

**UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS**  
LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY COURTHOUSE, MARSHALL, MN  
June 20, 2000

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.

Regular meeting recessed.

Fenske called the Board of Equalization Meeting back to order.

Fenske – We need to decide what to do with the Fischer property. Buysse – I got an aerial map of the property. There is twenty-seven acres of highly erodible land. It is not good for farming. There are gravel pits and areas of sand and gravel. Vandelanotte – The township took about \$10,000 off? Champine – Yes, about \$65 per acre. Buysse – Will all the parcels surrounding have to be refigured also? Champine – No – We are just dealing with this parcel. Fenske – He asked to bring it down to what he paid for it and we can not do that. Champine – That would be about \$200 per acre less. Goodenow – When we consider value though, we need to take into consideration how much a landowner could get from the government, not just what growing a crop might bring. Discussion on how much to reduce. Vandelanotte moved, seconded by Buysse to reduce the value by \$10,000 of parcel numbers 07.019005.0 and 07.019006.0 owned by Mark Fischer. All voted in favor.

Buysse moved, seconded by Goodenow to adjourn the Board of Equalization Meeting.

Fenske called the regular meeting back to order.

Ditch Vouchers were presented. Hammer – We have money in the CD#7 account to pay the Wendland-Timmerman bill. Maes mentioned briefs that were going to be filed in the CD#7/JD#10 case. Discussion on how much the Wendland-Timmerman bill was and what it was for. Vandelanotte moved, seconded by Buysse to approve the ditch vouchers. Voting For: Buysse, Fenske, Gladis, Vandelanotte. Voting Against: Goodenow.

Hammer handed out an itemized bill from Kevin Stroup on work he had done in the past for CD#7. Vandelanotte – Is there money in the account? Hammer – Yes. Discussion. Goodenow moved, seconded by Vandelanotte to approve the bill from Kevin Stroup in the amount of \$4,575.53. All voted in favor.

Hammer – There is one Planning and Zoning issue. Thompson Excavating came before the board to request a Conditional Use Permit to tear down some wooden elevators in Minneota and take the material to a temporary demo site. He did not want the CUP that night because he wanted to wait until he had the MPCA permit. Goodenow – We were probably going to approve it with a stipulation. Hammer – I received a call last night that he is already hauling out there with no permits. There will probably be an injunction or temporary injunction. A representative from MPCA and I will be going out to verify that the dumping is actually taking place. Buysse – What did the township say? Hammer - They had approved of it. MPCA was actually going to approve a permit with ability to burn because the wood was untreated. Now I don't know what will happen.

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

Johnson – We need to open bids for the Amiret Bridge Project (SAP 42-599-123).

Bids are as follows:

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|--|--------------|
| Duininck Brothers, Prinsburg             | \$167,164.30 |
| M&K Bridge Construction, Walnut Grove    | \$208,429.00 |
| Minnowa Construction, Harmony            | \$222,671.15 |
| Structural Specialties, Inc., Hutchinson | \$197,815.14 |
| Engineer's Estimate                      | \$256,405.95 |

Johnson – I talked with DM&E and there will be no County Roads closing. They would like us to talk to the townships and see if some of the crossings can be made private. Most are on minimum maintenance roads, but some are not. There are a couple that I disagree with. I will be contacting and meeting with the townships soon. Discussion.

Johnson – We are receiving extra state funds this year. We are asking that 100 percent come into the maintenance allotment. This is above and beyond anything else so we don't lose any other funds. Jorgensen – Maintenance money is more flexible than construction money. Johnson – We just have to verify that it is used on a County State Aid Highway. Jorgensen – The resolution requests that the fund go toward maintenance of County State Aid Highways 100 percent. Goodenow moved, seconded by Buysse to approve the resolution requesting that the extra funding from the state go 100 percent toward the

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maintenance of County State Aid Highways. All voted in favor. Jorgensen – This is one time money. We will also be getting \$235,000 for local bridge projects.

Johnson – We have replaced about sixty percent of the bridges in Lyon County, so we do not have a lot that qualify as deficient. Discuss possible bridge replacement in Eidsvold Township. Fenske – Don't we have any deficient bridges? Johnson – A very small amount. We will be replacing at least two next year. Discussion.

Johnson – I met with the township board about the road to the pumping station. We went out and did a survey and the township board is contacting landowners to get approval. It amounts to moving about 5000 yards of dirt so it is not a big project. Budget wise, where will it come from? Buysse – This is a township road? Johnson – Yes, but the board had directed me to take a look at it. Gladis – They are the biggest tax payer in Lyon County and we would not be replacing the road. Johnson – We are just make the ditches better so the road does not fill with snow. Goodenow – How much? Johnson – I would guess around \$15,000. Goodenow – Can you work it out in your budget? Johnson – I think we could do it. Fenske – We will have to discuss it more because this was our request.

Johnson – We met with Locher Brothers on the CR#33 project. Jorgensen – Still waiting for something from Locher Brothers in writing. I would like some feedback from you on the plan. For this to work, we will need to get a variance from the City and work on the Industrial Park Covenance. Goodenow – Seems like a good solution if Locher Brothers agrees. Jorgensen – The local manager said it would work, but I asked for something in writing stating that the plan will work. Goodenow – Have you considered asking Locher Brothers to pay for anything? Vandelanotte – How do they feel? Jorgensen – I don't know that it would be a deal breaker, but when the local government does a job, everyone just assumes that the government should pay. Goodenow – Will there be an agreement that the loading dock by the road can not be used? Jorgensen – That agreement will be recorded. Actually that loading dock will be blocked off. Gladis – I believe we should just pay for it because right now in Marshall there are many businesses that have a truck blocking the road for a period of time. Jorgensen – Locher Brothers will be responsible for the construction management. Discussion. Everyone agreed that the County should be responsible for paying.

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

Kirby Van Note, SEH, met with the board to discuss the landfill situation. Van Note – For the last two or three weeks I have been meeting regularly with MPCA staff. Yesterday I talked with the staff engineer for MPCA and he said they are going to agree with the design with a couple of minor alterations. He said we should get something in writing within the week. The one problem right now is how they have it written, it will have to go on public notice. I talked with Joel Carlson to see if he can get the permit with a minor modification, than no public notice would be needed. If he can't, it is considered a major modification and then there has to be public notice. The problem with this is the waiting period. Carlson told me he would make some calls and hopefully get back to me this afternoon. Henriksen – All the counties are sending letters to the MPCA and to all the legislators. Jorgensen – If I remember correctly, MPCA said Lyon County could request a meeting. We have been trying for three weeks. Henriksen – They don't return Lesewski's calls either. Fenske – If it is considered a major modification, can we get it done? Van Note – That is another issue. We would get it done barely before the snow. We should discuss the possibility of getting a contractor hired and waiting to start. Fenske – We don't have to advertise for bids do we? Van Note – No, I have worked this way before, and sometimes they give a fair bid and other times they don't. Discussion. Goodenow – When will the cell be full? Henriksen – Probably October sometime and that is with Redwood hauling to Cottonwood County. Van Note – The one thing I have learned is that you can not over communicate with the MPCA. Goodenow – What kind of a life expectancy does this cell have? Van Note – About two years. Jorgensen – We will start with the overall capacity permit as soon as the modification is approved. Discussion on the possibility of using the land by Highway 23 for landfilling.

Van Note – You had asked about the shredder study. Unfortunately with what has been going on, it is not a high priority right now. However, MPCA is looking at someone to try shredding and recirculation. So now I have renewed interest so we will be moving ahead. Jorgensen – Would we need a separate permit for shredding? Van Note – I think you would have to identify that you are going to do it, I wouldn't think a separate permit would be needed. Discussion. The board thanked Van Note for coming.

Don Stokke met with the board to discuss an agreement to provide law enforcement services to Russell and Lynd. Stokke – Both city councils and Maes have looked it over. This would provide more than a drive through. It is similar to the contract with Cottonwood. I would like these contracts approved with the hiring of Eric Wallen full time starting July 1. He has agreed to relocate to Russell. Just to let you know, I will probably have to hire another full time person around the first of the year. We have a hard time finding part time right now. The City of Russell has a car they are willing to negotiate on. Gladis – They have no police protection right now? Stokke – No, we have been covering. Gladis – What happens if after the first year, they don't want to do this? Stokke – The deputy is hired as the contract deputy and he knows if they drop the contract, he is out of a job. Goodenow moved, seconded by Fenske to approve the contracts with Russell and Lynd to provide deputy service. Stokke – Each city wants twenty hours. All voted in favor.

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Gladis moved, seconded by Goodenow to move Eric Wallen from part time status to full time at his present wage to be the contract deputy for the cities of Russell and Lynd beginning July 1, 2000. All voted in favor.

Stokke – You approved the hiring of Bruce Hanson previously. Need the resolution for PERA approved. Goodenow moved, seconded by Buysse to approve the PERA resolution for Bruce Hanson. All voted in favor.

Meeting Recessed.  
Meeting Back to Order.

Steve Johnson returned with recommendation on bids.

Johnson – I called Duininck Brothers and they are happy with their bid. The mobilization was less. Vandelanotte moved, seconded by Buysse to award the bid for Amiret Township Bridge Construction (SAP-42-599-123) to Duininck Brothers in the amount of \$167,164.30. All voted in favor.

Johnson handed out information on how much the Road and Bridge pays for gas per gallon.

Senator Lesewski and Representative Seifert met with the Board to discuss the Legislative Session.

Fenske welcomed them.

Lesewski discussed the 1.8 billion dollar surplus and what it will be used for, the fact that levy limits are gone for at least one year, that part of the general education levy will be removed from ag property tax, Katie's Law was approved, that there were changes made to the MPCA proposed feedlot rules, that ethanol plants are funded 100 percent, a small increase of firefighter pensions, the Sr. drug program was expanded, in 2001 the disabled will be added to the prescription drug program, and an increase for nursing home workers.

Seifert discussed the State take over of the court system, that the tax committee will be monitoring what happens now that levy limits are gone, any county can form an economic development committee, next session will be looking at trying to combine and consolidate cabinet departments, there will be another rebate in August and the Charitable Gambling Tax will be cut by five percent.

Seifert – I talked with Rod Massey, MPCA, and he is willing to come out between July 10<sup>th</sup> and 12<sup>th</sup> to discuss the Landfill if we can not get things resolved with Myrna Halbeck. He said the issues are resolvable. Lesewski – I tried to get hold of the Commissioner and failed. Rod Massey did leave a message on the machine. I talked with Myrna Halbeck this morning. Discussion on the landfill situation. Seifert – I suggest we meet with Myrna in the next two weeks and if that falls through we will get Massey here.

Jorgensen – I have a few things that I would like you to take a look at:

- \* Probation fees and Department of Corrections – this is not all State expense and I believe half of it should come to the County.
- \*PERA – coordinated plan increase is a huge issue. Would like to sit down with both of you to discuss this.
- \*Lyon County acts as an agent for the Department of Public Safety for driver's license. When we get a bad check, we are stuck.

Fenske – I would just like to say that we appreciate the fact that levy limits have been removed even though it really does not affect Lyon County. I would also like to let you know that the Health Insurance increases are hard on budgets. Seifert – We have heard this from everyone. Lesewski discussed possible bill on health insurance.

Fenske – I would also like to mention that the counties are still paying sales tax. Removing this would be good tax reform.

Fenske thanked them for coming and for their consistent support of Lyon County and the landfill situation.

General Revenue Vouchers and Special Projects were presented. Discussion Goodenow moved, seconded by Buysse to approve the general revenue vouchers and special projects. Fenske – Autopsy cost is running higher this year. Maes – An autopsy is up to the coroner. All voted in favor. Jorgensen – Also, when inmates have insurance, they do put in a claim.

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|-------------------------------|-------------|
| General Revenue Fund          | \$66,109.84 |
| Road & Bridge Fund            | \$50,813.42 |
| Landfill Spec. Rev. Funds     | \$34,467.40 |
| Water Projects – Special Rev. | \$4,068.75  |
| Ditch Fund                    | \$17,263.03 |

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| Trust Fund | \$524.85     |
| Total      | \$173,247.29 |

Beginning Warrant Number: 329930; Ending Warrant Number: 330077.

Jorgensen – The Adult Education Program has requested to look at using some of the space that is left upstairs. They are currently at SSU. I think it is a good program. Goodenow – I believe the Courthouse would be a much better location than where they are now. Having them here will add to the traffic.

Jorgensen – I think mostly in the evenings. They do work closely with the Workforce Center. Their long term plan is to move into a permanent building within three to five years, but the way it would be arranged upstairs would be easily adaptable. Buysse – Who pays? Jorgensen – The school district. Vandelanotte moved, seconded by Goodenow to allow Group II to get plans ready for the Adult Education Program to utilize space on the third floor. All voted in favor.

Jorgensen – I have had a request from the Quad State Task Force to use Criminal Justice Aid money. Marshall will be hosting a gang conference and would like to bring in speakers and are requesting \$1,000 to help pay for the speakers. Fenske – Maes, what do you think? Maes – I can tell you that Stokke is not in favor of it because that is what the registration fee is for. However, I think it is a good idea. They are talking about 250 people for a two day event. I believe if money is needed to get first class speakers, then it is worthwhile. Fenske – Maybe we could sponsor a specific speaker. Maes – You could have them provide a bill, then you approve for payment. You can let them know you want to sponsor a specific speaker. Jorgensen – I will talk with Paula Curry.

Jorgensen – I have a new resolution from the SW Ridge Runners. The DNR is changing it a little. Rick Anderson recommends you approve. Goodenow moved, seconded by Fenske to approve the resolution for the SW Ridge Runners with the County acting as the sponsor. All voted in favor.

Jorgensen – I have a Charitable Gambling Permit here for St. Clotilde parish. Buysse moved, seconded by Goodenow to approve the Charitable Gambling Permit for St. Clotilde and to waive the waiting period. All voted in favor.

Jorgensen – Carmen Marben's appointment is up on July 5<sup>th</sup>. She serves on the Local Social Services Board. You need to recommend someone to the Commissioner of Human Services and then they will appoint. Gladis – Does Carmen want to serve again? Jorgensen – I will coordinate with Sandy Lehman. This is not due back until July 31<sup>st</sup>.

Jorgensen – We have a request from the RDC to sign a memorandum of understanding that says if the RDC defaults on the loan from Prairieland that any money that we have appropriated to the Prairie Expo would go toward the loan. Vandelanotte – We already sent them our money. Fenske – For us this is just a formality. There are some counties that pledged a certain amount over a few years. Maes – The only problem I see is that on the agreement it says see attached exhibits. There are no exhibits attached. Goodenow moved, seconded by Vandelanotte to approve the memorandum to the RDC upon providing the exhibits that are supposed to be attached. All voted in favor.

Jorgensen – The legislature has allowed the County to use credit cards. I am working on a policy. I think there are legitimate uses.

Jorgensen – SWMN Foundation sent a request for 2001 appropriation.

Jorgensen – The RDC annual meeting in Heron Lake is on July 13<sup>th</sup>.

Jorgensen – By December 1<sup>st</sup>, 2000, we must designate an employee as a data practices representative.

Jorgensen – You need to approve the revised By Laws and Joint Powers for the MN River Basin Joint Powers Board. Maes – I have looked at it and the only thing that changed was the termination withdrawal and that was simply a clarification. Vandelanotte moved, seconded by Goodenow to approve the revised By Laws and Joint Powers for the MN River Basin Joint Powers Board. All voted in favor.

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

|              |       |
|--------------|-------|
| Gladis       | \$125 |
| Fenske       | \$125 |
| Vandelanotte | \$160 |
| Buysse       | \$25  |

All voted in favor.

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

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

Fenske – Truth-in-Taxation meeting will be December 7, 2000 at 7:00 P.M.

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Commissioner Reports:

Goodenow – As of July 1<sup>st</sup>, the court system is not part of the county anymore. I would like to put changing the name of the courthouse on the agenda for the next meeting.

Gladis – The Library Board will start the budget process next week. We have previously discussed improvements and the possible use of reserves.

Vandelanotte – RCRCA has two new technicians on board.

Jorgensen – Chuck Pope will not be here today. We will need to reschedule.

Goodenow – Jail Planning Group met, we will meet again on the 29<sup>th</sup> and 30<sup>th</sup>. It is very worthwhile and interesting.

Fenske – When will we meet with the MPCA? Jorgensen – I will try for next week.

Buyse moved, Gladis seconded motion to adjourn the meeting until Thursday, July 6, 2000 at 9:00 A.M.

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

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