

LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY COURTHOUSE, MARSHALL, MN  
November 17, 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 Lori Hanna at 11:00 and Jeanine Barker at 11:15.

Fenske recessed the regular meeting.

Fenske called to order a meeting of the Ditch Authority for the re-determination of benefits and maintenance levy hearing for CD#36.

Frank Josephson, viewer, introduced the other viewers and read the viewer's report. Josephson explained the sources they utilized for the re-determination, that they went out and personally inspected each parcel, and that they used the formula that they have used in all the other ditches that they have determined benefits on. Fenske - This hearing was postponed once correct? Ted Schwing - When we viewed it originally, we were not aware of the changes in Tracy that were being done. We had to go back and bring in new parcels. This excludes the part of CD#36 that was redirected into #23. Fenske - Have the landowners had the opportunity to talk to you? Schwing - We spent a day in Tracy and only one person came to talk to us about CD#36. Fenske - Are there any comments from the audience? Joe Knutson - I live at 360 8<sup>th</sup> Street. When the storm sewers went through, the intakes were not hooked up in front of my house and I am just wondering why I am being assessed? Discussion on intake on road and why included. The viewers explained that the property is in the watershed and receives surface drainage into the ditch. This has nothing to do with the storm sewer system. Discussion on effect to taxes and what will be assessed. Schwing - There has been no improvement, just a re-determination of benefits. Fenske - Other questions? Darrel Edwards - I farm where the tile outlets. It was becoming a forced outlet because it needed cleaning. The year before there were two breaks in the tile in my field. I had talked to Hammer about getting the ditch cleaned out. I had Coorman Construction come in and clean it out and the bill is still outstanding. Hammer - Yes, clean up was needed. When I had talked to Mr. Edwards about this, I told him there was no money in the account. Though we had talked about a clean out, nothing was authorized and I believe he may have cleaned out a little more than necessary. Mr. Edwards is the overseer of the ditch. Vandelanotte - This is the same thing that happened over by Cottonwood. Did you pay the bill? Edwards - No, it is still outstanding. Vandelanotte - How much is owed? Edwards - \$950. Gladis - Prior to re-determination? Hammer - Yes, but should be considered within the new benefits, because the people that were not included in the ditch should have been. Edwards - \$250 of the clean out bill has been paid. Hammer - There was a little money in the account so I was able to pay that much. The problem was that there were so few benefits on the ditch in the past that it would have taken a considerable levy to pay for a clean out. Now, the ditch's benefits have been brought up to date. Fenske - Is there anything else? Hearing no more questions, we need to have a motion. Goodenow moved, seconded by Vandelanotte to approve the re-determination of benefits for CD#36. All voted in favor.

Fenske - Now we need to consider a maintenance levy. Van Overbeke handed out the following information:

As of October 31, 1998 CD#36 has a negative balance of \$10,095.61.

\$9,865.51 is due to the re-determination of benefits

\$ 300.00 is for a clean out of the outlet

\$ 62.85 is for 1997 Administration cost

\$ 58.68 credit balance as of 12/31/97

\$ 74.07 credit from prior years assessments

Total benefits for CD#36 on the re-determination of benefits is \$175,192.78.

Discussion on how much to levy for. Van Overbeke - I recommend not going any less than 8%. Discussion continued. Vandelanotte moved, seconded by Buysse to levy 8% of total benefits of \$175,192.78 for CD#36 for 1999. All voted in favor. Discussion on what Joe Knutson would be assessed.

Buysse moved, seconded by Gladis to adjourn the re-determination and maintenance levy hearing for CD#36. Meeting of the Ditch Authority adjourned.

Fenske called the regular meeting back to order.

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

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Jorgensen - I have a partial payment request from R&G for work on CD#6. It has been signed by the engineer and there is money available. Hammer - We are withholding around \$12,000 because some of the minor things need to be done. For the most part they are done, and we feel this is enough to hold back so they will get the little things finished. The landowners are happy with the ditch. Buysse moved, seconded by Gladis to approve the partial payment in the amount of \$59,376.21 to R&G for work on CD#6. Voting For: Buysse, Fenske, Gladis, Goodenow. Abstaining because of conflict of interest: Vandelanotte.

Hammer - Thursday night we had a township feedlot meeting to discuss recommendations for an ordinance. They will be making recommendations to the Planning Commission and Board. We should get the final draft of the ordinance back from RDC this week. Fenske - We need that ordinance forwarded to us as soon as Planning and Zoning is ready because we will need to set a public hearing. Discussion.

Jorgensen - The JD#10 meeting has been rescheduled for December 8 at 9:00 A.M. in Granite Falls.

Jorgensen - Just to let you know, RCM and SEH are going to merge as of February 1, 1999.

Jorgensen - When I received the agenda for the Marshall City Council, I noticed an item about CD#62. I called to find out what was going on and they are talking about upsizing some storm sewers. I told Keith Nelson that this may be considered an improvement to CD#62 and a hearing may be needed. Nelson is going to talk to Hammer on this matter, but he was not aware that this may be a possibility.

Hammer - The Flood Project dike and levy is on the Planning and Zoning agenda.

Gladis - Has an agreement been made for the additional entrance to the Klein Addition?

Jorgensen - It is my understanding that there is an agreement. Hammer - Yes, they will be using the Texas style crossing. I think the Corps of Engineers was against this at first and I am not sure what changed.

Jorgensen handed out copies of applications from the people who applied for the committee openings.

Jorgensen - I have several requests for payments for the Joint LEC. From Bladholm Construction request for payment Number 5 and Number 6. The Architect has signed off. Buysse moved, seconded by Vandelanotte to approve payment request Number 5 in the amount of \$119,463.00 and Number 6 in the amount of \$77,666.00 from Bladholm Construction for work on the Joint LEC. All voted in favor. From Holm Brothers payment request Number Four. The Architect has signed off. Vandelanotte moved, seconded by Goodenow to approve payment request Number 4 in the amount of \$12,484.95 from Holm Brothers for work on the Joint LEC. All voted in favor. From Meier Electric payment request Number Two. The Architect has signed off. Buysse moved, seconded by Gladis to approve payment Number 2 in the amount of \$34,736.75 for work on the Joint LEC. All voted on favor.

Jorgensen - I sent you all a copy of the third floor planning schedule. We are planing for the Workforce Center and Extension. Buysse - Will there be any room left? Jorgensen - Yes and we are trying to keep it useable. Gladis - Are you still planning a meeting area up there that can be used for an extra courtroom? Jorgensen - Yes, I will be working with the Court Administrator on that.

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

Discussion on a letter Audrey Koopman sent to Voigt on the Eighth Street Construction and who pays for damages that ensued and led to the improvement. Voigt - I talked to Steve Johnson and he explained that the backhoe that was laying the trench caused the pavement base failure. A decision had to be made right away because the contractor was going to pull out. I believe we are obligated to pay for a portion of the resurfacing. As far as how much, it depends on if you include the trench width or not. If the trench width is not included, we should pay for about eight feet. Koopman - When we went ahead with the overlay, we did have the assumption that the City of Tracy was probably going to have to pay, but we thought that part of it might qualify for State Aid Funding. Voigt - I believe it is our obligation to pay for a portion. Jorgensen - Is there responsibility on the contractor's side? Voigt - This is something that would be anticipated. Fenske - So do you recommend we pay somewhere between 1/2 to 1/3 of the overlay? Voigt - I recommend we pay for the additional 8 ft. which would be 35 to 40 percent. We are talking about a \$6300 bill. I would recommend we pay 40 percent if that is acceptable for the City of Tracy. Koopman - The City of Tracy would be very happy with that. Discussion. Gladis moved, seconded by Vandelanotte to pay 40 percent of the \$6355.20 bill for overlay due to damages during construction on Eighth Street in Tracy. All voted in favor.

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Voigt - I thought I would just run down the status of the projects.

CR#2 : This is still under construction, but the contractor is still out there working.  
Gladis - Is the road still closed? The sign must have gotten moved during snow removal and now is off in the ditch so it is hard to tell if it is closed or not.  
Voigt - I will look into it, because it is supposed to be closed still.

CSAH#13: (Nordland) - This one is done. Buysse - When will it be blacktopped?  
Voigt - Will be two years.

CSAH#5: (going to Lynd) - Federal paving next Spring.

CR#32 Bridge: Contract will be let sometime this winter.

The work in Tracy is pretty much done.

Island Lake Water Retention: Complete. Seeded just before the snow.

Coon Creek Bridge: Done.

Rock Lake Water Retention: Done.

Monroe Water Retention: Under Construction.

Buysse - The Five Year Road Plan meeting this afternoon? Voigt - Yes.

Gladis - I had some questions and complaints about the road conditions. I tracked down Voigt and he told me to talk to Jim Thomasson. Jim explained that they were only using the graders on the gravel because of the softness. Once I explained the people that called me, they had no problem. Voigt - We don't dare put our trucks on these soft roads. We had to use our five motor graders which are very slow. Jorgensen - In some sense, you get held hostage by your own success. Voigt - Had to pull the plows by 3:00 that afternoon. Buysse - All the Commissioners should have a scanner so they can hear what the truck drivers are going through out there. Vandelanotte - People need to just stay home. Gladis - Is it announced on the radio when the plows are pulled? Fenske - Yes. Voigt - When we plow, it is our policy to plow main lines first, we do not do intersections on township roads. That is what MnDot does with us.

Jorgensen - I have the video on TEA-21 if anyone is interested.

Meeting Recessed.  
Back to Order.

Discussion on when to reschedule the appropriations meeting. Fenske - The appropriations meeting will be on December 8 at 6:30 P.M. Jorgensen - We will notify the people involved.

Discussion on whether or not to have interview for the committee appointment applications. Everyone agreed that they should have interviews. Fenske - Interviews for the committee appointment applicants will be December 14 at 6:30 P.M. All applicants will be interviewed. It was decided that if someone could not make it that night, they would try to schedule them to come in before the board meeting on December 15. The interviews will be about 10 minutes long.

Lori Hanna, Probation, met with the board to discuss extending the juvenile detention contract with Brown County. Hanna - Last year the board entered into a contract with Brown County that we would use them as the first choice to take our juveniles to. This would give us a lower rate and we would not get bumped. This appears to be a win-win situation. Jorgensen - We can't get bumped. I think that is the biggest advantage. Hanna - The cost is fifteen dollars per day less. Jorgensen - Brown County is in the process of putting in more beds. Hanna - In April they will have a long term facility which will also be to our advantage. Right now they have only an eight day facility. Discussion. Goodenow moved, seconded by Vandelanotte to approve the extension of the Juvenile Detention Contract with Brown County. All voted in favor.

Jorgensen - I have a bill from Bolton and Menk for CD#62. Goodenow moved, seconded by Fenske to approve the CD#62 bill in the amount of \$816.10. Fenske - I know this is a payment made by the City of Marshall, but I would be questioning this. Jorgensen - I think this was based on time and cost, not a percent. All voted in favor.

Jorgensen - Need to consider renewing the indirect cost allocation contract. This contract is with AMC. They determine how much time the County spends on welfare support etc. then it is billed back to Region VIII. So we get reimbursed for some of our time from Federal sources. Goodenow moved, seconded by Buysse to approve renewal of the indirect cost allocation contract with AMC. All voted in favor. Buysse - Do other counties get reimbursed? Jorgensen - Not as much as we do, because Lyon County acts as the fiscal agent.

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Jeanine Barker, County Recorder, met with the board to discuss a possible staffing adjustment. Barker - The MN Department of Health would like us to participate in a program in which we would enter Birth Certificates into the computer to be used in a network system. This would enable someone who was not born in Lyon County to obtain their birth certificate here. At the present time, you must get your birth certificate from the County you were born in. We would be compensated 40 cents per entry. This project is set to begin in January of 1999. They feel this will be an 18 month project. I feel more realistically it will be a 24 month project. Other counties that I have talked to are not meeting their goals. The software will be provided by the Department of Health. I felt my options were: 1- not to participate, 2- hire someone from one of the staffing agencies, or 3- use my own staff and increase my part-time person to full time for the duration of the project. I believe we should participate because in the long run it will have to be done anyway and we will be providing a service for people. Hiring someone else means training and trying to find space for them, then we run into the accuracy factor. The best option I think we have is to extend my part-time person to full time which would mean she would work eight hours more per week. She has worked here for nine years and knows the office and the job. I would not have to worry about training and accuracy. It would cost Lyon County extra money to do this because she would have the choice to take insurance for the duration of the project. I am not sure she will opt to do this. My recommendation is to participate in the project and to extend the hours of my part-time person to full time for the duration of the project. I feel this project may move onto other things such as death certificates and divorces also. Fenske - The person right now is not receiving any benefits because they are part time? Barker - Correct. Insurance has not been a factor for her in the nine years that she has worked here. Fenske - This person understands that this is only for the duration of the project and that after the project she will go back to part-time unless it is approved to stay full time or another project is approved? Barker - Yes, she understands this. Buysse - Is this person willing to go full time? Barker - I gave her the weekend to think it over and she would be willing to do this. Jorgensen - I think in the long run, though the County may have to put in some money, we will be providing a service and that is what people want. Barker - It is possible she may not even opt for the insurance then there would be no concern about money because the Department of Health would cover all the costs then. Fenske - If this is not done, will the State just come in and do it and charge us? Barker - I don't think they can charge us, but I believe they are in the same fix we are with the cost and accuracy problems. Buysse moved, seconded by Gladis to approve extending the hours of the part-time person in the Recorder's Office to full time status for the duration of the project for the MN Department of Health (about 24 months) starting January 1, 1999. All voted in favor.

Landfill Vouchers were presented. Discussion on DeVries property and when county takes possession. Vandelanotte moved, seconded by Gladis to approve the landfill vouchers. All voted in favor.

Henriksen - Kirby VanNote from SEH is here, we have had a problem with the permitting. The MPCA came back and said we don't have as much capacity as we thought. We need to get a new five year permit within the next two years so we can start construction. VanNote - Two years ago we started this process. Now we need to do an E.A.W. and modify the drawings. The worst part of this all is the time delay. We need to get started right away with the E.A.W. Fenske - If they wouldn't have changed, could we still have built? VanNote - Yes. Fenske - What is the reason for the change? Henriksen - The only thing I can see is that they are including the original fill which was never included before. In all the plans that I have submitted in the past this was not included and they never said a word. Jorgensen - Did Lyon county ever get legal notice from the MPCA or OEA. Henriksen - Not as far as I know. VanNote - This is consistent with how they are interpreting all the landfills. Jorgensen - Should we get our State Legislators involved now? OEA and MPCA do not want landfills. Henriksen - I requested a letter for step by step instructions for getting the C.O.N. from us and the other counties. Fenske - We want to get our legislators involved. Make sure that Art Dunn's signature is on the letter with the instructions. Jorgensen - We have learned from the Cottonwood case that the MPCA and the OEA do not work with you. Henriksen - The issue to go after and try to get rid of is the C.O.N. Jorgensen - Do we need to prepare ourselves now for the possibility when the MPCA and the OEA say no? VanNote explained the SEH proposal further. Discussion on shredding. Fenske - Does the merger with RCM change things? VanNote - Not as far as this goes. As far as the proposal, we need to get started on this E.A.W. right away. Vandelanotte moved, seconded by Goodenow to approve getting started with the E.A.W. for the permitting process at the landfill and that expenses will not exceed what is outlined in the SEH proposal. All voted in favor.

VanNote - The cell is complete and we are trying to finish the closure. We are pushing them a little. There have not been too many problems so far.

Henriksen - We need to renew the contract between YMC and Lyon County for the services from our office. The only change is the end date. Vandelanotte- How much time do you spend? Henriksen - We have spent about 400 hours, but that is not all my time. Fenske - Is the work done here? Henriksen - Yes, a lot of it is. Fenske - I have heard they are pleased. Jorgensen - Does \$25 cover the cost? Henriksen - If you average it out, yes. Gladis moved, seconded by

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Vandelanotte to approve the Joint Powers with Yellow Medicine County for Solid Waste Program Services for 1999. All voted in favor.

Henriksen - Albert Kerkaert brought this form into me that needs to be signed for the FSA. He farms the DeVries land. Vandelanotte - This is just an owner/renter form which he needs signed to qualify for programs since he is farming the land. Henriksen - After December 1, we can sign because that is when we take possession. We can also sign to have him farm it for at least one more year. Fenske - We would cash rent to him? Henriksen - Yes. Goodenow - Do we want to farm it? Jorgensen - For next year that would probably be the best thing to do. Goodenow - Come Spring, I would assume we would be getting the junk machinery out of there. Henriksen - At the landfill, we will take care of the weeds. Jorgensen - I approached SWCD as far as what we need to do for wetland restoration out there and they have not gotten back to me. Henriksen - I also asked them what we need to do to take the wetlands out of the landfill and I have not heard anything on that either.

Henriksen - We hired Roger Schroeder for the Environmental Specialist position. He currently works for Public Health. Goodenow - Background? Fenske - He is a graduate of Bemidji. Henriksen - He has background in biology and I believe he will do a good job. Discussion on how job will be divided between Planning and Zoning and Environmental. Henriksen - For the environmental part, it will be regional. Fenske - How long will the position continue. Henriksen - At least until the grant runs out.

Henriksen - We had about \$4000 out of the HHW budget that we could give back to the other counties. For the past couple years, we have been able to give back \$5000, but some costs are creeping up. What we do with this is deduct their portion from their bill for disposal costs. Buysse moved, seconded by Goodenow to credit each county in the landfill a portion of the extra \$4000 from the HHW budget. All voted in favor.

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

General Revenue Fund	\$292,050.92
Road and Bridge Fund	\$24,798.40
Landfill Special Revenue Funds	\$98,531.36
Water Projects - Special Revenue	\$891.00
Ditch Fund	\$10,453.72
Sinking Ditch IV	\$750.00
Total	\$427,475.40

County Revenue	\$44,890.50
Capital Proj.	\$246,754.02
Building & Impr.	\$406.40

Beginning Warrant Number: 321893; Ending Warrant Number: 322020.

Jorgensen - The Fifth District Juvenile Detention Committee is meeting Monday, November 23 at the Hickory Inn in St. James. I believe that the agreement will be made that Nobles County will get the rest of the money. I think they just want to finalize everything. Goodenow - I will rearrange my schedule and attend.

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

Vandelanotte	- \$185
Fenske	- \$195
Gladis	- \$50

All voted in favor.

Jorgensen - At the last meeting, I gave you all a copy of the full budget. That will need to be approved by the end of December anytime after the Truth-in-Taxation hearing.

Commissioner Reports:

Gladis - I had a restorative justice coalition meeting and the legislators will be coming in to talk to us. The coalitions big project—Teen Court is up and running. At the group home meeting we talked about adding another full time person. They have had some staffing problems, the problem is the cost. We decided to try another full timer for one year and see how it goes. At the fair board meeting, we got the final report which showed a \$10,000 loss this year, (basically on the main event). I talked to the board about the Heron Lake Environmental Bus at the fair and maybe taking a portion of the money that we would allocate to them and use it toward what it would cost to have it at the fair. The board liked the idea. I talked with LeRoy Johnson and he thought the consolidation of the Tracy ditches was a good idea.

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Vandelanotte - I was in New Ulm for the Mn River Basin meeting. The feedlot inventories need to be done. Jorgensen - I checked with AMC and there is no statutory requirements to have this done. Vandelanotte - They are trying to find out where the pollution is coming from so they need a feedlot inventory. Steve Hanson is pushing. RCRC is starting to pay attention. There needs to be more cooperation between all the water boards.

Fenske - On November 4 the Regional Solid Waste Commission which I am a member of met at Lyon County's HHW site. At some point we need to decide what we are going to do. This facility is too small. Thursday we have the retreat. I apologize that I will not be able to be there.

Buysse - At the WESCAP meeting, they discussed the M.A.T. bus. They have been running it for about one year now and they will be about \$6,000 short for running it next year. They said they will drop it if they can not come up with the money. The Area II policy we discussed at the last meeting is now titled Area II guidelines so it is not going to be a policy.

Buysse moved, Gladis seconded motion to adjourn meeting until Thursday, December 3, 1998 at 9:00 A.M.

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Robert Fenske, Chairman

Attest:

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Mark R. Jorgensen  
Lyon County Administrator