

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY COURTHOUSE, MARSHALL, MN
June 6, 2000

Meeting called to order by Chairman Fenske. Members present: Buysse, Fenske, Gladis until 11:05, Goodenow, Vandelanotte, County Attorney Maes, and County Administrator Jorgensen.

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 May 2nd and May 16th. All voted in favor.

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

Tom Meulebroeck and Wally Wichman met with the board to discuss making the grandstands at the fairgrounds more accessible to the handicapped. Meulebroeck – We are looking at taking out a couple rows in one section for wheelchairs. We are requesting assistance from the County. In the future, the ramps may have to be changed. Jorgensen – Anderson is talking with the STS crew to see if they can make one. So I believe that is being taken care of. Buysse – What about putting some sort of deck beside the ramp? Wichman – That will be pretty far out. The new ramp will go right beside one of the old ones, so that would put them at one of the far ends. This change in the grandstands is going to meet city and state building codes. Goodenow – Is the aisle in front wide enough? Wichman – It is wide enough for wheelchairs to fit through, but not for them to sit there. Discussion. Goodenow moved, seconded by Fenske to approve using up to \$1,000 to make the grandstands at the fairgrounds more handicap accessible. Buysse – When will this be completed? Meulebroeck – It will be completed by the fair. All voted in favor.

Hammer – I contacted the Dreckman's and told them I would like the amount of yardage that they plan on moving. They said they would do that and I have not gotten that from them. Gladis – What do you have in mind? Hammer – I would say 45 to 50. Fenske – Are you suggesting we approve a permit with your recommendations? Hammer – If they would have come back with 80 yards, I still would have said 50. The original request was to move 500 yards to make a walk out basement, and that is just too much. There is a ridge about three or four feet high and ten feet across that they could move so they could have better access to the lake. Fenske – Did they request to remove that ridge? Goodenow – Yes, but they had no idea how much dirt they would move. Hammer – I am surprised they are not here. Discussion. Goodenow moved, seconded by Buysse to table the Dreckman Conditional Use Permit denial until the next meeting. All voted in favor.

Hammer – Stroup has sent in his final bill request for CD#7 in the amount of \$4,632.53. He was the petitioner's original attorney. Maes – He did quite a bit of the work for the declaratory judgement. Did he send an itemized bill? Hammer – This one is not, I don't know if he sent one in the past. Gladis – I would like to see an itemized bill before approval. Hammer – I will request one. Buysse – Do we have the money? Jorgensen – I don't know.

Hammer – Gladis has a constituent on Lake Yankton that has a septic system problem. This particular lot and house was sold in 1996 and the septic system was never upgraded. Lyon County enacted an ordinance in 1995 stating that any property sold must have a septic system that is up to code. The problem here is that we did not know about the septic system because it was not recorded properly. Now the bare lot next to this property has sold and they have built a house and put a septic system in, they discovered that the septic system for the neighbor is actually on their property and draining on their land. Years have passed since the sale and the statute of limitations has supposedly run out. We have a nonconforming septic system on someone else's lot. It is really the previous landowner's responsibility to bring the septic system up to compliance before selling. I have been in contact with all three of the people involved and told the previous landowner it would have been his responsibility. It was not noticed until the neighbor built a house on the adjacent lot. The previous landowner owned both lots. Fenske – This is between the previous owner and the present owner. Goodenow – Our concern is that we have two septic systems that are working correctly and right now we do not. Hammer – I think the owners right now hope that the county would pursue this so they would not have to proceed with a civil suit. Gladis – It is our ordinance, but what is the statute of limitations? Maes – The statute of limitations is two years. So it has run out. Discussion. Jorgensen – You need to figure out what Lyon County's responsibility is. Goodenow – We need to make sure there is a septic system that complies.

Buysse – The meeting for JD#15 L&R was not noticed and there was a motion made. Maes – It was not an official meeting and no action should have been taken. Goodenow – Will need to ratify the actions taken at the next official meeting. 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 wrote a letter to DM&E in response to the information they sent on the closing of crossings. I told them we would like to set up a meeting.

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS

LYON COUNTY BOARD OF COMMISSIONERS

LYON COUNTY COURTHOUSE, MARSHALL, MN

June 6, 2000

Johnson – Also, DM&E will be putting in gates and lights on CR#73 by Tracy and on CSAH#14 by the high school in Tracy. We will be responsible for 10 percent of the cost. The one on CR#73 will have to come out of county budget, but the other one is state aid. We will have to put up the signs and do any road patching when they are done. Maes – What happens if one of the gates is damaged? Johnson – The railroad is responsible. Fenske – What are we agreeing to? Johnson – To pay ten percent of the cost. There have been several accidents at these locations. Gladis moved, seconded by Vandelanotte to approve the resolution (on file at the County Administrator's Office) for lights and guards at the railroad crossing on CSAH#14 by the school in Tracy and to pay ten percent of the cost. All voted in favor. Vandelanotte moved, seconded by Gladis to approve the resolution (on file at the County Administrator's Office) for lights and guards at the railroad crossing on CR#73 by Tracy. All voted in favor.

Jorgensen – Does DM&E want us to call them on a meeting date? Johnson – The way I read the letter is that they wanted input and then they would contact us, but I will call them. Jorgensen – I just want to make sure that we talk to them before they start closing crossings.

Johnson – Area II is requesting assistance from the County to administer a project. Netzke – A private landowner wants to construct two dams on his property. Fenske – Where? Netzke – Section 5 of Sodus Township. Fenske – You want the County to administer? Netzke – Yes, All the paperwork is being done in our office. The County would need to advertise, let bids, administer the funding etc. It should not cost the County anything except for a little time. Discussion. Goodenow moved, seconded by Buysse to approve administering the project for Area II to construct two dams on private property and the letting date is set for August 14th. All voted in favor.

Johnson – I would like approval to advertise for crushing of gravel. This is in the budget. Goodenow moved, seconded by Vandelanotte to approve advertising for bids to crush gravel. Bids will be opened on July 18th. All voted in favor.

Johnson – I have an update on D&C Dozing. The landowners have still not been paid. One of the suppliers is going after the bonding company. They owe the farmers \$13,000. We have been holding some back, but I think we should hold enough back to pay the farmer if D&C does not. Gladis – How much did we hold back? Johnson – We owe them close to \$20,000. Maes – The work is done, so they have to be paid for the work done. It would be nice if some sort of an agreement could be reached. Johnson – We can legally hold back \$5,000 until the project is finalized. Goodenow – And they have not done the paperwork to final? Johnson – No. Goodenow – The bond is there to pay the subcontractors, but you should let the landowners know that D&C is going to be paid. Then you should talk with D&C and make sure they know that the landowners still need to be paid. Discussion.

Buysse – Do you have the mean sea level of the bridges on the Redwood River? Johnson – I can get it off of the old bridge plans. Where would you like to know? Buysse – Below Highway 23 because that is considered a ditch. Discussion.

Jackie Zerr and members of the Community Circle Project met with the board to give an update. Zerr – We are pleased with the outcome and participation of a couple of the County Commissioners. The circles included people from many different backgrounds. Members shared their experiences and outcomes. Discussion. Fenske – I would like to congratulate all of you on the award you received. The members thanked the board for their time.

Chuck Pope met with the board to discuss the County Engineer Job Search. Pope – I sent a letter out describing what I will do and at what cost. I have a meeting scheduled with the search committee this afternoon at 2:00. I will also be meeting with the City Administrator after the 2:00 meeting. Pope explained how defining the position and the search would work. Pope – Fees will not exceed \$13,000. Advertising is the most expensive item. We will discuss everything in the meeting this afternoon. It is not my job to select the person you hire, but I narrow it down so you can interview a select few. Discussion. Vandelanotte moved, seconded by Goodenow to engage CH Pope and Associates in our search for a Director of Public Works and/or Engineer. All voted in favor.

Doug Zimmer met with the board to discuss accepting the resignation on an employee and hiring another.

Zimmer – Would like to request that you accept the resignation of Shane Klokonos which was effective May 31, 2000. Buysse moved, seconded by Gladis to accept the resignation of Shane Klokonos. All voted in favor.

Zimmer – We would like to replace him with Bruce Hanson who will start on June 19th at a wage of \$15.14 per hour. Goodenow – How many applied? Zimmer – We interviewed ten. Fenske – Any females? Zimmer – One applied, but withdrew her application because she was hired by another agency. Buysse moved, seconded by Goodenow to approve hiring Bruce Hanson as a deputy to start on June 19th at a wage of \$15.14 per hour. All voted in favor.

Meeting Recessed.

Gladis left meeting (11:05).

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY COURTHOUSE, MARSHALL, MN
June 6, 2000

Meeting Back To Order.

Tammy Van Overbeke – Need to request approval of the Emergency Management Performance Grant Assistance. This is something you approve every year; it has a different name this year. It is just a resolution that basically states that the funding will be used for my position. Vandelanotte moved, seconded by Goodenow to adopt the resolution stating that the money received through the Emergency Management Performance Grant Assistance will be used to fund the Emergency Management position currently held by Tammy Van Overbeke. All voted in favor.

Van Overbeke – I can give you an update on the Weather Radio Project – it's coming along. It's a Federal Grant and there is only one company building the transmitters. Last week I checked and we have a tentative date of August for the one to be installed on the Russell tower. I have talked to the Weather Service though, and they are historically running seven weeks behind the date they give. They are going to install the one on the Russell tower first because they believe this may be the only one they need. If this happens and there is money left over, it will be given back to the County based on how much they contributed per household. Discussion on ways to speed this up.

Van Overbeke – I am behind with having the County Emergency Plan renewed. It is changing almost daily and because of the Joint LEC, there are lots of changes. I am working on it though. We have been having a huge problem with the weather service getting watches and warnings to us. I have been looking into this and it has taken precedence over the Emergency Plan. I have talked with the Weather Service and State Highway Patrol about this problem and we are working on it. Discussion.

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

Fenske – Jorgensen, have you asked Henriksen about the fuel at the landfill? Jorgensen – Yes. Henriksen – I am looking into it and have discussed it with Johnson.

Henriksen – At the landfill meeting last week we discussed the new cell and the possibility of Redwood County taking their garbage to Cottonwood County. This would give us more space; however their tipping fee is higher. Cottonwood and Redwood County Boards are meeting today, so they can discuss this. My understanding is that they are not opposed, but need to discuss it with their boards. This would save us about a month. If we pick up the difference in tipping fees, it would be \$44,000. Discussion. Vandelanotte moved, seconded by Goodenow to release Redwood County to take solid waste to Cottonwood and pay the difference in tipping fees until September 30, 2000. All voted in favor.

Joel Carlson met with the board to discuss the landfill. Carlson – We need to discuss the draft of the stipulation agreement intended to resolve the notice of violation that the County received a couple months ago. The background is that the County received approval to replace and mitigate a small amount of wet area on August 3, 1999. Around November 1999 you started to mitigate that area. The Corps said you were in violation and that they had jurisdiction. They went to the MPCA and asked them to intervene. They have asked the County to respond and we have notified them that we would like to set up a meeting, but that we would not know a date until we met with the board. There is no time limit to respond. Henriksen and I have been in contact with our legislators and both Seifert and Lesewski have been very supportive and helpful. Fenske – Was the MPCA aware of the go ahead to start digging? Carlson – As with any replacement, the MPCA is not on the list. The DNR and Board of Soil and Water do get notice. The MPCA has approved the engineering plans and are well aware of the contours of the landfill and the MPCA had previously given permission. Fenske – How can they back out and try to levy a fine? Carlson – They say we commenced construction without environmental review. We do not believe we started construction. Both Henriksen and I asked Soil and Water if there was anything else we needed to do and they said to go ahead. As you know, Lyon Soil and Water did not publish until four months after they were required to. We had already commenced. Fenske – So Soil and Water was negligent. Carlson – However, everyone that received a copy of the approval had extra time to object and the DNR signed off and no one else objected. Fenske – How did the Corps become involved? Carlson – In November when they became aware of Lyon Soil and Water decision. Fenske – Has Soil and Water been notified about this? Carlson – They are aware of our frustration. Henriksen – We sent MPCA's staff engineer a letter telling them what we were going to do and they never responded. Carlson – The statutory requirement is that notice of the approval is to be published within ten days, with fifteen days for response. Maes – The approval came on August 23, 1999 and it was published on November 9, 1999. Fenske – It appears to me that we have done everything we were supposed to do. Now the MPCA is bowing down when the Corps gets involved. Carlson – The MPCA is saying that they believe that the County started construction on Phase 6 without the EAW etc. The plans for Phase 6 have already been approved. We notified them of what was going on and did nothing that had not already been approved in the plan. Fenske – Now what do we do? Carlson – Later on today, the agency staff and SEH engineers will be meeting and hopefully they will tell us what the procedure will be. Fenske – They are meeting this afternoon? Carlson – Yes. Fenske – What do they want us to do with our garbage? Henriksen – They never give me an answer on that question. Carlson – We met the requirements of the Wetland's Conservation Act. The MPCA has their own rules besides that. We need to talk with the MPCA about this. Their rules are somewhat subjective.

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY COURTHOUSE, MARSHALL, MN
June 6, 2000

Discussion. Jorgensen read part of an article from the Marshall Independent about the landfill and what MPCA is saying.

Vandelanotte moved, seconded by Goodenow to close the meeting to discuss pending litigation. All voted in favor.

Vandelanotte moved, seconded by Goodenow to reopen the meeting. All voted in favor.

Fenske – We have the resolution for the burning ban. Vandelanotte moved, seconded by Buysse to approve the resolution (on file at the County Administrator’s Office) to give authority to the Lyon County Sheriff to impose burning bans whenever he sees fit. All voted in favor.

Jorgensen – I have a resolution here to appoint Keith Nelson, current Marshall Engineer, as the acting County Engineer. Even though he will be leaving for a new job shortly, we believe we may be able to get all the plans done that need to be signed. Goodenow moved, seconded by Buysse to accept the resolution (on file at the County Administrator’s Office) appointing Keith Nelson as the acting County Engineer. All voted in favor.

Jorgensen - Lincoln, Lyon, and Murray Human Services has requested to do some remodeling. They have a conference room that they would like to divide into two offices. That was the original plan but they did not need them when they first moved in. So the plans are already done for that. Vandelanotte moved, seconded by Goodenow to approve LLM Human Services remodeling request. All voted in favor.

Jorgensen – Need to approve an update of the Joint Powers with the Workforce Center. This is between the SWMN Workforce Council and Lyon County. Goodenow – Is there any way we can get more hours? Jorgensen – This just talks about the administrative side of it. Goodenow moved, seconded by Fenske to approve the updated Joint Powers Agreement with the SWMN Workforce Council. All voted in favor.

Jorgensen – MAFAC is requesting their appropriation in the amount of \$2,000. This was in the budget. Buysse moved, seconded by Vandelanotte to approve paying the \$2,000 appropriation to MAFAC. All voted in favor.

Jorgensen – We went on a jail tour a week ago and got some very good ideas.

Jorgensen – The AMC Leadership Retreat is August 9-11.

Jorgensen – NACO is looking for a nomination to the Steering Committee if anyone is interested.

Jorgensen – I sat in on the Humane Society meeting. In the long term, they will have to relocate. The City and County will probably team up on something with that. Discussion.

Jorgensen – I went to a meeting of the Citizens Advisory Group for Blue Cross. It is their expectation that health insurance rates will be increasing 15 to 20 percent for next year.

Jorgensen – The latest arbitration award with the deputy’s union was in favor of the County in both cases. However, our portion of the bill for the arbitrator is \$2,520. Fenske – So, even though we won, we have to pay half of the bill. Goodenow moved, seconded by Vandelanotte to pay \$2,520 for arbitration. All voted in favor.

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

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

General Revenue Fund	\$70,859.07
Road and Bridge Fund	\$22,757.25
Landfill Spec. Rev. Fund	\$13,244.57
Water Projects – Spec. Rev.	\$141.00
Ditch Fund	\$865.87
Sinking Ditch III	\$250.00
Total	\$108,117.76

Beginning Warrant Number: 329756; Ending Warrant Number: 329881.

Commissioner Reports:

Fenske – I need to be re-appointed to the Western Human Development Board. Vandelanotte – I wasn’t able to make the meeting to nominate you. Vandelanotte moved, seconded by Buysse to reappoint Fenske to the Western Human Development Board. All voted in favor.

Discussion on questionnaire from AMC.

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY COURTHOUSE, MARSHALL, MN
June 6, 2000

Buyse moved, Vandelanotte seconded motion to adjourn the meeting until Tuesday, June 20, 2000 at 9:00 A.M.

Robert Fenske, Chairman

Attest: _____
Mark R. Jorgensen
Lyon County Administrator