

LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY COURTHOUSE, MARSHALL, MN
October 6, 1998

Meeting called to order by Chairman Fenske. Members present: Buysse, Fenske, Gladis, Goodenow, Vandelanotte, County Administrator Jorgensen. Absent until 10:25: County Attorney Maes.

Pledge of Allegiance to the Flag.

Agenda approved as printed.

Buysse moved, seconded by Gladis to approve the regular commissioner minutes for September 1 and September 15. All voted in favor

Ditch Vouchers were presented. Discussion on the Wendland-Timmerman bill for CD#7. Hammer - This bill is for the petitioner's attorney. Vandelanotte moved, seconded by Buysse to approve the ditch vouchers. Discussion on the bill from D&G for removing stumps. Discussion on the Norm Anderson bill for removing stumps. Discussion on the money for the lawsuit for CD#7. Vandelanotte - I thought the County loaned CD#7 money for the legal bills. VanOverbeke - That was almost all used up. Fenske - Do you recommend we pay the CD#7 legal bills? Jorgensen - Legally the board isn't supposed to pay if the money is not there. VanOverbeke went to see how much money the ditch has available from the loan. Hammer - As far as I know, the court hearing has been pushed to January. Discussion. VanOverbeke - There is around \$4,000 in the account. Vandelanotte - That's enough to pay for the Wendland-Timmerman bill. All voted in favor.

Hammer - The aeration permits need to be signed. So I need a motion that will allow Fenske to do that. Gladis moved, seconded by Vandelanotte to approve Fenske signing the aeration permits. All voted in favor.

Jorgensen - I have a bill here from Bolton and Menk for CD#62 for engineering. Vandelanotte moved, seconded by Buysse to approve the Bolton and Menk bill for CD#62 in the amount of \$2,933.11. This bill will be passed to the city for payment. All voted in favor.

Jorgensen - The CD#36 hearing has been cancelled. Hammer - There is more water draining into the ditch because of the storm sewer changes so the viewers need to do some more work.

Jorgensen - Carolyn Sherlin, YMC Auditor, would like the five YMC Commissioners and the five Lyon County Commissioners to all get together on October 27 at 9:00 A.M. to discuss conflict of interest. They are also talking about having the bridge replacement hearing that same day at 9:30. Buysse - I know Maes's feeling is to delay this meeting. Goodenow - Maybe wait until November 10? Though they may want to clear up the conflict of interest thing before they approve the bridge replacement. Maybe the bridge issue can not wait two weeks. Buysse - The contract has been let and the contractor is willing to wait. Goodenow - The Ditch Authority hasn't approved this yet, so how can the contract be let? I think we should try to wait and have the meeting on the tenth.

Hammer - As far as the abandonment of JD#9, the US Fish & Wildlife has settled on the land exchange. Now we are ready for the viewers. We are all meeting this morning.

Fenske - This afternoon we have a meeting for Ditches 10 & 23 by Tracy. Does 10 need cleaning? Hammer - 10 is entirely a tile system. Buysse - I had a call from Ted Schwing and he has heard concerns that the people on 23 will have to pay for improvements to 10. I read the law and it can be split out. Hammer - Right now, 10 will be granted an outlet anywhere on 23. Vandelanotte - The big concern on 23 is that they would have to pay.

Goodenow moved, seconded by Gladis to close the meeting to discuss a personnel issue. All voted in favor.

Goodenow moved, seconded by Gladis to re-open the meeting. All voted in favor.

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

Voigt - Now we have the opening of the bids for the pickup. Fenske - Was there a trade in? Voigt - Yes, a 1992 Chevy ¾ ton 4X4. The bids for a ¾ ton 4X4 extended cab pickup with trade in are as follows:

Anton Chevrolet, Marshall, MN	1999 Model CK25753	\$24,237.27
Value of Trade - \$8,109.00		
Lockwood Motors, Marshall, MN	1999 Dodge Ram quad-cab	\$22,684.50
Value of Trade - \$4,500.00		
Tholen Auto, Marshall, MN	1999 GMC TK20753	\$21,709.15
Value of Trade - \$7,467.37		
Owantonna Ford, Owatonna, MN	1999 Ford F250 XLT supercab	\$21,609.92
Value of Trade - \$4,000		

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Voigt - I will review the bids and come back with a recommendation. Jorgensen - You can take into consideration service, warranty, etc. Goodenow - Do you have to go through with the trade in? Voigt - No, but then the total price goes up.

Voigt - Just to let you know, I have had a couple visits from Pat McFarland. He is working with McLaughlin and Schultz on a Truck Station along CR# 33. He has been inquiring about access. I have concerns about long term access management along CR# 33. Vandelanotte and I attended an access management seminar and I would highly recommend that you all try to attend one also. Vandelanotte - It was a good seminar. Discussion on Conditional Use Permits and review by the engineer.

Lance Culliver and Lori Hanna from the Probation Department met to give program updates. Culliver - I have been in Marshall for three years now. I work only with adult offenders in Lyon and Lincoln Counties. We also have three other officers that work only with juveniles – Lori Hanna, Rindy Finger, and Chris Anderson. As far as juveniles, we also have the Community Plus Program available. This program is expanding to include family/parenting classes, anger management, and theft classes. We are currently trying to purchase breathalyzers. We are trying to gain funding for more access to criminal background checks. The Lyon County Probation Office is now up to 100 percent as far as staffing goes. We have had a big turn over lately. Fenske - Are all of your case loads full? Culliver - More than full. Hanna - Three of us have juveniles and we have between 50 to 65 which is okay. Culliver has an adult load of around 180. Culliver - I see about 138 on a week to week basis. Discussion on parenting classes. Goodenow - Who is the managing director now that Seline is gone? Hanna - We have no department head. Seline's duties were divided among the agents. Culliver - Jill Carlson is our supervisor. Jorgensen - Just to let you know, Lyon County contracts with the State for probation. Lincoln County also reimburses Lyon County. Hanna - We have been working on Teen Court, which is an option to the current diversion program. The juvenile and parents appear before a jury of three to five peers. The jury decides what the juvenile has to do. We had our first teen court training session on September 23. Members of the Restorative Justice Coalition went out and recruited students and adults. We have a group of about 30 students and 10 adults. Tonight at 4:30 is our first official teen court proceeding. Gladis - Where will it be held? Hanna - Today it will be in Court Room B. Gladis - Is this open or closed? Hanna - Closed. Buysse - Juveniles are judged by juveniles? Hanna - Yes, with adult supervision. Fenske thanked Hanna and Culliver for coming.

Meeting Recessed.
Meeting Back to Order.

General Revenue Vouchers and Special Water Projects were presented. Vandelanotte moved, seconded by Goodenow to approve the general revenue vouchers and the special water projects. All voted in favor.

General Revenue Fund	\$244,926.89
Road and Bridge Fund	\$59,447.87
Landfill Special Revenue Funds	\$129,677.83
Water Projects - Special Revenue	\$282.00
Ditch Fund	\$7,076.33
Sinking Ditch VII	\$7,128.47
Total	\$448,539.39

Beginning Warrant Number: 321247; Ending Warrant Number: 321407.

Jorgensen - I have a request for payment number four from Bladholm Construction for the Joint LEC. Buysse moved, seconded by Goodenow to approve payment number four in the amount of \$121,998.00 to Bladholm Construction for work on the Joint LEC. All voted in favor.

Jorgensen - Rick Anderson has a couple things that came in late so he has asked if they could be approved. One is a registration fee for the MRPA conference from November 4th thru 6th in the amount of \$250. The other is a \$35 fee for the tree inspector's workshop. Gladis moved, seconded by Vandelanotte to approve the \$250 registration fee for the MRPA Conference and the \$35 fee for the tree inspector's workshop. Both are for Rick Anderson. All voted in favor.

Jorgensen - Just a reminder, the AMC Annual Conference is November 30 to December 2. I need to know who is going and who will be voting delegates. Gladis, Vandelanotte, and Fenske are attending.

Discussion on the need to change the regular Commissioner Meeting scheduled for December 1 to a different date because of the AMC conference. Vandelanotte moved, seconded by Gladis to change the regular board meeting date from December 1 to December 3 at 9:00 A.M. All voted in favor.

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Jorgensen - I have listed as voting delegates for the conference: Voigt, Champine, all five Commissioners, and myself. Goodenow and Buysse voiced that since they would not attend, they did not need to be listed as voting delegates.

Jorgensen - I gave you all a copy of the letter I would like to send out for the meeting with DM&E in Wabasso. The surface transportation board has put off any decisions for now. The board agreed that the letter should be sent out.

Regular meeting recessed.

Meeting of the Ditch Authority called to order for the Final Hearing of CD#62.

Bruce Firkins, Bolton and Menk, read the acceptance report. Firkins - The final cost is \$1,488,471.29. That is about \$26,000 more than the original. Some of that was approved by the board and the other is well within the limit. There are really no outstanding issues. There is a two year correction period after the acceptance. The contractor is required to do erosion control until there is good grass take. I recommend the approval of the final payment. We still need signed documents from R&G. I would also like to thank R&G for their cooperation. They did a good job. Buysse - So any repairs in the next two years are not a ditch expense? Firkins - If they are due to a deficiency in work they will not be a ditch expense. Dennis Simpson - I have checked with the city staff and it is agreed that the job was completed in a satisfactory manner. Goodenow moved, seconded by Vandelanotte to accept construction of the ditch and to make the final payment of \$100,994.36 to R&G contingent on the paperwork being completed. All voted in favor.

Meeting of the Ditch Authority for the Final Hearing of CD#62 adjourned.

Regular Commissioner Meeting called back to order.

Jorgensen - We need to discuss the Juvenile Detention Center. Goodenow, Fenske, and I met with Nobles County. After the meeting with them, we believe it would be in Lyon County's best interest to decline the grant and return the money to the state with a recommendation that the money goes toward the Nobles County project. Goodenow - New Ulm has also gone ahead with their project. So we would have two options within about 60 miles or so. We also looked at the cost of operation and even with only four beds, it will still be very expensive. Their laws may be lessening, so that we may be able to hold them over a night or two here. We will keep enough money to cover the expenses that have been incurred. Discussion on New Ulm's facility. Fenske - I also agree with Goodenow and Jorgensen. Goodenow - The districts will have to meet to decide who will actually get the money. Goodenow moved, seconded by Vandelanotte to decline to participate in the original Fifth District plan for a four bed juvenile facility in Marshall. Lyon County will return the grant money minus any expenses that have been incurred for planning up to this point and recommend that Nobles County receive the remainder of the grant for their project. Fenske - We have been receptive to the public's concerns and we would be better served by recommending that Nobles County receive the grants. All voted in favor. Goodenow - It was also mentioned at that meeting that we keep unified with Nobles County and present a unified front for Southwest Minnesota because there could be possible state funding available.

Jorgensen - Just to let you know, Joe Fuks and Lowell Wulff are in the process of planning for a National Go-Kart race to be held here in Marshall in 1999 or 2000. They will need a resolution of support in the future when the paperwork is done. Discussion on Conditional Use Permit Process. Goodenow - Maybe the Ag Society could sponsor it. The Convention Visitor Bureau is pushing this. Jorgensen - Yes, they have said that the area can not afford to pass this up.

Jorgensen - I received a letter from the DNR regarding the Camden Park Boundaries and it has apparently gone through.

Jorgensen - As far as the contract negotiations for the union go, there is one last issue that has to be resolved. It involves the Columbus Day holiday. Apparently they thought they signed a contract which included Columbus Day as a holiday and as far as the County is concerned, it is not a paid holiday. Our negotiator is going to write a letter to them.

Buysse - Do we need to hire Cy Smythe again? Jorgensen - Yes, probably. Buysse moved, seconded by Goodenow to hire Cy Smythe to do further negotiations with the union. All voted in favor.

Goodenow moved, seconded by Vandelanotte to approve the per diems for Buysse (\$160), Fenske (\$150), and Gladis (\$45). All voted in favor.

Maes - There was a training that I helped facilitate for area officers. The fee of \$210 was paid out of the County Attorney's registration fees. I would like that fund to be reimbursed from the Criminal Justice Aid Fund. Discussion. Buysse moved, seconded by Gladis to approve

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reimbursing the County Attorney's Registration Fee Fund from the Criminal Justice Aid Fund in the amount of \$210 for a training for area officers. All voted in favor.

Voigt - There were some problems with the bids for the pickup. The first one that we can set aside is the one from Anton's because it is high. Tholen's bid failed to include the specification sheets that were supposed to be completed. We talked briefly to them on the phone. In some areas they did not comply. The bid from Owatonna included a pickup with a slightly smaller engine than we requested and the pickup from Lockwood did not include push button hubs for four wheel drive. In my opinion, the engine size would be more important than push button four wheel drive. I checked with Ford here, and they would service the pickup from Owatonna. Gladis - My feeling is that we should buy within the County. \$1,000 is not so far off. If there would be a \$4,000 to \$5,000 difference that would be different. Fenske - Owatonna's does have the smaller engine. Buysse - Is the warranty the same? Voigt - Yes, they all have three year, 36,000 miles. Vandelanotte - I have no problem with staying local. Vandelanotte moved, seconded by Buysse to approve the Highway Department's purchase of the 1999 Dodge Ram from Lockwood Motors for the amount of \$22,684.50. All voted in favor.

Buysse - What is going on with Westerheim? Are they going to close that one bridge? Voigt - I have not heard back from the township board.

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

Henriksen - You all should have received a copy of the position description for the Environmental Specialist. We received a grant for a part time person, but I was afraid that the same thing would happen again and someone would just take the position until they could find a full time job. So I talked to Jorgensen and Hammer really needs some help so we worked together on this description for a full time person which would be funded partly by a grant and work for environmental and planning and zoning. Goodenow - If this is funded partly by grant, what happens when the grant runs out? Henriksen - Hopefully another grant. Hammer - Eventually I will need more than a part time person. Goodenow - Budget? Jorgensen - This was included in the budget. Buysse - This person reports to? Jorgensen - Both Hammer and Henriksen. Fenske - Funding? Henriksen - Funding about half through the grant. Jorgensen - Initially it will be about a 70:30 split with the grant paying 70. Fenske - When is the grant money available? Henriksen - Now. Goodenow moved, seconded by Buysse to approve the position description of Environmental Specialist. All voted in favor.

Jorgensen - Just to let you know, we did not take it lightly adding a full time position. In the long run, there will be direct benefits to taxpayers.

Henriksen - There are two part-time positions at the landfill. One is not filled at the moment. The person working part time right now does a very good job and we would like to make her position full time. Right now she works about thirty-five hours the way it is. If we do this, we could possibly extend the hours a little on Saturdays. Goodenow - Maybe you could close at 12:00 P.M. with the idea that you would be out of there by 1:00 P.M. Discussion. Goodenow moved, seconded by Buysse to eliminate the two part time positions at the landfill and create one full time position. All voted in favor.

Henriksen - I have an agreement for Provision of Solid Waste Recycling in Lyon County from 1998 to 2001. This is for the City of Lynd. We would pay Curry Sanitation \$198/month for recycling. There is no increase in cost just switching who we are paying it to. Goodenow moved, seconded by Gladis to approve the Provision of Solid Waste Recycling with Curry Sanitation for the City of Lynd. All voted in favor.

Henriksen - Just to let you know, RDC developed a grant for a part-time person to work with cities and school districts to buy recycled materials. And also develop a material exchange program. This would require no general revenue from Lyon County. Buysse - How long would the grant be for? Henriksen - It would be a two year grant. Buysse - Will we be able to track accountability? Henriksen - Yes, it will be built in. The consensus of the Board was that this was a good project and to proceed.

Goodenow left at 12:15.

Commissioner Reports:

Gladis discussed the AMC policy hearing, the City Council meeting, and the extension meeting and extensions possible move to the courthouse.

Discussion on Klein Addition.

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Gladis - I also attended the jailhouse expansion advisory committee. Jorgensen - Judge Harrelson thought the process being used was a very good one. Fenske - Judge Marshall said the same. Gladis - PHS is going to get their computers locally and cheaper.

Vandelanotte - I would like permission to attend the Bio-filter field day in Hector. Fenske - That is a worthwhile event to attend.

Fenske - Last Friday, Goodenow and I road on the DM&E train. The track is in bad shape. Tracy and Garvin are 100% behind it. I have not gotten any information from Balaton. They said they would definitely be hauling ag products. Vandelanotte - I think we should stand on record in support. Fenske - We could wait until after our meeting on the 29th. Jorgensen - Was anyone from the Highway Department there? Fenske - Jim Thomasson. Letter of support discussed. Jorgensen - The letter of support would go to Washington, D.C. Gladis - Maybe we should have Audrey send a letter of support from Tracy to us and we could include that with ours. Fenske - I think Garvin and Balaton should also be contacted for a letter of support. Jorgensen - I will take care of that.

Buysse - Area II is working on a policy as far as funding vs. benefits. The Extension Committee has voted to move to the Courthouse. Jorgensen - The architect is working on that. Buysse - Byrnes mentioned that years ago when Extension had to leave the Courthouse, the County gave them about \$14,000 per year for rent and they were wondering if they came back if it would be possible to have that money for programs. I didn't really say a lot to that. Gladis - Neither did I.

Buysse moved, Gladis seconded motion to adjourn meeting until Tuesday, October 20, 1998 at 9:00 A.M.

Robert Fenske, Chairman

Attest:

Mark R. Jorgensen
Lyon County Administrator