

**UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS**  
LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY COURTHOUSE, MARSHALL, MN  
May 2, 2000

Meeting called to order by Chairman Fenske. Members present: Buysse, Fenske, Gladis, Vandelanotte, County Attorney Maes, and County Administrator Jorgensen. Absent until 10:00 A.M.: Goodenow.

Pledge of Allegiance to the Flag.

Agenda approved as printed.

Vandelanotte moved, seconded by Buysse to approve the minutes from the regular Commissioner meetings on April 4<sup>th</sup> and 18<sup>th</sup>. All voted in favor.

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

Hammer - The City of Cottonwood is putting a new sewer in along Barstad Road and they need to use 300 feet of CD#69 to go underneath and along side. They will be going under the railroad track also. Vandelanotte - Do they have permission to go under the railroad? Hammer - Not yet. Gladis - How deep? Hammer - Judging from the manhole, it will be about six feet under grade. I need to do some repair work in this area anyway so I will try to incorporate it into their project. Fenske - Do we need to take any action? Hammer - No, I don't think so. I just wanted to let you know what is going on.

Hammer - In 1980 there was a plan to put a pond on the corner of Highway 23 and 19. The city is considering finishing the project. I told the City they would have to do the engineering. Jorgensen - I got involved with this because I was at an SSU master plan meeting and it was stated that Lyon County would be interested in this as a retention structure. Buysse - Will there be a cost to the ditch owners? Hammer - No. Discussion.

Hammer - Did everyone get a copy of the State Court of Appeals decision on CD#7/JD#10 case? Everyone said they had.

Hammer - The DNR wants to finish up the Lyons Water Management Project. The only person to be affected will be Henry VanUden. I will be talking with him before we go ahead with anything.

Hammer - The City of Tracy approached me about the consolidated ditches of 10,23, & 36. They would like one bill sent to them for the people within Tracy. They in turn would assess them. I have looked over the minutes and talked to Maes and Jorgensen about this. I also talked with Buysse about the statute and I don't see any problems with it. We will need to determine what the benefits are within the City. The total bill would then be sent to the City. I have not talked to Van Overbeke about this yet, but this would be a good time to do it because the benefits have just recently been re-determined.

Discussion on upcoming meeting on noxious weed control.

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

Fenske - What about this letter concerning D&C? Johnson - We have been holding back money. D&C has not paid the farmers for any of the fencing or borrowed material. I have written D&C a letter. I have also found out they not only owe the farmers, but also Hancock Concrete and R&G which were subcontractors. We are holding back roughly \$20,000, but most of that is for Prinsburg. They had told us that the contractor would probably do this so they asked if we would hold enough back for their portion. They way they have operated previously is they pay the bills after they get another job. Gladis - Whose responsibility is it to make sure they pay? Vandelanotte - Are they bonded? Johnson - They are bonded and it is written in the contract that the subcontractors can go against the bond. We also have it in the contract that we need it in writing if the bills are not paid. Hopefully payment will come once they get a cash flow. We have heard that they have a job that they will be starting shortly.

Johnson - Since Voigt's resignation, I have looked into a couple of the projects that are scheduled for this summer. For the project on the road in Amiret Township that had three bridges, the plans for the bridge are done, but the hydraulics for the culverts are not done. I called around and Hancock will do it for \$550 and I understand that Keith Nelson will review and sign off on projects if he feels comfortable with them. For the Road-in-lieu project in Lynd, I checked with Bolton and Menk and they would cost about \$1,900. I have not checked with Hancock on this one yet. I have also talked with Area II about our water retention projects, Kerry did not see any problem with Bolton and Menk doing the hydraulics for us. She will find out for sure after their meeting on Thursday. Discussion.

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Johnson - There is a drawback for the DCP if that is what you decide to do for CR#33. A public employed engineer must be appointed. Behm is trying to work it out so the district office would have most of the responsibilities. We will have to wait and see what he comes up with.

Johnson - I talked with Isaacson about the ball diamond in Cottonwood and the City Council does not want anything to do with it. I told him we will give them to the end of August to dismantle it. Jorgensen - Someone stopped in with an interest is putting a cellular tower up in that location. Discussion.

Johnson handed out the 1999 Annual Report.

Vandelanotte - Locher Brothers? Jorgensen - Johnson and I meet with the owner of Locher Brothers this afternoon. We are looking at relocating the loading dock. What are your feelings about the project paying for it? Vandelanotte - I don't feel comfortable with the project paying for it. They have been parking there illegally. Johnson - If you start ticketing them, all the others that do it around town will have to be ticketed also. According to the law, if you make the company do anything other than what they are used to doing, the project is responsible for paying. Maes - Maybe you could give them a certain amount of time then start ticketing. Gladis - If you start doing that with them, you will have to ticket the others also. Jorgensen - If we relocate the loading dock, we could put a restriction on that building that says the old loading dock could never be used. Vandelanotte - But they are parking illegally. Discussion. Jorgensen - It will cost about \$60,000 for another loading dock. It would be located off of Superior Road. Gladis - If we would have went the other way and taken part of Schwan's parking lot, it would have cost us a lot of money also. It may have even cost more. So maybe paying to relocate the loading dock is not such an expensive alternative. Buysse - It would be nice to see if they would pay for a little bit. Discussion. Gladis - I think we should just go ahead and pay for it. Jorgensen - We would have an agreement written up by Maes that would say we will pay for the relocation for up to a certain amount and it will be Locher Brothers responsibility for getting it done. Discussion.

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

General Revenue Fund	\$61,601.74
Road and Bridge Fund	\$9,656.85
Landfill Spec. Rev. Funds	\$24,206.80
Water Projects - Spec. Rev.	\$305.00
Ditch Fund	\$130.00

Beginning Warrant Number: 329351; Ending Warrant Number: 329488.

Jorgensen - You need to officially accept the resignation of Steve Voigt. Vandelanotte moved, seconded by Buysse to accept the resignation of County Engineer, Steve Voigt effective April 30. All voted in favor.

Jorgensen - I have been talking with Chuck Pope and he would like us to organize a search committee with myself, a couple Commissioners and R&B employees. Discussion on flow chart that Jorgensen has handed out with a director of public works position.

Mark Goodenow present at 10:00 A.M.

Discussion on what Chuck Pope would do. Fenske - I can give him a good recommendation, he is helping find a director for the RDC. Jorgensen - I will contact him and have him give a presentation to the board.

Ron Halgerson, Group II met with the board to present the proposal for the jail. Halgerson handed out the proposal. Discussion on Rowenhorst's involvement. Halgerson - We will also have a list of jails to go and visit. This will help us determine what to do and not to do. We need a committee to work with our project team. After the programming phase, we will start developing a preliminary budget, then building plans will be formulated and a more detailed cost. Rowenhorst will work on an hourly rate not to exceed \$14,000. In the schematic design phase, we would bring in Kimme and Associates. The proposal will not exceed \$50,000. Fenske - How do we handle this budget wise? Jorgensen - It will come out of the building fund. Goodenow moved seconded by Fenske to accept the proposal from Group II for Jail Planning, Programming, and Schematic Design. All voted in favor. Jorgensen - Is there a Commissioner that would like to sit on the committee? Fenske appointed Goodenow to the committee with Gladis as an alternate. Jorgensen - We will also have the Sheriff, Jailer, Maes, and myself on the committee.

Halgerson showed the latest proposal for the Highway Department/Environmental Offices/HHW. Halgerson - For the highway department we incorporated extra space for office and conference rooms by using one of the shop bays. Three additional bays will be added on to the end of the shop. The Environmental Office and HHW have been incorporated into an addition. There is a

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common entrance for the whole building with a lobby and receptionist area. Halgerson showed the layout and how the roads would be set up. Discussion. Fenske - What about the fuel pumps? Halgerson - The way we have the design right now, the underground tanks would have to be moved. I have talked with D&G and a tank supplier. It would cost about \$35,000 to move them and to purchase new tanks. Fenske - Is the old green shed needed? Johnson - Will need it for cold storage. Discussion on needing a cement floor under the green building. Goodenow - Another option would be to build the cold storage shed at another site. Halgerson - The budget for this project would be \$800,000 and this includes moving the fuel tanks. Fenske - Next step? Halgerson - Need to prepare an agreement. Buysse - Will this be finished by Fall? Halgerson - No, at best there will be a Spring 2001 start. I am also assuming that the highway department will do black topping and other site improvements. I do not have expertise with EPA and MPCA rules. Discussion.

Meeting recessed.  
Meeting called back to order.

Fenske - Maes has received a request from the Cottonwood River Basin for us to consider. Maes - I received a copy of a letter last week asking the County to join in a lawsuit against the City of Marshall or alternatively to bring our own action. I contacted the interested parties to let them know that this matter would be discussed at today's meeting. The letter states that the original agreement was for not more than 1800 cfs to flow through the culverts. They are saying now that 4400 cfs will flow. I would like to hear how these numbers were derived. Fenske - I have gone over this letter a couple times and I have some questions also. DeLanghe - The culverts themselves are capable of holding 4400 cfs, they are too big. We believe it is the County's duty to protect all the citizens, not just the ones in town. Why not solve the whole problem? It is just being pushed to a different spot. DeLanghe explained the amount of water flowing to and from wayside rest and past projects in 1963 and 1969. DeLanghe - The problem needs to be solved not pushed off on someone else. Maes - In 1997 when the county entered into the flow agreement, the numbers were based on a 115-year flood event. Ed Zimmerman - Even more than bringing an action to stop the project, the Cottonwood River Basin would like the assistance of the county to help stop the flooding. Zimmerman explained the Corps numbers from the 70's. Discussion on how County Ditch 70 and Meadow Creek can not hold the water that could come and how full of sediment they are. Jorgensen - Since the early 1990's, Lyon County has taxed residents at least \$100,000 per year for water retentions. The biggest percentages of them have been built on the Cottonwood River Basin. RW22 would have solved a lot of the problems and the Commissioners had little or no support on that. The County Board is extremely committed to water retention. Zimmerman - The people I have talked with have been very impressed with the work the county has done on retentions. I believe if the Cottonwood had it's own watershed district, we would not be here. The lawsuit is necessary because the project poses a threat. The ideal solution would be to keep the water from getting to it. Fenske - I have always questioned why we spent the majority of the money on the Cottonwood, when the Redwood River is what affects the major part of Lyon County. However, we have been told that it is easier to get projects on the Cottonwood. The County Board is committed to water retention projects and I would like to have someone show us where there would be places on the Redwood to put retention structures. Goodenow - The issue is whether we want to be a part of this lawsuit. We represent everyone in the County; we can not be included in a lawsuit that pits one part against the other. DeLanghe - The people are very appreciative of the retention's that have gone in. Fenske - Why not sue the Corps? DeLanghe - Marshall is the sponsor. Gladis - With upstream retention along with the Marshall project, there may be less water. Marshall used to be swampland but so did fifty percent of Southwest Minnesota. The fields drain into the ditches, then into the Minnesota River, then into the Mississippi. Retention structures will have to be built all over. I don't necessarily agree with all of the Marshall project, but hopefully with retention projects, it will work. Zimmerman - We want to stop the project as it is presently because we feel that it will flood and cause extensive damage if there is a heavy rain. We believe that reasonable and prudent alternatives were not looked at. Maes - The Cottonwood River Basin filed an action with numerous counts and for the Cottonwood River Basin, this may be the remedy. From a legal standpoint, I don't see why the County should join in. You are asking the County to take sides and that is not in the best interest of all the citizens. The County Board has and will continue to work on retention structures. Goodenow - What you have asked us to do is to be a part of a legal action and no one in this group wants anyone on the north or south to be affected, but this is a court action, not a discussion on how to make things better. Zimmerman - We are asking you to enforce what you already said when you agreed to the flow agreement. Jorgensen - Part of the resolution was to put in a gauging station and if it goes over 1800 cfs, then the ditch authority shuts it off. DeLanghe - How would you shut it off? Jorgensen - I don't know, that would be decided if it happens. Goodenow - We have already made changes. Jorgensen - This has been negotiated several times. The Board did not accept everything that was said by the Corps and compromises were made on both sides. Fenske - I don't think being in this action is in the best interest of the County. DeLanghe - So you don't care if I am at the mouth of this? Jorgensen - Yes, the board does, that is why they work so hard on retention structures. We hope to never have to worry about measuring the water. Discussion. Zimmerman - I believe that the board does not want the numbers that were agreed on to be exceeded. Vandelanotte - Why not come forward with the plans for the retention's? They

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must be feasible and landowners must be willing to be involved. Fenske - We are looking all the time for water retention projects. Gladis - If there are enough projects up stream, it won't matter what the Marshall Flood Control Project has done. Fenske - We understand your position, but we will not be involved with the lawsuit. Fenske thanked DeLanghe and Zimmerman for coming.

Paula Van Overbeke handed out a notice that there will be a JD#10 meeting on Tuesday, May 9 at 10:30 A.M.

Van Overbeke - We are starting the process for the forfeited land sale. I need approval of this resolution which names all the parcels so it can be presented to Soil and Water and the DNR for approval. Goodenow - Are these all new ones? Van Overbeke - Yes. Goodenow moved, seconded by Buysse to approve the resolution naming the parcels on the forfeited land list (on file at the Auditor/Treasurer's Office). This will be presented to Soil and Water and the DNR for approval. All voted in favor.

Jackie Turner-Lovsness handed out statistics and a brochure about the Lyon County Enterprise Development Corporation. The statistics are as follows:

January - April 2000

CITIES	Total # of Contacts	# of Clients	# of New Businesses Started	# of Existing Businesses Assisted	# Of Potential Business in Development
AMIRET					
BALATON	6	4	3	1	1
COTTONWOOD	4	4		1	3
FLORENCE	1		1		
GARVIN	1	1			1
GHENT	1				
LYND					
MARSHALL	30	22	5	2	19
MINNEOTA	3	2			2
RUSSELL					
TAUNTON	1				
TRACY	3	2			2
OUTSIDE LYON COUNTY*	14	10	2	4	6
<b>TOTAL</b>	<b>64</b>	<b>45</b>	<b>11</b>	<b>8</b>	<b>34</b>

\*Echo, Vesta, Wabasso, Hanley Falls, Walnut Grove, Avoca, Arco, Milroy, Clarkfield, Currie, Ward, Slayton, Redwood

Vandelanotte - I have not heard any complaints. Gladis - It has been going very well. Discussion on statistics. Goodenow - When you help them, do they go to the SBDC for financing? Turner-Lovsness - Yes, I go with them. Just to let you know, my board is full now – there is a representative from each town. I am making my rounds to the city councils and some are contributing that have never contributed. Fenske thanked her for coming.

Landfill Vouchers were presented. Discussion on Joel Carlson's bill. Vandelanotte moved, seconded by Buysse to approve the landfill vouchers. All voted in favor.

Henriksen - I have the contract here for the use of the mobile unit with Nobles County. The only change is picking up from 90-day facilities which does not affect us. The cost for the staff member went up \$1.00. Goodenow moved, seconded by Vandelanotte to approve the contract with Nobles County for the use of the HHW mobile unit. All voted in favor.

Henriksen - I have the lease agreement with Albert Kerkaert. Goodenow - How much rent per acre? Henriksen - \$45. He will be renting 113 acres. Vandelanotte - Who gets the government payment? Henriksen - He does. Vandelanotte moved, seconded by Buysse to approve the lease agreement with Albert Kerkaert. All voted in favor.

Henriksen - I have an agreement here with Renville County. It is the same one that we have with Nobles and Cottonwood Counties. It basically says that if we need to take garbage there or vice versa, it can be done for a period of two weeks at \$45 per ton. Fenske - Renville County is a part of the Solid Waste Commission. Goodenow moved, seconded by Buysse to approve the agreement with Renville County all voted in favor.

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Fenske - Did everyone see the copy of the letter from Darron Grahn responding to the MPCA's charges? It goes to all the other HHW programs. Jorgensen - I have talked with Seifert and Lesewski about this also.

Jorgensen - I have a request from the American Cancer Society to waive the fairgrounds fees for the Relay for Life. Goodenow moved, seconded by Buysse to waive the fees for fairground's use for the Relay for Life. All voted in favor.

Jorgensen - I have the contract here for the SW/WC Service Coop. There is a \$250 membership fee. Gladis moved, seconded by Vandelanotte to approve paying the \$250 membership fee and entering into the contract with the SW/WC Service Coop. All voted in favor.

Jorgensen - I have a payment request from the County Attorney's Office for upgrades of PC's. This will come out of the Forfeited Drug Money. Gladis moved, seconded by Buysse to approve payment of \$4,744.58 out of Criminal Justice Aid for computer upgrades in the County Attorney's Office. All voted in favor.

Jorgensen - I have a final payment request from Meier Electric for work at the LEC. Buysse moved, seconded by Vandelanotte to approve the final payment of \$11,650.92 to Meier Electric for work at the LEC. All voted in favor.

Jorgensen - There will be an open house at the LEC on May 16.

Jorgensen - I have received a couple studies: Faces of the Future and one from the University of MN in Mankato, if anyone is interested in looking at projections for Minnesota.

Jorgensen - The new coordinator for Community Plus has gotten some new information out.

Per Diems were presented. Buysse moved, seconded by Fenske to approve per diems for Goodenow in the amount of \$40, Gladis in the amount of \$65, and Vandelanotte in the amount of \$40. All voted in favor.

Commissioner Reports:

Gladis - I was reading the minutes and realized that I had miss-spoken – there is not a signed contract for the entertainer at the fair, just a verbal one at this point.

Goodenow - I received the information from the AMC meeting. Is there a time line to respond? Fenske - No. Discussion on Nobles County Juvenile facility. Fenske - I have let them know that we would be committed but will be fronting no money.

Buysse moved, Gladis seconded motion to adjourn the meeting until Tuesday, May 16, 2000 at 9:00 A.M.

\_\_\_\_\_  
Robert Fenske, Chairman

Attest: \_\_\_\_\_  
Mark R. Jorgensen  
Lyon County Administrator