

LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY COURTHOUSE, MARSHALL, MN
December 15, 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.

Ditch Vouchers were presented. Vandelanotte moved, seconded by Gladis to approve the Ditch Vouchers excluding the Wendland-Timmerman bill for CD#7. All voted in favor.

Jorgensen - I have a resolution that allows the County to get reimbursed from bonding money for any construction costs incurred on JD#15 L&R prior to bonding. This is the same resolution you passed for CD#6. If this is not passed, when the bonding proceeds come in, the County can not be reimbursed for construction costs already incurred. Buysse moved, seconded by Goodenow to approve the reimbursement resolution for JD#15 L&R (on file at the Auditor's Office). All voted in favor.

Hammer handed out a copy of the Conditional Use Permit for the City of Marshall for the Flood Control Project. Hammer - This was approved by the Planning Commission in a motion made by Barker, seconded by Meudeking. All of the members voted for it. Brian Murphy - We would like the wording changed in number three to include permanent easements. We also have a problem with number one dealing with the septic systems. This would actually involve only two septic systems and neither are legal. Hammer - Anything conforming or non-conforming must be relocated. Fenske - Are these systems south of Highway 23? Murphy - Yes. They are running through the Gruhot property. The City has replaced all the septic systems it has encountered, but we question these two. This could potentially cost around \$15,000. They are not even within the project. Goodenow - Are they illegal or non-complying? Hammer - Non-complying. Fenske - Why did Planning and Zoning decide this? Hammer - Partially on a recommendation from me. This is the way the State handles this type of situation. Murphy - I have no problem with the systems being corrected, but they are off of the project area. We will replace part of the pipe. Goodenow - If just non-conforming, they do not need to change unless they are selling the property. Fenske - What will it do to their system if nothing is done? Vandelanotte - It won't work. Murphy showed a map of where the septic systems are located on the Darrell Mercie and George Bouman property. Goodenow - Their property is not in the project at all? Murphy - Correct. It only affects their drain pipe. Goodenow - If we don't do anything at all, we will cut off the pipes and it won't work. Vandelanotte - It is really being caused by the dike. Murphy - If we were replacing the existing system, I wouldn't have a problem. I do not think the city should have to pay for them to have a new complying system. Mike Johnson - We are willing to work toward a solution. If our project was not going on, what would you have done with these? Hammer - I wait for a direct complaint before I go inspect. Jorgensen - Hammer, you do not go around looking for non-complying systems do you? Hammer - No, when the property gets sold or when I get a complaint, then I inspect. Murphy - The City is agreeable to pay the sum of \$5,000 per system upon completion of a valid system on the Bouman and Mercie property. Hammer - I have no problem with this. The owners need to assume some responsibility. Murphy - On #2, the word maintained should be obtained. Gladis - I would feel more comfortable if the property owners were notified right now so I have some feedback before I vote. This is in my district. Hammer - I will try to contact them and we will come back at 11:00 or so with a new CUP typed up. Johnson - What would the County do now that they know about this? Hammer - Nothing. As far as I now, there is nothing illegal, it is just non-complying. Jorgensen - In the overall project, is \$15,000 really a huge amount? Murphy - No, but we don't want others to come and want us to upgrade their systems. Gladis - I think the \$5,000 is a generous offer, but I want feedback from the owners before I vote. Vandelanotte - There are a lot of them in the County that are nonconforming. Hammer - We will be back.

Hammer - I have the 1997 ag inspectors annual report. They came up with a new report for 1997 and it did not include a lot of the expenses for weed control. They add up to a considerable expense. We sent them a letter and asked that it be put back in and it has been for 1998. Vandelanotte moved, seconded by Buysse to approve the 1997 ag inspectors annual report. All voted in favor.

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

Voigt handed out a report on the Access Management for Local Government Workshop.

Voigt - Just to let you know, there will be an open house for the Marshall Area Transportation Study on February 16 from 6:30 P.M. to 8:30 P.M. They will be making recommendations.

Fenske - What about the letter I received from Minneota? Voigt - That is about CSAH #10. I talked with Betty Thompson this morning. A couple months ago, I talked to the contractor about the drop off by the manholes. The subcontractor says that there will be settling during the winter and it will be smooth by next spring. I have my doubts, but I gave the subcontractor the benefit of

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the doubt and told him he would have to come back and redo it if it is not smooth in the spring. Central Specialties, the contractor, sent me a letter saying that they would come back if the subcontractor does not. Betty Thompson was fine with this.

Buyse - Did you hire a new operator to replace Leroy Hebrank? Voigt - We offered the job to Dennis Wambeke who has accepted the job. He will start January 2 with a starting pay of \$11.75 per hour. This is below the midpoint of his range. Buyse - Did you send letters to all who applied? Voigt - The people we interviewed, were notified. Buyse moved, seconded by Goodenow to approve hiring Dennis Wambeke as a General Equipment Operator at a starting wage of \$11.75/hour. All voted in favor.

Jorgensen - I just have a question. Lyon County is not going to have to pay to put the levy back when the bridge on CR#7 is replaced are we? Voigt - I am hoping to do the bridge work before the levy goes in. I have been discussing this with Keith Nelson. On the same subject, I would assume you would just want to grant the city an easement and not sell our right-of-way? Jorgensen - I think that would be the best. I just want to make sure that the County taxpayers do not pay to have the levy put back in. Voigt - When they build their levy, I requested that they not go above the bridge elevation. I think the very top of the levy should match the bridge. Right now I think their plan is to be about six inches about the bridge. Jorgensen - Will it make that much difference? Goodenow - By the time we have a 500 year flood, which that is designed for, everything will be flooded anyway. Voigt - I will talk will Nelson about it, but not make a big deal.

Steve Hanson from the MN River Basin Joint Powers Board met with the Commissioners to give an update. Hanson - We are going after funding from the counties for the first time this year. Hanson handed out information on the Joint Powers Board. He touched on some of the major accomplishments. Hanson - Right now we have seventeen projects in for bidding. The State Legislature wants to see accountability. We have sponsored a number of workshops and the next one will be on bacteria on February 16th or 19th. Hanson also discussed elements that the board will be going to the legislature on. Hanson - It was determined by unanimous vote to keep the Joint Powers Board and that there should be a small amount of dues paid. The State has given us some money, but said in a couple years we would need a monetary match and in-kind would not work. We did a weighted average to come up with the amount of dues that each county should contribute. Invoices have been sent out. Jorgensen - We got ours and it is for \$2,000. Buyse - Is there a base analysis from the past to compare? Hanson - There is not a lot of past data, but we do know that something needs to change. Our goal is to try to improve water quality by improving the economy. The Federal Government is interested in funneling money into watersheds. Gladis - Is this the last year the Met Council is going to fund? Hanson - They had promised three years of funding for administrative fees and 1999 is the last year. They are willing to have us apply for further funding and are strongly willing to fund for the same. We want to lend as much support to local leadership as we can. We will probably be looking for more cost share dollars from other sources for projects. Discussion on the seventeen planned projects. Buyse - It seems that there has been a lot of research, but nothing done. Hanson - I do not totally agree with that, it is just that the research results were not available to the people who needed them. Buyse - You can not clean water until you control it. Hanson - Quantity is an issue. I recently spoke to the Corps of Engineers and they told me that they are willing to help local governments. Fenske thanked Hanson for coming and told him that he could count on Lyon County's continued support.

Don Stokke met with the board for consideration on police car quotes. Stokke - I received two quotes: Marshall Ford - \$17,809 and Superior Ford - \$16,509. These both include the trade of a 1995 with 90,000 miles on it. I recommend going with the Superior Ford bid. They have the State bid. If the bids were a little closer, I could see going local. I called Marshall Ford and they do not want to get stuck with an old car. Gladis - What is the trade-in value? Stokke - Superior Ford's trade-in was \$4,000 and Marshall Ford's is \$2,700. Vandelanotte moved, seconded by Gladis to purchase a police car from Superior Ford for the amount of \$16,509 which includes the trade-in of a 1995 police car. All voted in favor.

Stokke - Would like to raise the out-of-county board from \$50 per day to \$55 per day beginning January 1, 1999. This is in line with others. Discussion. Goodenow moved, seconded by Gladis to raise the out-of-county board for the jail to \$55 per day beginning January 1, 1999. All voted in favor.

Stokke - Would also like to raise the board for inmates on work release from \$10 per day to \$12 per day beginning January 1, 1999. Discussion. Buyse moved, seconded by Vandelanotte to approve raising the work release board payment to \$12 per day. All voted in favor.

Stokke passed out a schedule on staffing needs after combining with the Marshall Police Department. We need to have two dispatchers at a time. I would like to add three more full-time dispatcher positions after the combination. Jorgensen - We have looked over this pretty close. To start out with, Stokke has a good plan and getting three more dispatchers would be good right now. There may be a need for a fourth in the future. Goodenow - Is this in the budget for next year? Jorgensen - Yes, three positions were put in. This is not only a result of combining,

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dispatching is becoming more specialized. We are beginning to find that it is not easy to be both a dispatcher and a jailer. Buysse - All the dispatchers will be Lyon County? Stokke - Yes. Jorgensen - I recommend approval of adding the three new dispatcher positions after the transition. Goodenow moved, seconded by Fenske to approve adding three full time dispatcher positions and approve hiring after the transition is made and the time is appropriate. Goodenow - Is there a target date? Stokke - No. Jorgensen - It depends to a certain extent on construction. All voted in favor.

Stokke handed out a copy of information from the consultant. Stokke - The dispatch center is going to have to be moved temporarily while construction is going on inside. Some of the equipment will need to be replaced. Hennepin County has an active contract with Motorola which is good and there is a Motorola dealer in town. Technology has changed a lot since we last replaced any of the equipment. Fenske - When do you need to move ahead? Jorgensen - It depends on how long the Hennepin County bid is good. The coordination has been done and it is time to move ahead. The question is, does the board want to buy off the Hennepin County bid or not? Goodenow - I do not see any reason to bid it out ourselves. Goodenow moved, seconded by Vandelanotte to use the Hennepin County bid for equipment needed at the jail. All voted in favor.

Hammer returned to present the revised Conditional Use Permit for the City of Marshall Flood Control Project. Hammer - I talked with both Mercie and Bouman and they were both acceptable with the agreement. Gladis - I have been supportive of this through the whole thing, but I did not want the landowners to be surprised. Goodenow moved, seconded by Vandelanotte to approve the revised Conditional Use Permit for the City of Marshall Flood Control Project. (on file at the Planning and Zoning Office). All voted in favor.

Mike Johnson - We are proceeding on schedule for acquisition. January 15, the condemnation hearing is set. We are still working to obtain without condemnation. In February, will advertise for bids, in March contracts will be awarded, hopefully start early April or late March. The Corps has come up with an additional 2.2 million for the project. Goodenow - What end will they start on? Johnson - Probably the downstream end, but we are still discussing it. The construction contract is really in the hands of the Corps. We appreciate all of your assistance. Fenske thanked them for coming.

Meeting Recessed.
Back to Order.

General Revenue Vouchers were approved. Jorgensen pointed out the bill for the flu shots. Vandelanotte moved, seconded by Gladis to approve the general revenue vouchers, special projects and sinking ditch III. All voted in favor.

General Revenue Fund	\$89,877.98
Road and Bridge Fund	\$58,069.56
Landfill Special Rev. Funds	\$140,259.89
Water Projects	\$1,409.04
Ditch Fund	\$3,067.74
Sinking Ditch III	\$5,747.50
Total	\$298,431.71

Beginning Warrant Number: 322286; Ending Warrant Number: 322435.

Jorgensen - I have tobacco license applications that need to be approved for 1999. Just a reminder, if the township or city does not have a tobacco ordinance, it is the County's responsibility to license the business. Tobacco license applications presented for approval are the following:

Buysse moved, seconded by Vandelanotte to approve the tobacco license for Bubba's Bar in Minneota. All voted in favor.

Buysse moved, seconded by Gladis to approve the tobacco license for Steele's Service in Taunton. All voted in favor.

Buysse moved, seconded by Vandelanotte to approve the tobacco license for MGT Co-op Oil in Minneota. All voted in favor.

Buysse moved, seconded by Goodenow to approve the tobacco license for MGT Co-op Oil in Ghent. All voted in favor.

Buysse moved, seconded by Gladis to approve the tobacco license for Finnegan's Super Valu in Minneota. All voted in favor.

Buysse moved, seconded by Gladis to approve the tobacco license for Stafne's 66 in Balaton. All voted in favor.

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Buysse moved, seconded by Vandelanotte to approve the tobacco license for the Balaton Municipal Liquor Store in Balaton. All voted in favor.

Buysse moved, seconded by Goodenow to approve the tobacco license for the Countryside Golf Club Inc. in Minneota. All voted in favor.

Buysse moved, seconded by Gladis to approve the tobacco license for CJ's Bar and Grill in Minneota. All voted in favor.

Buysse moved, seconded by Goodenow to approve the tobacco license for the West End Bar in Taunton. All voted in favor.

Buysse moved, seconded by Goodenow to approve the tobacco license for Mike's Lakeside in Balaton. All voted in favor.

Jorgensen - Need approval for the 3.2 liquor licenses for businesses located out of any city limits.

Gladis moved, seconded by Goodenow to approve the 3.2 liquor license for the Saratoga Archery Club in Amiret Township. All voted in favor.

Vandelanotte moved, seconded by Goodenow to approve the 3.2 liquor license for the Cottonwood Country Club in Lucas Township. All voted in favor.

Vandelanotte moved, seconded by Gladis to approve the 3.2 liquor license for Fedde's Service in Amiret Township. All voted in favor.

Fenske - Is there any prior approval from the sheriff? Jorgensen - The County Attorney and the Sheriff have both approved and signed. Insurance has also been checked for.

Fenske moved, seconded by Goodenow to approve the 3.2 liquor license for Tri-State Petroleum in Fairview Township. All voted in favor.

Jorgensen - US Fish and Wildlife has requested that you approve this resolution that basically states that the County Board did approve the easement for the land by the landfill. Buysse moved, seconded by Goodenow to approve the resolution (on file at the Auditor's Office) stating that the Lyon County Board approved the easement to US Fish and Wildlife for the land by the landfill. All voted in favor.

Jorgensen - For Gladis and Fenske, January 15 at 10:30 are the union negotiations. Buysse - Does the cost for the negotiations come out of the Sheriff's budget? Jorgensen - Yes.

Jorgensen - I have two payment requests for the Joint LEC; one from Holm Brothers and one from Meier Electric.

Buysse moved, seconded by Goodenow to approve payment #5 to Holm Brothers in the amount of \$23,108.27 for work on the Joint LEC. All voted in favor.

Goodenow moved, seconded by Buysse to approve payment #3 to Meier Electric in the amount of \$7,505.00 for work on the Joint LEC. All voted in favor.

Goodenow - How is the project doing? Jorgensen - It is pretty much on schedule and budget.

Jorgensen - AMC dues for next year are \$8,367.00 which is up about 1.8%.

Jorgensen - I have brochures from MCIT if anyone would like one.

Jorgensen - I recommend setting up a separate meeting date to finalize the budget and approve appropriations. Discussion. Fenske - We will have a special budget/appropriations meeting on December 17 at 8:00 A.M.

Jorgensen - MCIT presented Lyon County with an Outstanding Loss Ratio Under 50% award for property/casualty in the plan year: 1995-1997. Lyon County was also presented with an Outstanding Experience Workers' Compensation award for experience modification under 1.00 for the plan year of 1998.

Jorgensen - There will be an open house at the Center for Regional Development in Slayton on December 17 from 2 P.M. to 5 P.M.

Jorgensen - Let me know what you decided on board appointments so I can get letters out. Gladis - We had very good candidates. Goodenow - We also need to recognize the people going off the boards as well as people retiring.

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Jorgensen - Need to set a date for the Board/Department Head retreat. Discussion on either January 26th or 28th. Jorgensen - I will check on these and get back to you.

Jorgensen - Region VIII and Public Health have both approached me about early closure on Christmas Eve day. Fenske - Last year we closed at 3:00 P.M. I don't believe there is much business after dinner. Goodenow - It is our understanding that the city offices will be closing early. Goodenow moved, seconded by Gladis to approve closing the County Offices at 3:00 P.M. on December 24, 1998. Buysse - Were there any complaints last year. Jorgensen - The only complaint was that we closed too late. All voted in favor.

Buysse moved, seconded by Gladis to approve the following per diems: Fenske - \$330, Gladis - \$75, Vandelanotte - \$230, Buysse - \$190; and the following expenses: Fenske - \$136, Gladis - \$40.92, Vandelanotte - \$143.39, Buysse - \$89.75. All voted in favor.

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

Henriksen handed out information from the MPCA about financial assurance. Henriksen - We are required to have about 1.7 million in financial assurance which is about \$300,000 less than what we actually have. I wrote to them and requested the \$300,000 back. We take the interest from the account and put it back into the assurance. We would use about half of the money in the solid waste fund and the other part for a financial assurance that Lyon County would control instead of the State. Fenske - The money that this originally came from is the MN Greater Landfill Cleanup Fee. Goodenow - Could we lower our part of the tipping fee? Henriksen - I suppose we could. Gladis - I have a problem with that because I doubt that the garbage service fee would be reduced to the customer.

Henriksen - The gentlemen at the landfill would like to be closed the day after Christmas since it is a Saturday. There are no major haulers coming on Saturday after Christmas. We would advertise to let people know we will be closed. Fenske - I think you should run it on the radio as well as in the paper. Gladis - You should hang a sign at the landfill also. Henriksen - Yes, we always do that. Goodenow moved, seconded by Gladis to close the landfill on Saturday, December 26, 1998. All voted in favor.

Maes - I have heard rumors that the Community Plus Program has folded. This is not true. It has been going for three years. It has been operating with a grant which requires matching funds. The match in the past has been \$10,000 from the City of Marshall, \$10,000 from the County along with \$21,600 in-kind from the County. This program assists the probation agents in providing programming. We were running into a point where it was hard to find work for the juveniles who went through the court system. This program set up a kind of mentoring program for the kids. They learned by working and they used their wages for restitution. We are currently looking for a new coordinator. There is an interim coordinator running the program right now. We will advertise for a new one when we are sure we have the grant. I have a resolution here that states that Lyon County would be the sponsor of the program and it authorizes the Lyon County Administrator to sign necessary documents for the project. I also need assurance that the match will be met for the Department of Economic Security. The City has told me that the \$10,000 is already in their budget. I have prepared a letter to go to the Department of Economic Security stating that the County supports the projects and will contribute the \$10,000 in monetary funds and \$21,600 in in-kind. Fenske - This money is already in our budget. Gladis moved, seconded by Vandelanotte to approve the Board Chairman signing the letter of support stating that the match will be made and that Lyon County will sponsor the Community Plus Program. Goodenow moved, seconded by Buysse to approve the resolution (on file at the Auditor's Office) to expend funds along with in-kind for the Community Plus Program and authorized the Lyon County Administrator to sign the necessary documents for the program. All voted in favor.

Maes - I would like approval to access some of the Criminal Justice Funds for the purchase of five to six digital cameras for use by the law enforcements and for standard size tape recorders. First, the cameras. The ones I am looking at are Sony. They will allow the officers to get photos stored on 3 1/2" disks and can be incorporated within their reports. The pictures have a very clear image. This would make the reports more thorough. These would not replace the 35MM pictures which would be taken also. Goodenow - Would you need a high quality printer? Maes - The ones I have seen are pretty good. If it comes down to using them during a trial, we may have to get a different print out. The cameras are about \$700 to \$800 apiece. Goodenow - Is the camera better than using a camcorder? Maes - In some instances they use camcorders. But you need pictures on paper also. As for the tape recorders, the legislature says you have to tape someone in custody who is giving a statement. The tape recorders that have been used are not of the quality preferred. The ones I am looking at are again made by Sony and are recommended by the County Attorney's Association. They cost about \$135 a piece and we would need about 46 for the entire County. The total needed would be about \$8,000. This would be an appropriate use at this time. Goodenow - Could you cost share with some of the cities? Maes - It would be appropriate to use Criminal Justice Funds for this. I have discussed this with Jorgensen. Jorgensen - There are more

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than enough funds available. Maes - I am requesting to spend up to \$10,000 on these cameras and tape recorders. Goodenow - Who takes care of the cameras? Maes - It is given to the department. Goodenow moved, seconded by Gladis to use up to \$10,000 out of the Criminal Justice Aid Fund to purchase approximately 46 tape recorders and five to six digital cameras to be used by law enforcement in Lyon County. Buisse - Outlying areas? Maes - They will be getting the tape recorders and they will be able to use the cameras if they have the ability. All voted in favor.

Commissioner Reports:

Gladis - I thought we got some good information at the Area II meeting.

Vandelanotte - There are many water boards and nothing is really getting done. At the RCRCA meeting yesterday it was said that more action is needed.

Goodenow - I will miss the meeting on Monday morning. I will be gone for two weeks, but will be back before the first board meeting in January.

Buisse - JoAnn Coover from Yellow Medicine County called and wanted me to make sure and let you all know that it was not their idea to cancel the board meeting. I thought the Area II hydrologist was very interesting. January 7 there will be an Area II meeting here in Rooms 1 & 2. I have been asked to have some coffee lined up.

Buisse moved, Gladis seconded motion to adjourn meeting until Tuesday, January 5, 1999 at 9:00 A.M.

Robert Fenske, Chairman

Attest: _____
Mark R. Jorgensen
Lyon County Administrator