

LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY COURTHOUSE, MARSHALL, MN  
December 3, 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.

Vandelanotte moved, seconded by Gladis to approve the minutes for JD#15 L&R Impr. hearing on October 26, the regular board meetings on November 3 and 17 and the November 17 Special Board Meeting to discuss the Five Year Road Plan. All voted in favor.

Ditch Vouchers were presented. Discussion on Wendland-Timmerman bill for CD#7. Fenske - Is there enough money in CD#7's account to pay this? Hammer - No, I do not believe there is. I recommend holding off on this one. Vandelanotte moved, seconded by Buysse to approve the ditch vouchers excluding the Wendland-Timmerman bill for CD#7. All voted in favor.

Hammer handed out a map to help with the discussion on CD#7 with Joe Matthys. Matthys - A private tile that I had was destroyed when the construction of CD#7 was going on. They thought it would be all right and drain just fine, but it isn't. There is a big ridge so it keeps the water a little farther North and it appears that the seepage does not go away. It was 6" cement tile. Vandelanotte - This was private tile? Matthys - Yes, it was private. Hammer - There is surface drainage from North to South. There is a big hump there and it does not drain very well. Matthys has tried to fix it, but really can't. Fenske - How do we handle this? Hammer - I could get a recommendation from the engineer. Vandelanotte - Can we hook county tile into private? Hammer - Through construction, the private tile was destroyed and should be put back to the way it was. Gladis - How long before we would have a recommendation from the engineer? Hammer - I think within a week. Fenske - Since the damage was caused during construction, can we just authorize replacement? Matthys - If it is replaced it should be moved North a little. Buysse - Did it work before? Matthys - Yes. Vandelanotte moved, seconded by Buysse to repair the private tile on Joe Matthys's land to what it was before it was destroyed in the construction of CD#7 improvement and to move it North a little. Fenske - Can we do this? Jorgensen - It is just like any other project that the County is involved in, when something gets damaged due to construction the County fixes it back to the way it was. Matthys - I have a tiler coming to do some other work so I could just have him do this also. All voted in favor.

Hammer - I have a recommendation from the Planning Commission to accept the changes made to the zoning ordinance. Included in this are that appointments will run from February 1 to January 31. Goodenow - I have a problem with the wording in "E" on page 136. We had changed the language and it is changed back. The way it is right now, it says that no elected official can be a voting member of the board. This totally eliminates the possibility. Gladis - I was going to bring that up also. Goodenow - I know that is their preference. Buysse - I believe it is good the way it is. Jorgensen - The biggest problem I see with this is if someday someone wants to change it, there would have to be a public hearing to change it. Fenske - I think deleting the first seven words in paragraph "E" on page 136 would take care of it. Then it would state that only one county employee could sit on the board. Gladis - I would have to agree. Discussion on Commissioners being considered employees. Hammer - The Commission feels that since the board appoints the members, that in a sense is their vote. Goodenow - After looking at it, I would agree that dropping off those first seven words would do. Buysse - When I first served on the Planning and Zoning Board, the head of Planning and Zoning (not Hammer) ran the whole show. Whatever he said, the board did. Vandelanotte - At that time, there were no feedlot controversies. Goodenow - Do we have to have a public hearing? Hammer - That has been done. Goodenow moved, seconded by Gladis to adopt the Planning and Zoning Ordinance revisions for Article 22 (Conditional Use), Article 24 (Land Use Permits), Article 25 (Planning/Zoning Administrator/Planning Commission) deleting the first seven words of paragraph "E" in Section 25.4 and Article 26 (Board of Adjustment). Gladis - Is a moveable shed considered a building that needs a permit? Hammer - Yes. The permit is \$20. Jorgensen - Let the Planning and Zoning Commission know that the board is not trying to stack the Commission with elected officials. There intent is to leave it the way it is and just have this option open for extenuating circumstances. All voted in favor.

Gladis moved, seconded by Vandelanotte to repeal the existing Planning and Zoning Ordinance, to make the changes, and allow the Chairman of the Board to sign the repeal. All voted in favor.

Goodenow - I just wanted to point out that on December 8 we have the appropriations meeting at the same time as the Planning and Zoning meeting. At the Planning and Zoning meeting they have the feedlot ordinance and the Marshall Flood Control on the agenda. These are two issues that I would like to be in on the discussion. Hammer - Concerning the Flood Control Project, I sent a letter to the City of Marshall in March stating the information that I needed. Since then, I have received all that information. Jorgensen - January 15 is set for the condemnation hearings. The Corps of Engineers have found additional money for the project. Construction is set to begin in May or June. There are a couple who will be going through condemnation. Gladis - After they started dealing with the landowners directly instead of through a third party, things went better.

LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY COURTHOUSE, MARSHALL, MN  
December 3, 1998

Hammer - There are some personal issues, but you will never satisfy everyone. Jorgensen - It has been a long process, but taking the time has paid off and everything seems to be working out.

Discussion on Klein Addition.

Hammer - I have been contacted by several city administrators with concerns about the feedlot ordinance. They believe the ½ mile is not enough. Gladis - Can the cities enforce their own? Hammer - They would have to annex the land. Fenske - How far do they want? Hammer - They really have not said. Jorgensen - Were the cities involved in the process? Hammer - Yes, I called them and let them know what was going on and when the meetings were. Gladis - But there was no feedback at the time? Hammer - No.

Hammer - For JD#9 the viewers have some recommendations. It looks like they will recommend that everything be abandoned except Branch #11.

Hammer - They are working on CD#40 now.

Jorgensen - I received a fax from the YMC attorney yesterday, at least his name was on it, stating that they would like to cancel the joint meeting on the 8<sup>th</sup>. The fax stated that they did not see any reason to meet because a decision on the appeal should be made within 30 days. Maes - I tried to call Kramer yesterday, but he was not in. Goodenow - I do not think we should cancel. Jorgensen - At break I will call the YMC Auditor and let them know that you do not wish to cancel.

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

Voigt - As far as the loan, since the agenda went out we had a tax settlement come in, so for now I won't have to ask for a loan.

Voigt - I have the final contract here for the water retention project north of Balaton. This is the project where we pulled the pipe and reconstructed. This project was primarily covered by FEMA dollars. Gladis moved, seconded by Buysse to approve the final contract for the project north of Balaton. All voted in favor.

Voigt - Need to approve the resolution for the Five Year Road Plan and the resolutions for the Deficient Bridge Replacement Program. Goodenow - Is there a plan as to what the transportation system should look like in ten years or so. Voigt - Yes, there is a long term plan. Discussion on roads. Voigt - I will be getting proposals to you in the near future concerning some of the roads that you will need to consider. Buysse moved, seconded by Goodenow to approve the Five Year Road Plan Resolution (on file at the Auditor's Office). All voted in favor. Vandelanotte moved, seconded by Gladis to approve the resolution stating that Lyon County has a deficient bridge replacement program in place. All voted in favor. Gladis - On the stretch where there are three bridges are you still thinking about having only one? Voigt - Yes, I am working on that now. Buysse - Westerheim Township is talking about having a hearing to close the road where one of the bridges is located. Voigt - Do you know when it is? Buysse - No, I told them to keep in contact with you. Voigt - I will give them a call.

Voigt - Just to let you know. We have gone through the interview process to replace LeRoy Hebrank who is retiring at the end of the year. We have made an offer and are waiting to hear back. Goodenow - How many applied? Voigt - Thirty-seven, but there were only ten or twelve that were really qualified.

Vandelanotte - The grass in Cottonwood is growing. Voigt - I know and it will probably be winter killed so we will probably be back. Buysse - Are you working on more retention structures? Voigt - Yes, four or five.

Members of the Soil and Water Conservation District Board and Rose Anderson met with the board to discuss appropriations. Ray Trane thanked the board for allowing SWCD to be on the agenda and explained that they would be unavailable to come to the scheduled appropriations meeting. He introduced two other board members – Steve Prairie and Otto Nyquist. Trane - At SWCD, we believe it is our role to assist the County Board in anyway we can. This year we will also have technicians from RCRCA in our office. I will now turn things over to Rose Anderson. Anderson - The board and I spent several hours going over the budget. We have applied for grant funds and there is no increase in payroll except what normally happens. We had a substantial increase in rent. Fenske - I see there is an increase of 59% in trees. Is there an increase to services provided? Do the landowners pay? Anderson - The landowners pay us for the trees. The time our staff spends helping put the trees in is what it costs us. What it costs us to do it, we get back. Goodenow - My concern is that in the last two or three budget years, we have been generous. I find it ironic that the \$10,000 that was extra last year for one time expenses is built into the budget this year. Anderson - I believe if you subtract the \$10,000 extra for 1998, it would be very close to the budget for 1997. Fenske - You are asking for a 17.1% increase from last years. I believe this will be very hard to justify. Anderson - The rent going up last year was

LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY COURTHOUSE, MARSHALL, MN  
December 3, 1998

unexpected. For the last ten years we have been going backward. The State is telling us we need four to five months in reserve. We did get a small increase from the State. The State gives us funds, but feels the major burden lies with the county. Fenske - There is no requirement that you keep a four or five month reserve. Do you charge for any of the services you provide? Anderson - The majority of them we can not charge for. We could charge over and above for the wetland work and survey work. I am not sure how the people would feel about that. Fenske - I would assume that most people would expect that you are already charging. I would also assume urban areas do not receive near as many services. Anderson - We have been working with Tracy on a waterway project. We have worked with Marshall on stream bank stabilization and we are now working on a township project. Fenske - How much do you have in reserve? Anderson - \$21,000. And right now the State is strongly recommending that we have more of a reserve. Fenske - How is the checking account? Anderson - At the end of the fiscal year in June, we had \$16,000. Gladis - Are the tree projects for 1998 pretty accurate? Anderson - Yes. Gladis - In 1999 with your projections, you should have about \$3,000 more in sales on trees for 1999. Anderson - This is only a projection. We do not try to undercut private businesses, so we charge the going rate for trees, so a person could elect to get them from somewhere else. Ray Trane - Some counties have purchased no-till drills and are making quite a bit of money. In this area there are businesses that do this and we did not want to be in competition with them. Anderson - There would also be extra expenses involved with doing that. We have talked about whether we are a service or a business. Steve Prairie - I have been trying all my life to do more with less and I am impressed with what the Soil and Water does because they do a lot with the little they have. Discussion on administrative costs. Fenske - If we take out the capital outlay it would be about a \$69,000 appropriation for the year which is a twelve percent increase. Ray Trane - Thank-you for fitting us into your agenda. Fenske - After the other budget presentations, we will let you know what we decide. Anderson - In the information that I sent to you, I included all of our phone numbers so if you have any questions, please call. Fenske thanked them for coming.

Meeting recessed.  
Meeting back to order.

General Revenue, Special Water Projects, and Sinking Ditch VII vouchers were presented. Jorgensen - I can see one thing that needs to be changed. My registration fee for the AMC conference needs to be moved out of Commissioners into Administrator. Discussed temporary staff charge for maintenance. Vandelanotte moved, seconded by Gladis to approve the general revenue, special water projects, and sinking ditch VII vouchers. All voted in favor.

General Revenue Fund	\$89,928.70
Road & Bridge Fund	\$12,411.64
Landfill Special Rev. Funds	\$207,344.37
Water Projects-Special Revenue	\$75.00
Ditch Fund	\$3,289.32
Sinking Ditch VII	\$1,950.55
Total	\$314,999.58

Beginning Warrant Number: 322143; Ending Warrant Number: 322259.

Jorgensen - The Lyon County Sheriff's Department has been awarded a grant for three portable defibrillators. They will go in the squad cars. Gladis moved, seconded by Vandelanotte to accept the grant for the defibrillators for the Sheriff's Department and authorize Sheriff Stokke to sign it. All voted in favor.

Jorgensen - The Yellow Medicine River Watershed District has been awarded the feedlot challenge grant in the amount of \$11,600. Lyon County is the local sponsor. The money will come here and it will then be sent to them. Buysse moved, seconded by Vandelanotte to accept the grant described above. All voted in favor.

Jorgensen - Here is the official agreement for Lyon County to take ownership of the show arena at the fairgrounds. This is so it can be insured. Buysse - We paid to build it? Jorgensen - 4-H actually built it with donations. There has always been a question as to who owns it, but it was assumed it was owned by the County, this document states that Lyon County is the owner. The only buildings that the County does not own at the fairgrounds are the Holy Redeemer Food Stand and the Hockey Arena. Vandelanotte moved, seconded by Goodenow to approve the agreement declaring Lyon County the owner of the show arena. All voted in favor.

Jorgensen - The City of Marshall is going to modify their Tax Increment Financing plan. As a result of the construction in the Industrial Park, they need to have some wetlands. They will be purchasing a parcel behind Union 76 and it was not included in a TIF district. They want to pull this in so they can expend TIF dollars on it. There will be a public hearing on December 21, 1998 at 7:30 at City Hall. This is your official notice. Buysse - Are there wetlands back there? Jorgensen - No, but they were at one time and they are planning on making them back into wetlands. Goodenow - Will they annex the Union 76 in also? Jorgensen - Ultimately they will annex. Discussion on tax dollars lost. Jorgensen - The long range plan is that some will be used

LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY COURTHOUSE, MARSHALL, MN  
December 3, 1998

in development in the future. Goodenow - Do we need to respond? I think we should send a letter stating we have no objections. Jorgensen - I'll draft a letter for Fenske's signature.

Jorgensen - Need to renew the dental insurance. The rates will be going up 28%. I had our agent do an informal bid process. Apparently Sun Life, our former provider, had been under bidding the dental so they could build a business then sell it, which is what they did. So we are actually seeing the true rates now. Buysse moved, seconded by Vandelanotte to renew the dental insurance with Ameritas. All voted in favor.

Jorgensen - The wetland banking plan for our portion of the Black Rush Lake project has been approved.

Jorgensen - I sent a letter to LELS asking them to waive mediation dealing with the Columbus Day Holiday and to go straight to arbitration. Goodenow - Has the back salary been paid?

Jorgensen - Yes, our consultant said to pay it. Fenske - Have you talked to Smythe? Jorgensen - Yes, he said to request to go to arbitration.

Jorgensen - You all received a copy of the schedule for interviews for the board appointments. I only set up interviews for the boards that had more than one applicant. Discussion on Public Health Advisory Board. Goodenow - Maybe we could appoint three people. There is nothing stating that two commissioners need to be on the Public Health Advisory Board. Fenske - I am very pleased that we had such a good response. Goodenow - For planning and zoning it would be helpful to have a map with the locations of their homes. We should try to get a person from each Commissioner District. Jorgensen mentioned interviewing Harlan Magnusson.

Per Diems were presented. Goodenow moved, seconded by Vandelanotte to approve the per diem for Gladis in the amount of \$115. All voted in favor.

Jorgensen - I gave you all a copy of the floor plan for the Third Floor of the Courthouse. As you can see, it is better than the last one. There is a lot of useable space left. Now the architect will go back and get a cost estimate. I will begin to negotiate rent. Discussion on Commissioner Room Use.

Landfill Vouchers were presented. Henriksen - I need to add two more — one from Central Specialties and one from the Highway Department. Discuss Joel Carlson's bill and track replacement on one of the CATS. Vandelanotte moved, seconded by Goodenow to approve the landfill vouchers including the bill from Central Specialties for the parking lot and part of the driveway in the amount of \$45,943.70 and the bill for paving from the highway department in the amount of \$82,717.64. All voted in favor.

Henriksen handed out information on the Block Grant. There will be more money available for the septic tanks this year. I gave the information to Hammer. Discussion on well sealing. Buysse - How many have been sealed? Henriksen - Over 200. Henriksen explained the breakdown of the grant. Henriksen - The total grant will be \$37,500. Buysse - Is there accountability? Henriksen - One has sent me information from this year. It is required as part of the grant that we get a final report at the end of the project.

Henriksen - Need to sign the agreement with Albert Kerkaert for FSA. He is currently being charged \$45 per acre for the tillable land that he is renting. Vandelanotte - That is fair for the land. Jorgensen - Paul Stoneberg has gotten calls from some of the DeVries children wondering if they could come and get some of the stuff sitting out there. The county took possession on December 1<sup>st</sup> so Stoneberg told them if they could get in and get it within the next couple days, they could. He also told them that the County planned to get in there right away and clean it up.

Gladis moved, seconded by Vandelanotte to sign the agreement with Albert Kerkaert for the FSA. All voted in favor.

Discussion on the Greater Minnesota Landfill Cleanup Fee.

Maes - There are rumors circulating that the Community Plus Program is folding. I just wanted to let you know that they are not true.

Commissioner Reports:

Gladis - I thought the AMC conference was good. The speakers had a good message though they were not real dynamic. I attended a diversity workshop which was very good. In our area, 25 to 30 percent of the kids in our schools are of different ethnic backgrounds. I also attended a workshop on schools, cities, and counties working together. The one point they made there is to make sure there is a goal and a sunset date.

LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY COURTHOUSE, MARSHALL, MN  
December 3, 1998

Vandelanotte - I thought the conference was good. The new governor wants the same fee for all license plates in Minnesota like South Dakota does. The problem is that in South Dakota they have a personal property tax which we do not have here.

Goodenow - At the juvenile detention meeting, things went smoothly and quietly. The one in New Ulm is under construction. The idea of having a plan for regional development of jail space was mentioned again. The metro counties are going to ask for help so this region might have a chance also. I will be in night class tonight so I will not be able to attend. Tuesday night I would like to be in both meetings. I want the people who worked hard on the feedlot issue to know we are interested.

Fenske - I received a letter from Wellstone regarding the DM&E. He thanked us for the support and was passing a copy on to the Service Transportation Board. Olmstead County talked to me about this and they are still very opposed. Vandelanotte - Rochester and Mankato are leaning toward it a little more. Fenske - Their point was that we did not have the crossing improvements in writing. Jorgensen - Our crossings are set to be improved anyway. Goodenow - Being more rural, we have the advantage of having less crossings, but we need to be able to move our grain. Fenske - I attended a Joint Powers workshop at the AMC Conference. Board approval is needed whenever an agreement is entered into by the sheriff, social service director etc. I urged everyone to vote against prevailing wage.

Discussion on upcoming meetings.

Discussion on retreat.

Buyse moved, Gladis seconded motion to adjourn meeting until Tuesday, December 15, 1998 at 9:00 A.M.

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Robert Fenske, Chairman

Attest:

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Mark R. Jorgensen  
Lyon County Administrator