis - I know the board misses him at the meetings.

Jorgensen - SMTA in Mankato requested to come before the board to ask for appropriations. Should I put them on the schedule when we have the appropriations meeting? Fenske - I have a letter here from Travel Southwest out of Worthington requesting \$1400. Gladis - We did not give them anything last year. Fenske - If we do anything I would be in favor of Travel Southwest over SMTA. Jorgensen - I could just send SMTA a letter and tell them our travel dollars will be going elsewhere. Discussion on tourism in Lyon County.

Discussion on the Prairie Expo.

Jorgensen - MAFAC sent a letter requesting funding. Fenske - They wanted a substantial amount. Jorgensen - Yes, and I don't think we will have that many funds available.

Jorgensen - Deb Griebel sent me an interesting letter. She just wanted me to know that she is selling her house, which is behind the group home.

Jorgensen - The AMC leadership retreat starts tomorrow. There is a dinner Thursday night and all the commissioners are invited. Gladis - I think the Department Heads are supposed to be invited also.

Jorgensen - I have been accepted into the Humphrey Institute of Public Affairs. I received a scholarship from the Extension Service. There will be a presentation for the scholarship on Friday.

Jorgensen - I gave you all a first draft of the budget. I think there is quite a bit of work to do on it. Fenske - Did you get the official levy limit for the State? Jorgensen - Yes, it is a lot larger than I thought it would be.

Buysse - Has there been any discussion about the room upstairs? Jorgensen - I have a meeting set up with the Workforce Center on August 12. Gladis - I think if there is going to be a meeting room up there, it should be a meeting room that can be used by everyone. Jorgensen - I agree. The three Commissioner Rooms are being used all the time and no matter what we do, I think there should be a room that can be divided in half to be used for meetings etc.

Per Diems were presented. Buysse moved, seconded by Fenske to approve the following per diems:

Gladis	\$120
Goodenow	\$40
Vandelanotte	\$40

All voted in favor.

Landfill vouchers were presented. Gladis moved, seconded by Buysse to approve the landfill vouchers. Vandelanotte - What is Joel Carlson doing for the money we pay him? Henriksen - He watches legislation, lobbies, attends the meetings etc. Vandelanotte - Does he do what we pay him for? Henriksen - Some months more than others. Buysse - Is he an effective lobbyist? Henriksen - Yes. Buysse - Is he earning his money? Jorgensen - Some months he is probably paid too much, but on the other hand, other months he is not paid enough. All voted in favor.

Pete Bendix from Norcraft and Gary and Glen Kesteloot met with the board to discuss the wood waste issue. Bendix - I have two agreements: one between Norcraft and the County and one between the County and the Kesteloots. I believe Maes approves of the agreements. The Kesteloots and Norcraft have both signed off on them. Maes - I have nothing in addition to say about this. The changes to the agreements were made as indicated so they should be fine. Maes explained the agreements. Buysse - Is it the way we want it? Fenske - The way the Commissioners want it, yes. Vandelanotte moved, seconded by Gladis to approve the RFP submitted by Gary and Glen Kesteloot (on file at the Auditor's Office). All voted in favor. Buysse moved, seconded by Vandelanotte to approve the agreement on wood waste between Gary and Glen Kesteloot and Lyon County (on file at the Auditor's Office). All voted in favor. Gladis moved, seconded by Buysse to approve the agreement on wood waste between Norcraft and Lyon County (on file at the Auditor's Office). All voted in favor. Fenske - I think everyone is satisfied. Bendix - On behalf of Norcraft, I would like to express thanks for your help and patience. Fenske thanked Norcraft also. Gary Kesteloot thanked the board for their time.

Henriksen - A couple years ago we started a ground water monitoring program. We submitted that program to BWSR. At the Local Water Planners Conference this year we received an award

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for the Outstanding Groundwater Project for 1998. Roger Schroeder and Community Health should be congratulated also.

Henriksen - We need to set a date for the annual landfill meeting. Discussion. Fenske - The annual landfill meeting will be Wednesday, September 9 at 6:30.

Henriksen - We have been trying to help the Lindsay's out. We have figured out a way to help them in the short term. We are going to reroute the litter fence a little, then try to transplant the evergreens in front of it so they don't have to look at it. We were going to get higher poles, but Lindsay's have a problem with that and I guess I don't blame them. We will close the access road off up there and move it down. Discussion.

Henriksen - Just to let you know, I received a phone call from Dee Sanitation and they asked if they could bring garbage from Sherman, South Dakota to our landfill. There are only about fifteen houses there. I told them that I can't make that decision because it is not within our region. Fenske - Where is Dee from? Henriksen - Pipestone. Bids will be going out and I did not think we would even bid.

Fenske - The Yellow Medicine County Commissioners are pleased with what is going on with our Solid Waste and Recycling Agreement. You should also let Sharon know.

Steve Johnson returned with recommendations for the construction projects. Johnson - For SAP 42-607-18, SAP 42-610-26, CP 97:59, CP 98:01, and CP 98:03, Voigt recommends awarding the bid to Central Specialties. Gladis moved, seconded by Buysse to accept the bid of \$386,798.23 from Central Specialties for the projects listed above. All voted in favor.

Johnson - Now for the City of Tracy jobs. Voigt still recommends you award the job to Duinick Brothers even though it came in over estimate. Johnson - The differences I can see are our figures for bituminous were low and this was the first job we did in metric and I made a mistake in conversion. There was also a difference in the 30" pipe. Discussion. Vandelanotte moved, seconded by Gladis to approve the bid from Duinick Brothers for projects SAP 42-628-05 and 42-628-06. All voted in favor.

Jorgensen - I just want to make sure that urban type grass is used so the same thing does not happen here that did in Cottonwood.

Fenske - How is the County Road to Milroy coming? Johnson - We are still having problems with the draining, but we are working on it. Fenske - The contractor has not been paid completely has he? Johnson - No.

#### Commissioner Reports:

Gladis mentioned the library budget. Union negotiations are pretty much done. The Safety Committee is progressing along. At the Camden Park meeting, the only people against possible boundary changes were the townships. We had a Public Health Service meeting last night and awarding the computer bids were postponed.

Vandelanotte - Jim Julien called about that building in Garvin. He said it is tax forfeited and want to get rid of it. He has a place to get rid of it and the equipment to do it. Jorgensen - The piece we looked at before was not tax forfeited. I will get in touch, maybe we are not looking at the same piece.

Fenske mentioned a letter from the Lyon County Historical Society on the fair.

Fenske - You all should have received the letter of resignation from Lisa Zmeskal effective September 1, 1998. She said she has accepted new employment. So for the last four months of the year, we will have to appoint an acting Treasurer. We can do that can't we? Maes - Yes. Jorgensen - My recommendation would be to appoint Paula VanOverbeke to the position. I would also resign as Acting County Auditor and you could appoint her to that position as well. I will remain the County Administrator. Maes - I think that would be fine as long as VanOverbeke agrees. Gladis moved, seconded by Vandelanotte to accept the resignation of Lisa Zmeskal, Lyon County Treasurer, effective September 1, 1998. All voted in favor. Gladis moved, seconded by Vandelanotte to accept the resignation of Mark Jorgensen as acting Lyon County Auditor effective September 1, 1998. All voted in favor. Buysse moved, seconded by Vandelanotte to appoint Paula VanOverbeke as acting County Treasurer and acting County Auditor effective September 1, 1998 subject to her acceptance. All voted in favor.

Fenske - We visited the household hazardous waste facility in Jackson during the Southwest Regional Development Commission Meeting.

Buysse - I am happy to hear that Community Health is finally putting policies etc. together.

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Buyse moved, Gladis seconded motion to adjourn meeting until Tuesday, August 18, 1998 at 9:00 A.M.

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Robert Fenske, Chairman

Attest:

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Mark R. Jorgensen  
Lyon County Administrator