

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
September 17, 2002

Meeting called to order by Chairman Fenske. Members present: Buysse, Fenske, Gladis, Goodenow (at 9:05), Nelson, County Attorney Maes, County Auditor/Treasurer Van Overbeke, and County Administrator Lewis.

Pledge of Allegiance to the Flag.

Agenda approved as presented.

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

Aerator permit applications were presented. Buysse moved, seconded by Gladis to authorize the chair to sign the aerator permit applications. All voted in favor.

Conditional Use Permits were presented.

CUP – Duane Kerr

Biren – This permit is a little different because there is a designated haul road. Mr. Kerr is the owner of the ground and he is not a contractor. Several contractors work in this pit and if one doesn't follow the stipulations of the permit, the pit could be shut down.

Buysse moved, seconded by Gladis to grant a Conditional Use Permit to Duane Kerr to extract and crush material and for a recycle asphalt plant on land zoned agricultural. The land is located in the Northwest Quarter, Section 2 of Coon Creek Township. As per recommendation of the Lyon County Planning and Zoning Commission and the Coon Creek Township Board. With the following stipulations:

1. Conditional Use Permit is granted for a period of 5 years, renewable.
2. Top soil will be stockpile and used for reclaiming and leveling (top soil is not to be sold).
3. Reclaiming and leveling of land is to be done as work progresses.
4. Grade site after extraction is completed so as to render it usable, seeding required to avoid erosion and an unsightly mar of the landscape.
5. Must maintain a backslope of 4:1 or flatter.
6. The holder of the Conditional Use Permit is responsible for the actions of all contractors working in the pit. This includes road maintenance and dust control on haul roads.
7. A copy of the Lyon County Board of Commissioner's Motion shall be filed with the County Recorder's Office along with the legal description and address of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.
8. Conditional Use Permit is non-transferable.
9. Haul roads to be as follows: North – 150th Avenue to CSAH 4; West – 220th Street to CSAH 13; South – 150th Avenue to 210th Street to CSAH 13 or CSAH 15. Specified haul roads to be used going to and coming from pit otherwise use black top roads.

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

OPPOSED: None

ABSTAINED: None

ABSENT: None

CUP – Lincoln Pipestone Rural Water (LPRW)

Biren – Mileage of certain size pipe may differ in the distances that were stated in the motion approved by the Planning and Zoning Commission. So in the motion for the County Board, we eliminated the distances. We did not see it as a problem. Fenske – Township roads? Biren – Will need easements from landowners and there will be set backs on County and State Highways. The setback differs according to planned construction.

Gladis moved, seconded by Nelson to grant a Conditional Use Permit – Essential Service to install a water line 4" or greater in diameter and to construct a water pump station. As per recommendation of the Lyon County Planning and Zoning Commission and the Lake Marshall, Fairview, Stanley, Lucas and Vallers Township Boards.

The water lines are proposed to be installed in the following townships and sections of land:

Lake Marshall Township - Sections: 1,11,14,23
Fairview Township - Sections: 3,10,14,15,23,26,35,36
Stanley Township - Sections: 1, 31,32,33,34
Lucas Township - Sections: 31,32,33,34,35,36
Vallers Township - Sections: 3,10,14,15,20,21,22,23,26,35

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The water pump station will be located in the South Half of the Northwest Quarter of Section 10, of Fairview Township.

With the following stipulations:

1. Must follow the Minnesota Environmental Quality Board guidelines.
2. John Biren to be appointed as the inspector and he is to keep track of complaints and service calls and bill accordingly to recoup the actual cost to the county.
3. Must submit as built plans to the Zoning Office of the complete system.
4. Must repair all private and county tile lines to pre-construction condition prior to project completion.
5. Rocks and other construction debris shall be removed from each individual section of land where construction takes place within ninety (90) days of the commencement of major essential service construction on that individual section of land.
6. Shelterbelts, windbreaks, fences and vegetation shall be restored to pre-construction condition.
7. Waterline depth shall follow zoning requirement.
8. A copy of the County Board of Commissioner's Motion shall be filed with the County Recorder's Office. 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 line alterations shall be paid by applicant.
9. Must apply for right-of-way use permits from local road authorities and record landowner easements.
10. Water lines to meet the following setbacks from the following county roads:
 - CSAH 10 – 90' from the center of the road.
 - CSAH 9 – 90' from the center of the road.
 - CSAH 22 – 90' from the center of the road.

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

OPPOSED: None

ABSTAINED: None

ABSENT: None

Biren – There was a special meeting held yesterday dealing with the Klein Plat. Biren handed out a map. #5, #7, #10 discussed.

Gladis moved, seconded by Buysse to grant a Final Plat to Don Klein for Klein First Addition, Lot 1, Block One, Section 18, Lake Marshall Township. With the following stipulation:

1. Remaining undeveloped land to be Outlot A and the future use of this land to be undeveloped area.

VOTING FOR: Buysse, Fenske, Gladis, Nelson

OPPOSED: Goodenow

ABSTAINED: None

ABSENT: None

Fenske recessed the regular meeting and called to order the Hearing of the Ditch Authority to discuss the Outlet Petition for CD#68.

Van Overbeke – Just to let you know, #4 was added to the petition. It was not included on the one that you had previously seen. Fenske – If we approve? Biren – The ditch viewers will assess benefits and an outlet fee. Buysse – Do we need to appoint viewers? Biren – Yes, after the petition is approved. Landowner – The ditch is at capacity. 10 acres is not really going to matter, but there should be something done so the water moves out. Discussion on DNR land. Landowner – Was the DNR contacted? Biren – I don't know the answer to that. Discussion. Goodenow moved, seconded by Nelson to approve the outlet petition for CD#68. All voted in favor. Discussion on how much time it would take the viewers. Benson – Hammer believed it would take a day or two. Biren gave recommendations of viewers. Buysse moved, seconded by Goodenow to appoint David Josephson, Frank Josephson, and David Javens as viewers for the CD#68 petition with William Moldestad as alternate. All voted in favor.

Fenske adjourned the meeting of the ditch authority and called the regular meeting back to order.

Landfill Vouchers were presented by Schroeder in the absence of Henriksen. Buysse moved, seconded by Gladis to approve the landfill vouchers. Discussion. All voted in favor.

Discussion on Regional Grant Program. Schroeder – We are requesting approval to move forward with this open grant. If they approve of our application, we will be asked to fill out a more detailed one. This grant would fund a staff person that would work with the twelve counties involved in the Solid Waste Commission. This grant would be for three years. Matching dollars would come from the participating counties according to population. Gladis – Are the other

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counties aware of this? Schroeder – We wanted to present this to Lyon County first and see if the board approved before we approached any other counties. If you approve of this, we will take it to the Regional Solid Waste Commission, then to the other counties. Fenske – Can in-kind be used as part of the match? Schroeder – It is possible, but Henriksen is thinking it would be better to have an all cash match. Fenske – At this time you just want approval to submit the grant? Schroeder – Yes. Discussion. Gladis moved, seconded by Goodenow to approve bringing the grant application to fund a staff person to the Regional Solid Waste Commission for discussion. All voted in favor.

Schroeder mentioned the open house at the landfill.

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

Benson – I received two quotes for the Cottonwood Highway Shop doors. The doors have been fixed twice in previous years and they need to be replaced. The quotes were as follows:

Dulas Construction	\$5,998.07
True Value	\$6,846.61

Benson – We did look into moving it and I talked with the City of Cottonwood about collaborating with the Fire Department, but they are moving in a different direction. Gladis moved, seconded by Buysse to accept the quote from Dulas Construction in the amount of \$5,998.07 for new doors at the Cottonwood Highway Shop. All voted in favor.

Benson – We have moved into the new Public Works Building and I would like to thank the Commissioners and the tax payers for the new facility.

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

General Revenue Fund	\$52,268.63
Road and Bridge Fund	\$66,640.12
Landfill Special Rev. Funds	\$238,253.66
Capital Project Funds	\$11,992.31
Ditch Fund	\$3,752.70
Total	\$382,546.42

Beginning Warrant Number: 339363; Ending Warrant Number: 339501.

Auditor's Warrants were presented. Nelson moved seconded by Gladis to approve warrants 339318 to 339338 dated September 5, 2002 in the amount of \$357,675.52 and warrants 339340 to 339362 dated September 12, 2002 in the amount of \$85,484.51. All voted in favor.

Lewis – I received the invoice from Clark Engineering. I had a conference call with them and asked them if this was independent work. Both the on-site and the project coordinators said that it was their own work. I asked them if they were on the stand at a hearing, would they support their findings? They said they would. They also said they took their own photos. They would be open to a conference call with the board without further charges. Discussion. Goodenow moved, seconded by Nelson to approve the invoice from Clark Engineering. All voted in favor.

Lewis – We received a request for payment of membership fee for the Southwest West Central Cooperative Purchasing Contract. This allows the County to purchase supplies at a lower rate. Goodenow moved, seconded by Buysse to approve payment of the membership fee for the Southwest West Central Service Cooperative Purchasing Contract. All voted in favor.

Maes – I have offered employment to Edward Ferguson as an assistant county attorney. Fenske – Background? Maes – He grew up by Fargo and was working in Jackson. I will have him come in and introduce himself. Goodenow moved, seconded by Nelson to approve hiring Edward Ferguson as an assistant county attorney at a salary of \$39,000 with a starting date of September 16, 2002. All voted in favor.

Maes – I was facilitator of a DWI/traffic update and would like to request payment of the participants from Lyon County. Last year the fee was paid out of the Criminal Justice Aid Fund. There were nineteen participants from Lyon County, which equals \$285. Goodenow moved, seconded by Gladis to approve payment out of the Criminal Justice Aid Fund of the registration fee for the DWI/Traffic update seminar for 19 Lyon County Law Enforcement personnel. All voted in favor.

Maes – We were scheduled for a pre hearing conference for the asbestos case on September 11, but it was cancelled and I have not heard when it was rescheduled to.

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Fenske – What about the Errors and Omissions situation? Maes – I talked with an assistant county attorney from Redwood and I was told that we could send Redwood a bill, but not to expect payment for it. I still believe that MCIT is interpreting their policy wrong. I brought it up, but it was never really addressed. There was a strong comment from the MCIT chair that his county had to pay because of a ditch mistake. Lewis – Can you file a claim in court? Maes – I did not explore that. Fenske – The MCIT Board had the authority to deny? Lewis – Yes. Discussion. Lewis – Could have Maes help formulate a letter to the MCIT board members from the Lyon County Board. Fenske – And send Redwood a bill for their portion.

Ed Stec, E&V, met with the Board to give an update on the Public Works Facility. Stec – Construction is complete and the building is being occupied. We are still working on getting the elevator approved by the State. I would like to request Board authorization to add \$24,938 to the existing contract for the remodel of the existing shop. This is included in the bond. Lewis – This will help track the costs. Stec – We were going to run a separate pay book, but for only these four items, we could just add it to the original project. Goodenow - \$6,300 for Group II? Stec – To date they have submitted about \$3,200 and I think that may be about it. Fenske – Included cold storage? Stec – No, it was \$20,000 with cold storage. Benson – This is a not to exceed amount. Actual hours are billed. Gladis – Are the costs listed for flooring, roof and painting the actual bids that have been accepted? Stec – Yes. Goodenow – It seems to me that the architect fees are still high. I think we need to reduce that. Goodenow moved, seconded by Gladis to approve adding the following to the Public Works budget:

New roof @ existing garage	\$9,900.00
New flooring @ existing garage	\$5,749.00
Painting @ existing garage	\$2,989.00
Group II Additional Fees	\$3,500.00

All voted in favor.

Stec – Invoicing and bills should be coming in and we are still hopeful that we can stay within the budget.

Maes – I talked with Sussner's attorney Thursday and they were supposed to get back to me before today, but have not.

Meeting Recessed.
Ed Ferguson introduced himself.
Meeting back to order.

Roger Albertson with the State Auditor's Office met with the board and explained the County Audit Report. He explained the following:

- Problem with debt service budgeting
- About 12 ½ months of general fund reserves
- Need to take into consideration the lack of reserves in other parts of the County
- The landfill keeps on running very well
- Hard to tell what Public Works is responsible for as far as budgeting
- Still problems with the Travel Policy
- Bank reconciliation's need to be done within two weeks of receipt
- Auditor/Treasurer needs to review the bank reconciliation's and record it
- Fixed assets are not being adequately accounted for and the correcting of this needs to be a priority
- There is a deficit for some ditches, but this is moving in the right direction
- An IC134 was not received before payment
- Sale/purchases of investments not being done correctly
- In-lieu-of-taxes distributed one year later and you have 30 days
- Need a statement from bank for collateral assignments
- Contract with Rupp Construction without receiving a bond, escalating contract with Sussner that exceeded the bond.
- Still need a hold back for payroll

Discussion on the findings.

Van Overbeke – In light of the State Auditor's report, I am requesting that you strongly consider adding a position to my staff starting as soon as possible. I would have them take care of all the fixed assets and payroll. I would be looking for someone with a two year degree in accounting and they could possibly help out with some accounting issues also. Goodenow – I understand now that you will be restructuring, maybe hire someone with a four year degree and that would possibly work forty hours per week. Discussion on 40 hour work week. Van Overbeke – I am looking at hiring an Accounting Clerk, which has a starting wage of \$10.85 per hour. Discussion on if would have to start at this wage. Goodenow moved, seconded by Nelson to authorize the Auditor/Treasurer to advertise to hire an Accounting Clerk, therefore creating a new position, with a minimum starting salary of \$10.85 per hour to work 37.5 up to 40 hours per week with a

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minimum of a two year degree in accounting. All voted in favor. Van Overbeke thanked the board and explained that this position was not included in her 2002 budget so adjustments would need to be made.

Commissioner Reports:

Gladis – The City will possibly be cutting money from the Library budget. I told Richard MacDonald that we would hopefully be able to maintain what we budgeted last year. Also had a Public Health meeting and they have work to do on their budget. Nelson – There has to be cuts, it will take some work. Fenske – Is Public Health still providing home health care? Gladis – No. Discussion.

Nelson – I attended a conference in Alexandria and while I was there, I took a tour of their garbage incinerator plant. I was quite impressed. They said that their reduction is about 80 percent. They are putting up a new building and will be separating the garbage. Once this starts they believe only about 10 percent will go to the landfill. The steam generated is used by various businesses around the plant and they also reuse some of it themselves. RC&D will meet in October, they received a promise of \$15,000 for 2003 and 2004. Mike Muzzy is leaving Soil and Water and going to Albert Lea. Nelson passed out information on what RCRCA has done for Lyon County.

Goodenow thanked Krause and his staff for trimming the trees.

Buyse – I attended the Area II meeting. Their insurance went up 18.55 percent. The Lake Marshall Flood retention is in the process of being built. I am on the Advisory Committee for the YMRWS and we advised the directors to have permits for tiling brought to the administrator and then the board can act as judge.

Per Diems were presented. Gladis moved, seconded by Goodenow to approve the following:

	<u>Per Diems</u>	<u>Expenses</u>
Nelson	\$120	\$152.25
Fenske	\$250	\$23.10
Buyse	\$180	\$66.50

All voted in favor.

Discussion on who would be attending the Annual AMC Conference.

Goodenow moved, seconded by Nelson to close the meeting to discuss Labor Negotiations. All voted in favor.

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

Gladis left at 1:00

Proposals opened for Cafeteria and Flex Plan Administration.

Five proposals were opened – they were from the following:

- Secure Benefits Systems Corp.
- AFLAC
- Stanton Group
- Hanratty Associates
- MII Life, Incorporated

Lewis – MCIT will analyze and report to the Insurance Committee on September 30th.

Fenske moved, seconded by Goodenow to accept receipt of the proposals opened for the cafeteria/flex plan administration. All voted in favor.

Buyse moved, Nelson seconded motion to adjourn the meeting until Tuesday, October 1, 2002 at 9:00 A.M.

Robert Fenske, Chairman

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Attest: _____
Gregory D. Lewis
Lyon County Administrator