

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
December 7, 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.

Buysse moved, seconded by Gladis to approve the minutes from the October 30th Appropriation Meeting and the regular meetings on November 7th and 21st. All voted in favor.

Ditch Vouchers were presented. Hammer – I would recommend approval of the bills with discussion on the legal fees from JD#15. The first question is do we have money to pay it? Paula Van Overbeke – I believe it was expressed that up to \$500 could be paid for legal bills and that bill was already paid. This one was not approved by the Joint Board. Goodenow – Should we have a meeting? Maes – It was my recollection that Simpson was directed to prepare the final order and that the Chair was to sign, but that was not reflected in the minutes. So you may want to get together to discuss and sign the final order, approve the minutes from October 4 and discuss the legal bill. Hammer – I have a couple other issues with tile that has blown out. I have contacted the contractor. Something was not done correctly. Fenske – Hasn't that been finalized? Hammer – Yes. Fenske – The contractor agreed to come back? Hammer – Yes. Fenske – Who is the contractor? Hammer – K&K tiling. Fenske – Let the Redwood Board know that we are going to need to meet. Since it will be after the first of the year, both boards will have to get together and decide who will be on the joint board because we will have a new commissioner. Hammer – We can have a conference call at the first meeting in January to nominate the new board members. Goodenow moved, seconded by Buysse to approve the ditch vouchers excluding the bill from Quarnstrom, Doering, Pederson, Leary, and Murphy for JD#15. All voted in favor.

Hammer – The DNR is planning to petition on the Lyons Wildlife Management Area on CD#7. I let them know they needed to get us a petition and that is their intent.

Hammer – I received a bill from Wendland on CD#7 for the professional fees for finaling up the appeal. It will be included in the vouchers next time. Fenske – Will this complete the bills from Wendland?

Hammer – It should unless there is another appeal. Maes – The appeal period should have been done, but the Court Administrator's Office did not file it, so the appeal period is still running. Discussion on Court Administrator's Office possibly being liable.

Hammer – Two consultants were interviewed last Friday for the Comprehensive Land Use Plan. It was a unanimous voice vote to hire Dahlgren, Shardlow and Uban, Inc. Gladis – Price? Hammer – Estimate of \$50,000 each year for two years. Goodenow – Cost is a little hard to talk about because they have a lot of options. Gladis – Is \$100,000 the Cadillac? Jorgensen – No. There are a lot of options. Goodenow – They have a lot of in-house employees so they would not have to contract out. Hammer – There will be monetary help from MnDot because of the Highway 23 portion. Goodenow – We are hopeful there will be State aid available for planning and we do have some set aside in our budget. This company also has a GIS person in house. Gladis – What area is going to be done? Hammer – Originally the townships adjacent to Marshall, but it will include all of Lyon County. Goodenow – It will be a countywide study, but it will be more intense along the Highway 23 Corridor because of MnDot standards. Fenske – Have they worked with MnDot before? Goodenow – Yes, and apparently some of the staff are former MnDot employees. Discussion. Goodenow moved, seconded by Vandelanotte to authorize County staff to work with Dahlgren, Shardlow, and Uban, Inc. to negotiate a contract for the Comprehensive Land Use Study to bring back to the board for approval. All voted in favor.

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

Benson – We held a bid opening on December 1 for the Amiret Township Project (SAP 42-599-69) and the Lynd Township Project (SAP 42-599-118). For the Amiret Project, we had six bidders, they were as follows:

R&G Construction, Marshall	\$274,521.25
Midwest Contracting, Marshall	\$294,704.10
Schmidt Construction, Redwood Falls	\$296,892.25
Kockelman Construction, Canby	\$301,902.50
Riley Bros. Construction, Morris	\$301,780.00
Landwehr Construction, St. Cloud	\$320,382.55
Engineer's Estimate	\$355,788.00

Benson – R&G had the low bid and I recommend you award the project to them. Gladis moved, seconded by Vandelanotte to accept the low bid of \$274,521.25 from R&G for project SAP 42-599-69 (Amiret Township). All voted in favor.

Benson - The bids for the Lynd Township Project were as follows:

R&G Construction, Marshall	\$190,703.95
Midwest Contracting, Marshall	\$211,883.90

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Schmidt Construction, Redwood Falls	\$221,154.70
Engineer's Estimate	\$237,777.75

Benson – R&G had the low bid and I recommend you award the project to them. Vandelanotte moved, seconded by Buysse to accept the low bid of \$190,703.95 from R&G for project SAP 42-599-118 (Lynd Township). All voted in favor.

Benson – I have given you a more detailed budget than you are used to. The most significant change is that I have budgeted for another position whether it is an EIT (engineer in training) or another engineer. There is a lot more we could do work-wise with another staff position. Whether we hire an engineer or engineer in training is up in the air at this point. I have been informed that the City of Marshall may want to share. Gladis – Lincoln County might be interested also. Benson – I have included \$50,000 in the budget. That is what MnDot pays their recent graduates. Fenske – Have you thought about using a consultant? Benson – That would be fine for the short term or on special projects, but another person is needed. Discussion. Fenske complimented Benson on the breakdown of the budget. Jorgensen – These figures are included in the overall budget.

General Revenue Vouchers and Trust Fund Payments were presented. Buysse moved, seconded by Goodenow to approve the general revenue vouchers and trust fund payments. Discussion on out of home placements and funding. All voted in favor.

General Revenue Fund	\$90,055.24
Road & Bridge Fund	\$47,209.07
Landfill Spec. Rev. Funds	\$20,694.07
Ditch Fund	\$2,211.58
Trust Fund	\$90.61
Total	\$160,360.57

Beginning Warrant Number: 331916; Ending Warrant Number: 332016.

Jorgensen – The Truth in Taxation Meeting will be tonight at 7:00. I will be coming forward with a budget that has a levy increase of about 4.05% and we will talk about the possibility of a slightly higher increase because of staffing needs. Fenske – Has there also been a valuation increase? Jorgensen – Yes, about 4% so the actual effect on the County line on the tax statement should not be much. Discussion.

Robert Van Overbeke met with the board to discuss possibly forgiving a tax penalty. Fenske – Could you explain the situation? R. Van Overbeke – My wife had a stroke about a year ago and does not recall getting a notice. Fenske – When was it due? Paula Van Overbeke – The first half was paid on May 15th and their parcel in town was paid in full on that date. Second half was due on November 15th. Fenske – When did you discover this? R. Van Overbeke – When we got the letter about the penalty. It was a surprise to us. My wife does the books and she forgets. From now on my daughter will be helping with the books. For the past eighty-three years I have paid my taxes on time. Gladis – I have always voted not to forgive a tax penalty no matter what the situation is, but that is just my personal opinion. Vandelanotte – You can have the taxes taken automatically out of your checking account. I know we forgave one last year and we should not have. Discussion. Fenske – If we are going to forgive the penalty, we need a motion to forgive, if we are not going to do anything, then there is no motion needed. Buysse moved to forgive the tax penalty for Robert Van Overbeke. Fenske – Any second? Hearing no second, the motion dies. R. Van Overbeke thanked the board for their time.

Jorgensen – I have a resolution here naming Compliance Officials. Discussion. Buysse moved, Vandelanotte seconded motion to adopt the resolution (on file at the County Administrator's Office) naming a compliance official for all of its responsible authorities regarding release of public information under the Minnesota Data Practices Act. All voted in favor.

Jorgensen – RCRCA has applied for and received a grant for the Cottonwood River Clean Water Project. Need to designate individuals authorized to sign the agreement. Lyon County has included in its budget \$3,000 per year for the next three years. Discussion. Vandelanotte moved, seconded by Goodenow to designate Board Chair, Robert Fenske, and County Administrator, Mark Jorgensen, to sign the Cottonwood Clean Water Project Agreement. All voted in favor.

Jorgensen – We discovered that the Board had not officially approved paying for the flu shot for county employees. Goodenow moved, seconded by Gladis to approve the County paying for flu shots for any County employee who would like to get it in 2000. All voted in favor.

Jorgensen – We received the bid for the county newspaper. The Newspaper Association has designated the Marshall Independent as the Official County paper for 2001. Buysse moved, seconded by Goodenow to approve the recommendation of the Newspaper Association and designate the Marshall Independent as the official County paper for 2001. All voted in favor.

Jorgensen – I have an after the fact tobacco license request for the year 2000 from Al's Bar in Garvin. Goodenow – Is there any penalty? Jorgensen – There is none in the ordinance at this point, but we are

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going to need to amend the ordinance. Discussion. Gladis moved, seconded by Buysse to approve the after the fact Tobacco License Application for the year 2000 for Al's Bar in Garvin. All voted in favor. Discussion on possible changes to ordinance.

Jorgensen – I have payment request number two here from Space Development Company for work on the Third Floor. It has been approved by the architect. Buysse moved, seconded by Goodenow to approve payment request number two from Space Development Company in the amount of \$35,404.60 for work on the Third Floor. All voted in favor.

Jorgensen – The Southwest Minnesota Energy Task Force is requesting \$1,500 more. Fenske – We met Tuesday morning in Rochester. The money is needed to engage a firm to keep a watch on what is going on in the legislature and to do lobbying. They will represent the Task Force on an hourly basis. I think this is a very good investment because Lyon County could lose a lot to tax revenue. Gladis – What do the other counties think? Fenske – Some were not sure, but they are united behind this. There is a lot of revenue at stake and the \$1,500 investment is nothing compared to what we could lose. Discussion. Gladis moved, seconded by Vandelanotte to appropriate \$1,500 to the Southwest Minnesota Energy Task Force. All voted in favor.

Discuss Area II breakfast on Saturday.

Jorgensen – MCIT sent a letter to the Fair Board letting them know that they will have their own insurance policy and will not be included with the County's anymore. The Fair Board is wondering whether the County will pay for it since they did in the past. Gladis – Will they receive a dividend? Jorgensen – Yes, but that would go directly to the Ag Society. You would have to make it clear that if the County does pay for the insurance, the dividend will be turned over to the County. Vandelanotte – Cost? Jorgensen – \$5,855. Discussion on whether Lyon County will see a lower premium because of Ag Society being dropped off. Jorgensen – The last time this was done was about four years ago or so when the SWCD was taken off. I believe the County paid for a portion, but not all. Fenske – We need to discuss this with John Bower when he is here next time. Buysse – Is this in the budget? Jorgensen – No. Discussion.

Meeting Recessed.
Meeting back to Order.

Discuss Friday after Thanksgiving.

Jorgensen – As Administrator, I think the bottom line is, do you provide service that day or not. Payment of holiday time etc. is incidental. Buysse – Is the traffic worth it? Jorgensen – It is not as busy as a regular day. Gladis – Could the people that came in for driver's license have done it on a different day? Van Overbeke – Yes, I believe my deputy kept track of that. Goodenow – What I am wondering is would employees be willing to switch and give up one holiday for the day after Thanksgiving? That way they would still have the two floaters. Discussion. Fenske – The Sheriff's Department is already different. Jorgensen – They have a bargaining unit so that is a different situation. Discussion. Jorgensen – This does need to be decided by the first of the year. Gladis – Are the numbers worth staying open? Champine – For my department, there was not enough traffic. Barker – For our office, everything that was done could have been done another day. Goodenow – You could staff way down on that day. Discussion. Gladis – I would like to explore the option of switching holidays. Goodenow – Friday is not busy enough and we need to decide whether to give up a floater or exchange a holiday. Jorgensen – You could approve closing the day after Thanksgiving and direct me to survey. Benson – If the day after Thanksgiving is a holiday and there would be a snowstorm, it would impact the Highway Department financially. I look at it as a catch up day. We have a scaled down crew and they like the flexibility of using the floating holiday. Fenske – Could leave the highway department like the Sheriff's Office and change the Courthouse. Barker – From a management standpoint, floaters are harder to deal with. When you have less staff, the work does not get done as quickly. When we have a holiday, everyone is gone at once so no one has to cover someone else's desk. Fenske – Any board members want to make a motion to change the holiday schedule or should we investigate further? Gladis – I would like to survey on making President's Day a regular workday and having the day after Thanksgiving as a holiday. Jorgensen – We will get a survey out.

Maes – I have an update on the landfill, but it pertains to the Stipulated Agreement and the MPCA and EPA. Fenske – Corps? Maes – The EPA represents the Corps. Since this deals with pending litigation, you may close the meeting.

Goodenow moved, seconded by Gladis to close the meeting. All voted in favor.

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

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

Henriksen – I have the agreement here that states that the Government Farm Payments for the land we rent to Albert Kerkaert can be paid to him directly. He rents the DeVries property. Buysse – Cash rent? Henriksen – Yes. He pays \$45 per acre. Goodenow moved, seconded by Buysse to approve the 2001

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Government Farm Payments going directly to Albert Kerkaert who rents land owned by the Landfill. All voted in favor.

Henriksen – I am holding a meeting on December 20th to discuss the resolution with the demo contractors.

Discussion on letter from OEA. Henriksen – They would like to meet with us to discuss CON so I propose we invite other counties so we can get input from them also. Jorgensen – I think they will play the same games as they always do. Henriksen – That’s probably true, but this would bring other counties in and get them involved. I am looking at setting up the meeting during the first part of January.

Fenske – Should we discuss the letter from the City of Cottonwood? Henriksen – I did send a letter to all of the cities explaining the situation. Fenske – Cottonwood has said that if they can’t get the recycling picked up on the same day as garbage, then they want to hire their own firm for recycling. Gladis – That is not an option. Jorgensen – There is some concern that when Currie gets a schedule that does coincide with the garbage pickup, Ritters will change the garbage pickup schedule. Discussion. Henriksen – Currie has bought a building here in Marshall. Further Discussion.

Jorgensen – The MN River Basin Joint Powers Board would like a delegate and an alternate by their January 22 meeting. Right now, Vandelanotte is the delegate and Buysse is the alternate. Fenske – We will take care of that during our first meeting in January.

Jorgensen – The Squad State Task Force sent a thank-you for sponsoring the speaker.

Jorgensen – As you have all heard, there will be another large budget surplus at the State.

Jorgensen – I received a proposal from the Union for the 2001, 2002, 2003 contract. Would like to sit down and discuss with Gladis, Fenske, Stephens, D. Louwagie and Stokke, if it works for everyone, on Friday, December 15th, 2000.

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

Goodenow	\$40
Vandelanotte	\$40
Gladis	\$175

All voted in favor.

Maes – I had a discussion with Jim Curr on the assessments within the City of Tracy. He thinks that the drainage authority should call a meeting to approve. I told him that was not necessary and that there would be no meeting. Discussion.

Maes – I waited for the sales and purchased a digital camera for the school officer to use. Goodenow moved, seconded by Gladis to approve the purchase of a digital camera for the school officer in the amount of \$674.09 to be taken out of Criminal Justice Aid. All voted in favor.

Commissioner Reports:

Gladis – I thought the AMC Conference was good. I get a lot of benefit from talking to the other officials. I will probably not be at the Truth in Taxation Meeting tonight.

Vandelanotte – Rose Anderson likes the idea that she is going to be coming to the Department Head Meetings. Originally, county money was not supposed to be used for the MN River Basin, but there already has been some used.

Goodenow – I have talked to Jorgensen and Van Overbeke about getting sworn into office at the next meeting and it is allowed. The first meeting of the year must be on the first Tuesday after the first Monday so we can not postpone the first meeting. I could wait until I get back, but since we can take care of it at the next meeting, we just as well. I also will not be here tonight.

Fenske – I am now on the Area Transportation Planning Board. Discussion on RDC and MnDot. Balaton Public School sent a thank-you for paying part of the bill for the Prairie Ecology Bus to come to their school.

Buysse moved, Gladis seconded motion to adjourn the meeting until Tuesday, December 19, 2000 at 9:00 A.M.

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Attest: _____
Mark R. Jorgensen
Lyon County Administrator