

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
February 5, 2002

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

Pledge of Allegiance to the Flag.

Agenda approved with the following additions – resolution from SRDC, resolution from Rural Energy, grant request from SW Ridgerunners, resolution from SW MN Opportunity Council, Maes to discuss correspondence from EPA, request approval to pay MCIT premiums.

Buysse moved, seconded by Goodenow to approve the January 8 and 22 minutes from the regular commissioner meetings. All voted in favor.

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

Hammer – Ted Schwing has retired from viewing. I depended on him a lot. Fenske – Possible replacements? Hammer – Not at this time. I do have three accredited viewers right now. Discussion on how to find someone.

Hammer – We did not get the \$50,000 grant from the Department of Ag. It went to Todd County. Only three counties from the State applied.

Hearing for changes in Planning and Zoning Ordinance.

Hammer – A lot of interest in feedlots coming up, mostly hog, but there is a cattle one also.

Hammer – Planning and Zoning did hold a Public Hearing and the County Board wished to have one also.

Hammer explained the changes in the ordinance.

Gladis – Does this stop use of an existing three-acre site, if there are no buildings just a site that is farmed right up to? Hammer – It depends. If it was separated off fifteen years ago, then you could build on it, but if it is still part of that land, then you would have to have five acres.

Goodenow – This makes sure there are not houses on every acre in the country. When they build then they complain about what is going on around them. Gladis – I think this limits people because of their monetary standing. Discussion. Hammer – When it was changed about five or so years ago from 2.5 acres, Planning and Zoning felt that was about how much would be needed with set backs, need for storage sheds, need for grove etc. Discussion. Goodenow – Also, with this change, everyone, not just homeowners, has to have five acres. Gladis – I have always disagreed with the five acres requirement so essentially I am opposed to what happened five years ago. I will vote against this just because of that change, I agree with all the rest. Goodenow moved, seconded by Buysse to approve the changes to the following Articles of the Planning and Zoning Ordinance: Article 7 “C” Conservation District, Section 7.5 A 1 and 3; Article 8 “A” Agricultural District, Section 8.5 A 1 and 3; Article 15 General Regulations, Section 15.5 A; Article 19 Animal Feedlot Regulations, Section 19.5 E, Section 19.6 B; Article 31 Repeal, Section 31.1; Article 32 Date of Effect, Section 32.1. Voting For: Nelson, Fenske, Goodenow, Buysse. Voting Against: Gladis.

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

Henriksen – We are continuing with the permitting process, it seems to be on track with no major problems as of yet.

Maes – I received a letter from the EPA and they indicated that they somewhat agree with my position. They disagree with some things that were going to be done, but they have been eliminated now, so that really is not an issue. I really don't believe that the EPA has jurisdiction. Discussion. Maes – I would like to reply to the EPA's letter dated January 30th. Fenske and the board agreed that Maes should reply.

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

Benson – I would like to discuss Highway map development. Benson handed out samples from two different companies. This project was included in the 2001 budget, but it has not been done yet. I recommend contracting with the Lawrence Group. I got quotes from the Lawrence Group and Cloud Cartographics, the Lawrence Group is about \$1300 more expensive for 15,000 copies, but they will provide us with the information that they gather. Cloud Cartographics will not and their reason is that it would not be useful to us. I do not believe this. Down the road if we had the information and wanted to switch vendors, we would save some money because we would already have the information or if we wanted to try to produce it ourselves, it would be easier.

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Nelson – Couldn't we use signs before we have a map? I hear complaints all the time about Lyon County not having signs. Discussion on need for signs. Benson – I have been doing research on E-911 signs and will present it at the Planning Session. Gladis – How long will this number of maps last and are you going to sell them? Benson – Our cost is \$1.18 per map. In the past they have been given out at no charge. Buysse – Since it was taxpayer money used to print them, they should be free. Gladis – I think they should be mailed out to every resident. Goodenow – That could get very expensive and the people that do not want them will just throw them away. We could put them at every Chamber, at all the counters in the Government Center and wherever we think the public would have access to them. Gladis – I just want to make sure that they are available. Benson – We can market them, but is 15,000 enough if we are going to actively distribute? We have enough budgeted from last year and we do have a little extra in this year's budget because of the savings when we bought the motor grader. Discussion. Goodenow moved, seconded by Fenske to approve hiring the Lawrence Group to make a map of Lyon County roads and to purchase 20,000 copies. All voted in favor.

Benson – We had a bid opening for the bituminous projects. We had three bidders, they were as follows:

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| Central Specialties, Inc. Alexandria, MN | \$1,123,923.14 |
| McLaughlin & Schulz, Inc Marshall, MN | \$1,149,642.14 |
| Duininck Bros. Inc. Prinsburg, MN | \$1,208,175.74 |

The engineer's estimate was \$1,423,714.60.

Benson – I have worked with Central Specialties in the past and they need a little more supervision, but they do quality work. I will just need to spend a little more time in the field. Buysse – Who attends the bid opening? Benson – I was not here, but Seth Greenwood and Steve Johnson from my office attended along with company representatives. Buysse – Does an elected official or the County Administrator need to be present? Benson – I don't believe the law states that you need an elected official. Goodenow – Buysse may be concerned about protecting our employees. Benson – There are written bid documents. I recommend awarding the contract to Central Specialties. Gladis moved, seconded by Goodenow to approve the low bid in the amount of \$1,123,923.14 from Central Specialties for SAP 42-604-04; SAP 42-608-27, SAP 42-624-13 and CP 02:01. All voted in favor. Goodenow – Does Cottonwood reimburse us for their part? Benson – Yes. I give all the cities a chance to bid with us and this year Cottonwood was the only one that wanted to.

Anderson – We budgeted this year for a new lawnmower at Garvin Park. The existing 1996 model will be used at the Fairgrounds and shared with the Highway Department. We requested quotes and received them from the following companies for a 1445 John Deere Front Mount Mower with a lease to own option over a five-year period.

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| Tracy Equipment | \$4,144.08 Standard ROPS | \$4,382.74 Four Post ROPS |
| D&M Implement | \$4,300.28 Standard ROPS | \$4,498.35 Four Post ROPS |

Anderson – Leasing is cheaper than buying outright and after five years we own it. I recommend a standard post. I tried a four post but I was not comfortable with the blind spots. Buysse – Did you check out different brands? Anderson – John Deere's quality and maintenance needs prove it to be above the rest. It is a heavier machine and we very seldom have any maintenance besides routine maintenance on the mowers we have. We came within about \$100 of the cost when we budgeted for it. I recommend purchasing a standard post from Tracy Equipment with a five-year lease. The total cost of the mower after five years will be about \$20,720.40. Goodenow moved, seconded by Nelson to approve purchasing a 1445 John Deere Front Mount Mower standard ROPS with a lease to own option over a five-year period from Tracy Equipment for the amount of \$4,144.08 for Garvin Park. All voted in favor.

Fenske – We need to address the issue of Dick Carrow's homestead being reclassified from Agricultural to Residential. Did we get any further information. Champine – I talked with the Department of Revenue about the letter. They said it was discussed with the legislature and it was the Department's understanding that this is the way they wanted it. Champine listed other properties with similar circumstances. Carrow – The Department of Revenue is getting more stringent. I believe we are paying more taxes than we should. If the Board stays with the Department of Revenue, I will accept that, but no statutes have changed since 1995. Fenske – I would be in contact with Seifert and Lesewski. Gladis – My feeling is if we change one, we change them all. Carrow – It would seem pretty simple to see what is filed on the 1040 tax form to figure out if the homestead was ag or not. Fenske – I agree with Carrow, but Champine is following what the Department says is required. Is there anyone that wants to make the change and can we legally change it? Maes – Whatever you do, Champine will follow, but the statute clearly states what intensely farming means and I don't see how Carrow's homestead can qualify. Carrow – I think the ball is in my court and if I talk to the legislators, will I have your support? Fenske – You can let Seifert and Lesewski know that our board is in favor and supports you. Carrow – I appreciate what you have done in the past. Gladis – If you do get a bill, we will then be able to give you a letter of support. Carrow – I appreciate your time.

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Meeting Recessed.
Meeting Back to Order.

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

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| General Revenue Fund | \$208,823.65 |
| Road & Bridge Fund | \$107,529.52 |
| Enterprise Dev. Facilitator Fund | \$134.00 |
| Landfill Spec. Rev. Funds | \$13,815.52 |
| Water Projects – Spec. Rev. | \$23,760.00 |
| Capital Project Funds | \$381,966.33 |
| Ditch Fund | \$1,249.30 |
| Sinking Ditch VIII | \$87.50 |
| Total | \$737,365.82 |

Beginning Warrant Number: 336786; Ending Warrant Number: 336886.

Auditor Warrants were presented. Lewis – In the motion to approve these, please include the premium payments to MCIT for Property Casualty and Worker's Compensation. Bussse moved, seconded by Goodenow to approve Auditor Warrant's 336714 to 336723 dated January 24, 2002 and Auditor Warrant's 336724 to 336725 dated January 24, 2002 and Auditor Warrant's 336773 to 336785 dated January 31, 2002 and the premium invoices from MCIT. All voted in favor.

Lewis – You all should have received a copy of the proposal from Data Core. They are going to be working on the PW/HHW facility. This offer is for the Government Center and the LEC. They would look at existing systems for computers and telephones. They have a conservative reputation. The estimated cost would be \$20,500 out of the tech fund for Phase I and II. Discussion on work done and doing at the PW/HHW facility. Bussse – Did any other companies have a quote? Fenske – Another firm was interviewed. Lewis – The firms interviewed came from Group II recommendations. Discussion. Goodenow – This is something that really needs to be done, but I think we should discuss it with the Department Heads at the Planning Session. Gladis – I would like to see a self-assessment done before we hire a consulting firm. Lewis – We will discuss it at the planning session.

Lewis – You should have received a copy of the minimum and maximum pay ranges for all the labor grades. If you have any questions, please contact the Auditor/Treasurer.

Lewis – We have a request from the SW Ridge Runners Snowmobile Club for support of a grant application. Gladis – This is just a pass through, we have done this many times. Fenske – They just need a government body to sponsor. Gladis moved, seconded by Goodenow to approve supporting the SW Ridge Runner's grant application. All voted in favor.

Lewis – We received a series of resolutions that were faxed yesterday. First, we have a request from the SRDC for support to increase levy authority. Goodenow – Do we know what the other counties are doing? Fenske – I am not sure. The SRDC has no liability to the State unless the Expo and land are sold or abandoned. Goodenow – If it is sold, then the State would have to be paid off. Discussion. Gladis – This is just a resolution of support. It is the legislature's call. Nelson – There really is no good solution. Nelson moved, seconded by Gladis to adopt the resolution of support for the SRDC to increase levy authority (on file at the County Administrator's Office). All voted in favor.

Fenske – The Rural Minnesota Energy Task Force has requested adoption of a resolution that would support changing the tax on wind generators from property tax to production tax. I was at a meeting yesterday and have attended a lot of them. They have changed their name to Rural Minnesota Energy Task Force because it is not just Southwest Minnesota anymore. None of the wind tower companies are from Minnesota so the profit does not even stay within the State. Discussion. Gladis moved, seconded by Goodenow to adopt the resolution (on file at the County Administrator's Office) encouraging Legislators to support and pass the production tax legislation for wind generated electricity. All voted in favor.

Fenske – We received copies of resolutions passed by Douglas County requesting Legislative zoning authority considerations. Maybe Planning and Zoning should look at this. Goodenow – Planning has looked at this and did not realize we could not do it. Maes – It does not specifically say county in the statutes. Goodenow suggested changes to the resolution. Fenske – We could pass the resolution and trust that the Administrator consulting with Goodenow will get the correct wording. Discussion. Goodenow moved, seconded by Nelson to adopt the resolution with changes dealing with zoning authority and to forward it to local legislators. Fenske – Lewis will draft a resolution to be reviewed by Goodenow and Nelson. All voted in favor.

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Lewis – We also received copies of two resolutions from the SW MN Opportunity Council Board of Directors. Fenske – We have not had a chance to look over them, so we will discuss them at the next meeting.

Lewis – The RSVP agreement. Maes – It was my intent to sit down with Goodenow and discuss this. It really is not a Joint Powers Agreement. I would like to know exactly what you would like to accomplish. Goodenow – Maybe we don't need a Joint Powers agreement. Lewis – But I believe they need their own insurance. Fenske – Goodenow will review with Maes. Discussion.

Fenske – We received a letter from Joel Carlson and he is working on the sales tax exemption for the PW/HHW facility. We should be prepared to do a quick resolution of support if needed. I know that Seifert and Lesewski are working on it. Maes – You could approve it to be done if needed. Nelson moved, seconded by Fenske to approve a resolution if needed to support the sales tax exemption for the PW/HHW facility. All voted in favor.

Maes – I got the order on JD#15 from Judge Pederson. I think the drainage authority needs to meet. Basically, the assessments to the repairs were removed and two were reduced. The impact is about \$53,000. It still leaves the cost of the culverts to Clifton Township. The insurance company has been put on notice, there may be some payment because of errors and omissions.

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

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| Gladis | \$ 90 per diems | \$52.14 mileage |
| Nelson | \$165 per diems | \$128.80 mileage |

All voted in favor.

Commissioner Reports:

Gladis – It was a good Park Board Meeting. PHS is working on new fees for the testing lab especially for outside the four county area. They are working with the other counties on this.

Nelson – Soil and Water will have a meeting on Thursday, February 21, at 9:00 AM. RCRCA's annual meeting will be March 18th in Springfield. I attended the MN River Basin Joint Powers Board. They are still in disarray, but they have a new director.

Goodenow – We had a jail meeting last week and it is an ongoing process.

Buysse – I attended the Extension Meeting last week and they are getting a little closer to knowing what is going on. As of February 15th, they will start receiving their termination notices, but they will get four to six months before they have to leave. They will be combining some of the counties and these combined counties will have a County Extension Director, a Regional Extension Educator, and a 4-H Educator with an assistant. The funding part is up in the air yet, but the Director is trying to figure out a formula.

Fenske – I have been spending a fair amount of time with the Rural Energy Task Force and the SRDC. Western Human Development has a new director. Demands and programs continue to grow, they are looking for a possible building to buy.

Goodenow moved, seconded by Buysse to close the meeting to discuss labor negotiations. All voted in favor.

Buysse moved, seconded by Gladis to open the meeting. All voted in favor.

Buysse moved, Gladis seconded motion to adjourn the meeting until Tuesday, February 19, 2002 at 9:00 A.M.

Robert Fenske, Chairman

Attest: _____
Gregory D. Lewis
Lyon County Administrator