

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
May 15, 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 agenda.

Buysse moved, seconded by Nelson to approve the ditch vouchers presented by Hammer in the amount of \$212.20. All voted in favor.

Buysse moved, seconded by Gladis to grant a Conditional Use Permit to Rosann Schmidt to move in a mobile home as a place of residence on land zoned agricultural. The property is located in the South Half of the Northwest Quarter (S1/2 NW1/4), Section 2 of Amiret Township. As per recommendation of the Amiret Township Board and the Lyon County Planning and Zoning Commission with the following stipulations:

1. Conditional Use Permit is granted for a period of 5 years, renewable.
2. Must follow the Lyon County Zoning Ordinances.
3. Mobile home cannot be rented out.
4. Mobile home to be anchored and skirted.
5. Site must be kept clean (no junk cars, weeds controlled).
6. Septic system to be checked, if it needs to be updated, it must be designed and installed by a licensed contractor and inspected by the Zoning Administrator.
7. Must apply and receive a building permit prior to moving mobile home on tract of land
8. Must apply and receive a transportation permit to move mobile home on county roads from the Lyon County Highway Department and on state road from MNDOT.
9. Trees and shrubs to be planted sixty (60) feet from the road right-of-way.
10. A copy of the Lyon County Board of Commissioner's Motion shall be filed with the County Recorder's Office along with the legal description and address of the property. Additional fees will be paid by the applicant for the actual costs incurred by the county for the recording fees.
11. Conditional Use Permit is non-transferable.
12. Existing mobile home needs to be removed prior to moving in the new mobile home.

All voted in favor.

Dennis and George Buysse were present to discuss problems with water in JD #7. Hammer – There is problems with the Yellow Medicine River getting out of its banks and washing out banks and flooding land. Dennis Buysse – We're taking water into JD#7 that we shouldn't be. Since the new bridge was put in, the two main pipes are supposed to bring water back into the Yellow Medicine River, but it's going across County Road 10 and into JD#7. County Road 26 is actually a dam. The water is very high. County Road 10 is a spillway. We would like a flap gate put in. Hammer – There is room underneath County Road 26 – about 3-4 feet. The water breaks out and goes across 2 pieces of land. Dennis Buysse – When the river gets high enough, it goes back towards the east. Benson – The Bridge was replaced in 1990. The road acted as a spillway. The Yellow Medicine River Watershed District cleaned trees out of the river, so the speed of the water has gotten faster. I have discussed the slope failure with Terry Renkin and I asked if the riverbank could be restored. I think putting a flap gate in the culvert would make County Road 10 have water on it faster. The water level next to County Road 10 was 4/10 from going over the road. Dennis Buysse – High water is a better survey stick. We never had problems before the bridge was put in. Before it goes over the road, it runs for days going east and it shouldn't be. After the bridge went in is when we had the problems. It should have been low and flatter, but it ended up a big, high bridge. Goodenow – We have to be careful about putting flaps in because then it causes other problems down the road. If we got that water to stop, then others will come to say they are getting flooded. Clarence Buysse – It would be interesting to know how much silt is in there. Benson – I'm concerned about County Road 10 going under water. There's no easy answer. Dennis Buysse – County Road 10 has been under water before. Goodenow – Maybe the spillway needs to be fixed. Benson – We can do further research on the spillway and ditches. Fenske – We've got a problem. We are asking you to look into it. Also keep the board and Dennis informed and be the go-between.

Buysse moved, seconded by Goodenow to approve the road and bridge vouchers presented by Benson. Gladis – Are you still bidding every month for diesel? Benson – Yes. All voted in favor.

The Road Tour was scheduled for June 15 and meeting at 8:00 AM at the Highway Shop.

Gladis moved, seconded by Goodenow to adopt the Transportation Resolution. Benson – It was prepared through AMC. Counties will lose 3.4 million. County Engineers as a whole are trying to send a message. There is never enough transportation funding. The House hasn't been as friendly as the Senate with funding. Gladis – What does adequate mean? And we need to support the metro funding – if not, they may not support us. Fenske – We need to be unified. Buysse – Will redistricting help us? Fenske – No, it will hurt us. Benson – We don't have a lot of time left. All voted in favor. (Resolution on file at County Administrator's Office)

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
May 15, 2001

Rick Anderson reported on the upcoming Garvin Park Open House. Anderson – The Park Board will be hosting the Open House on Sunday, June 24 from 1-4 PM. There will be free root beer floats. The root beer is donated. Elaine Conyers is contacting Schwan's about the ice cream. Prairie Expo, the Ecology bus, horse riders, Boy and Girl Scouts and the snowmobile club has been invited. We are asking the Commissioner's to be there to help serve the root beer floats. The Prairie Ecology bus is \$275 and we haven't budgeted for that. We are asking for \$750 to help cover some of the expenses for the open house. Gladis moved, seconded by Goodenow to grant up to \$750 to be used for the open house. Buysse – Garvin Park is a nice place. Fenske – And it's getting better. All voted in favor.

Anderson – The Gymnastics Association is currently using the Currie Town Hall. They would like to use the Commercial Building or the 4-H exhibit building for meets. They would have a month of downtime from the time of the Schwan's picnic in July to the Relay for Life in August. I brought up a \$115 figure for monthly rental. Fenske – How much would the gymnastics use it? Anderson – Five days a week, eleven months a year. The high school and gymnastics club would use it. All the \$115 would cover is for the lights, not heat. Gladis – Is that enough to cover utilities? Fenske – Would they use the bathrooms? Gladis – Have you checked with MCIT insurance? Benson – The gymnastics association has an insurance policy. Gladis – MCIT still may not approve, even with them having a policy. Fenske – Let them know we are certainly willing to work things out.

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

Buysse moved, seconded by Gladis to approve SEH to do PCA pilot projects of leachate recirculation within the landfill for a 5-year period. Henricksen – The PCA is only allowing 6 pilot projects. We will mention shredding in this proposal. There will be a net savings of \$500 for each load of leachate. All voted in favor.

Henricksen – The concover sprayer machine came in yesterday. Goodenow – Has the concover been approved by the PCA? Henricksen – Yes. Goodenow – Are we ready to send in for the grant for the shredder? Henricksen – No – we are still waiting for them to approve the permit for increasing the landfill.

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

General Revenue Fund	\$96,153.05
Road & Bridge Fund	\$37,014.26
Solid Waste Management	\$6,790.84
Ditch Fund	\$212.20
Forfeited Land	\$569.10
Total	\$140,739.45

Beginning Warrant Number: 333684; Ending Warrant Number: 333842.

Van Overbeke – The delinquent publication notices come out of my budget this year. I would like to make you aware that I will be over my budget for advertising. This year, the Marshall Independent is the official newspaper for the association and it's expensive than the other papers in the association. Gladis – So the association and individual newspapers could bid? Van Overbeke – each paper has their own rate within the association. We send our notices to the official paper and they send them to all the other papers in the County for them to publish. Fenske – When does the contract come up again? Van Overbeke – The first of the year.

Goodenow – Stobe lights for the police cars were \$3,000 each from Johnson Emergency Vehicles. Is it for just one car? Probably the whole car. Gladis – Do they look around for prices or just always buy from the same place? Van Overbeke – I'll have Don report to the board at the next meeting to give an update. All voted in favor.

Jim Doering from RCRCA presented the annual report for 2000. Doering – We will be requesting \$15,840 from Lyon County for 2002 - an increase of \$2,772. The total money spent in Lyon County since we started in 1994 has been \$286,513.05. The Redwood River Watershed is showing a 30% reduction in nutrients going into the Minnesota River. We are hoping to show a 20% to 40% reduction in the Cottonwood River. Redwood County asked to put an indemnification clause in the Joint Powers Agreement. Fenske – I don't think we would have a problem signing the Joint Powers Agreement. Doering – I would like your board to authorize Nelson to sign it at our next RCRCA meeting. Buysse – We normally have our chairman sign it. Bring it to the next Commissioner meeting. Doering – We have upcoming events – Coffee on the Project, the Cottonwood River kick-off on June 9 from 1-7 PM in Springfield. We also have canoe trips on the Cottonwood scheduled for June 12 and the Redwood River on June 14.

Benson presented the Comprehensive Land Use Plan agenda for the May 22 meeting.

Anderson – Total cost for the Garvin Park Shower facility comes to \$40,110.19. It will sit 20' to the south of the north campground. It will be a block structure instead of wood to make it more vandal proof. We will use interest from the trust fund to pay for it. Van Overbeke and I have discussed the pay back. We would borrow the money from the regular fund and pay it back with

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
May 15, 2001

the interest received from the Trust Fund each year. Van Overbeke – It would be a loan like we do for the ditches. Discussion on the Trust fund and the usage. Van Overbeke directed to find the trust agreement and put it in your commissioner packets. Anderson – This way we will use the trust fund interest instead of county money. It is stated in the trust fund that interest must be used for capitol improvements to Garvin Park. Fenske – Have you considered raising fees? Anderson – We did and we may raise them again. This past weekend, we only had one site left. We had 30 campers. Mostly local people. Other parks were not as busy. Goodenow moved, seconded by Gladis to approve the loan out of the general revenue fund for the Garvin Park Shower Facility to be paid back with interest from the Garvin Park Trust Fund each year until fully paid. All voted in favor.

Gladis moved, seconded by Goodenow to approve the electrical quote from G & R for the Garvin Park Shower facility in the amount of \$3,640.37. All voted in favor.

Goodenow moved, seconded by Nelson to approve the plumbing and drainfield quote of \$16,857.00 from Heartland Mechanical. All voted in favor.

Gladis moved, seconded by Goodenow to approve the building construction quote of \$19,613.62 from Independent Lumber. All voted in favor.

Gladis moved, seconded by Goodenow to waive the building permit and septic permit fees of \$125 for the Garvin Park Shower Facility. All voted in favor.

Gladis moved, seconded by Goodenow to waive the fairgrounds fee's but keep the bathroom fees for the Knights of Columbus event to be held on August 21. All voted in favor.

Dean Champine reported on the K-Mart Tax Court Case. Champine – Cal Barnett and I went to New Ulm to meet with five counties involved with K-Mart Tax court cases. Both the city and the county appraised them around 2.4 million; they appraise them at \$900,000. We are set for a conference call in September. Martin County wants to hire a lawyer and an appraiser and share expenses. We aren't ready for that yet. It would cost \$3,000 to \$5,000 for an appraiser. A lawyer would cost \$50,000. Goodenow – It's an important case because if K-Mart makes their case, other stores may follow. Champine – K-Mart did a blanket filing – 41 stores. Dollar per square foot varies – they were built between the 1970's and the 1990's. Some have been remodeled. Maes – The court case may be in February. They will have pre-court discussions. At this time we should not be interested in sharing an appraiser and lawyer costs. It's too early.

Goodenow moved, seconded by Fenske to approve payment of \$10,590.46 out of the contingency fund for attorney fee's from Rinke Noonan for the Heartland Foods Tax Appeal. All voted in favor.

Maes presented a Community Plus review sheet. Maes – The review shows that Eve DeBaere is doing a very good job and that this is a very good program.

Buysse moved, seconded by Goodenow to accept the resignation of Aaron Duis, Assistant County Attorney effective May 31, 2001. Maes – He is going to Wright County. He did an excellent job here in Lyon County. He attended the Planning and Zoning meetings. All voted in favor.

Buysse moved, seconded by Goodenow to approve advertising for an Assistant County Attorney. All voted in favor.

Buysse moved, seconded by Goodenow to accept the resignation of Jeff Romness, Custodian effective May 18, 2001. All voted in favor.

Buysse moved, seconded by Gladis to approve per diems for Fenske of \$180.00 and mileage of \$34.42, per diems for Nelson of \$120.00 and mileage of \$91.41. All voted in favor.

The board authorized Paula Van Overbeke and Anita Benson to attend SW/WC meeting on telecommunications.

Van Overbeke – I was contacted by the Marshall City Attorney to host the city/county meeting. It's the Counties turn to host the meeting. I would recommend that we start looking at dates in July when the new administrator has arrived. Van Overbeke will contact City Administrator Johnson and to get open dates for the council and present them at the next board meeting.

Gladis - New negotiations with Public Health are almost settled and they should have a signed contract soon. Public Health is getting out of home health care. There will be a September 1st date that we would contract out services. Fenske – How about those who can't afford it? Goodenow – It shouldn't cost people anything more from contracted services than Public Health. Gladis – Private providers are reimbursed the same as public. They will take the workers that worked for Public Health.

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
May 15, 2001

Nelson – I'm on the Public Health committee, too, and Jerry is the chairperson and he does an excellent job. Area II is waiting for appropriations.

Buysse moved, seconded by Gladis to adjourn the meeting until Tuesday, June 5, 2001 at 9:00 AM.

Robert Fenske, Chairperson

Attest: _____
Paula VanOverbeke
Auditor/Treasurer