

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
July 6, 2000

Meeting called to order by Chairman Fenske. Members present: Buysse, Fenske, Gladis, Goodenow, Vandelanotte, and County Administrator Jorgensen. Absent until 11:15: County Attorney Maes.

Pledge of Allegiance to the Flag.

Agenda approved as printed.

Buysse moved, seconded by Vandelanotte to approve the Board of Equalization Minutes on June 13th and the minutes from the regular Board Meetings on June 6th and 20th. All voted in favor.

Sinking Ditch Fund payments were presented. Vandelanotte moved, seconded by Buysse to approve the sinking ditch payments. Fenske – What are these for? Van Overbeke – They are the bond payments. All voted in favor.

Hammer – Need to set a final hearing date for JD#31 L&L. We will have a phone conference with the Lincoln County Board before hand to establish the ditch authority. Goodenow – Couldn't we do that during a regular board meeting? That way we are all here. Hammer – Yes, that would work. Discussion on date. Fenske – The final hearing for JD#31 L&L will be on July 25th at 9:00 A.M. We will have a phone conference with the Lincoln County Commissioners during our next meeting on July 18th.

Hammer – Need to set a final hearing date for JD#15 L&R Impr. Van Overbeke – This will also be the assessment hearing. Fenske – August 22 or 23 any time of the day would work. Van Overbeke – I will check with Redwood and see which works best for them.

Hammer – Need to set the annual maintenance hearings for the ditches. This is to discuss levies etc. Discussion. Fenske – The Annual Ditch Maintenance Hearing will be September 5th, starting at 2:00 with County Ditches and 2:30 with Joint Ditches.

Hammer – Planning and Zoning received a preliminary plat for 95 lots on 120 acres of land between here and Lynd. The hearing is set in August. It is located on the east side of the River Road and goes to CR#74. It is between the railroad tracks and the Redwood River. Goodenow – Have they redone the plat since we saw it at Planning and Zoning? Hammer – I gave the plat back to them and told them we were unhappy with it and it needed to have some revisions. Goodenow – The City does have the right to control subdividing within two miles of city limits. Buysse – Soil? Hammer – It is not good cropland. Fenske – That would be a lot of septic systems. Goodenow – That was one thing we did not like. Hammer – There is rural water out there, so a sewer system is not out of the question.

Jorgensen – Maes found out early this morning that the Supreme Court will not hear the JD#10/CD#7 case. There is an appeal yet on the professional fees. The petitioners think the two sides should try to come to some sort of an agreement on that. Maes feels that should be left up to the petitioners and their attorney to decide. Discussion on re-determination of benefits and how much it is needed.

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

Johnson – I wrote a letter to the townships that the DM&E goes through. I have heard back from three and am still waiting to hear from two. As soon as I do, I will set up a meeting with them.

Johnson – Maes has looked at the salt shed agreement and he does not see a problem with it. He is going to have Jorgensen take a look at it.

Johnson – Keith Nelson signed plans for the road by Lynd and the two culverts in Amiret. There are two proposals waiting to be signed also.

Johnson – As far as CR#33 goes, it looks like we will let the bids this year and start construction next Spring.

Gerald Seehusen, Monroe Township Chairman, approached the Board asking if he could show a proposal for the railroad. Fenske – Yes. Seehusen handed out a map showing an alternative way the railroad could go so it would not affect the County Road. Seehusen also pointed out that SEH had made a mistake when mapping out the road. Seehusen - DM&E is opposed to our proposal. They say the way they have it figured, the timing is perfect. Jorgensen – I have gotten a letter from DM&E and they have said they will bring their car out here to run up and down the tracks. Seehusen – Let us know if they will come. Fenske – We are supportive of this. Discussion.

Gladis – At the Fair Board Meeting we talked about needing dirt for the monster truck that they would like to get at the Fair. If they have to pay to have the dirt hauled, it won't be cost effective and they won't ask him to come. I have talked with Jorgensen about the possibility of having the County haul in the dirt. Jorgensen – A permit from the City may be needed for this. Goodenow – Would we have to haul it back out too? Gladis – Yes. Johnson – How much? Gladis – About 130 yards. Johnson – About ten truck loads full. Gladis – They will be making about a three-mile run. Johnson – It would take about a day of

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hauling. Discussion. Fenske – I think we need more details before we can approve this. Goodenow – Do we have any of our own dirt? The infield could use some more. If that is where the track was put, then we could smooth it out after it was done and just use it for ourselves. Johnson – Yes, we do have some by Garvin and it should be enough. Gladis – I will make some calls and try to get some more details.

Jim Hubley met with the board to give an update on the Veteran Service Office. Hubley explained that more vets can qualify to go to the VA Hospital so it is very hard to get an appointment especially since Congress mandated the liberalization of admissions, but did not provide any extra funding. Hubley filled the board in on the backlog and how long it takes to process things. He explained that everything is getting centralized, and it is not speeding up the process at all. Fenske – Do you go to other towns? Hubley – Yes, I am in Tracy and Balaton on the first and third Tuesdays of the month and Cottonwood and Minneota on the 2nd and 4th Tuesdays. Fenske – Do you have too much work to do to get the claims where they need to be? Hubley – No, I get them where they need to go right away, it's just there is such a back log and they are so slow that it takes a long time. Fenske thanked Hubley for his update.

Bob Meyer, DNR met with the Board to discuss an option to purchase land in Lyon County. Meyer – It is a quarter located in Island Lake Township by Goose Lake with a building site that has been abandoned. The majority was in the first CRP program and has since been enrolled in the second one. The taxes now are \$2,600. The in-lieu-of-tax payment would be \$712.50. However, in the years ending in zero and five, the Assessor reevaluates our land so it may go to \$1050/acre and if that happens, the payment would be \$1,260. Buysse – Are there County tile lines? Meyer – No. Buysse – Is controlling the weeds going to be a problem? Meyer – I don't think so. I have been out there and walked through it, and it really does not look like there will be weed problems. Buysse – Is the Township aware of this? Meyer – Yes. Buysse – I have not heard any complaints from the Township. Goodenow moved, seconded by Gladis to adopt the resolution allowing the DNR to purchase a quarter of land owned by George Willms in Section 29 of Island Lake Township. All voted in favor.

Meeting Recessed.
Meeting Back to Order.

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

General Revenue Fund	\$101,332.82
Road and Bridge Fund	\$39,863.85
Landfill Spec. Revenue Funds	\$9,345.07
Water Projects – Spec. Rev.	\$465.00
Sinking Ditch IV	\$4,340.00
Sinking Ditch V	\$7,951.25
Sinking Ditch VI	\$17,650.00
Sinking Ditch VII	\$7,760.00
Sinking Ditch VIII	\$15,457.50
Total	\$204,165.49

Beginning Warrant Number: 330181; Ending Warrant Number: 330277.

Jorgensen – The board previously named Keith Nelson as interim engineer. His last day as Marshall City Engineer is tomorrow. I have worked with the City of Marshall and put out RFP's for interim engineering services. Bolton and Menk sent the best proposal and it was also the least expensive. Discussion. Buysse moved, seconded by Goodenow to approve the contract with Bolton and Menk for interim engineering services. All voted in favor.

Jorgensen – I have the resolution on changing the name of the Courthouse. Goodenow – As of the first of July, the court system is being run by the State. We have had this resolution on the table for long enough. I believe it is time to act on it. Fenske – It will take a while for everyone to change, but eventually everyone will get used to the new name. Buysse moved, seconded by Gladis to approve the resolution (on file at the County Administrator's Office) to change the name of the courthouse to the Lyon County Government Center. Buysse – The biggest expense would be changing the signs. Jorgensen – Actually that may not be too bad. With the jail project, there will be an opportunity to change the sign. Discussion on what to have included on the sign. All voted in favor.

Jorgensen – The Tracy Chamber is requesting to close South Street for Box Car Days. Vandelanotte moved, seconded by Gladis to approve closing South Street in Tracy from 4th Street to 2nd Street for Box Car Days from 6 P.M. on September 1, 2000 through 10:00 A.M. on September 5th, 2000. All voted in favor.

Jorgensen – Anderson has asked if August 1 will work for the Annual Park Board Meeting. Discussion. Fenske – The Annual Park Board Meeting will be August 1 at 5:30 P.M. at Garvin Park.

Jorgensen – The City of Marshall would like a Board representative to attend the Humane Society Meeting on July 20th at 5:00 P.M. Goodenow – I can attend.

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Jorgensen – The City has suggested July 31, August 1, 2, or 3 for the Joint City/County Meeting. Everyone agreed that July 31st would work.

Jorgensen – The annual Knights of Columbus Picnic is August 15th. They have requested a waiver of all fees for use of the fairgrounds. Buysse moved, seconded by Goodenow to approve a waiver of all fairgrounds' fees for the Knights of Columbus Picnic on August 15th. All voted in favor.

Jorgensen – I have also received a request from Christy Meyer of Cottonwood for a waiver of fairgrounds' fees. Habilitative Services, Inc in Marshall sent information on the Dandy-O Therapeutic Riding Program. Dandy-O is willing to bring his horses to Marshall so people with disabilities may participate in this program and they would like to use the fairgrounds. Discussion. Gladis moved, seconded by Vandelanotte to approve waiving the fairgrounds' fees for the Dandy-O Therapeutic Riding Program. All voted in favor.

Jorgensen – RCRCA sent in an appropriation request. They have been approved for the grant that requires matching funds. You previously appropriated \$9,000 per year for three years for this purpose.

Jorgensen – Just to let you know, I have a sample of the employee benefits statements. They will have a lot of information for the employees. The cost will be \$7 per statement, but there are some other options I am taking a look at to try to lessen the cost a little. Discussion.

Maes present at 11:15 A.M.

Jorgensen – Filing for office is open from July 5th to July 18th.

Per Diems were presented. Goodenow moved, seconded by Vandelanotte to approve the per diems for Gladis in the amount of \$45. All voted in favor.

Jorgensen – Need to make a recommendation to the Director of Human Services for someone to sit on the local Human Services Board. Carmen Marben has agreed to be on the board for another term. Goodenow moved, seconded by Vandelanotte to recommend Carmen Marben to the Director of Human Services to be the representative on the local Human Services Board. All voted in favor.

Richard Mac Donald met with the Board to give an update on the library. Mac Donald told the Board that they had moved the magazines and some of the books around and that the summer reading program is going well. He handed out a newsletter for the month and invited everyone to stop in at the library. Mac Donald also informed the Board that the library will be closed the last week of August for re-carpeting. Fenske thanked Mac Donald for his update.

Maes – There may be an attempt to reach a final settlement on the CD#7/JD#10 case. As you have all heard, the Supreme Court has refused to hear the appeal. The only thing left to settle is the expert fee appeal. Wendland has suggested that there should be some sort of negotiation. Goodenow – For the negotiation, should we try to include the re-determination of benefits and the bills being split differently after the initial approval was made for re-determination? Maes – I think the expert witness fees are separate and as far as re-determination goes, it was already approved, they contested because of the appeal, but the appeal is over. I would think they will meet to confirm whether to appeal the expert witness fees. Buysse – How interested is CD#7 in re-determination on JD#10? Vandelanotte – Very interested because it could lower the percentage they are being assessed. Goodenow – Couldn't we force them to re-determine benefits? Jorgensen – You can get a re-determination by board approval or petition. Buysse – Is there enough landowners on CD#7 to petition for re-determination on JD#10? Discussion on percentage of landowners needed to petition for re-determination. Maes – I recommend you let Wendland negotiate for the expert fees if that is what the petitioners want, I will contact Wendland with your suggestions.

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

Henriksen – I have the Water Task Force Grant Agreements for the Lyon County 4-H Club and Marshall Schools. Goodenow moved, seconded by Buysse to approve the Water Task Force Grant Agreements for the Lyon County 4-H Club and Marshall Schools. Discussion. All voted in favor.

Henriksen – We are looking at getting another gas meter out at the landfill. It will detect more than methane, it detects all that the MPCA requires. This was budgeted for, but it is a little higher than we expected. Discussion on the amount of the extended warranty and whether it is really needed. Jorgensen – You could approve the purchase and let Henriksen make the decision on whether to get the extended warranty or not. Discussion. Goodenow moved, seconded by Gladis to approve the purchase of a gas meter for the landfill with Henriksen to make the choice on whether to get the extended warranty or not. All voted in favor.

Fenske – We received the RFP for recycling. Henriksen – This is just a draft. Fenske – It is per month, but we had discussed per household. Maybe we should include that option in the proposal. Henriksen – We can discuss it now if you are interested. Fenske – The company we have now is requesting a sizable increase and we are looking at sending out these RFP's. Gladis – They wouldn't be doing it if they were

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losing money. We would like to increment any increase, but they want a one time flat increase. Fenske – I think we need to get the RFP's out, but would like an option of per household included. Buysse – What are other counties doing? Henriksen – Some have bid out and some are staying with the local hauler. Gladis – Another option is to just quit recycling or the County could do it. Fenske – If we quit, we fill the landfill up a lot quicker and it would get costly for us to do it ourselves. Discussion.

Commissioner Reports:

Goodenow – We had another two-day Jail Planning Meeting and I am learning a lot. We will have another one soon. The ads for the County Engineer have gone out.

Fenske – You all should have received an invitation for the Prairie Expo premier. All officials in the nine county area are invited.

Joel Carlson met with the board to discuss the landfill. Carlson – A number of us met with the MPCA and other officials on Tuesday and Thursday in preparation for a meeting later this month. I have options to discuss with you and would like to discuss them in a closed meeting since it deals with pending litigation. Goodenow – What about the permit modification for construction of Cell 6B? Carlson – That was discussed on Thursday and the permit modification has been promised in draft form by Friday (tomorrow). We will have comments back to them by the end of the day on Monday. Fenske – Is it still considered a major modification? Carlson – Currently they are reviewing this. For planning purposes, we are planning on the thirty-day comment period, although it may not happen. The MPCA has agreed that if we want to advertise for bids before the thirty-day comment period is up, we can. We just can not award any bids until the permit is approved. We are looking at mid-August to have the permit modification in our hands. Fenske – What can we go ahead with? Henriksen – We can bid the project. The bid documents are done and ready to go. Gladis moved, seconded by Vandelanotte to authorize the letting of bids on the Landfill 6B project. All voted in favor.

Carlson – The Regional MPCA staff, in particular, Myrna Hallbeck has been very helpful. Fenske – Our legislators have been very helpful also. Carlson – We have thanked them profusely. Two of them were at the meeting. Jorgensen – Senator Lesewski and Representative Seifert were at the meeting on Thursday. Fenske – I have received copies of letters that the counties have sent in. Discussion.

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

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

Jorgensen – The Lincoln County Commissioners are okay with the conference call on July 18th at 9:05. Redwood Commissioners are okay with the JD#15 L&R Impr. hearing on August 23 at 9:00 A.M.

Buysse moved, Gladis seconded motion to adjourn the meeting until Tuesday, July 18, 2000 at 9:00 A.M.

Robert Fenske, Chairman

Attest: _____
Mark R. Jorgensen
Lyon County Administrator