

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

Pledge of Allegiance to the Flag.

Agenda approved with addition of requesting approval to sign contracts for PW/HHW project, closed meeting to discuss litigation and deletion of award of bids during Benson's time because she will be absent.

Minutes presented for approval. Goodenow moved, seconded by Gladis to approve the minutes from the regular Commissioner Meetings on February 19, March 5 and March 19 and the minutes from the Planning Session on February 26. All voted in favor.

Ditch Vouchers were presented. Hammer – The bills for CD#70 and CD#68 are for cleaning last fall. Both ditches have money available. Gladis moved, seconded by Buysse to approve the ditch vouchers. All voted in favor.

Hammer – The conference call with YMC on JD#10 will be on April 16. Discussion on JD#10. Discussion on re-determination of benefits and the need to acquire 15 ½ feet. Goodenow – I think at some point the State is going make the ditches acquire that buffer even if there has not been a re-determination. We also need to get going on the re-determination on the ditch that drains into Lake Marshall. Nelson – We did approve that. Hammer – They have worked on it and now we need to appoint another viewer to the project. Discussion.

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

Henriksen – I would like permission to advertise for bids on the liner and cover. We have not gotten the permit yet, but according to them it is ready, it just needs to be sent out. Gladis – Can we advertise for bids without a permit? Henriksen – Yes, we just can not award them. Discussion. Gladis moved, seconded by Goodenow to authorize advertising for bids starting April 9 for liner and cover at landfill with opening of bids to be on May 3rd and recommendation to board on bids to be May 7th contingent on receipt of a signed permit. All voted in favor.

Henriksen – The permit is for a bigger cell than we had originally planned or budgeted for. However, the Solid Waste Management Fund does have enough money. Goodenow – The State always delays the signing of these permits. If we did business like them, nothing would ever get done.

Henriksen – I received the HHW contract extension for Pipestone County. It needs to be approved and signed. Gladis moved, seconded by Goodenow to approve the HHW Contract Extension with Pipestone County. All voted in favor.

Henriksen – The Landfill Advisory Board made the recommendation to distribute \$100,000 from the Greater MN Landfill Cleanup Fee Fund. The money can not be used for operations, it must be used for recycling. Goodenow moved, seconded by Gladis to approve the following rebates from the Greater MN Landfill Cleanup Fee Fund based on tons:

County Tons Rebate

Lyon 9232.74 \$44,420

Lac qui Parle 1223.40 5,890

Lincoln 1009.30 4,860

Pipestone 2231.06 10,730

Redwood 3445.79 16,580

Rock 1534.29 7,380

Yellow Medicine 2107.46 10,140

All voted in favor.

Henriksen – Need signature on Block Grant for 2002. You approved the application and resolution in January. The amount of the grant is \$45,839 with a required match of \$18,931. Buysse moved, seconded by Goodenow to approve the State of MN Board of Water and Soil Resources 2002 Natural Resources Block Grant. All voted in favor.

Road and Bridge Vouchers were presented by Lewis in the absence of Benson. Discussion. Gladis moved, seconded by Buysse to approve the Road and Bridge Vouchers. All voted in favor.

General Revenue Vouchers were presented. Discussion. Buysse – It was not previously approved to hire Todd Peterson for the Planning Session. It has been past practice to approve hiring. Fenske – Did we approve the hiring of Todd Peterson a few years ago? Buysse – I did not look at those minutes, but it should have been approved if it wasn't. We could approve it now. Buysse moved, seconded by Goodenow to hire Todd Peterson as facilitator of the Planning Session. Voting For: Gladis, Nelson, Fenske, Goodenow; Opposed: Buysse. Goodenow moved, seconded by Gladis to approve the general revenue vouchers, capital improvement fund, and water project vouchers. Discussion on transport bill from Florida for the Sheriff's Office. All voted in favor.

General Revenue Fund \$88,703.92

Road & Bridge Fund \$14,459.93

Landfill Spec. Rev. Funds \$4,169.48

Water Projects – Spec. Rev. \$21,760.00

Capital Project Funds \$116,337.18

Ditch Fund \$3,792.50

Total \$249,223.01

Auditor's Warrants were presented. Buysse moved, seconded by Gladis to approve Auditor Warrants 337330 to 337347 dated March 21, 2002 in the amount of \$59274.06 and Warrants 337348 to 337360 dated March 28, 2002 in the amount of \$8,004.95. All voted in favor.

Lewis – Would like to discuss our next steps in Technology. The Technology Team has identified three top priorities. Number one is connecting the new PW/HHW facility with the Government Center. There are a number of options on how to do this, but there needs to be an evaluation. The second priority is upgrading the server for data and e-mail. It has not been upgraded since 1997. The third priority is to update the operating systems on the personal computers. Gladis – I would agree with these. Are there any cost estimates? Lewis – Not yet, I did not have any authority to proceed. Nelson – Does the Southwest MN Foundation do this? Lewis – I have talked with them and this is really beyond their scope, but they will be here later and we could discuss it with them.

Meeting Recessed.

Meeting Back to Order.

John DeCramer, Steve O'Conner and Robert Trevay met with the board to discuss the Technology and Telecommunications Project for Southwest Minnesota. DeCramer – About two years ago, Lyon County put money into the TNT project. DeCramer explained what TNT is doing. O'Conner explained projects involved in related to the school district and Trevay talked about Economic Development and what is going on in Tracy. Trevay – Technology is the key to keeping people here. DeCramer – We are asking for sponsorship for Phase Three in the amount of \$4,000. We are asking for and have received both public and private dollars. Fenske – Is Minneota

involved? DeCramer – Not directly. The cities were all asked to participate, but some decided not to. Fenske – We have an issue facing us with connectivity between the Public Works and Government Center. DeCramer – There are several things going on that could be part of the connectivity and taken into consideration. Discussion. Goodenow – Does the money go to Prairie Net? DeCramer – It goes to the SWMN Foundation, then to Prairienet, then TNT. The SWMN Foundation is putting in \$100,000 as a match. Nelson – So if we put in money it is matched? DeCramer – Yes. DeCramer went over contributions. Goodenow – Are you going to be back next year? DeCramer – Phase 3 is an eighteen-month program so we are not sure if we will be back or not. Nelson – The SWMN Foundation will be back. Gladis – We are appropriating to a designated fund? DeCramer – Yes. Goodenow – We could take it out of the Technology Fund or it could be considered economic development. Lewis – We have the funds in the Technology Fund. Goodenow moved, seconded by Gladis to approve appropriating \$4,000 out of the Technology Fund to the SWMN Foundation for the Technology and Telecommunications Project for Southwest Minnesota. All voted in favor.

Gladis – Are you capable of doing an assessment for us? DeCramer – We are trying not to be in the consulting business and trying to work with smaller businesses. We could offer assistance in the project, but it has too big of a scope for us to undertake. O'Conner – You may want to look into innovative grants. DeCramer – Thank-you for your time and commitment. Fenske thanked them for coming.

Lori Timmerman and Lou Wischer, members of the Friends of Camden, met with the board to discuss the need for playground equipment at Camden Park. Timmerman – We are basically trying to make people aware of who the Friends of Camden are and what we are trying to do. We reactivated about two years ago, when a bunch of us were out camping and realized that there was no playground equipment at the Park. Wischer explained what the group had been doing to raise funds. Some examples include:

- o Friends of Camden Members delivered 9,300 McCleod USA books within Marshall to earn \$1,000
- o The Marshall Women of Today donated the profits, \$3,122 from their fall fundraiser.
- o The friends of Camden designed t-shirts depicting the park. The t-shirts are currently available for \$12.00.
- o Soliciting donations from individuals who regularly use the park.
- o The Knights of Columbus #11621 have donated \$2,000.
- o MCP has donated \$500.
- o Wal-Mart donated \$1,000
- o The Marshall Jaycees donated \$250
- o Ongoing sales of Burger King Bucks at a 50% profit
- o US Bank Corp employees donated \$163
- o Modern Woodmen will be co-sponsoring a pancake breakfast with proceeds going toward playground equipment.
- o Several memorials have been donated in memory of loved ones.
- o Also asking organizations within the communities near the park to help with funding.

Wischer – We are trying to make people aware that this is a formal organization. Wischer showed a picture of the equipment they wish to purchase. Timmerman – The cost of the equipment is approximately \$21,500 and the cost of assembly/installation is approximately \$3,300. Volunteers from the organization will assemble the equipment along with a representative from the playground equipment company. The equipment will be developmentally appropriate for toddlers through 12 years old as well as handicap accessible. The color of the equipment will blend in with the natural environment. Right now we have about \$10,500 and about \$1,700 more as a match from Modern Woodmen. Buisse – Where would this be placed? Timmerman – Behind the swimming beach on a high area. Gladis – What about the State? Timmerman – Budget cuts and other higher priorities do not put our project high on the list. There has been no new playground equipment in a State Park in the last eight years. Gladis – I sit on the Garvin Park Board and they are looking at getting new playground equipment also. I am pretty sure if we donate money to Camden, representatives from Garvin Park will be requesting funds also. Discussion on the County Improvement Fund. Wischer – The State would do upkeep once it is installed. Gladis – I think this is a good idea, but I don't know how it fits in. Wischer – The State Park people have been involved and helped us as much as they can. Timmerman – We ran into a lot of roadblocks because it is a State Park, if it were a county or city park, there would have been more funds and grants available. Discussion. Fenske – We do have a contingency fund? Van Overbeke – Yes, I believe there is about \$25,000 in it. Wischer – There will be a donor recognition board. Fenske – If you don't raise the money right away, you will keep on trying until you do? Wischer

– Yes. Goodenow – Maybe we could appropriate \$500 to Camden and \$500 to Garvin. Fenske – Camden is a very big resource for Lyon County. I think we can help Garvin out too if they request funds. Gladis moved, seconded by Goodenow to appropriate \$1,000 out of the Contingency Fund to the Friends of Camden for playground equipment at Camden State Park. All voted in favor.

Discussion on Technology with Fran Van Keulen, Human Services. Fenske – What can you tell us about the connection between the PW/HHW and Government Center. Van Keulen – Benson and I had Cisco Engineers look at the equipment and an engineer from Sioux Falls looked over the connection. You would need a higher tower at the Fairgrounds for line of site. Fenske – Do we want to commit ourselves to one company or do we contract with Data Core and get their options. Goodenow – You have seen what Data Core has done. Van Keulen – Yes. Fenske – Did they do a good job? I think they are as good as anyone. Discussion. Gladis moved, seconded by Goodenow to authorize sending out requests for proposals for options on linking the PW/HHW building to the Government Center, a new server and operating system. All voted in favor.

Lewis – You have a request from the Southwest Ridgerunners Snowmobile Club to approve a resolution for grant-in-aid funding for an additional 58 miles of trails. Gladis moved, seconded by Goodenow to adopt the resolution (on file at the County Administrator's Office) approving applications for grant-in-aid funding for an additional 58 miles of trails for the Southwest Ridgerunners Snowmobile Club. All voted in favor.

Lewis – Need to approve the Lease Agreement for Garvin Park's mower. Goodenow moved, seconded by Gladis to approve the lease agreement with John Deere Credit for the John Deere 1445 Front Mower and 1400 72" mower for Garvin Park. All voted in favor.

Discussion on possible dog bite ordinance. Maes – I just need some sort of consensus on what you want included in the ordinance. How detailed do you want it to be? I basically just need some direction. I have heard that the Marshall City Ordinance should be looked at. I have looked at it and if this bite would have happened within the City of Marshall, the dog would not have to have been quarantined. The Marshall Police Department's policy is to quarantine. Gladis has expressed that there should be an option for the victim or victim's guardian to decide if and where the animal should be quarantined. The Sheriff's Department has a policy in which they allow the owner to quarantine the animal unless they suspect rabies or think the owner does not have the capability to quarantine. There has been no need for an ordinance for the last 25 years. The Sheriff's policy is an unwritten one. Gladis – I think the victim should have a choice. Goodenow – Wouldn't it be better to have the police officer make the choice? I think there should be a written policy. Dan Babcock – When my son was bitten, we never spoke to a deputy. Goodenow – If the victim is concerned, they should pay to have it quarantined. Maes – If rabies is suspected or there is a potential criminal act, that is when the Sheriff's Department gets involved. Fenske – Marshall PD's policy is stricter than the Ordinance. Discussion. Gladis – The Sheriff's Department did not handle the incident with Dan's son correctly. The Sheriff is an elected position so we don't have a lot of control. Discussion. Maes – Dogs and cats only? Goodenow – I think all animals should be included. Maybe we should see if the townships want to develop their own ordinance. Gladis – Then we could have many different ordinance though and I don't think we want that. Maes – If this case had been handled correctly in the beginning, we would not be having this discussion. Gladis – Maes and I will work on this. Babcock thanked the board. Fenske – We will consider this at our next meeting.

Lewis – We need to discuss the travel bill for Joseph Smarzik. Maes – Joe slipped off of the top step in the courtroom. The Court Administrator strongly recommended that he go to the doctor. MCIT has paid the medical bills and inadvertently paid a travel bill. After more bills for travel to the doctor came in, MCIT realized their mistake and contacted the travel company to let them know that no more of the travel bills would be paid. (It is not in our policy to pay bills for travel). I have asked an attorney to find out what is going on with the doctor and I am still doing research. Discussion. Fenske – We will not consider payment until we have more information.

Maes – I would also like to discuss the Vlamick issue. I was absent for the meeting in which it was discussed. Lewis – I guess I need to know if you want to advertise for bids from structural engineers. Maes – Mr. Vlamick contacted Benson numerous times and she explained to him that liability for any damages is taken over by the contractor. Mr. Vlamick put in a claim to the contractor and they turned it over to their insurance company. They hired an independent appraiser to investigate the claim. He talked with family and neighbors about the project. He looked at the damage and the area and determined that the damage was done prior to the construction. Mr. Vlamick received the report and he called me. I explained to him that his recourse was against the contractor. Mr. Vlamick indicated that he would sue the County. He went to a lawyer and they wanted a certain amount of money to investigate and he did not have the funds, so he asked the County for help. My biggest concern is that if you

hire a structural engineer to look at it, his findings could be used against the County. Fenske – If the contractor is responsible, they should pay. If we were sued, we would have to counter sue the construction company. Maes – My guess is that we would both be named in a suit. Discussion. Maes explained what the appraiser had looked at and found. Gladis – Our employees told him not to worry about it because the insurance company would pay for it. Goodenow – But if the cracks were there before the bridge, then it was not damage from the bridge construction. Goodenow – I question an independent appraiser that is hired by an insurance company. Discussion on Hold Harmless Clause. Goodenow – So we need to decide if we are going to ask for a request for proposals. Lewis – My original advice to him was to secure legal council and proceed on his own. If you help, it would allow a level playing field between this person and the insurance company. Because he had a conversation with the employees, does this mean that the County has an obligation? Goodenow – Maybe we just offer a little bit of money to help him? Maes – How are you going to distinguish between the other cases that come to you. Discussion. Maes – I can not support even advertising for proposals. Fenske – He said he can not afford to hire an engineer. Maes – I think it is his responsibility. Gladis – This is a tough call. Discussion. Gladis – Will more owners want compensation for possible damage. We need to bring him in and talk with him. Maes – His attorney should give him direction. Van Overbeke – Would you be giving him a false idea that the County will be helping him? Goodenow – We could notify him in advance and let him know what our legal council has advised. Gladis moved, seconded by Goodenow to approve advertising for request for proposals for a structural engineer to look at Mr. Vlamick's damage and also to send a letter to him advising him of what legal council has said and that this will in no-way commit Lyon County monetarily. All voted in favor.

Goodenow – The Joint Powers from RSVP is getting closer. Discussion on amount to be paid. Goodenow – I am concerned with the paragraph that has to do with funding. We are the big population county and we get one vote. We could take the money that we designate for them and fund our own position. We could just give them a certain amount of money and not be on the board and have no say in how it runs. Nelson – How many counties? Maes – Seven. Gladis – How much do they want per year? Goodenow – They are asking \$5300 per quarter. Maes – Can call them and indicate that you do not want to be tied to a per capita and see what they say. I would wait and not pay the \$5300 at this time. Discussion. Fenske – We will discuss it at the next meeting.

Per diems were presented. Fenske moved, seconded by Gladis to approve the following per diems and expenses:

Nelson \$170 per diem \$67.55 expense

Gladis \$80 per diem \$57.94 expense

Goodenow \$50 per diem

All voted in favor.

Fenske – Discuss the request for County Improvement Funds. Monroe Township has requested funds for either a new town hall construction or renovation of the old one. They are requesting up to \$5,000. Fenske – How much is left in the fund? Van Overbeke - \$3,600. Gladis – Unless we take some of the funds and use them for the Minneota wall project. Nelson – The DOT has insisted that the township move the town hall back or to a different location. They had a big discussion about it at their annual meeting. Some members of the township want it moved into town to the museum and then use it there. At that meeting they decided definitely not to build. Gladis – We should maybe wait until we know for sure what project they are going to do because they may not need as much money as the requested. Goodenow – It is an appropriate project, but we need to know for sure what they are going to do. Gladis – Since the State is giving them

\$13,500, they may not need money from this fund. Fenske – Lewis can contact them and we will discuss it when they submit further information.

Commissioner Reports:

Gladis – Lincoln County is now paying our Enterprise Developer for her help in their County. We discussed technology at the PHS meeting.

Nelson – SWMN Foundation sent list of donors and non profits that they donate to.

Fenske – We received a thank-you from MAFAC for their appropriation

Lewis – Need to approve the contracts from E&V. It is just a standard contract. Gladis moved, seconded by Nelson to approve signing the contract with Anderson Iron Works for work on the PW/HHW facility. All voted in favor.

Fenske – Looked at the redistricting that the City has approved? I am not happy with the plan because they took a neighborhood and chopped it up. Van Overbeke – I am not sure how they settled with that particular option.
Fenske – I am just not happy with the option that they choose. Discussion on concerns.

Goodenow moved, seconded by Gladis to close the meeting to discuss labor negotiations and ditch litigation. All voted in favor.

Buysse moved, Gladis seconded motion to adjourn the meeting until Tuesday, April 16, 2002 at 9:00 A.M.

Robert Fenske, Chairman

Attest: _____

Gregory D. Lewis

Lyon County Administrator