

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

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 the addition of Gladis discussing Fair bills.

October minutes were presented. Goodenow moved, seconded by Buysse to approve the minutes from the regular Board meetings on October 1 and October 15 and the Special Meeting on October 14. All voted in favor.

Ditch Vouchers were presented. Discussion. Buysse moved, seconded by Goodenow to approve the ditch vouchers. Discussion on CD#56 and CD#34 viewing projects. All voted in favor.

Hammer presented the aeration permits for signature. Buysse moved, seconded by Gladis to allow the Chair to sign the aeration permits. All voted in favor.

Biren – At the Task Force Meeting on Thursday, we will be discussing the subdivision ordinance. The meeting will be in the Public Works Conference Room.

Biren – When we had the public hearing on the Don Klein Addition a motion was made to approve the final plat. There was no resolution approved. The Recorder's Office is used to dealing with a resolution. I talked with Asst. Attorney Zimmer and she felt a motion was adequate. Maes – She did consult with me and a motion is adequate. Discussion.

Fenske – Have you heard about the counties that have been dedicated as livestock friendly?  
Biren – I am vaguely familiar with it. The way our Ordinance is written, Lyon County is livestock friendly. We can look into it and see if there is any advantage.

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

Henriksen – I also have a bill from Schmidt Construction that I would like approved. SEH has approved the bill. Gladis moved, seconded by Goodenow to approve the bill from Schmidt Construction in the amount of \$408,076.71. All voted in favor.

Henriksen – I received the following quotes for hauling sand for winter cover:

Rogge Excavating	\$1.70/cy
Ardeen Tolk	\$1.89/cy
D&G Excavating	\$1.95/cy

I recommend accepting the low quote. Discussion. Gladis moved, seconded by Buysse to approve the quote of \$1.70/cy from Rogge Excavating for hauling sand to the landfill for winter cover. All voted in favor.

Henriksen – I received the following quotes for 2 - 1000 gallon fuel tanks and 1 – 500 gallon fuel tank at the landfill:

Southwestern MN Dairy Association	\$7,005.00
Cottonwood Coop Oil Co.	\$8,132.50
Harvest States	\$9,639.70

We will be trading in the old ones. This was included in this year's budget. Goodenow – What are you trading in? Henriksen – 1 – 1000 gallon and 3 – 500 gallon. Gladis – What did you have budgeted? Henriksen – About \$7,500. Gladis moved, seconded by Goodenow to accept the quote of \$7,005.00 from SW MN Dairy Assoc. for fuel tanks for the landfill. All voted in favor.

Henriksen – I received the following quotes for well and gas monitoring at the landfill.

Thein Well	\$4,305
Agassing	\$4,302

The engineer is recommending Thein because of their experience with them. Benson – Thein did work at the Public Works Building and they are very good to deal with. Maes – You can accept either one. Goodenow moved, seconded by Buysse to accept the quote from Thein Well in the amount of \$4,305 for well and gas monitoring at the landfill. Voting For: Nelson, Fenske, Buysse, Goodenow. Opposed: Gladis.

Henriksen presented the Joint Powers Agreement providing Solid Waste Services to Yellow Medicine County. Henriksen – The rate has gone from \$32 per hour to \$32.50 per hour and mileage has increased to 35 cents. Discussion. Buysse moved seconded by Gladis to approve the Joint Powers Agreement providing Solid Waste Services to Yellow Medicine County. All voted in favor. Henriksen – It will now be taken to the YMC Board.

Henriksen – I have been looking at possibly raising the solid waste service fee rate. It is currently \$10 for rural and \$20 for municipalities. This includes recycling and HHW programs. Discussion on SCORE and that it is a tax on Solid Waste Services and the money generated goes ½ to the

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State's General Revenue Fund and ½ to the State's Closed Landfill Fund and that they collect a lot more than they refund the counties. Fenske – If anyone asks why we are raising our fee, tell them to talk to the State Legislators. They have required this program and are not funding it. We should point out that we started at \$25 and \$15 and were able in the past to reduce it, now we are back to where we started. Gladis moved, seconded by Goodenow to adopt the resolution (on file at the County Administrator's Office) setting the solid waste service fee rates. All voted in favor.

Henriksen gave an update on construction.

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

Benson presented the Deficient Bridge Resolution. Benson – Inspections are done and based on that the bridges get a sufficiency rating. Some bridges have been added and some proposed construction years have been changed. This is something that MnDot requires. Discussion. Goodenow moved, seconded by Buysse to adopt the resolution (on file at the County Administrator's Office) dealing with deficient bridges in Lyon County. All voted in favor.

Benson – In the past we had a verbal agreement with Lois Novosad to handle the winter storage at the fairgrounds. The State Auditor's have requested that it be in writing. Discussion. Goodenow moved, seconded by Buysse to approve the agreement with Lois Novosad for handling the rental of space at the Fairgrounds for winter storage. All voted in favor.

Benson – MnDot requires a Limited Use Permit for snowmobile trails on MnDot right of ways. I have a resolution authorizing the signing of the permit and the permit itself. Discussion. Gladis moved, seconded by Goodenow to adopt the resolution (on file at the County Administrator's Office) authorizing the signing of a Limited Use Permit for snowmobile trails on MnDot right of way. All voted in favor. Goodenow moved, seconded by Nelson to approve the Limited Use Permit for the purpose of constructing, maintaining and operating a snowmobile trail, within the right of way of Trunk Highway Numbers 19, 23, 59 and 68. All voted in favor.

Benson – You should have all received a copy of the advanced funding resolution. We are encouraged to do this, it is interest free, and we get financial advantages for bridge bonding. Discussion. Buysse moved, seconded by Nelson to adopt the resolution (on file at the County Administrator's Office) requesting an advance of State Aid Highway project funds. Voting For: Gladis, Nelson, Fenske, Buysse. Opposed: Goodenow.

Benson – On the agenda, I had a request for final payment approval. The paperwork is not back from the contractor yet.

Fenske recessed the regular meeting and called to order the Public Hearing to discuss the Five Year Road and Bridge Capital Improvement Plan. Benson – This one has changed from last year, we are in a sense playing catch up. We have applied for funding for CSAH 5. This is not a plan that is set in stone. It will change. The only comments that I have received are from the City of Marshall on County Road 67. About half a mile of CR67 was annexed into the City. When I started, you were planning on an overlay, but it needed complete reconstruction. Now we are struggling for funding. The City would like to put in curb and gutter etc. out there to make it more urban than rural. Fenske – Will the City of Marshall take it over? Benson – They have shown interest, however it would need to be improved. I have given you a draft cost participation policy in the past. A lot of details need to be worked out. Mike Johnson, Marshall City Administrator – The City Council asked us to come over and discuss this. CR67 is not in the State Aid system; therefore it is totally funded by the County's tax dollars. The road is in need of reconstruction. Benson – About 1500 cars per day travel the road. Johnson – Marshall has annexed about 450 acres. We would like a joint letter from the County and City to MnDot asking them to examine what can be done at the intersection of Hwy 23 and CR 67. City Engineer Olson – We expect to see a preliminary subdivision plat for two sections on either side of CR 67. There is a need for an agreement on roadway. It is important that we are working together on what is happening. Fenske – This is a County funded road and that is why it is not included in the Five Year Plan. Benson – I will be working with Olson on a draft agreement. I will also be bringing the draft cost participation policy to the board and developing a five year plan for county funded roads. Discussion. Goodenow moved, seconded by Gladis to authorize Benson to work with Olson to draft a letter to MnDot for Fenske and Mayor Byrnes to sign. All voted in favor.

Discussion on CSAH 5. Benson – It has more traffic than Trunk Highway 91.

Buysse moved, seconded by Goodenow to approve the Five Year Road and Bridge Capital Improvement Plan (on file at the Road and Bridge Office). All voted in favor.

Fenske adjourned the hearing and called the regular meeting back to order.

Benson – The Cost Participation Plan was sent to all cities along with the Five-Year Plan. I received no feedback. Would you like a public hearing on the Cost Participation Policy?

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Discussion. The Board agreed that it would be a good idea to have a public hearing during a regular board meeting.

Meeting Recessed.  
Meeting Back to Order.

John Schuh, Lincoln, Lyon, Murray and Pipestone Public Health Director, met with the board to discuss the core functions and essential services of Public Health. Discussion on phasing out of home care services and that now the same services are offered in all four counties. Discussion on where the Public Health Services are located. Schuh – We are not requesting an increase from Lyon County this year. We will be tapping into our reserves. We are trying to look at all four counties and make it even among them all. Gladis – I think we need to take a serious look at doing the inspections locally instead of the Dept. of Health doing them. I would like to know who makes the decision on who does the inspections. Schuh – Right now we do the inspections in the other three counties. We are striving to get more equality. Discussion.

General Revenue Vouchers, Special Water Projects, and Capital Project Funds were presented. 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	\$71,251.29
Road and Bridge Fund	\$28,808.36
Landfill Spec. Rev. Funds	\$456,013.62
Water Projects – Spec. Rev.	\$1,829.90
Capital Project Funds	\$53,221.85
Ditch Fund	\$2,359.75
Total	\$613,484.77

Beginning Warrant Number: 339927; Ending Warrant Number: 340076.

Auditor Warrants were presented. Nelson moved, seconded by Gladis to approve warrants 339834 to 339861 in the amount of \$330,587.20 dated 10/17/2002, warrants 339871 to 339904 in the amount of \$67,076.87 dated 10/24/02 and 339906 to 339917 dated 11/04/02. All voted in favor.

Lewis – Need to discuss the Department Head Performance Evaluation Process. I am planning to use the performance evaluation that has been used previously, I will have them do a self evaluation and will have some of the employees evaluate them. I will also ask them to attach a business plan. I have lined up meetings with them next week. Benson has worked with her department heads on business plans also. Fenske – We have limited authority over elected officials. Discussion. Benson commented on business plans at Public Works. Lewis commended Benson on having her department heads use business plans. Lewis – As far as my evaluation, I will use the same format that is being used for the department heads. The Board agreed that this would be a good way to do the evaluations.

Discussion on voting delegates for the Annual MCIT meeting. Lewis – I am the delegate and Fenske is the alternate. It was decided to leave it as it is.

Maes – I am working on getting a court date for the dozing case. Discussion on Heartland filing again.

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

	Per Diems	Expenses
Gladis	\$50	\$41.30
Nelson	\$420	\$122.50
Goodenow	\$50	
Fenske		\$57.05

All voted in favor.

Commissioner Reports:

Gladis reported on the Public Health meeting and that he had talked with Tom Meulbroeck about the fair. Gladis – The Fair Board has a lot of outstanding bills. They owe the Fair Board members about \$5,000 for per diems which the members are going to forfeit. They will pay for the annual meeting by themselves and they are looking at doing something different for the appreciation banquet. They still have \$6,000 in bills left to pay. My proposal is that I would like to see \$5,000 used out of reserves to help pay the bills. I only recommend this because I know how hard these members work and how much time they put in. We will have to take a serious look at funding next year. They are working on different fundraisers. The teen dance really hurt them this year, they lost a lot of money on it. They also lost money on the main entertainer. Discussion on painting and wiring bills. Fenske – I agree we probably have to cover it. They need to go through the proper channels before they do improvements at the fairgrounds though. I have talked with Tom and they lost \$5,000 to \$9,000 on the major entertainment. Gladis – We also pay a lot out

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for the free stage and that is something that might have to be cut. Goodenow – Or it could be sponsored. Fenske – They have to get a sponsor for the entertainer. Discussion. Fenske – What happens if we don't help them out? Gladis – They will have to try to borrow the money or just not pay the bills. Discussion. Gladis – I can honestly say that the board has improved and they have opened up to new ideas. Fenske – Overall, county fairs are having trouble. We should possibly take a look at a regional one. I think we have to help them out this time, but we won't do it again. Goodenow moved, seconded by Gladis to take \$5,000 out of reserves to help the ag society/fair board pay off outstanding bills; \$2,500 will go straight to them and \$2,500 will go into the fairground's budget. The Ag Society will then submit the bills for improvements to the Public Works Director. Buysse – How much have we contributed already? Fenske - \$17,000. Discussion. Buysse – The facilities portion I can go along with. Fenske – They need to have better bookkeeping and use the computer that Lyon County helped them purchase. Voting For: Gladis, Nelson, Fenske, Goodenow. Opposed: Buysse.

Nelson – I went to an RCRCA meeting. The NRCS supplies some of their vehicles, which they might be taking back because of budget cuts.

Buysse – Ron Harnick at Area II emphasized that all agencies will be cut at least 15 percent and will be looking for local funding for administration. He said he doesn't see anything getting better for at least five years. They discussed Soil and Water taking over dam building and that they may be able to get taxing authority. Nelson – None of the Joint Powers will get State money for administration. Area II may get bonding money, but that's it.

Discussion on letter from AMC on meeting to discuss overhauling statutes for Soil and Water Conservation Districts.

Fenske mentioned the STS reports.

Fenske mentioned high resolution mapping and the AMC meeting. Benson – Metro counties have gone ahead with the mapping. It is not extremely accurate.

Fenske – AMC is warning us that we could be in for drastic cuts.

Fenske – Did everyone receive a copy of the letter from RSVP? They are saying that we owe them \$3,810 for 2002. Goodenow – Apparently they are still under the assumption that we pay per capita plus office space. This is the difference in what we actually appropriated and what they think we owe for 2002. Buysse – We don't actually get the most services, but we pay the most. Discussion. Goodenow – In my mind we appropriated a certain amount and that is it. They put on a big banquet for RSVP every year and that is very costly. Fenske – We all agree that it will not be paid. Further Discussion.

Discussion on Appropriations.

Memorial Day will stay the same.

Ag Society. Gladis – If this was a regular fair year, I would say no increase, but since it is a centennial year, it would be nice if we could give them a little extra. Goodenow – I suggest appropriating \$17,000 for regular operations and a little extra for the centennial. Nelson – How about \$5,000 for the centennial? Fenske – My maximum would be \$10,000 for the centennial. Lewis – The \$10,000 could come out of reserves since it is a one time thing. Nelson – I could go along with that since it is a one time thing. Fenske – I would also like to make it clear that we will not help pay unpaid bills again. Discussion.

Enterprise Development Corporation. Gladis – If we go into another year of tough budgeting, I think we should look at organizations and see what they have in reserves. The appropriated amount could possibly be cut. Funding for this does come from every city in Lyon County. It was decided to leave it at \$30,000 for this year.

Historical Society will stay the same.

Marshall-Lyon County Library. It was decided to leave it the same for now.

Rural MN Energy Task Force. Discussion. Will appropriate \$3,000. Fenske – Everyone included pays exactly the same amount.

RCRCA will stay the same.

Area II will stay the same.

Soil and Water will be the same as last year - \$71,200. Goodenow – Let's put Soil and Water back into the levy and reduce Flood control to \$25,000 to compensate for that.

MN River Basin will stay the same as last year.

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SW MN Arts and Humanities - \$2,200

Discuss Humane Society.

Marshall Area Fine Arts will stay the same. Gladis – I think it is a super program, but should not rely on government for funding.

County Improvement Fund. Discussion. Will leave at \$15,000.

Meeting Recessed.  
Meeting Back to Order.

RSVP Discussed. Fenske – If we are going to belong, we need a commissioner on the board. Gladis – This should come out of levy dollars if we continue to fund it. Discussion. Gladis – Are we going to send them a letter letting them know that we are not paying over what we have budgeted for. It was decided that a letter should go out. Fenske – Will this come out of the reserve or the levy? Goodenow – It would be nice to have RSVP and Arts back in the levy along with the Prairie Ecology Bus. Discussion that it would probably have to stay in reserves this year.

Community Plus – Discussion that it is taken out of Criminal Justice Aid and will stay the same.

Prairie Ecology Bus will stay the same.

RC&D - \$300.

SBDC. Gladis – I don't think they are requesting from everyone and until they can prove to me that they are, I am not in favor of contributing. Discussion.

SWMN Foundation. Goodenow – They do a lot of good, but I think they should try to raise funds from other sources. Will contribute \$2,000. Gladis – I would like to see a list of donors in the area.

Travel Southwest. Discuss possible work with the Prairie Discovery Center. Fenske – The other eight counties in the region belong. Goodenow – I suggest that Linda Erb be Lyon County's representative on the board. We could send her a letter, which would be carbon copied to Mayor Byrnes, Harry Wielage, and the Convention and Visitor's Bureau.

Discussed SWMN Tourism and it was decided not to contribute.

Lewis – Need to discuss the County's contribution toward insurance for the cafeteria plan. Discussion on what is provided for retirees. Discussion on what to contribute. Fenske – We should contribute about what we would have normally. Lewis – In 2003 for employee only insurance, the County would contribute \$403.23, for employee and dependents the County would contribute \$741.29. Discussion. Goodenow moved, seconded by Fenske to approve contributing \$405 per month for employees who choose employee only coverage and \$745 per month for employees who choose employee and dependent coverage. Discussion on cash out option. Fenske – Not in favor of cash out unless maybe it would be at 50%. Lewis – We will discuss this further with Secure Benefits. All voted in favor.

Discussion on when to implement COLA. Fenske – I am in favor of making the decision before the 1<sup>st</sup> of the year. The CPI right now is 1.8%. Buysse – SS is at 1.4%. Discussion.

Discuss possibility of special meeting.

Buysse moved, Gladis seconded motion to adjourn the meeting until Tuesday, November 19, 2002 at 9:00 A.M at the Lakeview Highschool in Cottonwood.

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Robert Fenske, Chairman

Attest: \_\_\_\_\_  
Gregory D. Lewis  
Lyon County Administrator