

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY COURTHOUSE, MARSHALL, MN
May 16, 2000

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

Pledge of Allegiance to the Flag.

Agenda approved with addition of request to forgive tax penalty.

Mary Dieken met with the board to discuss the possibility of forgiving her penalty for paying taxes late. Dieken – I have not been well, I don't have a car, and I have always had my taxes paid on time. I thought my relatives had taken care of it. Fenske – Have you paid what you owe yet? Dieken – Not yet, because of the penalty. I could not believe it was so much. Fenske – The penalty is based on a percentage. Goodenow – When were they due? Van Overbeke – Yesterday. The total amount owed for taxes is \$2,440 and the penalty is \$74.02. We did have extended hours yesterday and two envelopes were included with the tax statements which were sent out the end of March. Minnesota statute states that the day after taxes are due, a penalty must be assessed and the only way it can be forgiven is if the County Board of Commissioner forgives it. Discussion. Dieken – I have been in the hospital and I have not been able to live on my own. My daughter is sick with cancer and I have just had a lot on my mind. When I got out of the hospital, someone had moved all my stuff to Boulder Estates without my knowledge. I have always paid my taxes on time, I have never been late. Vandelanotte moved, seconded by Buysse to forgive Mary Dieken's tax penalty in the amount of \$74.02. Buysse – We have not done this in the past, but these are extreme circumstances. Gladis – Unfortunately, I believe this could open us up to heat from prior actions that we have taken. Fenske – You do have the option to mail it in. Van Overbeke – We do have ACH direct payment available also. Voting in favor: Goodenow, Buysse, and Vandelanotte. Opposed: Gladis and Fenske. Dieken – I thank you. Fenske – Normally the board would not do this, but these were extenuating circumstances. Dieken thanked the board again.

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

Discussion on Conditional Use Permit Denial for Jerry Lupkes. Hammer – At the last P&Z meeting, the P&Z Board recommended denying a CUP to Jerry Lupkes to remove more than ten cubic yards of material on steep slopes within the shore impact zones on Lake Yankton. They denied because of a letter from the DNR that stated it would be too disruptive and there are other alternatives for access. Lupkes – I have the last couple of lots on Lake Yankton and would like enough space to get my dock down there. Lupkes handed out pictures of what the existing shoreline looks like and a computer generated image of what he would like to do. I want to clean up the shoreline. Gladis – The permit was denied because of what the DNR said? Lupkes – The DNR does not want the shoreline changed. I understand their opinion, but the erosion is bad there and will only get worse. I just want to save the shoreline. Fenske – What does it mean on the denial that access can be made through Lot 8? Hammer – Lupkes owns half of lot 8. Gladis – What is ten cubic yards? Lupkes – A dump truck full. Goodenow – How many cubic yards would you be taking? Lupkes – Chuck Rupp has been out and looked at it and said it would be more than 10 and less than 100. It would be pretty hard get an exact amount until you actually get out there. Goodenow – It would amount to about ten feet of the 260 feet of shoreline. Discussion. Goodenow – I think Planning and Zoning is trying to be consistent and when a stairway could be used, it would be better than leveling. Lupkes – All efforts will be made to keep the trees. Fenske – What is your plan for the slope? Lupkes – I am going to grass it. I will work with Hammer on everything. If he does not like something, it will change or stop. Hammer – I think the project can be done by moving forty or fifty cubic yards and maybe using some retaining wall. Goodenow – Do you have a definite plan? It would be easier to approve if you do. Vandelanotte – If we approve fifty-five cubic yards, would that be enough? Hammer – I believe so and I would also make the recommendation that the dirt only be moved on Lot 8. Gladis – Is the township doing anything on the road? Lupkes – There are lanes staked out and they are getting estimates. Vandelanotte – That tree in the picture is going to fall in and take a lot of dirt with it. Lupkes – I am going to try to save what I can, but I don't know if I can save that tree. Jorgensen – Are there any general stipulations that go along with this? Hammer – All mulching, seeding, and sodding goes on at the same time. Goodenow – To minimize erosion. Lupkes – I guarantee this will be done right. Goodenow moved, seconded by Buysse to approve the CUP for Jerry Lupkes to remove more than ten cubic yard of material on steep slopes within shore impact zones in Rock Lake Township with stipulations as stated in the permit. Discussion on how Hammer keeps track of the CUP's. All voted in favor. CUP is attached.

Discussion on CUP denial for Seth Dreckman to remove more than ten cubic yards of material on steep slopes within shore impact zones in Rock Lake township. Hammer – There is a little ridge at the top of the shore that he wants to remove, but Planning and Zoning felt that they did not have enough information. I would like to work with the landowner on this. Goodenow – If we had more information, I think it would make a difference. Fenske – Can we wait until we get more information before we deny it? Hammer – I am going to try to get together with the landowner, so I would rather wait until the next meeting. Goodenow moved, seconded by Buysse to table the decision on the denial of the Dreckman CUP. All voted in favor.

Buysse – Anything further on the Tracy ditch assessments? Hammer – I have talked to Van Overbeke, and we are going to go ahead with it.

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Hammer – JD#10 is going to appeal to the Supreme Court. Discussion.

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

Johnson – I have two detour agreements that need to be approved. The first one is for the Highway 19 detour. The State estimates that we will receive \$12,540.86. Fenske – How do they come up with the amount? Johnson – After they are done with the project, they will have traffic counts and they take other things into consideration. It usually ends up being higher than the estimate. Goodenow moved, seconded by Buysse to approve the detour agreement for Highway 19. All voted in favor.

The second one is for Highway 14. The estimate is \$7,035.27. Gladis moved, seconded by Vandelanotte to approve the detour agreement for Highway 14. All voted in favor.

Gladis – Shouldn't we have received these before the detour was made? Johnson – We should have, but I just got them.

Johnson – MnDot is building a salt shed. We will be using it along with the City of Marshall. They request that we pay for seventeen percent of the bladder and the bituminous around it up to \$37,000. MnDot is paying for the shed. I have showed a draft agreement to Maes and he had no problem with it. Jorgensen was also given a copy. Jorgensen – It is in the process of being reviewed by MCIT right now. Thomasson – We will have a shed in Russell and Minneota. We have been working with the State in Tracy for the last two years. We are trying to work with the State to get one in Cottonwood also. Jorgensen – Will we always have access? Thomasson – Yes, we have never had a problem in Tracy. Discussion. Gladis moved, seconded by Goodenow to approve the agreement with MnDot for the salt shed contingent on approval from MCIT. All voted in favor.

Johnson – I would like approval to have a bid letting for the bridge in Amiret Township. We would like to go ahead with the bridge project. The plans for the culverts on that same stretch of road are not ready. We will let that at a later date – once Hancock has the plans done. We can not do both projects at once anyway because there is someone that lives in the middle and they would be trapped for about a week. Goodenow moved, seconded by Gladis to advertise for bids for the Amiret Township bridge project and bids will be opened on June 20. All voted in favor.

Johnson – Before Voigt resigned, he had gotten quotes on a color printer for the Highway Department. We budgeted \$5,000 for one and the Cannon came in at \$4,995 and it was the one we liked best. Fenske – As long as it is in the budget, we don't need to approve.

Dennis Healy, Lincoln-Pipestone Rural Water, met with the board to give an update on local projects. Healy introduced Ken Buysse and Bill Ufkin, members of the LPRW board. A copy of the 1999 audit was handed out. Healy – The expansion project plans right now are to complete the funding application this summer. Two new wells are going to be drilled. A water tower and pump station will be put in Minneota and another pump station at Green Valley. We will be going north toward Cottonwood and Hazel Run. We had concerns from YMC on whether we would coordinate with the highway department projects. We intend to work with them when we have the plans finalized. Fenske – If we adopt the right-of-way ordinance, will this affect rural water? Healy – We do have concerns. Our lines are typically beyond the existing road right-of-way. Goodenow – We would like to have them either far enough out so they are not close enough to be affected by projects or within the right-of-way so you would have to pay for moving or replacing. Ufkin – Is there a fee structure built into this? Jorgensen – There is a rumor that Lyon County will be charging for everything. It is not true. The charges for permits etc. will be the same. Healy – We would like to be part of the discussion on this ordinance. Discussion. Healy thanked the board for their time.

Meeting recessed.
Meeting back to order.

Dean Champine, County Assessor met with the board to discuss possible abatement on property destroyed by fire. Champine – This will come up by the end of the year; it could be up for eight months of abatement on the house alone. If nothing is done with the property by next year, could have an abatement for the full year. You can not act on this until December. Goodenow – Do the taxes get paid for this year? Champine – Yes. To qualify, the taxes must be paid. They have filled out the abatement forms. The damage has to be at least fifty percent and unlivable. He said the insurance company has totaled it, so it will probably be considered unlivable. Jorgensen – Has this always been a possibility? Champine – It used to just apply to homestead, but now it also applies to out buildings. Most people that have looked into it have decided not to pursue it, because for the amount they would receive, it was not worth it. You only get an abatement for the months the house is not livable. As soon as it is fixed up, there can be no abatement. The total tax on this particular property is \$680. The reason there could be an abatement for the whole year next year, is that taxes for 2001 are figured on January 2, 2000. This was before the house was burned. He did have a disabled classification on this house, so the tax was lower. The reason I am bringing this to you now is to give you time to think about it. Goodenow – We don't have any choice but to approve it do we?

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Champine --It is up to you, you make the decision. You do not have to approve it. Fenske thanked Champine for the information.

General Revenue Vouchers and Special Water Projects were presented. Fenske – Take note of the \$2,145 to Brown County for prisoner board. Jorgensen – It was for three inmates for thirteen days each at \$55 per day. Gladis – If an inmate has insurance, do we still pay for the medical exam? Jorgensen – I am not sure, I will check. Goodenow – Medical Assistance does not apply when they are in jail. I know AMC has talked about this, but I have not heard anything recently. Vandelanotte – For the autopsies, are they done because of a suspicious death? Jorgensen – I would believe the sheriff along with the medical examiner decide. Vandelanotte – Because if you request one personally, you pay. Discussion. Vandelanotte moved, seconded by Gladis to approve the general revenue vouchers and special water projects. All voted in favor.

General Revenue Fund	\$72,770.11
Road and Bridge Fund	\$33,189.40
Landfill Spec. Rev. Fund	\$20,924.00
Water Projects – Spec. Rev.	\$383.00
Ditch Fund	\$748.18
Total	\$128,014.69

Beginning Warrant Number: 329552; Ending Warrant Number: 329686.

Jorgensen – I received a final request for payment from Meier Electric for the LEC project. It is actually an adjustment. We did not pay the correct amount last time. Buysse moved, seconded by Goodenow to approve a final payment in the amount of \$353.65 to Meier Electric. All voted in favor.

Jorgensen – I request approval for the chair to sign the Joint Powers with the Service Coop for the Health Insurance Program. Gladis moved, seconded by Vandelanotte to approve the Joint Powers with Southwest West Central Service Coop for the health insurance program. All voted in favor.

Jorgensen – There is an open house at the LEC from 3pm to 7pm today, they have made special arrangements for the board to go after the meeting.

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

Buysse	\$45
Fenske	\$75
Vandelanotte	\$115

All voted in favor.

Commissioner Reports:

Gladis – The last library board meeting was in Balaton. They are going to be replacing a little more carpet. Jorgensen – Has internet access been discussed? Gladis – We have looked at it a little, but we have not dug in too much. Now if someone goes onto one of those sites, the computer is supposed to be totally shut down. Then the next person that comes along will have to start over. There is a chance that some of the screens could be seen if someone walks by. We are trying to get some sort of policy in place, but are researching in thoroughly. Discussion on filtering software.

Vandelanotte – I was in New Ulm yesterday for the MN River Basin and things are coming together. The City of Belle Plain gave them a plaque because they cleared up a junk yard that was causing pollution. Lazurus Creek is not going to get the funding. I guess some groups that they were not aware of were lobbying against it.

Discussion on silt in rivers.

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

Henriksen – At the Solid Waste Commission, they talked about a burning ban resolution. One of the members told us that Judge Gross said there must be a resolution on file passed by the county board that lets the sheriff impose a ban. Jorgensen – I looked up the statute and it says anyone with local authority, they county board and the commissioner of DNR. I don't think there is a major problem with the board passing this resolution. This one says that the board gives the sheriff the authority to impose a burning ban whenever he sees fit. Fenske – Does this take away our authority though by how it is worded? Buysse – We could wait a couple weeks. Jorgensen – Then Maes would be able to give some clarification.

Fenske – I received a copy of the letter stating that you withdrew the request for the new cell. Jorgensen – Instead of extending the permit, we are getting a modification to build to current capacity. This will give us another eighteen months to work with the MPCA on issues. Discussion.

Fenske – I got a copy of a letter from the OEA that we got our second payment for SCORE.

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Fenske – Looks like OEA is requiring us to do research on alternatives for solid waste. Buysse – We did this. Fenske – Right and the outcome was that the only reasonable alternative is to landfill. Henriksen – We may be able to use the study and update the numbers. Discussion. Fenske – The MPCA and OEA would like to be done with landfills by 2008. We continue to do battle with them. Discussion. Goodenow – Are you still looking at a shredder? Henriksen – Yes. Jorgensen – Are you still working with Seifert on the CON legislation? Henriksen – Yes. Jorgensen – Time lines on recirculation and shredder? Henriksen – We are recirculating now and the shredding study will hopefully be done by this summer. Jorgensen – SEH has been working on this for a year and it should be getting done by now.

Commissioner Reports Continued:

Fenske – I received a letter from NACO on the deferred comp program. Jorgensen – What NACO had done is pulled all their representatives out of the smaller counties. So John Paden will not be working with us anymore. You can deal with them via 800 #'s or e-mail. I have gotten a group together to look at this. Discussion.

Goodenow – The Restorative Justice Committee met and they are involved with interesting projects. We have a larger number of people on probation because of mental health problems. We are trying to organize them so they have to check in with community health nurses to see if they have taken their medication. Also checking in with Human Services to make sure they have housing. The Group Home is running with ten people, which is full. They have had a lot of turnover. They have a program where the older kids get to live independently and someone drops in once a day to check on them. They have to work or go to school. The problem is that they can't find apartments in town. No one want to rent to the Group Home, even though the Group Home is responsible. There are six people on the waiting list for this program. Fenske – The Group Home pays the rent? Goodenow – Yes. Jorgensen – The Minnesota Tenants Law may be a problem. Is says that the landlords are responsible for their tenants. Discussion.

Buysse – We need to look into the Redwood River east of Marshall as far as its condition. Discussion.

Fenske – Did everyone receive the June survey from AMC? Have some ideas for this and we will fill it out as a board on June 6.

Buysse moved, Gladis seconded motion to adjourn the meeting until Tuesday, June 6, 2000 at 9:00 A.M.

Robert Fenske, Chairman

Attest: _____
Mark R. Jorgensen
Lyon County Administrator