

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
October 16, 2001

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

Pledge of Allegiance to the Flag.

Agenda approved with the following additions: at 10:00 members of MAHA to be here to discuss name of ice facility, at 11:30 will discuss RDC, Lewis will report on Marshall Airport needing more funds, Construction Managers will give update on PW/HHW building, will discuss guidelines in dealing with suspicious mail, Conditional Use Permits for Norman Nelson, Duinick Brothers, John and Lois Dero, and Breyfogle Auto, discussion of solid waste service fees and leachate recirculation.

Kerry Netzke met with the board to discuss a resolution and grant agreement for the Monroe 36 Floodwater Retention Project. Netzke – It is the modification of an inlet to an existing culvert. It will create a small permanent pool. The total is \$6,026 of which \$850 is easement. \$4,519 will come from the Board of Soil and Water Resources and the remainder from Area II. Discussion. Buysse moved, seconded by Gladis to approve the Resolution and Grant Agreement for the Monroe 36 Floodwater Retention Project (on file at the County Administrator's Office). All voted in favor.

No Ditch Vouchers were presented.

Conditional Use Permit for Norman Nelson presented (see attached). Discussion. Buysse moved, seconded by Goodenow to grant a CUP to Norman Nelson to move in a mobile home as a place of residence on land zoned agricultural on property owned by the Nelson Heirs in Lucas Township. All voted in favor.

Conditional Use Permit for Duinick Brothers presented (see attached). Discussion on after the fact fee of \$100.00. Goodenow moved, seconded by Nelson to grant a CUP to Duinick Brothers, Inc. to extract and crush gravel material and to operate an asphalt hot mix plant on land zoned agricultural owned by Bertha Arndt in Lyons Township. All voted in favor.

Conditional Use Permit for John and Lois Dero presented (see attached). Discussion. Buysse moved, seconded by Goodenow to grant a CUP to John and Lois Dero to operate a business (Building Construction Storage) on land zoned agricultural in Eidsvold Township. All voted in favor.

Conditional Use Permit for Breyfogle Auto Sales (see attached). Gladis – Was he aware that this is zoned agricultural? Hammer – It has always been zoned this way even though it has been the 76 station. Goodenow – I know the owner is aware of it and we had a lengthy discussion about it at the Planning and Zoning meeting. Gladis – But did Breyfogle know about it? I guess if it would have been me, I would have just assumed that it was not zoned ag. Goodenow – Maybe the person renting it should not pay the \$100, but he could try to collect it from the landlord. The landlord has chosen not to request that it be zoned commercial. Hammer – I sent two letters to Mr. Breyfogle letting him know he needed a CUP. Nelson – Who is running the gas pump side? Hammer – Haugen. Goodenow moved, seconded by Gladis to grant a CUP to Breyfogle Auto Sales to operate a business (car repair, muffler shop and car sales and rental) on land zoned agricultural located in Fairview Township owned by 76 Properties Limited Liability Company. Fenske – What about stipulations 4&5 on the CUP? How will we enforce this? Hammer – We will ask him to take care of the violation or go to the county attorney for help. He will display rentals and they are not included in the total displayed for sale. Goodenow – Also, it is renewable in five years, but it can be taken away before that if there are violations. All voted in favor.

Hammer handed out information about JD#15. Hammer – I will be issuing the same report to Redwood County and asking to get a joint board meeting together. I am going to recommend that 8000 feet of the ditch be cleaned out. The tile is under water and if it freezes, it will damage the tile. Discussion.

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

Benson – The five-year road and bridge capital improvement plan approved this summer requires advancing state aid funds from the County's CSAH regular construction account. Since Lyon County will be advancing funds to implement its five-year plan, bridges on the CSAH system are eligible for funding through bridge bonding funds. The resolution I have presented to you adds bridge 42524 to the priority list. This bridge will be constructed as part of the overall CSAH 2 reconstruction from CSAH 9 to the east county line in 2002. The funding for the bridge will be 50% Bridge Bonding and 50% CSAH funds. I recommend approval of the resolution. Goodenow moved, seconded by Nelson to approve the Revised Bridge Capital Improvement Plan Resolution (on file at the County Administrator's Office). All voted in favor.

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Benson handed out information on the City of Cottonwood's request to annex the Dirckx property. Discussion. Benson – The Lucas Township Board has approved. This annexation is proposed for residential purposes. The property owner has requested the annexation so city sewer and water can be extended to the property. Gladis moved, seconded by Goodenow to adopt the resolution (on file at the County Administrator's Office) stating that the County has no objection to the proposed annexation of MBA Docket No. A-6556 (Dirckx Petition, 8.85 acres) and that the 90 day waiting period is waived. All voted in favor.

Benson – Just a reminder, on October 30, the Water Plan meeting is at 6:30 and the Transportation and Land Use meeting is at 7:30.

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

Henriksen – The variance request is in, but they are saying now that they want the stipulation agreement worked out. Gladis – Maybe we should close it down and see what happens. Fenske – All we are doing is going higher with this variance? Henriksen – Yes, but we would be going a little over our permitted capacity. Fenske – We are running out of patience. Everything we do, they pull something else. Goodenow – What is the fill date? Henriksen – March sometime.

Henriksen – Would like to request an increase in solid waster service fees. With the opening of the new HHW Facility in late 2002, and the State providing less funding for these programs, I am recommending that the Board consider raising this service fee. It is my estimate that the fund will be in the red in 2004. A \$5 per household increase would raise approximately \$40,000 per year and will extend the time when this fund balance expires. We are currently collecting \$15 per housing unit in the cities and \$5 per housing unit from apartments and rural areas. Gladis moved, seconded by Goodenow to adopt the resolution (on file at the County Administrator's Office) setting the following rate schedule for solid waste service fees starting in 2002 as follows:

Municipal & Unincorporated Area of Amiret and Green Valley	
Single Family Residential Units	\$20/unit
Duplex & Triplex Living Units	\$20/unit
Apartment Living Units	\$10/unit
Township	
Residential and Agricultural Living Units	\$10/unit

All voted in favor.

Henriksen – It is becoming prevalent among the landfill operators that along with the need to educate the Division Directors of the MPCA on the value and benefits of leachate recirculation, that the Legislatures also need to provide this information to get legislative support for this process. The feeling is that the MPCA will drag out any type of approval as long as possible and/or develop some policy (not rule) which would hinder implementation. I would like to provide information to our legislation, especially Senator Vickerman. He was impressed with our landfill operations during his visit on September 12th and has the Nobles County Landfill, within his district, which was also turned down. Fenske – You are requesting to provide information to the legislators? Henriksen – Yes. Fenske – The board is in agreement that you should communicate with the legislators about leachate recirculation.

Members of the Marshall Area Hockey Association (MAHA) met with the board to discuss the name of the Ice Facility. Fenske – Schwan's donated money for a compressor and new doors etc. Lewis – Schwan's has a contract with MAHA to rename the facility. County Attorney Maes looked over the lease and believed the name of the facility should stay as it is unless all parties involved agree to change it. We have met with members of MAHA to discuss this. Fenske – I asked MAHA to be here to present us with ideas of how to incorporate the Schwan's request to include Lyon County's name. Greg Boerboom, MAHA president – Our request is to incorporate the Schwan's Ice Arena name on the building. We have a unique relationship with the High School, County and the City. MAHA owns the building and it sits on County property. We have a lease agreement for this in which we pay \$1. We have hockey players in each of your Commissioner districts and our association is countywide. This past summer, to improve the facility, we wanted to put in additional compressor capacity and a dehumidification system. This allowed us to have summer ice and keeps the moisture out of the rafters, which in turn will extend the life of the facility. Schwan's donated the money to do these improvements. I negotiated a contract with Schwan's and part of it included the renaming of the facility. We have met with Schwan's to see what they would suggest. They have suggested putting the Schwan's Ice Arena name over the doors closest to the VFW and leave Lyon County's on the front and also add Lyon County logos on the glass of the doors. I take personal responsibility for this and want to keep the relationships that we have in good standing. We have gotten sizable donations from Schwan's and private individuals in the past. Nelson – How much did Schwan's contribute this summer? Boerboom – A little over \$100,000. Discussion on initial funding for the arena. Nelson

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– What about the County Fair. Do we pay to use the facility? Jacobs – No. Boerboom – Part of the agreement that I made with Schwan's was that they get to use the arena for two of their events, but the agreement stipulated that the County always gets it for the fair. Harold Mellenthin spoke about the benefits of having youth hockey. Fenske – We do know that there is an economic benefit, tournaments bring a lot of people here. It is estimated that 12 to 14 million dollars are being brought into Lyon County. Goodenow – The original group that was established is starting to meet again and I think that is good. Discussion. Gladis moved, seconded by Goodenow to approve changing the Lyon County Ice Facility to the Schwan's Ice Arena subject to signage including Lyon County's name and possibly logo and designate the Public Works Director to oversee and approve the signage. All voted in favor.

Rafael Gonzalez (MACDO chairman), Chris Gilb (MACDO Board of Directors) and Pam Russell (PIC, fiscal agent for MACDO) met with the board to discuss the Marshall Area Cultures Diversity Office (MACDO) and request funds. Lewis – Let me first say, that we have utilized MACDO's resources here at the County. At the last Leadership Team Meeting, Rafael gave a presentation about the Hispanic culture and at the next meeting we will have a speaker talk about Somali culture. Rafael – We assist individuals in whatever way we can so that they can become good citizens. We serve as an instrument of economic development. We are a part-time office because funds are low. We are requesting your assistance. Fenske – The handout you supplied us is very thorough and really explains everything. Gladis – Do we have any space left in the Courthouse? It seems like their office would fit very well. Lewis – We will have to review the space. Rafael – The funds are decreasing while the need for our services is increasing. Discussion. Fenske – We will discuss this as an appropriation request. You are requesting \$15,000? Rafael – Yes. Thank-you for your time and support. Lewis – We may be able to buy service from them instead of an appropriation. Nelson – How many counties are involved? Rafael – We help other counties now and then, but almost all of our work is within Lyon County. Fenske – Approached the City of Marshall? Rafael – We will be. Fenske thanked them for coming.

Meeting Recessed.
Meeting Back to Order.

Rose Anderson, Lyon SWCD, met with the board and explained the septic loan program. Anderson – I am not going to say whether repayment of these loans through real-estate taxes is good or bad, but I know of about three people who have been turned down because they do not have enough assets. This would help them. Goodenow – Does the program set the interest rate? Anderson – Yes, it is three percent. Gladis – What does the bank add on. Anderson – Usually about a \$50 fee, not a percentage. Goodenow – What happens if the loan is not repaid? Anderson – If they do not repay, I never know about it because the bank takes care of that. Discussion. The board thanked Anderson for her update.

Jim Doering, RCRCA and Terry Renken, YMRWS District met with the board to discuss the low interest loan program for the Cottonwood River Watershed for septic systems. Doering – It has come to our attention that Lyon County does not wish to participate in the loan program. We would like you to take another look at this. You signed a resolution on December 7, 2000 that will have to be rescinded if that is the case. We would like the opportunity to explain it further. Lewis – I think the issues here are that the Auditor/Treasurer's Office would have to administer it and the Public Works Director has not looked at it at all. Van Overbeke – I have discussed this with other county auditor's and they have said there is a lot of extra work. Henriksen has said that he would be willing to take the applications, then our office would do the assessments. I talked with the State Auditors and they have told me it would be an extra 1 to 2 days of auditing. The loan rate is 3% and the county would add an additional .5 percent so the total would be 3.5 percent. We would get ½ percent. Is this strictly State grant money? Doering – Yes. Van Overbeke – If we take Federal grant money, we become a single audit County. Anderson – I would just like to suggest that it may be better to have the applications at our office since we already have the other program. Then they would only have to come to one place. Goodenow – I think Lewis has suggested that we need a cost benefit analysis. I think that we understood that this is a RCRCA project and these loans would cover what Soil and Waters don't. But Anderson has stated there is enough money. Doering – This is not to compete, but this spreads the money out further. The bottom line is to improve the water quality. Lewis – When do you need a decision? Doering – Repayment starts 12-15-03. Lewis – We can have the PW Director get together with Van Overbeke and other persons involved and do a cost benefit analysis and come back to us with recommendations. Fenske – We will try to discuss this at our next meeting on November 6.

Jerry Shannon, Springsted met with the board to discuss the issuance of bonds for the PW/HHW facility. Shannon gave an overview of the bonding process. Shannon – Funds are coming from a number of different sources. We need to make sure that the purchasers will feel comfortable. The project will be owned by the Marshall EDA and leased back to the County. The County will need to appropriate a lease amount per year to equal the bond payment. Right now the interest rate is at 4.43 percent. It is the lowest I have seen in many, many years. We are planning to sell the bonds on November 20. Shannon explained the process. Goodenow moved seconded by Gladis to approve the financing concept for the PW/HHW and preliminary agreement for bonding

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and to request the Marshall EDA go ahead with ten year lease revenue bonds. All voted in favor. Fenske thanked Shannon for coming.

Ed with E&V Construction Managers met with the board to update on construction of the PW/HHW building. Ed – We were delayed about three to four days because of the unexpected amount of water after the hole for the basement was dug. We had the soils engineer come out and we decided to raise the bottom of the footings. We addressed the sub-drainage and sumps for the site. Sussner construction has been out there the last couple days. Financially, this change is approximately \$24,000, which would come out of the contingency set aside for this project. Benson – Raising the building does impact my site designs also, so there will be a little extra cost there. Gladis – Are we paying this person extra money for a screw up? Ed – I don't think this was really a screw up. A certain amount of water was anticipated, just not this much. Buysse – Elevator pit? Ed – We will go to a top mount elevator. Lewis – I authorized that they go ahead and move forward to solve this problem rather than holding the project up. Discussion. Fenske thanked Ed for coming.

Barker – I would like to request to enter into an agreement with Fiddlar and Dubbledee. This would be for upgrades and they would take care of all of our hardware except our PC's. Our hardware would actually be at their location. Other counties are doing this also. Lewis – I have no problems with this. Have you shared this with Fran? Barker – Yes, and he did not see any problems. He thought it would probably be beneficial. Lewis – How long is the contract? Barker – The out is a 30-day notice. Lewis – We are working on a Technology Plan but that is going to take about three years. Gladis moved, seconded by Goodenow to allow the Recorder's Office to enter into an agreement with Fiddlar and Dubbledee for computer hardware and upgrades. All voted in favor.

Baker – Last year I requested that my employee who was moved from part-time to temporary full-time become permanent full-time. You approved her being full time for one more year and wanted me to bring it back to you this year. I am requesting that her position become a permanent full time one. Lewis – In the budget, we are going to have a personnel component for every position. Goodenow – Does our County Administrator have a recommendation? Lewis – Not at this time. I think we need to have budget discussions. Fenske – We will wait until the final budget process. Barker thanked the board for their time and Fenske thanked her for coming.

Van Overbeke – I have a formal request for Carol Serreyn to take Family Medical Leave. She will use all of her vacation days and sick leave while she is out after back surgery. The unpaid leave will start when sick leave and vacation are exhausted. Gladis moved, seconded by Nelson to approve Family Medical Leave for Carol Serreyn. All voted in favor.

General Revenue Vouchers, Special Water Projects, and Capital Project Fund Vouchers were presented. Discussion. Gladis moved, seconded by Buysse to approve the general revenue vouchers, special water projects and capital project fund vouchers. All voted in favor.

General Revenue Fund	\$110,169.52
Road and Bridge Fund	\$58,707.79
Landfill Spec. Rev. Funds	\$39,322.02
Water Projects – Spec. Rev.	\$225.00
Capital Project Funds	\$18,605.07
Total	\$227,029.40

Beginning Warrant Number: 335470; Ending Warrant Number: 335620.

Lewis – I think it would be okay to authorize the County Attorney to respond to the EPA. Discussion. Gladis moved, seconded by Nelson to authorize the County Attorney to respond to the jurisdictional issue of the EPA and any legal challenges that the County Attorney may encounter not directly related to the jurisdictional issue. All voted in favor.

Lewis – The City of Marshall has contacted me and they are pursuing the completion of the airport project. They have identified a need for an additional \$70,000 to complete the project. They did not make a formal request. I looked at the legal aspect and if the County did contribute, you would enter into a joint powers agreement that would have to be very specific. Discussion. Nelson – I have been approached by people in Tracy inquiring to see if the county would contribute to new hangars. Goodenow – We will be getting more tax dollars because of the new hangars here. Fenske - I am interested in looking into this further. Gladis – Are we in a position to deal with this with all that we have going on? Discussion. Nelson – I know the people in my district would not be interested. Fenske – It is hard to give an answer right now. Lewis – My interpretation is that we are not ready to commit.

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

Gladis	\$30 per diems
	\$21.78 mileage
Fenske	\$270 per diems

All voted in favor.

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Gladis – John Schuh has been named the new director of PHS and will start officially on December 3. The reason for the delay is to try to get someone into his position and trained before he takes over as director. I talked with Mark Farrell about people from other counties bringing their dogs to our pound because it is no kill. The pound will not accept them so they drop them off at the grocery stores or discount store parking lots. I have also heard the YMC dispatchers tell people to bring them here because we have no kill. Goodenow – They chose to be no kill and I have tried to talk them into charging when people want to drop them off. Discussion.

Fenske – Part of the SWRDC's financial problems have to do with the Prairie Expo. The SWRDC is requesting an advance of \$18,000 (agreement is attached). The only thing this would cost us is interest. It would be paid back over the next six years. \$1500 would be deducted from each tax period. Buysse – What fund is this coming out of? Fenske – Reserves. Gladis moved, seconded by Fenske to enter into an agreement to advance SWRDC \$18,000 out of reserves to be paid back over the next six years with a \$1500 deduction from each tax period. Fenske – Part of the problem too was the lack of a good administrator. Now, with Jay Trusty on board, we should be headed in the right direction. Nelson – How many counties? Fenske – Nine. Fenske – We will withhold the money from the taxes. Discussion. All voted in favor.

Lewis – There have been instructions on how to deal with suspicious mail issued statewide in Minnesota. I will be distributing this information to our employees. Discussion.

Buysse moved, Gladis seconded motion to adjourn the meeting until Tuesday, November 6, 2001 at 9:00 A.M in the Minneota Community Center.

Robert Fenske, Chairman

Attest: _____
Gregory D. Lewis
Lyon County Administrator