

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
June 5, 2001

Meeting called to order by Chairman Fenske. Members present: Buysse, Fenske, Gladis, Goodenow at 9:05, Nelson, County Attorney Maes, and Auditor/Treasurer Van Overbeke.

Pledge of Allegiance to the Flag.

Agenda approved with the addition of discussing the D&C Dozing issue.

Buysse moved, seconded by Nelson to approve the minutes from the Lyon County Board Meetings on May 1, 14, 15, 17, 24, and 29. All voted in favor.

Ditch Vouchers were presented. Buysse moved, seconded by Gladis to approve the ditch vouchers. Discussion. All voted in favor.

Hammer – Would like to discuss per diems. For Planning and Zoning inspections, the past practice has been to give the person ½ of the Planning and Zoning Meeting per diems plus mileage.

Goodenow present.

Fenske – Should we just make this official? Hammer – That would be my recommendation. Buysse moved, seconded by Nelson to approve a \$25 per diem plus mileage for planning and zoning inspections. All voted in favor.

Hammer – I think we also need to establish a per diem for Comprehensive Land Use Plan meetings. I recommend \$25 to \$30. Benson – Would all Planning and Zoning members get this or just the ones appointed to attend the meeting? Hammer – This would be for the ones that are appointed. Gladis – Couldn't we just have a blanket per diem for meetings besides the regular P&Z meeting? Gladis moved, seconded by Buysse to approve a \$25 per diem plus mileage for Planning and Zoning related meetings (not the regularly scheduled Commission meetings) which a Planning and Zoning Commission member has been appointed to attend. All voted in favor.

Hammer – Also, the Chairman or vice-chairman have to drive in sometimes to sign various documents for recording. I would suggest a \$10 per diem plus mileage for this. Discussion. Gladis moved, seconded by Fenske to approve a \$10 per diem plus mileage when it is necessary for the Chairman or Vice-chairman of the Planning and Zoning Commission to come in to the office to sign various documents that need to be recorded. All voted in favor.

Hammer – Update you on JD#15 L&R impr. There are some anti-vortex devices to control erosion that were destroyed by the snow and ice. The joint board will need to meet. I have informed Redwood County of the problem. Goodenow – This would be a repair then? Hammer – Yes. Van Overbeke – We are having a teleconference with Redwood County on the 19th. We can set a date for a hearing then. Hammer – On Branch 12, there was something drastically wrong with the tile. We are not sure if it was the tile itself or how it was installed. There is about 2000 feet that was bad. The tile company is standing behind their tile and they are replacing and installing it all at their own expense. They are done with it now. Also, the downstream ditch of JD#15 needs to be cleaned. Discussion.

Hammer – I have asked George Louwagie to come in and discuss JD#37 R&L. This is the ditch that is also the Redwood River. Louwagie – It can not handle the water. Landowner – The water all moves through that portion now at a larger rate than it used to. The grass has no chance to grow and establish itself and the bank is eroding horribly. The fields are getting flooded and the river is trying to take a different path. The counties are just not maintaining it. Approximately half of Marshall's storm water ends up there. Goodenow – There needs to be a re-determination of benefits. Discussion. Louwagie – This ditch has been so neglected that we don't have an overseer. Discussion on the Corps jurisdiction. Fenske – We are going to take a look at this. Hammer – We will discuss it with Redwood County on the 19th and set up a meeting.

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

Benson – I have given you a copy of the resolution for the Five-Year Bridge Plan. I would just like to mention that the bridge on CSAH 11 is being funded with bridge money. However, the account needs to be zeroed out to be eligible for funds. We are allowed to borrow ahead so I will be bringing this up to you at a future meeting. MnDot requires this plan. It is just a plan, it won't necessarily happen. Discussion. Buysse moved, seconded by Gladis to approve the resolution for the Five-Year Bridge Plan (on file at the Highway Department). All voted in favor.

Benson – Need to discuss the acquisition of furniture for the Public Works Building. We are looking at pre-owned which is going to save a lot of money. Discussion. Goodenow moved, seconded by Nelson to allow Benson to spend up to \$39,000 on furniture for the new Public Works Building. Benson – This could go down a little because we may not need all of the workstations. All voted in favor.

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Benson – I was asked to do research on the bridge on CSAH 26/10. Benson handed out a drawing to help explain her findings. Benson – I have looked at the project file and talked with Tom Behm who was the engineer at the time. If they say there is more water going through the culvert, they are right in a big event. However, in a small event there should not be anything going through. The bridge is about a foot and a half higher now than it was. I would be opposed to a flap gate, but could look into a reducer, but the water will still go through there. Fenske – There was a concern about the water going from watershed to watershed, but that would happen no matter what and it would also happen if there was not a road there. That can't really be stopped. I will contact the concerned parties and give them the details of my findings.

Benson – Anderson will be doing most of the work on the Garvin Park shower facility so that is going to save money. I would ask for approval to spend up to \$47,440.99 for materials. This is \$7,000 more than the previous number you saw because a small portion was inadvertently left out. This is to come from the Garvin Trust Interest. Gladis moved, seconded by Goodenow to approve spending up to \$47,440.99 for material for the Garvin Park shower facility with the funds coming from the Garvin Park Trust Interest. Van Overbeke – Isn't there anything in the Park budget for this? Benson – No, I believe it was all supposed to come from the Trust interest. All voted in favor.

Benson – We need to talk about a different date for the road tour. Discussion. Fenske – The road tour will be on July 13th.

Benson – The utility crossing in Tracy. I have looked it over and if they want to use a flowable fill, they can use an open cut. Discussion.

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

Discuss YMRWS District Resolution. Buysse – This will not cost the county any money. Fenske – We are just basically the sponsor. Buysse moved, seconded by Gladis to approve the resolution (on file at the County Administrator's Office) with the Yellow Medicine River Watershed to be loan sponsor for the Minnesota Clean Water Partnership implementation and authorizing Paula Van Overbeke, Lyon County Auditor/Treasurer, to execute the loan disbursement requests. All voted in favor.

Joel Carlson and Kirby Van Nolte were present with Henriksen to discuss the landfill. Henriksen – We had a meeting with the MPCA yesterday on the permit. They gave us three options: Do what we are doing now (which they indicated they would not allow), leave the wet area out and go North, or basically to start a new site. Fenske – I also said there was a fourth option and that was to just close the landfill all together. Discussion on Corps jurisdiction. Carlson – Representative Seifert has been working closely with the Governor's Office on Senate File #555, which is a rules reform bill. They want to use Lyon County for the pilot project. The regulatory and rules reform legislation should help. I am going to try to meet with Seifert, Lesewski and the Governor's Office this week. Discussion.

Meeting Recessed.
Meeting Back to Order.

Dennis Healy, Lincoln-Pipestone Rural Water met with the board to give an update. Healy handed out a copy of the audit. He pointed out that equity had increased by about \$650,000 from 1999 to 2000 and that cash and investments had decreased by about \$200,000. He also said that they would be getting reimbursed for a lot of work that had been done in the past. He showed the board that restricted investment had increased about \$60,000, which means they have about 1-½ years of reserve for outstanding bonds. Healy – We will be extending water service to the City of Lynd. Discussion on next years expansion project and expansion between Lynd and Marshall. Fenske thanked him for the update.

Francis Mortier and Diana Anderson from the SWMN Foundation met with the board to discuss funding. Anderson explained the relationship with the McKnight Foundation and that they needed to raise matching money. Anderson – Every five years we need to have raised 3 million dollars Over the last five years, we have just about accomplished our goal, we are \$11,000 short. If we get the 3 million by the end of June, than we receive that much in matching funds. In 2000, Lyon County appropriated \$4,000. We have had a strong presence in Lyon County in the past. Fenske – I don't know why you were not included with our appropriations this year. Goodenow – You may have been between fundraisers. Fenske – If we contribute, would the money come out of the contingency fund? Van Overbeke – Yes. Fenske – I think this is a good group and they help a lot of people. Gladis moved, seconded by Nelson to appropriate \$4,000 to the SWMN Foundation for 2001. All voted in favor. Mortier and Anderson thanked the board.

Members of the Tracy Swimming Pool Committee met with the Board to request funding. A layout of the pool was shown to the board. Audrey Koopman, Tracy City Administrator, gave a history on the project. Koopman – In February a bond issue was passed for 1.5 million dollars. We believe residents outside of Tracy will benefit as well as all of Lyon County. We would like to

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request a donation of \$50,000, which is 3 percent of the total cost. This contribution would help fund other amenities that were not originally included such as slides for the no-depth pool. We know that you have helped fund other recreational facilities in the past. Gladis – Is the school going to contribute? Koopman – No. Gladis – I would like to see some matching funds from somewhere. Koopman – The school budget is tight, they are cutting classes and teachers so they don't feel they can contribute to this. Gladis – There were other entities involved with matching funds in the other recreational facility we funded. Nelson – The school is not going to contribute. Goodenow – We did not help fund the Marshall pool or community center. So there are some differences. Gladis – The more people involved in the funding, the easier it is to collect funds. Nelson – There are no TIF's in Tracy and the pool will be open to everyone. The Southeast part of the County pays taxes like the rest of the county. Gladis – I would like to pursue this, but I am going to try to talk with members of the school board. Fenske – I am interested in this too, we just need to think about it until the next meeting. No matter where we are from, the board represents all of Lyon County. Goodenow – We could spread the money over a couple years. Fenske – We will put it on the agenda for the next meeting.

Paul and Fran Deutz met with the board to discuss forgiveness of a late tax penalty. Paul – We sent our check on the 15th. We know for sure because Fran was digging for me and came to town to specifically mail it. Fran – I put it in the outside box at about 2:45 or so. I had called the post office and they said as long as I had it in that box by 5:00 it would be post marked that day. We don't understand how it could have been postmarked on the 18th. Gladis – I know when I have had things sent from the courthouse, it will sometimes take five days to get to me. I am not sure where it goes. Fran – We know we sent it, which is why we are here. Paul – It's not a huge amount of money, it's just that we know we sent it and the mail screwed up. Van Overbeke – I would just like to mention that we do offer direct debit to your checking or savings account so it could come directly out of the bank on the 15th. We also have extended office hours on the 15th just in case you can't make it to the post office. Fran – I thought about running it up, but I had just gotten off the tractor and was pretty dirty. Discussion. Gladis – I have always voted against forgiving any penalty; it's not that I don't believe you, it's just that I am going to stay consistent. Buysse moved, seconded by Goodenow to forgive Paul and Fran Deutz's late tax payment penalty because we believe that the Deutz's did mail it on time, but it got lost in the mail. Deutz's – We apologize for this. Voting For: Goodenow, Buysse, and Fenske. Voting against: Nelson and Gladis.

Benson – D&C dozing still has not paid businesses and landowners associated with the Amiret water retention project. Maes – Cattoors sold their claim to the Marshall Credit Bureau and they have made a third party levy against the Highway Department. The expectation is that the other businesses and landowners may do the same. There is still money being held back and the project has never been finalized. Discussion. Goodenow – I would rather a court decide who gets paid and how much rather than us. Fenske – Another option, which I don't necessarily agree with, would be for the county to put in the additional money and pay everyone what they are owed. Maes – We need to see if there is something in the contract that states the final payment will not be made unless all bills are paid. If this is in the contract, the third party case can't be enforced. Discussion. Maes – I just wanted you to be aware of this, I will be doing some more research.

Members from Group II met with the board to give an update on the Public Works Building plans. Tom Osteberg, Group II, introduced the design team and went over the scope of the project. The total proposed project cost for the project is \$2,577,884. Benson explained what would be needed for site work. Discussion. A representative from E&V Consultants and Construction Managers met with the board to discuss construction management. Discussion. Fenske – Would someone from your firm be on site at all times? E&V Rep – Yes. Osteberg – Group II's involvement would not change. We do recommend using a construction manager. We have worked with E&V on many projects. We would like authorization to proceed to the next phase. Benson – Does the board want to proceed as Osteberg presented it or would you like to explore a possible third floor? Do you want to proceed with the construction management method? Financing is a big decision and more details are needed. Fenske – The board made changes by adding a basement and a second floor, which made the project more costly. Benson – Right now, we have 1.7 million to keep us going. Goodenow moved, seconded by Fenske to authorize Benson to negotiate a contract with Group II to proceed with construction documents to be presented to the Board of Commissioners for approval. All voted in favor. Goodenow moved, seconded by Gladis to authorize Benson to investigate and give recommendations on a contract with E&V Consultants and Construction Managers. All voted in favor.

Benson – Should I explore the additional cost of adding a third floor? Discussion. Fenske – I think we should at least investigate it.

Benson – They are contemplating adding on to the ice arena in 2002. We are going to have to move the old HHW and cold storage. This is not included in the project budget. This is something we can discuss in the future.

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

General Revenue Fund	\$75,224.62
Road and Bridge Fund	\$21,263.82
Landfill Spec. Rev. Funds	\$16,047.47
Water Projects – Spec. Rev.	\$6,284.90
Ditch Fund	\$3,566.85
Total	\$122,387.66

Beginning Warrant Number: 333901; Ending Warrant Number: 334024.

Van Overbeke – Need to discuss signing of acceptance letter for the new County Administrator. Discussion. Goodenow moved, seconded by Gladis to approve the chairman signing the County Administrator's acceptance letter (on file at the County Administrator's Office). Van Overbeke – The labor grade in the letter is 19, which is from Chuck Pope's labor grade scale, not Lyon County's. Should we leave it that way? Fenske – As long as it is understood that it is from Pope's scale. That wage scale will have to be looked at by the new administrator. All voted in favor.

Van Overbeke – You have the RCRCA joint powers which has been amended. Discussion. Goodenow moved, seconded by Nelson to approve the Joint Powers Agreement with RCRCA (on file at the County Administrator's Office). All voted in favor.

Van Overbeke – We need to discuss a date for the City/County meeting. Discussion. Fenske – The City of Marshall/Lyon County meeting will be July 17th. Van Overbeke – We will take care of the arrangements.

Per Diems were presented. Gladis moved, seconded by Goodenow to approve the following:

Goodenow – Per diems:	\$50
Gladis – Mileage:	\$71.28, Per diems: \$125
Nelson – Meals:	\$16.24, Per diems: \$340, mileage: \$161.37
Fenske – Mileage:	\$40.92

All voted in favor.

Goodenow – RSVP has asked for rent. I took this to the Human Services Board. It has been our position that included in our appropriation to them is an allotment for RSVP and that board takes care of them. The impression I got, was that the Human Services Board wanted us to deal with them. I gave you a copy of the Joint Powers. I suggest when we do the budget for Human Services, we reduce it by whatever amount has been allocated to RSVP and then put RSVP on our appropriation list. We need to have a representative from RSVP here to discuss matters. I do not think we could approve the Joint Powers as it is now. Discussion. All agreed to have Van Overbeke draft a letter requesting that a representative meet with the Commissioners as soon as possible.

Commissioner Reports:

Gladis mentioned the Enterprise Development Corp meeting and that a two year contract had been signed with PHS.

Nelson – I attended an RCRCA meeting in Lamberton.

Goodenow – Sandy Lehman, director of Human Services, will retire the end of July.

Fenske – We need to appoint a representative from Lyon County to serve on the EMS board. Brennan McAlpine has been the rep in the past. Discussion. Fenske appointed Brennan McAlpine to the EMS board as a Lyon County representative for a three-year term.

Fenske mentioned the PIC annual meeting and a memo from Appletree on the County's insurance loss ratio.

Buysse – I attended the WESCAP meeting. Starting in July, they will pay mileage and per diems.

Fenske – I received the signed contract from the deputies. I have given it to Maes to review and we will talk about it next time.

Buysse moved, Gladis seconded motion to adjourn the meeting until Tuesday, June 19, 2001 at 9:00 A.M.

Robert Fenske, Chairman

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Attest: _____
Paula Van Overbeke
Lyon County Auditor/Treasurer