

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
June 19, 2001

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

Pledge of Allegiance to the Flag.

Agenda approved with addition of discussion on gymnastics possibly using the 4-H Exhibit Building.

Kerry Netzke, Area II, met with the board to request approval of grants. Netzke – There are two dam repair projects, one in Sodus Township and one in Amiret Township. We have \$14, 657.84 available in State money. Since the end of the fiscal year is coming, we need to use it or give it back. We would allocate \$10,000 for the repair on the dam in Sodus Township on Greg Taylor's property. That is the one we constructed last year. We are still investigating why this happened. The remainder of the money would go toward the repair in Amiret Township on Paul Knoblauch's property. The landowners provide the matching funds for these projects so it costs the county nothing. Buysse moved, seconded by Goodenow to approve the resolutions requesting funds for the above named projects, authorize the board to sign and approve the grant agreements. All voted in favor.

Ditch Vouchers were presented. Discussion. Van Overbeke – Should the one for JD#15 R&L be L&R instead? Hammer – Yes. Discussion on carrying a negative balance in the ditch account. Goodenow moved, seconded by Gladis to approve the ditch vouchers changing JD#15 R&L to JD#15 L&R. All voted in favor.

Conditional Use Permit for Arnold Bot (See attached). Goodenow – Our recommendation was to wait and let the contractor actually get the permit, but Mr. Bot wanted everything ready so the contractor could just come in. Buysse moved, seconded by Goodenow to grant a CUP to Arnold Bot to extract and crush gravel material from land zoned agricultural in Lynd Township with stipulations. All voted in favor.

Conditional Use Permit for Ardeen Tolk (See attached). Goodenow explained why the CUP was granted for a period of 90 days and be renewed annually.

Regular Meeting recessed for a teleconference with Lincoln County on JD#31 L&L.

JD#31 L&L meeting called to order.

Robert (Lincoln County) – We believe the problem is with some tile that goes under an old grove. Hammer and I have both looked at it. To replace 2400 feet of tile, it would cost \$30,500 and to replace just the first 1000 feet which is under the grove would cost about \$11,500. We believe the roots are what is causing the problem. Lincoln County landowner – After the last rain, the water was coming out of the blowout and running over the land through the grove and then back into the tile after that. That would definitely look like the problem is in the tile under the grove. Fenske – This is county tile? Lincoln County – Yes. Fenske – Is there anyway to check for sure if the problem is the tile under the grove? Robert (Lincoln Co.) – We could open it up in a few places, but you would just be guessing where to open it. Benson – Have you ever televised tile lines? Hammer – We have never done it, but we do know there are some roots in the tile line and I believe there is too much water in there to get a camera in. Nelson – It would be non-perforated tile? Hammer – Yes. Fenske – Is this an improvement or a repair? Lincoln and Lyon County agreed it would be a repair. Hansen (Lincoln Co.) – We have two estimates and they are only \$500 apart. I think we should just take whichever contractor can get there first. Fenske – Who is on the joint board? Lincoln County: Hansen and Sagmoe; Lyon County: Fenske, Buysse, and Nelson. Lincoln County – On the estimate it says that if mud or sand become a problem, there could be more cost, but we believe that would be if the 2400 feet of tile was repaired. Fenske – I believe you are correct. There may also be some additional work that needs to be done later this summer, but we will talk about that then. Hammer – I recommend we repair at least the first 1000 feet, which is under the grove. Buysse moved, seconded by Nelson to repair the first 1000 feet of tile (which is under the old grove) on JD# 15L&L spending up to \$11,500 and using whichever contractor can get to the work first. Voting For: Hansen, Sagmoe, Fenske, Nelson and Buysse. Voting Against: None. Fenske – Hammer and Robert should go ahead with this.

Fenske adjourned the ditch meeting and called the regular meeting back to order.

CUP discussion continued. Further discussion on why only a 90 day period. Gladis moved, seconded by Goodenow to grant a CUP to Ardeen Tolk Graveling, Inc. to extract and crush gravel material from land zoned agricultural on property owned by Harry Thooft in Coon Creek Township with stipulations. All voted in favor.

Hammer – For JD#37, the landowners want to be able to maintain it since it is considered a ditch. We will need to consider a re-determination of benefits. Fenske – Even if we had enough money, what can be done – it is a river. Hammer – We would probably have to work with RCRC and

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DNR. Goodenow – I hate to have the expense of a re-determination if another agency steps in and tells us we can't do anything about the problems. Discussion.

Landfill Vouchers were presented by Roger Schroeder in the absence of Paul Henriksen. Gladis moved, seconded by Goodenow to approve the landfill vouchers. All voted in favor.

Fenske – Residential recycling is going down. Now Curry will not take pop and beer cartons. Does this break their contract? Last year for the first five months there was 1,255,031 pounds of recycleables collected and this year there has been only 784,120 pounds. People were having problems with Curry at first and now they won't take pop and beer cartons. I am concerned with the decrease. We need to find out what is causing it. It is not the fact that we don't advertise, because the Environmental Office does a great job of that. Our former recycler mixed the pop and beer boxes with the cardboard and just did not receive quite as much money for it.

Goodenow – I would have expected it to be down in January and February until people got used to the new hauler. Schroeder – Maybe the industry standard has changed and no one will take beer or pop boxes. Wulf, District Manager for Waste Connections – In the contract it list paper board which would be beer and pop boxes. We take these types of boxes from commercial businesses, it just reduces the worth a little. Gladis – Maybe we should just set up recycling shed all over the county and let people haul in their own recycleables. I would be nice to see a month by month breakdown of the pounds. Benson – I will discuss this with Henriksen when he returns and bring it back to the next meeting.

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

Benson – I received a Parking Resolution from the City of Minneota requesting that there be diagonal parking on CSAH#3. We have looked at this and it would be fine. Discussion. Buysse moved, seconded by Gladis to allow diagonal parking on CSAH#3 as requested by the City of Minneota with the condition that the city is responsible for the striping. All voted in favor.

Benson – I have a contract with Group II for services. It is consistent with the budget which was presented at the last meeting. Discussion on updates to board. Gladis moved, seconded by Goodenow to approve the contract with Group II for professional fees and the construction phase of the Public Works Building. Discussion. All voted in favor.

Benson – I also have a contract with E&V Construction Management. I talked with Greg Lewis and he said they have worked with this company a lot. They are not the most expensive and not the cheapest, but they seem to be the best for the money. They are doing a lot of work in Southwest Minnesota. This contract corresponds with the architects contract. The amount is in the budget that Group II presented at the last meeting. Discussion. Gladis moved, seconded by Fenske to approve the contract with E&V Construction Management for the Public Works Building project. All voted in favor.

Benson – Need to discuss the possibility of a third floor on the Public Works Building. If we added a third floor to the design, it would cost about \$524,610 and if the building was designed to accommodate a third floor in the future it would cost about \$100,000. As far as height requirements, the City ordinance limits us to 2 ½ stories so we would need to get a variance for a third floor. If we apply for a variance now and it was approved, it would have no expiration date and would just go with the property. As far as the FAA is concerned, we would be fine. We can not get on the schedule to discuss the variance with the city of Marshall until July 10th, but I have discussed this with the mayor. If we wait until we get the variance, it will push our construction schedule back and it is tight as it is. Buysse – Parking will also be a concern if we have renters. Fenske – Should be designed so a third floor could be added in the future. Goodenow – At least do that, because if we don't plan for it now, it can never be added. Gladis – If we plan to build to accommodate a third floor in the future, then we should apply for the variance right away. Goodenow – There would be some extra expense in the future to tear off the roof etc., but if we build so there is the option of having a third floor, the extra cost should be minimal. Discussion. Nelson – Is it the role of Lyon County to build office space? Goodenow moved to include in the plans for the Public Works Building the requirements needed to accommodate a third floor that could be added in the future. Gladis seconded the motion adding that a variance be applied for right away. All voted in favor.

Benson – Dandy-O Therapeutic Riding requested that their fees be waived for use of the fairgrounds. They plan to use it every Monday from July through September. We have made it our policy to charge for bathroom use. We could charge them \$50 per month for the use of the bathrooms and a one time damage deposit of \$150. Discussion. Goodenow moved, seconded by Fenske to approve waiving the fees for rental of the fairgrounds land, charging \$50 per month for use of the bathrooms from June 2001 through September 2001 and a one time damage deposit of \$150 for Dandy-O Therapeutic Riding. All voted in favor.

Benson – Goodenow, Gladis and I met with officials from Marshall Schools and the Gymnastic's Club. They are looking at using the 4-H Exhibit Building for gymnastic for the School, the Club and Park and Rec. They would lease the building for five years and request that the County

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bring the building up to code. The lease payment would be enough to cover these repairs and be spread over the five year period. I would need to work with Group II and get an estimate to see if it would even be feasible. Nelson – Who pays the architects? Benson – It probably won't be a significant amount, but if we end up leasing it, it would be included in that. However, if we do not lease it, the architect expense would be Lyon County's. Discussion. Gladis moved, seconded by Goodenow to authorize Benson to work with Group II to get an estimate on bringing the 4-H Exhibit Building up to code for the use of gymnastics year round. All voted in favor.

Benson – Working with MnDot on the Comprehensive Land Use Plan has been challenging. If the government shuts down, we may have to revert to our original plan. Discussion.

Don Stokke and Brad Marks met with the board to discuss the annual jail inspection. Stokke – We did very well, but as you can see there are staffing issues that need to be dealt with. The rules have changed and population has increased. Once the inspector puts it in writing, the liability comes to the county. We have to be in compliance by September 4. Marks – I have not found out what the ramifications are if we are not in compliance by the deadline. The inspection says we need three more full time or equivalent staff positions. Stokke – We have been having a hard time finding part-timers. I would recommend that you authorize us getting an eligibility list. Marks – We need multitasking individuals. Goodenow – Need more jailers? Marks – Yes. Goodenow – Couldn't you hire someone just for kitchen work? Stokke – The kitchen is a minor part of the duties. Goodenow moved, seconded by Gladis to authorize the advertising for and hiring of at least one full-time jailer and to gain an eligibility list for the possibility of more. All voted in favor.

Stokke gave an update on the leased versus owned vehicles for the Sheriff's Department and handed out a cost comparison.

Stokke – Effective July 1, I would like to use my own vehicle for work and give my car to Sergeant Dahl. We will have three cars that we will request sealed bids on. I would like to request a car allowance of \$500 per month if I use my own car. Goodenow moved, seconded by Nelson to approve Lyon County Sheriff Stokke using his own car for work and providing a \$500 car allowance per month effective July 1, 2001. All voted in favor.

Meeting Recessed.
Meeting back to order.

Audrey Koopman, Tracy City Administrator, met with the board to discuss possible funding for the new Tracy Pool Complex. Koopman – I do want to let you know that we have solicited funds from many civic organizations and we are also getting a campaign ready to raise some more. Tracy Hospital which is rented by Sioux Valley, has committed \$50,000. Gladis – I would still like to see the school contribute. Nelson – The superintendent has stated his view in the Tracy Paper and they will not be contributing any money. Goodenow – They do receive money for a Community Service Fund. We could still request a match. Discussion. Fenske – I am in favor of contributing something. We just have to decide at what level we can support it at. Koopman – We open bids on July 3 so it would be nice to know by then. Gladis – We could spread it over a three year period. Discussion Prairie Pavilion and effects on the fund raising for it. Discussion on amount. Gladis – Maybe we could contribute \$10,000 per year for three years and make the final \$10,000 contingent on the school matching with \$10,000. They could contribute that and spread it over a number of years. Fenske – There will be a contribution made and we will make the final decision on July 3rd. Van Overbeke will contact you before your bid opening to let you know. Koopman thanked the board for their time.

Regular Meeting Recessed and a conference call meeting with Redwood Falls to discuss ditches was called to order.

Short (Redwood Falls) – I understand we need to appoint members to a board and set a hearing date for JD#37 R&L. What is going on with this? Hammer explained the situation. Lyon County Nominated: Buysse and Nelson. Redwood County Nominated: Schouvieller, Short and Neperman. Hess (Redwood County) moved, seconded by Schouvieller to approve the above nominations for the JD#37 R&L board. All voted in favor. Discussion on meeting date. Redwood County requested that they get more information and that the county attorneys talk and then they would set a meeting date. All agreed.

Redwood County – Need to set a hearing date to discuss JD#15 repairs? Hammer – The spring flooding eroded a lot of soil on that new ditch. Some of the grades are out of spec. There is 18 inches of water on the new tile line because of silt. There is a larger amount of silt deposited in the old and new ditch. The biggest problem is that there is standing water. Maes – There have been no petitions filed, it has just been brought to my attention. Hammer – The work need to be done this summer or fall so the water does not freeze in the tile. Fenske – What work needs to be done? The two anti-vortex structures need to be repaired and ½ mile for the ditch needs to be cleaned up from the county line west. Discussion on work. Schouvieller – We need to be patient. A new ditch is always going to have a little erosion until the seeding takes hold. I won't agree to a clean out, but the repair of the anti vortex structures needs to be done. Hammer could

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go ahead with that. Fenske – We'll get the part fixed that actually needs it and wait on the clean out.

Hess moved, seconded by Fenske to close the meeting to discuss pending litigation dealing with JD#15 L&R. All voted in favor.

Buyse moved, seconded by Fenske to open the meeting. All voted in favor.

Conference call ended. Regular meeting called back to order.

Kevin, representing Schierholz and Associates met with the board to request a waiver to late tax payment penalty. Kevin – Paul Schierholz took over control of Village Park on April 1st. The previous owner did not give him any of the property tax papers. We were under the assumption that the taxes were paid. Van Overbeke – I had left messages for Mr. Schierholz and he did not realize that he owed taxes because he is from out of state. He has been in town a couple times, but has never stopped to talk with me. I have received a check with penalty. It's up to the board. Gladis – I think that in the purchase order, it states something about taxes. Van Overbeke – Since we started correspondence in May, we would be willing to take penalty from May and not June. I think he knew about the taxes. Kevin – He did, I think, but he didn't know the time line. Van Overbeke – He paid the June penalty which he figured on his own. Goodenow moved, seconded by Gladis to forgive the June penalty. All voted in favor.

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

General Revenue Fund	\$73,335.07
Road & Bridge Fund	\$35,682.79
Solid Waste Management	\$58,891.95
Ditch Fund	\$10,848.69
Local Water Imp.	\$291.00
Total	\$179,049.50

Beginning Warrant Number:334066; Ending Warrant Number:334230. All voted in favor.

Goodenow moved, seconded by Gladis to authorize Fenske to sign a resolution in support of a grant for septic systems with RCRCA for the Cottonwood River Restoration Project. All voted in favor.

Van Overbeke – Budget? Start anything. Discuss percentage. Annual Blue Cross/Blue Shield meeting in Jackpot – will talk to Greg.

Van Overbeke – Southwest Minnesota Foundation thank you.

Van Overbeke will attend the SWRD Commissions Annual Meeting.

Van Overbeke – Staff will attend training session in Willmar on elections – a lot more work in voter registration.

There will be a reception for the SSU president on Monday, July 2, 2001.

Goodenow moved, seconded by Gladis to approve per diems for Gladis of \$145.00 and \$58.74 for mileage, for Fenske of \$30.36 for mileage and \$360.00 per diems, for Buyse for \$240.00 per diems and \$74.25 for mileage. All voted in favor.

Goodenow moved, seconded by Buyse to use Criminal Justice money for a computer with removable hard drive for the Sheriff's Department for an estimate of \$4,500. All voted in favor.

Gladis moved, seconded by Nelson to approve the Union Contract with an agreed 3% COLA for 2001. All voted in favor.

Maes – Regarding the Community Plus Program – We need someone to sign documents for in-kind documents. Fenske – Have the Auditor/Treasurer sign. Maes – to have a record of what the in-kind contract were.

Discussion on Army Corps of Engineers.

Commissioner Reports:

Gladis – Extension has held Parenting Education programs that have really taken off. Library is looking at tentative 4% increase.

Nelson – Talked with Kennedy on landfill project.

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Goodenow – Group Home meeting – had to replace windows for fire code. They proposed to replace 4 more. They thought they could pay for 2 and the county pay for 2 – about \$600. Goodenow moved, seconded by Gladis to replace 2 windows and the Group Home will replace 2 windows and the money will come out of the Building and Improvement Fund. All voted in favor.

Discussion with Maes about the Tax Ordinance.

Fenske – AMC meeting. WESCAP bus – where let people off/on – back of building.

Fenske – Lewis signed confirmation letter and sent letter of acceptance.

Buysse moved, seconded by Gladis to adjourn the meeting until Tuesday, July 3, 2001 at 9:00 A.M.

Robert Fenske, Chairperson

Attest: _____
Paula Van Overbeke
Auditor/Treasurer