

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 request for Chairman to sign YMRWSD Septic Loan agreement, briefly discussing the animal impound meeting and a report on researching the possible purchase of property for County office expansion.

Buysse moved, seconded by Goodenow to approve the minutes from the regular Commissioner Meetings on April 2 and April 16 and the special meeting on April 26. All voted in favor.

No Ditch Vouchers.

Conditional Use Permit for Genertek International presented. Hammer handed out a letter from Gary Becker concerning the CUP. Hammer – Planning and Zoning held a special meeting yesterday to address the Genertek CUP. It is a recommendation from the Planning Commission to grant the CUP. Goodenow – Did they discuss other locations? I understand there is a place inside of the City limits where they could put these generators. Hammer – It was discussed, but no location was named. Fenske – Will they be inside the fenced-in area? Hammer – Yes. Goodenow - There is a possibility that it will all have to be moved if there is an interchange put in at the junction on CR33 and Hwy 23. The only thing I don't like is stipulation number two which states. 'If due to any future road improvements the generators and all existing substation infrastructure would need to be moved, it would be done at no cost to Fairview Township, Lyon County or Minnesota Department of Transportation'. I don't think we can go back and try to fix something that was done in the past. The CUP for the existing equipment was already approved. Maes – It could be the generators and anything associated with them. Brian Murphy – I am glad that you see that, because we were opposed to that part of it. We are also opposed to having the Minnesota Department of Transportation exempt from cost. Also, there is not a location inside City limits that could house these generators without a lot of work. The switching for them is already at this location. Benson – I think MnDot should be included. If there is a project at the intersection, the County would be involved also and we don't want to dissuade MnDot from doing a project there because of the substation. Rep from MMU – We couldn't just move it. We would have to build a new one then take it apart. We have no problem moving it if the County asks us to, but we don't want MnDot to bypass the County and just request. More than likely, if MnDot does a project, the County would be involved and we just want to deal with the County. Fenske – I can see your point. So we need to make a change to stipulation number two. Gladis – Should include something about anything that is installed with the generators, just assuming it probably would not be the best way to go. Maes – It could read as follows: 'If Lyon County requests removal of the generators due to future road improvements, said generators and all items installed with them would need to be moved at no cost to Lyon County or Fairview Township'. Fenske – Would that be acceptable? Murphy – Yes.

Goodenow moved, seconded by Gladis to grant a Conditional Use Permit – Essential Service to Genertek International on behalf of Marshall Municipal Utilities to operate and run a 4.2 megawatt utility electric peaking power plant. The plant will consist of two Genertek outdoor enclosed dual fuel, natural gas, diesel engine generators located at the existing substation/ switching station at the intersection of Trunk Highway 23 and CSAH 33. The property is in the Northeast Quarter of the Northeast Quarter, Section 34 of Fairview Township. As per recommendation of the Lyon County Planning and Zoning Commission and the Fairview Township Board. With the following stipulations:

1. Conditional Use Permit – Essential Service is granted for a period of 5 years, renewable.
2. If Lyon County requests removal of the generators due to future road improvements, said generators and all items installed with the generators would need to be moved at no cost to Fairview Township or Lyon County.
3. The top of the concrete that the generators will set on must be a minimum one foot above the Base Flood Elevation (1139).
4. Must apply for utility permits from the local road authority.
5. Must work proactively with adjoining landowners to address and rectify any noise and interference problems caused directly by the installation and operation of the generator.
6. A copy of the County Board of Commissioner's Motion shall be filed with the County Recorder's Office along with the affected section of land. Additional fees will be billed to the applicant for the actual costs incurred by the county for the recording fees. Any recording amendments that need to be done due to

project alterations shall be paid by the applicant.

VOTING FOR: Buyse, Gladis, Goodenow, Fenske, Nelson

OPPOSED: None

ABSTAINED: None

ABSENT: None

DATED: May 7, 2002

Fenske – We will now have the Public Hearing for the Ordinance for the Operation & Administration of an Individual Sewage Treatment System Loan Program.

Fenske – Are there any individuals here to address this ordinance?

No one responded.

Fenske – Since no one is present to discuss, we can go ahead with a motion.

Goodenow moved, seconded by Nelson to adopt the Ordinance for the Operation and Administration of an Individual Sewage Treatment System Loan Program (on file at the Planning and Zoning Office). All voted in favor.

Lewis – Tom Pavek is here from Elert and Associates to discuss their proposal for the technology services that we requested. Pavek told about the background of the company and explained what they would do to accomplish the tasks in the RFP. Pavek – The not to exceed cost for each task would be \$8,750 for task 1, \$2,160 for task 2, and \$2,400 for task 3. Expenses are \$450 for each trip down here. Fenske – Would you personally be down here? Pavek – Yes. I will do a good share of the work and bring in experts where needed. Fenske – Are these pretty solid costs? Pavek – They are not to exceed costs. Gladis – Have you done anything with satellite communication? Pavek – I have worked with it some, but with the distance between these buildings, it probably would not be cost effective. Goodenow – Is this just for consulting? Pavek – Yes. Winter – Can you work with time constraints? Pavek – Yes, we do a lot of things that are considered an emergency situation. It really depends on your time line. Goodenow – Our server is about at capacity and I don't think we could free it up enough with some of the suggestions you have made. Pavek – If you know you need a new server, we could get on that right away. Winter – Do you have experience with e-government and websites? Pavek – I have a relationship with a company that deals with that and we could bring them in if needed. Fenske – If there are no more questions, the Board thanks you for your time and we will let you know one way or the other as soon as we make a decision.

Lewis – We now have John Kulas from Data Core. Kulas explained that they are a one-stop shop, that they have designers, support staff etc. Kulas – The not to exceed cost would be \$13,750 plus expenses. Goodenow – You did consulting for the Public Works project and that cost us how much? Kulas – I believe the not to exceed cost was \$6500. Goodenow – Why was connecting to the Government Center not included in that? Kulas – It was not included in the request. Benson – When Data Core was hired, we had Mr. Kulas come and help with getting the right conduits, connections, wiring, etc. Fenske – I object to paying expenses at 110 percent of the actual cost. I also object to paying any expenses except mileage. The other expenses are between the employee and the company. Kulas – We can make adjustments to the contract. I have given you a list of references. Fenske – Could you start immediately? Kulas – Yes, we could start within two weeks, but could make arrangements to start sooner if needed. Fenske thanked Mr. Kulas for coming and told him they would be in contact with him.

Gladis – John Schuh is here from PHS to introduce you to a representative from the Department of Health. Schuh – I just wanted to quickly introduce you to Julie Ring from the Department of Health. She has spent a couple days here and talked to our board last night. Ring – I would just like to say that it has been very good for me to actually be here. I have learned a lot. Fenske thanked Schuh and Ring for coming.

Lewis – I recommend that the board move ahead and select one of the two firms. I think both are very professional and prepared. Fenske – Van Keulen, do you have any comments? Van Keulen – I have never worked with either of them. Benson – I would say that Kulas had a little more base knowledge, but both are very close. Goodenow – I thought we were going to try to get hardware, not just get a consultant. I was kind of thinking that since we cut it down to these three projects, that we were going to try to find someone that could do both the consulting and provide the equipment. We are paying \$13,000 for a consultant and not getting any equipment. Lewis – We could do it ourselves, but we would like to have recommendations on what the best equipment and route to go would be. Goodenow – I don't want to put in a system that PHS and Human Services can't use. Maes – I think we need to know what shape our server is in. Van Overbeke – We can't even update our anti-virus program because we don't have enough capacity. Gladis – As far as connecting up to the two buildings, I think we need to see what all the options are. Discussion. Benson – I think if you are not an expert, you need to have someone with experience to come in and tell you what the best equipment is for your situation and what would be the best route to take. Van Keulen – I would not do this by myself, but these firms are expensive. Winter – I think it's good to find out what other counties are doing and get an outside opinion. Van Keulen – There are people that will do everything including sell the hardware for less than this. Fenske – But they sell the kind of equipment that they have and we don't have any options. Discussion. Nelson – I don't think we paid the not to exceed cost to Data Core. I think it was significantly lower, but I would like to know for sure. Let's take a break and let Van Overbeke check on it.

Meeting recessed.

Meeting back to order.

Van Overbeke – We have paid \$3600 to Data Core. Nelson – Will we pay anymore? Benson – I believe that all the bills should be paid from them. Goodenow – It was good that they only charged us actual costs. Gladis – I don't think I would be comfortable getting consulting from someone who is trying to sell me something too. I think we need to go ahead with one of the two firms. Fenske – I made it clear that I wanted changes on the Data Core contract. Discussion. Gladis moved, seconded by Nelson to accept Data Core's proposal deleting the 110 percent of expenses and all the expenses except mileage and taking out the requirement to pay within 10 days, authorizing the Chair to sign the contract with Data Core contingent on the inclusion of the terms approved by the Board. Nelson – I think if they gave us a not to exceed of \$6500 and they actually charged us \$3600, that they did their best to keep the cost down. Fenske – I am a little concerned about who would be coming down here. Would it be Mr. Kulas or many different people? Benson – Mr. Kulas was the one who came the last time. Voting For: Gladis, Nelson, Buysse. Voting Against: Goodenow, Fenske.

Fenske – We will now have the Public Hearing on the Redistricting Plan.

Van Overbeke – We advertised this and asked for any public comment. I have not received any. Van Overbeke explained options 1 – 4, stating that option 2 was not in compliance so it can not be considered. She explained that Option 1 would make District 1 have 9 nine townships, that Option 3 and 4 would split Cottonwood and Tracy into different districts and Option 3 would have all the commissioners running for re-election, while Option 4 would put Gladis and Nelson in the same district and leave a district with an open seat. The options are as follows:

*******OPTION 1*******

Commissioner District One (1) Clarence Buysse Census Population

Coon Creek Township 282

Eidsvold Township 223

City of Ghent 315

Grandview Township 317

Island Lake Township 208

City of Minneota 1449

Nordland Township 251

City of Taunton 207

Westerheim Township 286

City of Russell 371

Lyons Township 208

Shelburne Township 180

City of Florence 61

Rock Lake Township 282

City of Balaton 637 **5277**

Commissioner District Two (2) Robert Fenske

Fairview Township 485

Marshall Ward One (1) 4248

Vallers Township 243 **4976**

Commissioner District Three (3) Phil Nelson

Amiret Township 230

Clifton Township 288

Custer Township 220

City of Garvin 159

Monroe Township 242

City of Tracy 2268

Stanley Township 254

Lucas Township 260

City of Cottonwood 1148 **5069**

Commissioner District Four (4) Jerry Gladis

Lake Marshall Township 517

Marshall Ward Two (2) 4245

Sodus Township 282 **5044**

Commissioner District Five (5) Mark Goodenow

City of Lynd 346

Lynd Township 471

Marshall Ward Three (3) 4242 **5059**

*******OPTION 3*******

Commissioner District One (1) Clarence Buysse Census Population

Coon Creek Township 282

City of Cottonwood 1148

Eidsvold Township 223

City of Ghent 315

Grandview Township 317

Island Lake Township 208

Lucas Township 260

City of Minneota 1449

Nordland Township 251

City of Taunton 207

Vallers Township 243

Westerheim Township 286 **5189**

Commissioner District Two (2) Robert Fenske

Fairview Township 485

Marshall Ward One (1) 4248

Stanley Township 254 **4987**

Commissioner District Three (3) Phil Nelson

Amiret Township 230

City of Balaton 637

Clifton Township 288

Custer Township 220

City of Florence 61

City of Garvin 159

Lyons Township 208

Monroe Township 242

Rock Lake Township 282

City of Russell 371

Shelburne Township 180

City of Tracy 2268 **5146**

Commissioner District Four (4) Jerry Gladis

Lake Marshall Township 517

Marshall Ward Two (2) 4245

Sodus Township 282 **5044**

Commissioner District Five (5) Mark Goodenow

City of Lynd 346

Lynd Township 471

Marshall Ward Three (3) 4242 **5059**

*******OPTION 4*******

Commissioner District One (1) Clarence Buysse Census Population

Coon Creek Township 282

City of Cottonwood 1148

Eidsvold Township 223

City of Ghent 315

Grandview Township 317

Island Lake Township 208

Lucas Township 260

City of Minneota 1449

Nordland Township 251

City of Taunton 207

Vallers Township 243

Westerheim Township 286 **5189**

Commissioner District Two (2) Robert Fenske

Fairview Township 485

Marshall Ward One (1) 4248

Stanley Township 254 **4987**

Commissioner District Three (3) Phil Nelson

Amiret Township 230

City of Balaton 637

Sodus Township 282

Custer Township 220

City of Florence 61

City of Garvin 159

Lyons Township 208

Monroe Township 242

Rock Lake Township 282

City of Russell 371

Shelburne Township 180

City of Tracy 2268 **5140**

Commissioner District Four (4) Jerry Gladis

Lake Marshall Township 517

Marshall Ward Two (2) 4245

Clifton Township 288 **5050**

Commissioner District Five (5) Mark Goodenow

City of Lynd 346

Lynd Township 471

Marshall Ward Three (3) 4242 **5059**

Fenske – Are there any comments from the audience? Greg Issaccson, Cottonwood City Administrator – The Cottonwood City Council has taken the position of supporting Option 3. We believe that we have more in common with Minneota and the north/western part of the County than we do with Tracy and the south/eastern part. Tony Doom – I would also like to express my support for Option 3. I would be against Option 4 and having two commissioners facing off and having an open district. Fenske – If we go with Option 3, Nelson would have to run again. If Option 1 is taken, he wouldn't have to, but then District 1 is very large. Goodenow – I am leaning toward Option 3. Buysse – Do we decide today? Van Overbeke – You decide on it today and take the final vote at the May 21st meeting. This way we can let everyone know which option you are going to vote on and if someone wants, they can give public opinion at the May 21st meeting. Buysse moved, seconded by Goodenow to choose Option 3 (listed above) as the plan for redistricting. All voted in favor.

Stokke – I would like to request approval to hire a part-time deputy; his name is Derek Sanderson, he actually started May 1 at an hourly wage of \$15.73. Buysse moved, seconded by Goodenow to approve hiring Derek Sanderson as a part-time deputy at a wage of \$15.73 per hour. All voted in favor.

Stokke gave an update on the lightning strike. He said so far they have paid about \$35,000 in bills and there are probably about \$20,000 to \$30,000 left. He also explained that they have been working with the insurance company and it looks like everything will be paid for except the \$1,000 deductible.

Stokke – I would like to purchase two more video cameras for squads. There is money left in the Criminal Justice Aid Fund. Goodenow moved, seconded by Buysse to approve the Sheriff's Office purchasing two video cameras for squads using funds from the Criminal Justice Aid Fund. All voted in favor.

General Revenue Vouchers, Special Water Projects and Capital Project Funds were presented. Discussion on purchase of guns. Buysse moved, seconded by Goodenow to approve the general revenue vouchers, special water projects, and capital project funds. All voted in favor.

General Revenue Fund \$127,214.35

Road & Bridge Fund \$46,467.63

Landfill Spec. Rev. Funds \$213,097.17

Water Projects – Spec. Rev. \$76.50

Capital Project Funds \$225,661.15

Total \$612,516.80

Beginning Warrant Number: 337742; Ending Warrant Number: 337902.

Auditor Warrants were presented. Goodenow moved, seconded by Buysse to approve auditor warrants 337664 to 337679 dated April 18, 2002 in the amount of \$163,367.56, 337681 to 337713 dated April 25 in the amount of \$334,199.22, and 337717 to 337741 dated May 2 in the amount of \$26,872.17. All voted in favor.

Lewis – Need approval of the Resolution for Workers' Comp. This is a copy of the one that MCIT would like approved. Fenske – We have done this before. Lewis – This one adds the line – 'except for (i.e. independent contractors appointed as corner, deputy corner, surveyor, etc.)'. Gladis moved, seconded by Goodenow to approve the Resolution (on file at the County Administrator's Office) to reaffirm that officials have been covered for workers' compensation except for certain positions. All voted in favor.

Fenske – We have the request to sign an ACH agreement with Bremmer Bank. Van Overbeke – Just need approval for Lewis and I to sign it. Gladis moved, seconded by Goodenow to authorize Auditor/Treasurer Van Overbeke and County Administrator Lewis to sign the ACH agreement with Bremmer Bank. All voted in favor.

Lewis – At the last meeting we had a representative from MCIT talk to you about a cafeteria plan. I just need to know if you would like to proceed with this and have Joan Groshens get proposals for this. Fenske – The cafeteria thing aside, we need to get a new flex benefit provider. Lewis – Yes, we have had a lot of problems with our current one. Goodenow – We are just getting proposals? Lewis – Yes. Goodenow – How much will it cost. Lewis – This is part of MCIT's service so there is no charge. Goodenow moved, seconded by Buysse to approve working with MCIT to get proposals for a cafeteria plan, flex benefit provider and wellness program. All voted in favor.

Lewis – Would like authorization to sign letter of agreement with Maximus. This agreement is for Maximus to provide human resource service to help Lyon County maintain its current compensation/classification system. This service would be provided on an as needed basis. There is no monetary commitment with signing this letter. Goodenow moved, seconded by Nelson to authorize Chairman Fenske to sign the letter of agreement with Maximus for continued human resource service on an as needed basis. All voted in favor. Fenske – Are we going to get the Public Works Director position evaluated? Lewis – We are working on it.

Meeting Recessed.

Meeting back to order.

Goodenow – The Jail Project Team has looked around the County for possible locations for expansion and has narrowed it down to three locations. We are looking for some sort of approval to move forward to find out prices and perhaps negotiate prices. With redistricting we will all five be up for re-election and maybe we should let the new board deal with it. On the other hand, if we are just going to negotiate a price, it could take quite a while and we could at least start the process. I don't think there is a lot of risk in going ahead with this. We do have money set aside in reserves for this. Even if we do make a selection, the City of Marshall will need time to plan and prepare. Lewis – I have negotiated land purchases before. I would consult with the Project Team and Maes. Discussion. Gladis moved, seconded by Goodenow to authorize Lewis to contact property owners, whose land had been looked at as a possibility for County Office expansion, on behalf of the Jail Project Team and negotiate a possible price. Goodenow – At least this will give us an idea on the price of the land. Voting For: Gladis, Fenske, Buysse, Goodenow. Abstaining: Nelson.

Fenske – We need to finalize the planning session results. Lewis – This will become the action plan of Lyon County. Nelson moved, seconded by Goodenow to ratify the Planning Session results. Goodenow – What now? Fenske – What are the score cards? Lewis explained how to use them and that they were a tool for letting each other know what they thought about the specific projects. Gladis – I would like to say that it was a day very well spent. It is good to talk with the Department Heads and actually see what ideas they have. All voted in favor.

Lewis – I would just like to report that I held a meeting with city clerks/administrators to discuss animal impoundment. We have another meeting scheduled for May 14th and I would like some of your thoughts. We came up with four options and one of those was the possibility that Lyon County would own and operate an impoundment center. Discussion. Fenske – It is the consensus of the board that Lyon County will not be in the dog impoundment business.

Van Overbeke – Need approval for the Chair and myself to sign off on the document dealing with the YMRWS septic tank program. Discussion. Gladis moved, seconded by Buysse to authorize Chairman Fenske and Auditor/Treasurer Van Overbeke to sign the contract for the Yellow Medicine River Watershed Septic Tank Program. All voted in favor.

Goodenow moved, seconded by Gladis to close the meeting to discuss department head evaluations. All voted in favor.

Goodenow moved, seconded by Gladis to reopen the meeting. All voted in favor.

Goodenow moved, seconded by Gladis to accept the merit increases for department heads as recommended by

County Administrator Lewis retroactive to January 1, 2002 and the employees who are at the maximum of their pay range will not exceed the maximum. The 2002 salaries are as follows:

Dept		2002
Head	Dept	Salary
Jeanine Barker*	Recorder	\$51,565
Rick Maes*	Attorney	\$73,007
Don Stokke*	Sheriff	\$72,510.97
Paula Van Overbeke*	Auditor/Treasurer	\$52,374
Dean Champine	Assessor	\$51,206
Jim Hubley	VSO	\$44,230.26
Ron Krause	Facilities Manager	\$41,139
* Elected Official		

All voted in favor.

Ron Krause met with the board to discuss his performance. Fenske – We can close the meeting again. Krause – You don't need to close it. I am just wondering why I have never made it to the top of my level. Fenske – I do not know exactly, but you have received salary increases every year and will receive a good one this year. The salary ranges have been moving up so it's hard to catch the top. I have been here for twenty-two years and I just wondered what I needed to do to achieve this. Fenske – Another thing that happened is that your range changed when Maximus did their evaluation so that changed the top also. Krause thanked the board for their time.

Goodenow left at 1:40.

Gladis moved, seconded by Buysse to close the meeting to discuss specific performance appraisals. All voted in favor.

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

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

Anderson – About a month ago I received a call from a lady whose husband had passed away from cancer. She asked if there was anything that the park needed. We compiled a list and gave it to her to pick from. She chose to give Garvin Park \$1,000 for three information signs. We will put a memorial plaque on the signs. So we are pleased to present the board with a check in the amount of \$1,000 in memory of Bob Knapper. Fenske – We are very pleased to accept this. Anderson – We will send an acknowledgement and thank-you to Deb Knapper.

Benson – We asked for quotes from four companies to provide solid waste disposal services at Garvin Park. Two companies submitted quotes.

1. Provide two – 2CY dumpsters from May 1 through October 30, 2002. They would need to be emptied on a weekly basis from the week on May 27th through the week of September 30th.

Ritter's = \$146.25/month for two – 2 CY dumpsters

Curry = \$166.72 per month for up to three – 1.5 CY dumpsters

2. Emptying of the two 2 CY dumpsters beyond the once a week schedule will be performed on an as needed basis.

Ritter's = \$38.61/container/dump, 2 CY containers

Curry = \$17.55/container/dump, 1.5 CY containers (third container would be emptied at no additional charge)

3. Garvin Park currently owns a 6 CY and a 1 CY dumpster that will need to be emptied on an as needed basis. This will be coordinated with the weekly emptying of the two 2 CY dumpsters if desirable.

Ritter's = \$111.15 per dump, both containers

Curry = \$58.50 per dump, both containers

Benson – Based on analysis of the quotes and anticipated use, Anderson and I believe it would be most cost effective to select Curry Sanitation to provide the solid waste disposal service required for Garvin Park.

Buyse moved, seconded by Fenske to accept the quote from Curry Sanitation for solid waste services at Garvin Park. All voted in favor.

Benson – Since all parties are present, let's discuss the PW/HHW furnishings quotes. We received two quotes. They were as follows:

Davis Typewriter Co. Inc.; Worthington, MN \$29,827.26

Interstate Office Products, Inc.; Sioux Falls, SD \$30,643.00

Benson - Barb Larsen, the County's Interior Design Consultant, has recommended awarding the quote to Davis Typewriter. Office Interiors (the low bidder last time) is doing a joint venture with Davis Typewriter. Prices came in about \$2,500 less and that is probably attributed to less travel and meals cost because of the local connection that Davis has. Discussion. Buyse moved, seconded by Gladis to accept the quote from Davis Typewriter Co. Inc. for the Office Furnishings for the PW/HHW project. All voted in favor.

Benson – I would like to discuss the Marshall Highway Shop expansion. I didn't feel that we should go ahead with the expansion without looking at some possibilities. One such possibility would be purchasing the ice arena. I would like a chance to discuss such a possibility with the Hockey Association. Fenske – Have they expressed any interest in this. Benson – No, but I would like the chance to discuss it with them just in case they are thinking about it. We could use that building for storage or numerous other possibilities. Gladis – Would there possibly be an existing building that could be used? Benson – The only problem with that is the inconvenience, but it is a possibility to be looked at. Fenske – I like the decision to defer the expansion so you can pursue other options. Benson – We would need to continue with the roofing, painting etc. of the old office and we would need to put new doors on the shop. Discussion. Gladis moved, seconded by Nelson to approve going ahead with the re-roof, interior painting, and new flooring for the old office as well as new doors for the shop. All voted in favor. Benson – I will bring back bids on the office work and get quotes on the doors.

Benson – We went through the appeal process for the Sr. Landfill Operator position and it resulted in a pay grade classification from Grade 12 to Grade 14. After talking with me, Maximus had a better idea of the qualifications and certifications that a Sr. Landfill Operator needed. It's unfortunate that this did not happen sooner. I recommend accepting the revised position description and pay grade change. Gladis moved, seconded by Fenske to approve the revised position description and pay grade change to 14 for the Sr. Landfill Operator position. All voted in favor.

Benson – I have a resolution for grant funds for the reconstruction of Bridge 42524, new bridge no. 42557, located on CSAH 2 in Amiret Township. Discussion. Gladis moved, seconded by Buyse to adopt the resolution (on file at the County Administrator's Office) dealing with grant funds for project 42-602-31 (bridge reconstruction in Amiret Township). All voted in favor.

Benson – I have developed a Temporary Road Closure Policy. In the past when the smaller communities had an

event that needed a road closure, we had to come to the board for approval. With this policy it would be approved/denied by the County Engineer or designee. If the applicant does not like the decision of the engineer, they will have the option of coming before the board. Buysse – Think you need to include something about it being for the good of Lyon County. Gladis – Also maybe there should be a time limit so they would have time to appeal to the board. Benson – I will make changes and bring it back.

Discussion on Highway Department Annual Report. Buysse moved, seconded by Gladis to accept the highway department's annual report for 2001. All voted in favor. Benson – Nancy Boogaard, the Highway Department Accountant, does a great job with this.

Lewis – We sent out RFP's to seek structural engineers for the Vlamick manner. We received two. They are as follows:

Clark Engineering Corporation \$2,700

Banner Consulting Engineers and Architects \$2,550

Fenske – We are looking at what it would cost to have an engineering service look at Mr. Vlamick's house. An investigation was preformed previously by an independent hired by the insurance company. We need to decide if Lyon County wants to retain one of these firms and if we do, where would the money come from. Lewis – First we need to decide whether the County will enter into retaining these services. I have talked with employees and they did not think there was a problem. Gladis – This is a no win situation for us. Buysse – Will more people come in and say they have a problem? Is there a time limit? Maes – There is a time limit on civil cases. You have never done anything like this before and you know my opinion on this. Vlamick – One of my neighbors gave me a letter and some pictures describing the damage that his house received. He is not looking for any compensation. Fenske – I have a problem here because there are conflicting stories from two people I have know for years. Gladis – My main concern is that if a lawyer comes in, we could end up getting sued. Fenske – We would basically be putting up money to sue ourselves. Maes – The contractor has a very detailed report and they would fight any decision that went against that report. Fenske – You can see that this puts us in a hard spot. Maes – It is my opinion that it is the contractor's liability solely. Mr. Vlamick put in a claim and the contractor's insurance company rejected the claim based on the independent engineer's report. Mr. Vlamick can file a suit. Nelson – It seems to me that we said we would help find an engineering company and find some prices. It's up to Mr. Vlamick to go ahead now. Buysse – I agree with that. If he wants to sue the contractor, it's up to him. Vlamick – I was told that the money would be held back until my problems were taken care of. Fenske – This was a previous engineer. Benson – This was a Federal Aid Project and contractors have to be paid within a certain time, so you can't hold back for very long. Gladis – If we did hire a structural engineer and it shows that the bridge project caused the damage, are you going to be able to sue? We will not go any further in this. We can not be part of the suit against the contractor. Vlamick – Even if we have proof? Maes – They hired an independent engineer who gave a strong opinion and they won't do anything further until a suit is filed. Fenske – If evidence was found in your favor, you would have to file the lawsuit on your own and right now we do not have three votes to hire the engineer. Two are against and two are undecided. We would have to discuss this with the fifth commissioner who is not present and see what his thoughts are. There is really nothing we can do today. If you would like to discuss it further, you are more than welcome to meet with the board again.

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

Henriksen – Need to approve the HHW Regional Contract. The main changes in the contract will be cost change to the other counties for costs associated with use of the mobile units (Nobles and Lyon) and time spent at each county associated with processing and transportation of waste. Lyon County would contract with Nobles County for this mobile unit. Discussion. Gladis moved, seconded by Nelson to approve the HHW Regional Contract (on file in the Environmental Office). All voted in favor.

Henriksen – Also need to approve the Mobile Unit Contract w/ Nobles County. This allows us to use their staff person and it now includes liability. Fenske moved, seconded by Buysse to approve the Mobile Unit contract with Nobles County. All voted in favor.

Henriksen – We have the bids for the Phase Closure Area and Phase 7 Construction at the landfill. They are as

follows:

Duinnick Companies \$1,495,004.25

R&G Construction \$1,405,878.00

Schmidt Construction \$1,273,788.30

Henriksen – Once we have been issued the permit, then we can award the contract. The permit formally went on notice on April 15. Gladis – Is the time close to being done? Henriksen – Will be done on May 14th or 15th.

Henriksen gave an update on the SCORE report.

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

Per diems Expenses

Gladis \$70 \$74.60

Fenske \$240 \$35.00

Nelson \$225 \$137.90

Goodenow \$50

All voted in favor.

Commissioner Reports:

Gladis reported on the PHS meeting.

Nelson – Area II is still waiting for bonding money. Not much new at RCRCA.

Fenske – The Rural Energy Task Force is still waiting to hear about the Production Tax and still working on it. Xcel Energy is building transmission lines. Just a reminder that we have the meeting in Granite Falls on Tuesday morning at 8:00 AM to discuss CD# 7 and JD#10 bills.

Van Overbeke – Formal notice was not made for the CD#7 and JD#10 meeting. Maes and I felt that we should send notice, but the Yellow Medicine County Auditor, Ditch Inspector, and Attorney did not want notice sent. The YMC Attorney did not think it was necessary. Buysse – We can't make any decisions then. Van Overbeke – You can discuss the bills between the two boards, but no other decisions can be made.

Lewis – The representative from the Independent has asked to know the locations of the land that the Jail Project Team will be looking at. I will talk to Maes about the information to give him.

Buysse moved, Gladis seconded motion to adjourn the meeting until Tuesday, May 21, 2002 at 9:00 A.M.

Robert Fenske, Chairman

Attest: _____

Gregory D. Lewis

Lyon County Administrator