

UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
October 1, 2003

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.

Minutes from September were presented. Buysse moved, seconded by Goodenow to approve the minutes from the regular Commissioner Meetings on September 3rd and 17th. All voted in favor.

There were no ditch vouchers.

Biren – Just a reminder, there is a Task Force Meeting on October 3. Biren gave information on acres of corn/soybeans in the USA and the possible acres in Argentina and Brazil.

Hammer – Back in 1991 we were having problems with beaver in ditches. The Board passed a resolution on removal. Now we are having trouble with beaver on CD#37. I would recommend hiring Adam DeCock, compensating him \$25 per beaver and \$12 per hour for removal of the dams. Fenske – Do we have any grants to pay for this? Hammer – This is in the Yellow Medicine River Watershed and the grant is for the Redwood and Cottonwood Watersheds. The ditch would pay for this like a repair. Discussion. Goodenow moved, seconded by Buysse to approve the agreement with Adam DeCock for removing beaver and beaver dams from CD#37. All voted in favor.

Fenske recessed the regular meeting and called to order the re-determination hearing for CD#34.

Hammer – In 1991 there was a repair done which cost \$20,000, a bond was issued to pay for this. There has been a lien on the property for the last ten years. We are now faced with approximately 600 feet of tile that needs to be repaired with the low quote from K&K Tiling being no more than \$16,000. The problem we have is that the current benefits are only \$13,820. Fenske – In other words, unless we re-determine benefits we can't repair because the cost exceeds the benefits. Hammer – That is correct. Fenske – This is a public hearing so if there is anyone that would like to make comments, please do so. Hammer – I would like to bring your attention to Statute 303.705 subd. 4 & 5. My interpretation of this statute is that if the ditch inspector reports to the ditch authority that a repair needs to be done and the authority accepts that report, the repair or maintenance must be made if it is under \$50,000. Maes – Will your budget pay for this? Hammer – Someone would have to take out a loan. Goodenow – I think that subd. 5 is referring to advertising. Landowner – It's the same people on the ditch as were in 1913, it would only change the percentages. It is a closed system. Goodenow – If there are only three or four landowners, we could turn it over to the landowners. Landowner – It is over 2.5 miles long and there are more than four landowners. It was repaired before and the cost was over the benefits. Goodenow – That never should have been done and we know from experience that it only takes one unhappy landowner to cause a problem. Nelson – It is not an open ditch so you won't have to purchase grass strips, which is the biggest expense when re-determining. A re-determination would bring it up to today's values. Landowner – How much will a re-determination cost? Hammer – I would think approximately \$3,000. Maes – You might be able to have the landowners sign something stating they would pay for it. Goodenow – Could we turn it over to the landowners? Discussion. Landowner – How long will re-determination take? Nelson – We are trying to expedite it. Landowner – Four years ago we reported that it wasn't working and nothing has happened. Goodenow – We don't own the ditch, the landowners do. Landowner – I am just concerned about getting it fixed. We want this project moving this fall. This is prime farmland and it needs to be fixed. Nelson – Can we expedite the viewers out there? Fenske – Three guys should be able to do it in a week. Do you know how the viewers are setting? Hammer – I will talk with them. Benson – If the viewer's got started right away, you are still looking at a start date of late November. Could Maes format a waiver that would allow the repair to go on? Maes – Then we would not be following the law. Fenske – Can we publish for a final hearing before the viewers are done? Van Overbeke – When we publish that, we are stating that we have the re-determination and we wouldn't have it. Discussion. Fenske – We have no choice but to appoint viewers and get started or turn the ditch over to the landowners. Discussion. Goodenow moved, seconded by Buysse to authorize a re-determination of benefits on CD#34. All voted in favor. Hammer recommended viewers. Goodenow moved, seconded by Buysse to appoint David Javens, Frank Josephson, and David Josephson as viewers for the CD#34 re-determination with Bill Molestad as an alternate. All voted in favor.

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

Joan Grotjahn, MCIT, met with the board to discuss cafeteria/flex plan administration. Grotjahn – There is no recommendation from the committee at this time because they would like some questions answered. I will be working on getting the answers this week. Grotjahn discussed the summary of the proposals that were received and explained that the current provider did not submit a proposal. Fenske – Do you have a recommendation? Grotjahn – We do not give a recommendation. We provide information and assistance. Lewis – MII Life would be the logical choice, but we have to find out how experienced they are with a cafeteria plan. The Stanton

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Group has a higher fee, but they provide a lot more service. Discussion. Lewis – The team will meet again after the questions have been answered and we will bring it back to the board for consideration on October 15. Fenske – I would like references from cities that work with MII Life, if there are any. Lewis – You could choose not to go ahead with a cafeteria plan and just choose a flex provider.

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

Henriksen – I have Change Order #1 for the construction at the landfill. This restricts working hours. Goodenow – How is it going? Henriksen – They are having trouble getting the liner down because of the wind and rain. Discussion on letter from Jeff Schmidt. Goodenow moved, seconded by Buysse to approve Change Order #1 for landfill construction. All voted in favor.

Lewis – I have completed meetings with the Lindsley's. I toured their homestead and had several conversations with them. They showed me what they would like for their site and I compared that with the Assessor's numbers. Their expectations are higher than what I would recommend that the County pay. Goodenow – Would they be interested in having an outside appraisal? Lewis – I discussed that with them, and they would not. They are set on what they want. I did talk to them about buffer possibilities and that is an option. Henriksen – When we purchased the other properties, we offered a premium of 40% over market. Lewis – The distance was far greater than that.

Henriksen – I have the recommendation for the rebates from the Greater MN Landfill Clean Up Fees. Fenske – This was approved at the Solid Waste Commission. Gladis moved, seconded by Goodenow to approve the following rebates:

<u>COUNTY</u>	<u>TONS(1/02 – 6/02)</u>	<u>REBATE</u>
Lyon	9085.79	\$44,460
Lac que Parle	919.93	\$4,500
Lincoln	1030.08	\$5,040
Pipestone	2311.37	\$11,310
Redwood	3169.23	\$15,510
Rock	1582.81	\$7,750
Yellow Medicine	2335.59	\$11,430

Gladis – I just want to make it clear that this is not a budgetary item. It can not be used for county operations. Fenske – It can only be used for waste abatement programs and the counties that are receiving the rebates are ones that have paid in. Henriksen – It helps with lengthening the life of the landfill. All voted in favor.

Meeting Recessed.
Meeting Back to Order.

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

Benson handed out a copy of the Five Year Road & Bridge Capital Improvement Plan. Benson – Need to set date for the official hearing. Discussion. Fenske – The Hearing for the Five Year Road and Bridge Capital Improvement Plan will be at 10:00 AM on November 5th.

Benson – Just to let you know, we have submitted a request for Federal Aide for a project on CSAH 5 in 2006.

Benson presented a Performance Based Maintenance Grant Agreement for the SW Ridge Runners Snowmobile Club. Gladis moved, seconded by Buysse to approve the State grant for SW Ridge Runners to maintain trails. All voted in favor.

Discussion on date for Public Work's Open House. It was decided to hold it on November 22.

Goodenow moved, seconded by Gladis to close the meeting to discuss a pending/threatened lawsuit.

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

Benson – We received a letter from YMC asking if any neighboring counties would be interested in sharing a county engineer. My suggestion would be to bring someone in that had done it before and discuss it with him. I think it would have to be fully explored. Discussion. Fenske – Benson, please draft a letter to YMC.

General Revenue Vouchers were presented. Van Overbeke – I would like to add RSVP's fourth quarter appropriation. Goodenow moved, seconded by Buysse to approve the general revenue

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vouchers, special water projects and capital project funds including RSVP's quarterly appropriation. All voted in favor.

General Revenue Fund	\$89,898.06
Road & Bridge Fund	\$11,608.18
Landfill Spec. Rev. Fund	\$21,708.39
Water Projects – Spec. Revenue	\$22,676.38
Capital Project Funds	\$24,893.31
Total	\$170,784.32

Beginning Warrant Number: 339532; Ending Warrant Number: 339619.

Auditor Warrants were presented. Gladis moved, seconded by Nelson 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 – Would like to discuss the 26 pay period issue. Lewis gave a background. Fenske – If it would require additional budgeting, I would be against it. Nelson – I think we should stay monthly. Gladis – I don't like the fact that we have to wait a month and a half for pay. Goodenow – It won't necessarily be the 15th of every month because of weekends. Where you would know that you would receive a check every other Friday. I am in favor of 26 pay periods, it gives the most accuracy. Buysse – I would like to know what it would cost. Lewis – It will require additional work. Van Overbeke – The new staff person will do payroll and we would give it at least a year before we would decide if we needed additional staff. We just don't know for sure right now. Fenske – If no additional staff is needed at this time, I would be in favor of it, if the employees are. Lewis – Then we will discuss it with the staff.

Lewis – The State Auditor's Office will be moving into part of the old Environmental Office so we have a new contract. The rent will go from \$1100 per year to \$1175 per year. Goodenow – The improvements the maintenance staff has made look very nice. Goodenow moved, seconded by Nelson to approve the amended lease with the State Auditor's Office. All voted in favor.

Discussion on Auditor/Treasurer's Office staff and duties.

Lewis – I would like to schedule a Capital Improvement Work Session on October 15. This will just be to discuss, not to approve. Everyone agreed.

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

	Per Diem	Expenses
Gladis	\$100	\$95.20
Goodenow	\$100	
Nelson	\$100	
Fenske	\$330	\$192.30

All voted in favor

Commissioner Reports:

Gladis – Had a meeting with Economic Development and I let them know about our budget situation. They have been working with Yellow Medicine and Lincoln Counties on possible collaboration. Murray County has suggested this also. With Lincoln County we do a per case basis. The Fair Centennial Committee met last night. They are looking at more fund raising and pairing with the private sector.

Nelson – Went to the Public Works Team meeting. Also attended the Soil and Water meeting and you should be receiving a packet from them. I also attended the landfill open house.

Goodenow – At the Historical Society meeting we went through the budget and they will be requesting the same amount as last year. We had gotten a pie chart from our previous County Administrator showing budget percentages, could we possibly get that again?

Buysse – I attended the Extension Meeting in Lamberton and they discussed trying to get another crop in SW MN besides corn and beans.

Fenske – We received a HIPPA letter from James Mulder, has anyone seen it? Lewis – Apparently it is a new Federal requirement, I will look into it further.

Fenske – Everyone received a copy of the STS letter and you should have gotten a letter about the Prairie Expo. They are going to make it a Welcoming Center staffed with volunteers. Travel Southwest and RSVP are looking at trying to staff it. Travel Southwest's hang up is that Lyon County is not part of it. Nelson – RSVP is supposed to be getting volunteers and their head

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quarters is in Worthington, so why can't they run it? Goodenow – I think they want Travel Southwest to tell the volunteers what to do. Discussion.

Discussion on Legislative Forum.

Fenske – I was at the landfill annual meeting and I would just like to point out that the tipping fees were \$45/ton ten years ago and they are \$45 per ton today.

Fenske – Last Thursday and Friday I went to AMC policy meetings. It is very discouraging how much of a budget shortfall the State will have. They are expecting around a three billion-dollar deficit.

Fenske – The Regional Solid Waste Commission heard about the cut in SCORE funds. If SCORE funds are cut too much, recycling will end.

Goodenow moved, seconded by Gladis to close the meeting to discuss Labor Negotiations.

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

Discussion on how to thank Arlene Lesewski.

Buyse moved, Gladis seconded motion to adjourn the meeting until Tuesday, February 5, 2002 at 9:00 A.M.

Robert Fenske, Chairman

Attest: _____
Gregory D. Lewis
Lyon County Administrator