

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
August 15, 2000

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

Pledge of Allegiance to the Flag.

Agenda approved with addition of opening Garvin Park to bow hunting.

Ditch Vouchers were presented. Discuss Wendland/Timmerman bill and spraying on CD#18 and CD#6. Buysse moved, seconded by Vandelanotte to approve the ditch vouchers. All voted in favor.

Hammer – Van Overbeke sent you a packet on JD#15 L&R impr. The only concerns I have heard are that Donny Schmidt and his brother have not been compensated yet and some of the seeding has not come in at all on the slopes. Fenske – Has the contractor been paid in full? Hammer – No. Fenske – Is the engineer aware of the problems? Hammer – Yes. I have met with Dennis Simpson and so has Van Overbeke. Vandelanotte – Did Labat's bill get straightened out? Hammer – No. The engineer said that it is between Labat and the contractor. No one told him to go out and do the grading. Fenske – If he would not have done this, would the contractor have done it anyway? Hammer – Yes. Goodenow – Would we have had to pay for it anyway? Hammer – It is the contractor's responsibility. He can either do it himself or he can hire someone to do it. The contractor in this case, never hired Labat to do it. Labat just decided to do it on his own. Discussion on seeding not coming in. Hammer – Also included in your packet is a recommendation from myself through Van Overbeke on levies to be set. We will need to have some conversation on JD#37 (Redwood River). We did do a levy on that last year and after we collect in November, the balance will be negative \$63. This mainly comes from us paying our share of the bills sent from Redwood County, and them not paying their share to us. Fenske – Have they been notified about it? Hammer – Yes and I have gotten no response. Fenske – Bring that information along to the JD#15 meeting. Goodenow – Have they paid all other bills? Hammer – Yes. Discussion.

Hammer brought Planning and Zoning recommendations to the board.

Hammer – P&Z recommends a six-month extension for a preliminary plat for Lyon Main Partnership (see attached). P&Z felt that 95 one acre lots was too many and there were sewer concerns. There has been discussion on making 25 five-acre lots, water run off, fire protection and a park. P&Z did not want to just deny because then would have to wait six months to apply again. This would give them an extension. Vandelanotte moved, seconded by Goodenow to grant an extension for a preliminary plat for Lyon Main Partnership to subdivide land zoned agricultural into a Suburban Residence District in Lyons Township. All voted in favor.

Hammer – P&Z recommends a six-month extension for a final plat for Tom Geske (see attached). P&Z has asked him to check out options of sewer with Lynd and he admitted at the meeting that he had not. Goodenow – Most of the other questions that we had were taken care of. Water run off is still somewhat of a concern though. Gladis – How big are the lots? Hammer – A little over two acres. Discussion. Vandelanotte moved, seconded by Goodenow to grant a six-month extension for a final plat to Tom Geske to subdivide land zoned agricultural into a Suburban Residence District located in Lynd Township. All voted in favor.

Hammer – Just for your information, Minneota just approved to un-annex part of a property for a new house going up. They could not provide sewer services. Discussion.

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

Johnson – We need to discuss the Amiret Retention Project and D&C Dozing. Sandy Ludeman talked with Jorgensen about it last week. D&C has not paid the landowners as of yet. I have sent letters asking them to pay so we can final out the project. I have made several calls, but he never returns them and every time I call, he has just stepped out. We can not final until we receive an affidavit stating that all bills have been paid. Maes – We really don't know how much material was moved per person and some of the landowners were quoted different prices. I know one of the suppliers threatened to go after the bond and they were paid. Ludeman – We were willing cooperators with the project. They estimated that 38,000 yards were going to be taken out, but the contractor was supposed to keep track of how much they took from whom. I have also called and sent letters and received no response. I visited with both Jorgensen and Maes to see if we can get this moving. Fenske – Did he take the 38,000 yards? Johnson – Yes. I figure about \$13,000 total is owed. Ludeman – We would like to have the county help us if they can rather than take D&C to court. Maes – We could go against the bond, but the farmers' names would have to be on the action against the bond. Ludeman – I know Prinsburg was waiting for payment also. Johnson – As far as I know, they are still waiting. Netzke – A similar situation happened in Murray County and the county did step in and reimburse. Maes – If it was specifically stated in the contract to reimburse then we could. Gladis – Maybe someone should just go to Montevideo and wait for them to come in, then they would have to talk to us. Ludeman – Could you get them to sign a waiver so the amount you have held back could be paid directly to us? Maes – That is a possibility. Johnson – I think between the farmers and myself, we could come up with an estimated amount of what each one is owed. Maes – If you could come up with an estimate that the farmers can agree on, then we can proceed. Netzke – 75% of the funding for this project

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came from the State. We are still sitting on \$12,500 available for the project. These funds will expire on June 30, 2001. All we need is proof that the funds have been spent, then we can reimburse. Fenske – Is there anything else to be done? Johnson – The project is done, however, besides the farmers, there are outstanding bills for Prinsburg and D&G as far as I know. Fenske – I would like to see the landowners paid and let the companies go after the bonding company. Discussion.

Johnson – A couple months ago we advertised for bids for a contract for Area II. Netzke – We opened bids yesterday and the low bid was from R&G. This is for the Taylor water retention project in Sodus Township. The bids were as follows:

Al Forbes Construction	\$139,922.26
Kockelman Construction	\$130,295.15
R&G Construction	\$ 98,227.80

Engineer's Estimate \$108,760.50
 Netzke – We recommend accepting R&G's low bid. Fenske – Will this be set up the same as the Amiret project? Netzke – Yes, but the difference is there is one landowner – Greg Taylor – and he is personal friends with the people at R&G and they have already worked out a deal on the dirt. We have allocated 75% from the State and Mr. Taylor will be putting in the matching 25%. There will be no cost to the County except a little bit of time. Gladis moved, seconded by Buysse to award the contract for the Sodus Township Water Retention Project on Greg Taylor's land to R&G Construction. All voted in favor. Netzke – Also need to accept the resolution for floodwater retarding/retention project grant. We are requesting funds in the amount of \$73,685.47, which is 75% of the project. Gladis moved, seconded by Vandelanotte to approve the resolution (on file at the County Administrator's Office). All vote in favor.

Netzke discussed other county projects.

Fenske – Need to discuss the Alcohol/Drug Related Driving Offenses and Driver's License Loss Policy. Maes – I put together a new one which includes almost any alcohol related offense. Did you receive the new one. Fenske – We did not receive a new one in our packets this time. Maes – I will get you copies, but you may want to review it and wait until the next meeting to act on it. Fenske – We will put it on the agenda for the next meeting.

Jim Doering, RCRC, met with the board to introduce himself and talk about funding. Doering introduced himself as replacing Bob Finely. He handed out a booklet explaining the projects that had been completed on the Redwood River. Doering also explained that they will be getting funding for projects on the Cottonwood River. Doering – We will be requesting the same appropriation amount this year as we have in the last ten years, but just to let you know, we may be asking for more in 2002. I have had to cut \$115,000 out of the budget because of cutbacks. Discussion on appropriations and projects. Discussion on possibility of dropping the ditch designation on the Redwood River. Fenske thanked Doering for coming.

Stokke – I have given you a copy of the proposal to Russell for their used equipment. The proposal is for the following:

1999 Ford Crown Victoria Auto	\$15,381.75
Stinger Roadway Spikes	\$ 329.00
KUSTOM Video Car Camera System	\$ 2,505.00
Vista Lightbar	\$ 626.00
Kustom Eagle Radar	\$ 1,366.50
Remington .870.12ga Shotgun	\$ 150.00
SL-20 Rechargeable Flashlight	\$ 82.50
Barrier Screen/Cage	\$ 269.95
MOTOROLA mobile radio/siren package	\$ 2,163.00
Misc. equipment in veh., i.e.: First aid kit, Traffic vest etc.	\$ 126.30
<u>Seat for Car</u>	<u>\$ 600.00</u>
TOTAL	\$23,600.00

Stokke – I believe this is all reasonable. If you are equipping a new squad car, it is \$14,000 for the equipment alone. Gladis – Jorgensen mentioned something about using the Criminal Justice Aid Fund for this. Stokke – I do not have this in my budget. Vandelanotte moved, seconded by Gladis to approve purchasing the above equipment and car from Russell for the amount of \$23,600.00 using the Criminal Justice Aid Fund. All voted in favor.

Stokke – Need to accept the resignation of Ryan Tillemans effective August 14. He was a jailer and he has relocated to Willmar. Goodenow moved, seconded by Buysse to accept the resignation of Ryan Tillemans effective August 14. All voted in favor.

Stokke – Would like approval to move Connie Marben from part-time to full-time jailer to replace Tillemans. She will start full time on September 1 at her current wage of \$12.25 per hour. Gladis moved, seconded by Vandelanotte to approve moving Connie Marben from part-time to full-time jailer starting September 1, 2000 at her current wage of \$12.25 per hour. All voted in favor.

Stokke – We have been negotiating with Tracy and have put a proposal together for law enforcement services. Koopman would like to discuss this a little more. I thought maybe one or two Commissioners

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could attend that meeting so we could have some input from the board also. I will set up the meeting when Jorgensen returns. The board agreed.

Meeting Recessed.
 Meeting Back to Order.

General Revenue Vouchers, Special Water Projects, and Trust Fund Vouchers were presented. Buysse moved, seconded by Goodenow to approve the general revenue vouchers, special water projects, and trust fund vouchers. Discussion on autopsy bills. All voted in favor.

General Revenue Fund	\$46,036.57
Road & Bridge Fund	\$88,808.92
Landfill Spec. Rev. Funds	\$41,420.29
Water Projects – Special Rev.	\$84.00
Ditch Fund	\$547.50
Trust Fund	\$251.16
Total	\$177,148.44

Beginning Warrant Number: 330641; Ending Warrant Number: 330764.

Copy Paper Quotes discussed. The quotes were as follows for 80 cases of regular and recycled copy paper:

	<u>Recycled</u>	<u>Regular</u>
Bromens	none given	\$1,960.80
Cool's	\$2,840.00	\$2,054.40
Tony Doom Supply	\$2,296.00	\$1,932.00
Henle's	none given	received late
Cimarron	\$3,368.00	\$3,672.00
Davis	\$2,880.00	\$1,864.00
SW/WC Service Coop	\$1,920.00*	\$1,764.00

*add \$75 for delivery and no guaranteed delivery date

Gladis – How bad do we need the paper? I would rather go with recycled. Louwagie – We only have four cases left, so we really can't take a chance on ordering recycled from the Service Coop. Goodenow – Maybe we should order regular this time and in six months try to order sooner so we can get recycled if the price is not too high. Fenske – It is a shame that the schools don't use recycled. Gladis – How has the recycled paper been working? Louwagie – I have not heard any complaints. Gladis – Maybe we should talk to Sharon and have her mention this to the schools. If you purchase through the service coop, there really is not that much difference. Buysse moved, seconded by Goodenow to approve purchasing 80 cases of regular copy paper from SW/WC Service Coop at \$22.05 per case. All voted in favor.

Louwagie – Need approval to open Garvin Park to bow hunting. Buysse moved, seconded by Gladis to open Garvin Park to bow hunting for deer from September 16 to the end of the year following all of the State rules and regulations. Goodenow – Will this close the Park? Louwagie – No. All voted in favor.

Per Diems were presented. Gladis moved, seconded by Goodenow to approve the per diems for Fenske - \$160, Buysse - \$185, and Vandelanotte - \$135. All voted in favor.

Maes – Just to let you know, I will be requesting funding from the Criminal Justice Aid Fund for the following:

- DWI training for peace officers
- High speed triple dubbing machine for tapes – I am waiting for more information on this
- A digital camera for the officer working in the schools

Fenske – How much is in the Criminal Justice Aid Fund? Maes – Quite a bit. Fenske – Could we approve the DWI training today? Maes – It could wait until next meeting, but you could do it today if you would like. The cost is \$15 per person. It will be available to all Lyon County law enforcement personnel. Gladis – Will other towns be notified? Maes – Yes. Gladis moved, seconded by Buysse to approve paying \$15 per person for DWI training for all Lyon County law enforcement personnel. All voted in favor.

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

Henriksen – We were looking at having the open house at the landfill on September 14. We would also hold an HHW collection that day from 3:00 PM to 6:00 PM. Fenske – Were you planning to have a meeting that night? Henriksen – Yes. Fenske – I have an RDC meeting that night. Henriksen – I will try to schedule on the 13th then.

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

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

Fenske – Just to let the press know, we are still working on things with the MPCA and are waiting for a signed permit to start the construction.

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Commissioner Reports:

Gladis – At the PHS meeting we had a Home Healthcare Discussion. In Lyon County, they have 13 clients which costs \$41,000. We are losing 40 percent of the tax levy on this. For other counties, it is even worse. Each county is trying to decide what should be done. If private companies could pick up the clients, that would be great. Fenske – Pipestone has quit home health all together. There is nothing that says PHS has to have home healthcare. Discussion on PHS budget.

Vandelanotte – I read an article about welfare and how good everything is going because the economy is good. This article questioned if we would be ready if the economy starts to slip. Discussion.

Goodenow – We had a meeting to discuss the hiring of an engineer. We have gotten some applications. We are going to have to have a discussion on salary and salary ranges. Buysse – Is there a job description? Fenske – Yes, but it is not quite done yet. Goodenow – It has not been approved, but I do have a copy of the one we developed. Fenske – When will the advertising to hire close? Goodenow – At first Pope was looking at the end of August, but now he would like to leave it open until the first part of September. Discussion.

Fenske – The Ridge Counties Task Force meets on Friday, August 25 at 9:00 A.M. I have been attending these meetings, but I am unavailable that day. Part of this discussion will be to see if we are going to join or if any of the other outer counties are going to join. This not only involves wind power, but also electric deregulation. Gladis or Vandelanotte thought one of them could be there.

Fenske – You should have all received a memo on the cafeteria plan informational meeting. I think it would be worth it for all of us to attend one of these.

Fenske – You need to be aware of the housing study request. We will need to decide if we want to participate and if we do how far out it will go into the county and how much we would be willing to spend.

Goodenow – Wasn't the City of Marshall going to ask for payment on the assessment trial? Fenske – I have not heard anything. Maes – Following the meeting in February it was decided that an appraiser was needed, which they did not get until recently. The case is set for September 21 and 22. As far as myself handling it, the impression I got was that the City believes it is too big of a case for me to handle with all my other duties. Discussion.

Buysse – At the Yellow Medicine River Watershed Advisory meeting, the members came up with recommendations for regulating tile and ditches in their district. Discussion.

Buysse moved, Gladis seconded motion to adjourn the meeting until Tuesday, September 5, 2000 at 9:00 A.M.

Robert Fenske, Chairman

Attest: _____
Mark R. Jorgensen
Lyon County Administrator