

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
April 17, 2001

Meeting called to order by Chairperson Fenske. Members present: Buysse, Goodenow, Fenske, Gladis, Nelson, County Attorney Maes and Auditor/Treasurer VanOverbeke.

Pledge of Allegiance to the Flag.

Chairperson Fenske approved the agenda with an addition of WESCAP resolution added.

Ditch vouchers were presented by Hammer. Discussion on the attorney bill from Wendland/Timmerman for expert witness fees for CD #7. Fenske – Is there money in the fund to pay it? Hammer – No. Van Overbeke – We've already loaned them \$200,000. We've had a hearing to collect \$57,000. Hammer – My recommendation is not to pay that bill until Paula and I can get together to decide what to do. Goodenow moved, seconded by Buysse to approve the ditch vouchers that were presented except for the above bill. All voted in favor.

Hammer presented the Annual Ag Report. Hammer – The grand total hours for my department doing work for the Department of Ag was 525 hours. Gladis moved, seconded by Buysse to approve the chairperson to sign it. Gladis – Who has control over the ditch between the college and the apartments? There are lots of thistles. Hammer – We try to work it out between the city and the county, but it is a county ditch so we have the responsibility. The city has planted native grasses and it generally takes 2-3 years to take hold. All voted in favor.

Goodenow moved, seconded by Nelson to grant a Conditional Use Permit to Annette Elsing to operate a business (antique store) on land zoned agricultural. The property is located in part of the North Half of the Northeast Quarter (N1/2 NE1/4), Section 15 of Fairview Township. As per recommendation of the Fairview Township Board and the Lyon County Planning and Zoning Commission. With the following stipulations:

1. Conditional Use Permit is granted for a period of 3 years, renewable.
2. Must follow the Lyon County Zoning Ordinances.
3. Business to be secondary to the single family non-farm dwelling. Homeowner and business owner must be the same.
4. Sign allowed according to Zoning ordinances.
5. Septic needs to be installed for bathroom. Must be designed by a licensed installer and inspected by Lyon County.
6. A copy of this motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees will be billed to the applicant for the actual costs incurred by the county for the recording fees.
7. No outside storage.
8. Approve option #3 for construction of building. Building to be built west of the home.

All voted in favor.

Goodenow moved, seconded by Gladis to grant a Conditional Use Permit to Dulas Construction to operate a business (industrial sales and service of equipment) on land zoned agricultural. The property is located in part of the Southwest Quarter (SW1/4), Section 6 of Lake Marshall Township. As per recommendation of the Lake Marshall Township Board and the Lyon County Planning and Zoning Commission. With the following stipulations:

1. Conditional Use Permit is granted for a period of 3 years, renewable.
2. Must follow the Lyon County Zoning Ordinances.
3. Sign allowed according to Zoning ordinances.
4. Flammable waste trap to be installed along with holding tank for floor drains.
5. Septic needs to be installed for bathroom. Must be designed by a licensed installer and inspected by Lyon County.
6. A copy of this motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees will be billed to the applicant for the actual costs incurred by the county for the recording fees.

Hammer – There's a pre-existing advertising sign there since 1972. They can have the sign. Goodenow – So the sign is grandfathered in. If it's destroyed in a storm, it wouldn't be replaced? Hammer – No. All voted in favor.

Hammer presented a letter sent to the Kastjaga Corporation of Balaton. Hammer - Property was subdivided in the 1970's. Property was sold in 1995-1996. We didn't know the property was sold and the septic system did not get upgraded. A letter was sent to the present owners to upgrade the septic system. Their attorney said there was a statute of limitations which is true. Maes – There's nothing the county could've done. There's a two year limitation period. The enforcement is with the people who bought the property. Fenske – I got a call from Doug Landsman and he is extremely upset about the septic running out onto his property. Can the MPCA get at Schaffer since he was the one who did it? Goodenow – The bottom line here is you can't have a sewer system out of compliance. In our hearts, it's not quite fair. Hammer – Schaffer broke the county ordinance. Benson – We need to set up a process to have an ordinance that property transactions must go through the Zoning Administrator and then the buyers are protected. This could have helped with the Klein Addition, too. Fenske – We've had 2 cases now – we need a way to check on it. Goodenow – We could set a timeline. Hammer – Landsman had a meeting with his attorney yesterday to consider the next step. Maes – Let's see what Landsman's attorney says. Hammer – They are all aware that it is an imminent health threat. Hammer – Bartlow was

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given a copy of this letter. Planning and Zoning denied his variance. Gladis – The house was there since 1972. Garage was a little out of proportion. Main discussion during the meeting was more about Schaffer and nothing was in the P & Z minutes. Planning and Zoning didn't know where the pins were. Bartlow didn't either. Goodenow – He said it wasn't his responsibility to do that. Nobody wanted to pay for the survey. Gladis – Where do we go from here? We're putting pressure on the landowners and that's not fair. Goodenow – We're going to have to put pressure on them. They bought it. Gladis – So if someone buys a lot, they can't build? Hammer – I couldn't deny them a permit.

Hammer – Planning and Zoning made a recommendation that the county acquire the Garvin corner property. There have been owners who want to open a bar and bottle shop. I've told them no. They've wanted to turn it into apartments. I've told them no. There's an open well, fuel tanks and septic problems. Peterson would consider buying it back and converting it to farmland. MNDOT would be happy to buy it as a clear zone. Fenske – How much did Lenz pay? Hammer – Around \$5,000.

Judge George Harrelson and Mary McCormick presented to the board. Harrelson – We are waiting for the judicial budgets for the year. Cost of interpreters and guardian ad litem are going up. Most of the money will come from the state. Presently, no computer systems are tied together. We have plans for a state of the art system that ties criminal records together. We would like to do some remodeling. The current courtrooms were designed in 1975. At that time, we had County Court Judges (which used a 6 person jury) and District Court Judges (which used a 12 person jury). We now use 12 person jury's and no longer have County Court Judges. One courtroom is set up for a 6 person jury. If we have 2 trials going on, we would have to set up a card table and chairs to accommodate 12 jurors. The design is not good. Not a lot of flexibility. If there are more than 2 attorney's in the courtroom, we have space problems. Perfect courtrooms are like the ones from the turn of the century like Ivanhoe. I had Anita look at the courtrooms. We could have technology for computers. McCormick – The Child Support Magistrate is scheduled to come when the judges are in Ivanhoe. They are having more and more hearings. Another courtroom in the jail expansion has been discussed with Jorgensen. Harrelson – When Judge Peterson comes, he needs more room. Financially, things have been going pretty good. But I can see them closing Ivanhoe and we'd become a center. Maybe we would have 3 judges. We did have 3 before, now we're down to 2. We've become more efficient. Conference rooms are used for Jury Assembly. Benson – There's potential we can make the courtrooms more functional. The built in furniture would need to go. Attorney's want and need internet hookup. I suggest contacting Group II Architects to look at it. Maes – Do you think it would be a good idea to look at moving the ITV room to the court area? McCormick and Harrelson – Good suggestion. Sometimes ITV is being used in other counties in the jail for the first appearance so they don't have to transport the person and since it's such a short appearance.

Hammer – In the past, we decided not to allow the Corps of Engineers to place any further monitors in JD #31. We considered taking one out, but decided to leave it in. They are going directly to the landowners to see if they can put them in. Fenske – David Norgard from Lincoln County said they contacted his mother to put in the monitors. So the question is – do the property owners own the ditch or does the county? Maes – The county. Fenske – So we've already denied them. Goodenow – Does Bill James know why we denied it? Hammer – He was told. Benson – I suggest sending a letter to property owners informing them of our decision to deny them to place monitors and to let us know if they've been contacted. Nelson – RCRCA originally wanted them to do it, but now they've denied them, too. Goodenow – There's disagreement between people within the Corps of Engineers. Hammer – I'll send a letter to the landowners and contact Lincoln County to set up a conference call for the May 1st meeting.

Henriksen presented landfill vouchers. Gladis moved, seconded by Goodenow to approve Landfill vouchers. All voted in favor.

Goodenow moved, seconded by Buysse to approve out of state travel for Henriksen to attend a landfill symposium in San Diego, CA. All voted in favor.

Buysse moved, seconded by Goodenow to approve a land lease agreement with Albert Kerkaert at \$45 an acre for 107 acres. All voted in favor.

Buysse moved, seconded by Goodenow to approve BOWSER grants. All voted in favor.

Henriksen – Wood waste presently goes to Rock County. It gives a backhaul to them. Wood is not clean when it comes in. The nails aren't a problem, but it is sometimes surrounded by sheetrock. Kenny wants us to stockpile it. Kesteloot would be willing to have a container. If we charge \$1 a yard for clean lumber, it will give them incentive to separate it out. We don't want to stockpile it. If they both provided a container, we could divide it evenly. They want \$1 a yard to haul it. We will request quotes from each on what they would do it for.

Buysse moved, seconded by Fenske to approve the Road & Bridge vouchers submitted by Benson. All voted in favor.

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Buyse moved, seconded by Nelson to award the low bid of \$42,225.25 for Aggregate Processing to Rupp Construction. All voted in favor.

Goodenow moved, seconded by Buyse to award the Bituminous Materials to the only bidder – Koch Materials for \$119,598.00. Gladis abstained from the vote. Buyse, Fenske, Goodenow and Nelson voted in favor.

Goodenow moved, seconded by Buyse to award the Bituminous Patching Materials to the only bidder – McLaughlin & Schultz for \$32,480.00. All voted in favor.

Goodenow moved, seconded by Gladis to approve final payment of SAP-42-599-123 to Dunnick Brothers for the bridge in Amiret township. All voted in favor.

Goodenow moved, seconded by Buyse to approve agreement with MnDot and BNSF Railroad for installation of flashing light signals and gates at CSAH 8 in Green Valley. Benson – We are fortunate that we don't have to provide financial assistance – just striping and signage. It was a high priority for BNSF. They paid 50% and MnDot paid 50%. They have one year from the contract date to put them up. All voted in favor.

Buyse moved, seconded by Goodenow to approve an agreement with the 610 Erie Road partnership (Locher Brothers) on the CSAH 33 project. Benson – They relocated the loading docks by moving them to the other side of the building. Fenske – We got MnDot funds to help out moving the docks. All voted in favor.

Goodenow moved, seconded by Gladis to waive the fairground fees per day but keep the bathroom fees per day for the Relay for Life held in August. All voted in favor.

Gladis moved, seconded by Buyse to approve the construction of a portable food stand built by 4-H at the fairgrounds. Benson – Rick has \$500 in the budget for this 10x12 portable building. The total cost will be around \$1,000 to \$1,200. Gladis – Rick is coordinating the building of it with the 4-H kids.

Benson – The GIS Coordinator position description sets a high standard – it has a high level of responsibility. Fenske – What about the idea of developing our technology before hiring a full-time? Benson – It would involve contracting out. We couldn't keep using our existing staff. Fenske – We want to continue to move forward with technology. How about using SSU? Charlie is well-informed with GIS. Our high priority is developing the parcel map. Goodenow – With a part-time person, you'll tend to find someone to do the technical part of it. They'd be more staff than management. Gladis – I don't think we can put the money towards it that they want to. We could work into it. The part-time person could get the basics down. Cost is a big factor. Technology is changing so rapidly. The costs will go down. Goodenow – It would take a lot of consulting fees. Hire a full-time now and not use outside consulting. Benson – We're working with this GIS system, building a new building and working on land use plans. If I had more time, I would go with the part-time person. I would like to see the full-time person. Getting the system set up is very important and we want it done right. The budget would be sufficient for 2001. Fenske – Are we ready to make a decision? Benson – The job description needs to be sent to DMG for a salary range first.

Benson reported that Lyon County sent a skid steer loader with a forklift attachment to Granite Falls.

Benson reported that they are working with MnDot on Saratoga and County Road 67 because of recent accidents.

The Annual Spring Road Tour is set for Friday, May 11, 2001.

Goodenow moved, seconded by Gladis to approve the DNR purchase of 77 acres in Section 18 of Stanley Township to be added to the RIM program. Bob Meyer – The land is on County Road 8, 2 ½ miles East of Green Valley. All voted in favor. (on file at County Administrator's Office)

Goodenow moved, seconded by Gladis to approve a resolution to use RIM funds for acquiring 240 acres of land for Camden State Park. Teresa Thews – We need a county board resolution when we acquire land for RIM funding. All voted in favor. (on file at County Administrator's Office)

Buyse moved, seconded by Goodenow to approve a 2 year joint powers agreement for Area II Minnesota River Basin. Kerry Netzke – Lyon County contributes 27.3% this year compared to 26% last year. All voted in favor.

Buyse moved, seconded by Goodenow to approve a resolution for a grant award for EMS and Division of Emergency for \$4,612.00. All voted in favor. (on file at County Administrator's Office)

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Tammy Van Overbeke – They are working on the Emergency Radio Band tower site near Russell. Should be done maybe next week. Then they will test for a couple days. We will do a lot of advertising after that.

General Revenue Vouchers and Trust Fund Payments were presented. Buysse moved, seconded by Gladis to approve the general revenue vouchers and trust fund payments.

General Revenue Fund	\$77,601.94
Road & Bridge Fund	\$90,350.52
Solid Waste Management	\$12,782.03
Local Water Imp.	\$20.00
Total	\$180,933.62

Beginning Warrant Number: 333375; Ending Warrant Number: 333514. All voted in favor.

Goodenow moved, seconded by Fenske to pay Travel SW their appropriation for \$2,000. All voted in favor.

Gladis moved, seconded by Goodenow to approve per diems of \$300 to Fenske and \$60 to Buysse and \$35.13 for mileage and meals to Buysse. All voted in favor.

Maes – I've looked at the Holy Redeemer Lease with Pat Leary and we changed the wording a bit in regards to terminating the agreement and subletting. We will suggest approving it at the next meeting.

A thank you letter from the SSU Faculty Association to the board for their support was read by Fenske.

A letter from Representative Gary Kubly about Senior Dining funds was read by Fenske.

Fenske reported on the Energy Taskforce Meetings. There are 10 counties represented on this taskforce. They have hired a lobbyist.

Buysse moved, seconded by Gladis to approve a resolution that supports an application from Western Community Action to the CFL to provide Child Care and Resource Services. All voted in favor. (on file at the County Administrator's Office)

Buysse moved, seconded by Gladis to adjourn the meeting until Tuesday, May 1, 2001 at 9:00 AM.

Robert Fenske, Chairperson

Attest: _____
Paula VanOverbeke
Auditor/Treasurer