

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
August 21, 2001

Meeting called to order by Chairman Fenske. Members present: Buysse, Fenske, Gladis, Goodenow, Nelson, County Attorney Maes, and County Administrator Lewis.

Pledge of Allegiance to the Flag.

Agenda approved with deletion of the closed session.

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

Conditional Use Permit for Bliia Moua presented (see attached). Buysse moved, seconded by Goodenow to grant a CUP to Bliia Moua to operate a business (car repair and sales) on land zoned agricultural in Amiret Township. Maes – Is the number of cars allowed on the premises consistent with what has been done in the past? Hammer – Historically we have set a number based on the applicant's ability and location. Goodenow – It is for a period of one year so he could come back and request more cars if he wanted to. Nelson – There was some opposition to this. Goodenow – But the township approved it. All voted in favor.

Conditional Use Permit for Daniel and Kelly Jacob presented (see attached). Goodenow moved, seconded by Gladis to grant a CUP to Daniel and Kelly Jacob to leave in place a double-wide mobile home as a place of residence on land zoned agricultural in Custer Township. Discussion on septic system. All voted in favor.

Conditional Use Permit for Ronald A. Hefty D/B/A Hefty Seed Company presented (see attached). Hammer – The Planning and Zoning Commission recommends denial of this CUP. Fenske – What about the township? Hammer – The township made a recommendation for denial. Goodenow – There was a lot of discussion and concern at the Planning and Zoning (P&Z) Meeting. This is not in any way affected by the Feedlot Ordinance because there is not a residence involved. This is a commercial business. They must get a permit from MnDot to have access on and off the highway. There is also a township road, but would have to talk with the township about using that. Nelson – The issue of protecting ag land came up, but this is 6.8 acres in a triangular piece of land so it is not very good for row crop. There is a County tile that runs through the property so there is a contamination concern. Goodenow – P&Z had very good reasons why they denied the CUP, but I sort of lean toward approving a permit with conditions. Buysse – Does the Hefty Company have an alternative location? Mr. Hefty – We will not build within city limits. We have looked for six months and this is the best location. If this is denied, we will have to build somewhere as we have already bought the building. It probably would not be in Lyon County. We have received calls asking us to build here and that is why we have come. We have been in business for 32 years. Dennis Simpson – There are concerns with the feedlot located just north of this property. The owners have legitimate concerns. We are here to urge the denial. Let the comprehensive land use study be completed before you allow this. The feedlot owners have environmental concerns. Discussion on past practice of handling CUP's with concerns. Brian Buysse, Grandview Township Clerk – The township has environmental and safety concerns. Highway 68 is busy already. Mr. Hefty – We have been in business for 32 years and have had no spills. Dale Buysse – My sons and I have feedlots and we contract with Hormel Foods. We have a responsibility to provide food for the public. We have an open ditch that goes right by us. Our turkeys are tested for chemicals before a load goes out. If anything is found, a load would be rejected. If there is a spill it could contaminate the water and cause us to have a load rejected. Brian Buysse – The Township was also concerned that if turning lanes were mandated, the Township would have to pay a percentage. Hammer – I received a verbal denial from MnDot for an access because there is a township road so close. Mr. Hefty – That is only verbal. We wanted to use the highway because of weight limits. Benson – If the township road is used, it should be brought up to a nine ton road possibly by the business. Dale Buysse – There is an option for them to build by Minneota. Fenske – Something would have to be done about the road. Goodenow – The township would receive the tax money from the increased value. I think that stipulation 8 in the CUP meant that the township road could not be used and that there would have to be an access from the highway. Jack Hennen – I urge you to do the right thing. When I bought the piece of property Mr. Noyes was supposed to buy it from me, but he said I paid too much for it so he did not want it. It is a corner site and very hard to farm. It is 7/10 of a mile from any feedlot. Mr. Hefty takes a lot of precautions. Gladis – How do you turn something down when they meet all of the requirements? We have nothing in place right now to deny this. We are in the process of the land use plan, but you can't deny on what might happen. Maes – Traffic safety concern would be a reason for denial and that should be addressed. Goodenow – Right now the property is zoned ag. Buysse – West of Minneota there is a hog buying station and LP with no house. They sell feed. The people who have called me want the business here. Simpson – We are not opposed to the business, just opposed to having it at this location. Minneota City Council Member – The business west of town is bulk so there is not a lot of traffic. We are waiting to see what happens here, if you deny, we will try to see if they would build in our industrial park. Goodenow moved, seconded by Nelson to grant a CUP to Ronald A. Hefty D/B/A Hefty Seed Company to operate a business (agricultural chemical and seed) on land zoned agricultural. The property is located in the West Half of the Northwest Quarter (W ½ NW ¼), Section 9 of Grandview Township. With the following stipulations:

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1. Conditional Use Permit is granted for a period of 3 years, renewable.
2. Must follow the Lyon County Zoning Ordinance.
3. Sign allowed according to Zoning Ordinance.
4. Septic system to be designed and installed by a licensed contractor and inspected by the County.
5. Applicant to submit 911 address prior to building permit being issued.
6. Copy of survey and recorded deed to be submitted to Planning and Zoning Office prior to building permit being issued.
7. Must abide by Minnesota Department of Agricultural and Minnesota Pollution Control Agencies guidelines.
8. Must have access off of Highway 68.
9. Must receive a permit from MnDot. A certified copy of the permit must be provided to Planning and Zoning Administrator Todd Hammer.
10. Must pay all costs associated with the access off of Highway 68.
11. Conditional Use Permit is non-transferable.
12. A copy of the County Board of Commissioner's 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.

Goodenow – I said for a period of three years, but that does not mean this can not be reviewed earlier if there are any complaints. Fenske – If MnDot denies access, then they must come back to the board? Goodenow – Yes, as far as this CUP goes, they can not use the township road. Fenske – That protects the township somewhat. Hammer – The safety factor is my biggest concern. Voting For: Buysse, Goodenow, Gladis, Nelson. Voting Against: Fenske.

Hammer – Need a motion to allow the chairman to sign the applications for aerators. Gladis moved, seconded by Buysse to approve the chairman signing the aerator applications. All voted in favor.

Landfill vouchers were presented. Gladis moved, seconded by Fenske to approve the landfill vouchers. All voted in favor.

Henriksen – I would like to request approval of an extension of the contract for HHW between Lyon County and the other nine counties. I would like to extend it to June 30, 2001. Once we get a new contract with MPCA we can draft another agreement for HHW. Gladis moved, seconded by Goodenow to extend the HHW contract between Lyon County and the other nine counties in which HHW service is provided to June 30, 2001. All voted in favor.

Henriksen – I have not heard anything from the meeting that we had with the governor's staff. The EAW was published Monday. We could look at getting a variance on slopes to extend the life of the existing cells. Discussion.

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

Benson – We opened bids for the countywide striping. The low bid was from Traffic Striping Services, Inc. of Buffalo, MN in the amount of \$57,260.84. We had budgeted \$75,000 so we would like to have more striping done and the contractor is open to that. Buysse moved, seconded by Goodenow to accept the bid in the amount of \$57,260.84 from Traffic Striping Services, Inc for the countywide striping. All voted in favor.

Benson – I have a request to terminate the lease agreement with the Kart Association for the track at the fairgrounds. Gladis – I am not ready to bulldoze it out yet. Benson – The Kart Assoc. will not use it anymore. I recommend we let them out of the lease. Buysse moved, seconded by Goodenow to terminate the lease with the Kart Association for use of the kart track at the fairgrounds. Maes – The first five years is coming up which is what the agreement was for. In the first agreement it states that the County can not terminate and it does not state that it can be terminated if both parties agree. The only way out was if there was a default. I don't expect there will be a problem, but if you terminate the lease, they could come back and say that they did not want it terminated. Goodenow – There are a lot of old tires so we would like to have them taken care of. They are already in default because they did not pay the rent this year. Benson – They

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have not been doing the mowing either. They want to be out because of the liability insurance issue. Maes – I think a letter needs to be sent to the association telling them, we will probably terminate the lease, but we expect certain things done first. Discussion. Buysse and Goodenow agreed to withdraw the motion.

Benson – The MPCA has approved the clean up plan for the contaminated soil at the Marshall Shop. Dubbledee Gravel Inc. out of Pipestone was the low bidder at \$9,232.50. The Highway Department will do some of the work also. Most of the cost will be covered under the Petro Fund. Dubbledee is a MPCA approve contractor. Discussion. Goodenow moved, seconded by Gladis to accept the bid in the amount of \$9,232.50 from Dubbledee Gravel Inc. for clean up of contaminated soil at the Marshall Shop. All voted in favor.

Discussion of Geothermal Report presented by Benson.

Benson – Would like to request approval of out-of-state travel for Chris Winter, GIS Coordinator, to attend a GIS conference in Iowa. Discussion. Goodenow moved, seconded by Fenske to approve out-of-state travel for Chris Winter, GIS Coordinator, to attend a GIS conference in Ames, Iowa. All voted in favor.

Benson – I would like to request temporary closure of CSAH21 in Florence for a street dance. I will require type 3 barricades that the County will provide along with proper signing. I would like to draw up a policy that would allow me to approve these sorts of things so I would not have to bring every one of them to the Board. Goodenow – That would be fine, but there would have to be the option to bring it to the Board if you denied it. Discussion. Goodenow moved, seconded by Gladis to approve the temporary closure of CSAH21 for the Florence street dance. All voted in favor.

Benson – I can give you a brief update on the CSAH 26 and 10 drainage issue. I attended the YMRWS Board meeting and a group from JD#7 expressed their opinion. The Watershed Board agreed to have some engineering done. As I have said in the past, the bridge did not change the water flow. Buysse – It needs to be cleaned out. The Watershed Board always asks where they would get the money for that, but they have the ability to tax. Fenske – How much of the Yellow Medicine River Watershed is in Lyon County. Buysse – I believe it is about 21 percent, the rest is in Yellow Medicine and Lincoln Counties. Discussion.

Meeting recessed.
Meeting back to order.

Brad Marks – On June 19th you approved the hiring of 1 full time person. Mark Babcock will go from part-time to full-time. Buysse moved, seconded by Gladis to approve moving Mark Babcock from a part-time position to a full-time Correctional Officer beginning September 1, 2001 at an hourly rate of \$11.25. All voted in favor.

Marks – Right now we have eight full time staff. We are short on some of the shifts, primarily during the third shift. The DOC wants two staff at all times, which would be a minimum of ten full time employees that could be rotated. We have come up with an eligibility list. Fenske – Was the hiring of three new employees included in this year's budget? Marks – Probably not, we were given the report in June. Lewis – If you implement now, you decide right now what is going to happen with the budget in 2002. I think it would be better to have the budget discussion first before this is approved. Goodenow – What about the programmer/EMS position? Van Overbeke – In the report it said there needed to be a full-time programmer and quite honestly I would strongly suggest having a full time EMS person also. There is enough work for EMS to spend 60 hours per week. I have a hard time doing both jail programming and EMS. Discussion.

Lewis – The Cottonwood River Basin Association was to be next, but Mr. Pihl called the other day and said he was not going to make it and I tried to get a hold of Mr. Delanghe, but he did not return my call. So we can move on with the agenda.

Fenske – Trusty is not here, so let's go to vouchers.

General Revenue Vouchers were presented. Buysse moved, seconded by Gladis to approve the general revenue vouchers and special projects. Discussion. All voted in favor.

General Revenue Fund	\$74,553.49
Road & Bridge Fund	\$138,124.21
Landfill Spec. Rev. Funds	\$36,896.36
Water Projects – Spec. Rev.	\$422.00
Ditch Fund	\$541.78
Sinking Ditch VIII	\$87.50
Total	\$250,625.34

Beginning Warrant Number: 334811; Ending Warrant Number: 334936.

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Lewis – The SW Ridgerunners Snowmobile Club has filed an application for grant funds with the State, they need a resolution stating that Lyon County approves applications for grant-in-aid for snowmobile trail assistance. It is the same resolution you have approved in the past. Gladis moved, seconded by Nelson to adopt Resolution No. 01-035 (on file at the County Administrator's Office) which approves applications for grant-in-aid for snowmobile trail assistance for the Southwest Ridge Runner for 2001-2002. All voted in favor.

Lewis – Need to renew the juvenile detention services program. Fenske – Is it the same as before? Maes – Yes. I have reviewed it. It allows for reimbursement. I recommend approval. Goodenow moved, seconded by Buysse to renew the juvenile detention services subsidy program joint powers/grant agreement. All voted in favor.

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

Gladis - \$36.30 (mileage)
Gladis - \$80 (per diems)
Fenske - \$150 (per diems)
Buysse - \$46.20 (mileage)
Buysse - \$120.00 (per diems)

All voted in favor.

Commissioner Reports:

Gladis – At the Historical Society Meeting, we went over the budget. There is a slight increase. In Tyler we discussed the PHS plan, there was a lot more information.

Nelson – RCRC continues to have changes in personnel. I have also heard that Steve Hanson is leaving the MN River Joint Powers Basin.

Goodenow – At the Human Services meeting we discussed the tentative budget and it looks like there will be no increase. The pound issue is still out there. Discussion on the Humane Society.

Discussion on dog bite policy and possible ordinance. Maes – I think that the dog bite incident that happened was handled appropriately.

Senator Lesewski and Representative Seifert met with the board to discuss recent legislation. Fenske expressed appreciation on behalf of the board for everything they had done for Lyon County. Issues discussed were property tax reform, landfill issues, and recent legislation. Fenske thanked them for coming.

Kerry Netzke, Area II, met with the board to discuss approval of an amendment requesting an additional \$2525.00 from the State to complete the 75%. The landowner is paying the matching funds. This is on the dam repair on the Taylor property. Buysse moved, seconded by Gladis to approve Resolution No. 01-036 (on file at the County Administrator's Office) for floodwater retarding/retention project grant amendment #1 for the Sodus 5 Dam Repair Project. All voted in favor.

Commissioner Reports (cont.):

Fenske – I have a letter here that says the Lyon County Board of Commissioners supports the SWRDC applying for funds from the State in the amount of \$50,000. Buysse moved, seconded by Goodenow to approve the letter of support for the SWRDC to apply for funds from the State. All voted in favor.

Fenske mentioned the RSVP banquet, an invitation from the DNR to the dedication of their headquarters in Windom, and a tour of the south part of the LPRW system.

Discussion on AMC annual conference and salary survey.

Buysse – The YMRWS is 21.9% in Lyon County.

Buysse moved, seconded by Gladis to designate Benson, Lewis, and Van Overbeke along with the five Commissioners as delegates to the Annual AMC Conference. All voted in favor.

Lewis reported on the PW/HHW Facility project. Lewis – The project is going to be about 3.2 million dollars. Approximately 1 million will be picked up from the landfill and \$200,000 will come from Highway Funds. That leaves about 2 million. Need to decide if you want to use some of the County reserves and how you want to bond for the rest. My recommendation would be to ask the City of Marshall to consider lease revenue bonding. Discussion on costs, site work, and money in reserves. Buysse – You have not talked about annual maintenance fees etc. Discussion on possibly borrowing some of the money from the landfill. Van Overbeke – At this point, we have no way to pay the money back if it is taken from the landfill. Fenske – I would be in favor of using

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\$500,000 in reserves and bonding for 1.5 million. Discussion. Goodenow moved, seconded by Nelson to approve the PW/HHW project budget at 3.2 million dollars. All voted in favor. Nelson – Is the cold storage included in this? Nelson – Yes. Goodenow moved, seconded by Fenske to seek bonding in the amount of 1.5 million dollars, use reserves in the amount of \$500,000, use \$200,000 from Highway Department funds and \$1,000,000 of landfill funds for the PW/HHW building project. All voted in favor. Goodenow moved, seconded by Fenske to send a letter to Mayor Byrnes and the Marshall City Council asking them to consider Lease Revenue Bonds for the PW/HHW building project. All voted in favor.

Buyse moved, Gladis seconded motion to adjourn the meeting until Tuesday, September 4, 2001 at 9:00 A.M.

Robert Fenske, Chairman

Attest: _____
Gregory D. Lewis
Lyon County Administrator