

UNOFFICIAL MINUTES

SPECIAL MEETING – PUBLIC HEARINGS: JURISDICTIONAL ROAD CHANGES
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
December 14, 2006

PUBLIC HEARING: Proposed Road Jurisdictional Change (CR 55 to Nordland Township)
• **(CR 55 from 340th Street to CSAH 8)**

7:00 PM – Meeting called to order by Chair Ritter. Members Present: Fenske, Goodenow, and Ritter. Several County employees were present along with four members of the public. Absent: Buysse, Nelson, Administrator Stomberg, Attorney Maes, and Auditor/Treasurer Van Overbeke.

Pledge of Allegiance to the Flag.

Anita Benson, Public Works Director/Engineer, requested the consideration of a Memorandum of Understanding (MOU) between the County and Nordland Township for 2 miles of CR 55 from 340th Street to CSAH 8. The County identified roads which are under County jurisdiction but no longer serve a County function in the Comprehensive Plan developed in 2001/2002. The transfer would be effective 1/01/07. In consideration of Nordland Township assuming the responsibility for the road, the County will re-gravel it in the summer of 2006 and make payment to Nordland Township for the two-year maintenance option in the amount of \$16,744.84.

David Josephson, Township Supervisor, stated the road is a good road and the Township will be able to maintain it less expensively than could the County. Benson – It's a win-win situation. County gravel roads receive no state money, but townships do. Benson stated she would bring the MOU and a jurisdictional transfer resolution to the 12/19/06 regular meeting.

After no further public comment, Ritter adjourned the public hearing at 7:10 PM.

PUBLIC HEARING: Proposed Road Jurisdictional Change (CR 82 to City of Minneota)
• **[CR 82 from TH 68 to CSAH 3 (3 Blocks of Washington Street from 1st Street to 4th Street)]**

7:30 PM – Meeting called back to order by Chair Ritter. Two members of the public were present.

Benson – The MOU with the City of Minneota was signed in January 2006 for the transfer of 1300 ft. of CR 82, effective 1/01/07. As part of the MOU, the County agreed to contribute the actual cost of a 2" bituminous overlay not to exceed \$26,000. Should the City and County swap other street jurisdictions in the future related to Golf Course Road, the 1300 ft. of CR 82 would be recognized toward that exchange of responsibility.

Dan Canton, Minneota City Administrator, presented to Benson the final bill from the overlay (approximately \$20,000). Benson stated she would bring a jurisdictional transfer resolution to the 12/19/06 regular meeting.

After no further public comment, Ritter adjourned the public hearing at 7:37 PM.

PUBLIC HEARING: Proposed Road Jurisdictional Change (CR 81 to Lake Marshall Twsp)
• **[CR 81 from TH 59 to .96 mile SE (Lochland Hills Drive)]**

8:00 PM – Meeting called back to order by Chair Ritter. Nine members of the public were present.

Benson stated she would like to enter eight, signed statements into the record from the following residents of Lochland Hills Drive: Ronald & Margaret Mann, Lauren & Jeanette Baune, Dennis Wild, Char & Bernie Hmurovich, Tom & Cheryl Hoff, Allen & Linda Kruse, Leanna & Doug Olsem, and Joseph Anderson.

STATEMENT

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RE: Proposed Road Jurisdiction Change – CR 81 (Lochland Hills Drive)

I hereby state that I oppose a Jurisdiction Change from Lyon County to Lake Marshall Township of CR 81, Lochland Hills Drive.

Name _____, Property Owner, Date _____
Address _____

Allen & Linda Kruse noted the following concern at the bottom of their statement:

“Our concern is about maintenance, or lack thereof, if County Road 81 is turned back to the Lake Marshall Township. We are 1/10 of a mile south of County 72, which the road grader and/or snowplow need to maintain. Plus, our households per mile is higher than most county roads. The township would have to travel several miles of county or state road to get to Lochland Hills Drive to grade or move snow (very inefficient).”

Benson said the County identified roads which are under County jurisdiction but no longer serve a County function in the Comprehensive Plan that was developed in 2001/2002. CR 81 is currently a dead end road. A Memorandum of Understanding was presented to Lake Marshall Township, but no action had taken place pending this public hearing.

Benson – The purpose of the public hearing is to consider and accept input on the turnback. We’ve offered a choice to the Township to receive two years’ maintenance after the turnback or \$8,037.52, which is two years’ of the County’s average cost per mile (\$4,186.21/mile for 2001-2005). I attended the Lake Marshall Township Meeting last night, and the main question is what would be the difference between the County and the Township maintaining CR 81. I spoke with the snowplow driver that normally does this road, and he said that he typically gets there around 8:30 to 9:00 AM. We are down one motor grader, and it would be good to get some of these roads back to townships in order to maintain county roads the way they should be. If we have a normal winter, we’ll hear complaints. Also, the County receives no money from the state for its gravel roads. Whereas township gravel roads receive \$300 - \$350 per mile from the Gas Tax.

Ritter opened the hearing to public comment.

Benson – One more thing, traffic level is considered in turnbacks. Mn/DOT did a 48-hour “snapshot” of Lochland Hills Drive in 2005. The vehicle count was 70 vehicles/day. It was just a snapshot in time; the actual count could be higher or lower.

Ron Mann – You’ve done a lot of footwork. We’ve been satisfied with the snow clearing and the summer grading. I want to make a few points. One: You have a County easement to Lake Marshall. If you have an easement, can you do this turnback? The easement is across Eddie Wild’s property. Does this violate access to the easement? Two: The new E-911 sign says “Lochland Hills Road.” It has always been “Lochland Hills Drive.” Three: We have the highest net tax capacity per township. Shouldn’t this be considered? The road also has a high density of households.

Mann – You had mentioned earlier that the County is looking at County Road 74 as a bypass between 23 and 59. I don’t see CR 74 as a bypass. No one commuting to/from Marshall uses it. Benson – The bypass would be looked at to avoid future congestion on TH 23. County Road 6 goes all the way to New Ulm.

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Tom Hoff – I've lived out there for approximately twelve years, and I appreciate the level of service over the years. My main concern would be a decrease in maintenance. We have higher traffic during hunting seasons, and eleven families depend on the snow removal to get to 59.

Joe Verkinderen – I'm a member of the Lake Marshall Township Board. D & G said they'd get out there to plow snow as early as the County does. We maintain twenty or so miles of township roads, and if someone complains...we get a grader out there.

Ritter inquired as to how plowing and grading is done on Lake Marshall Township Roads. Verkinderen explained that D & G does all of the snow plowing and the grading on the west side of town. A person from Milroy does the grading on the east side of town.

Jim Doty (Township Clerk) – Maybe we could hire the County to do our Lochland Hills instead of D & G. How much would it cost? Benson estimated it would cost around \$90/hour. Fenske – Are there any other townships who hire us? Benson – No. Our costs need to be updated, but our current rates are approximately \$70/hr on regular time, \$86/hr on overtime, \$75/hr regular time to grade, and \$91/hr on overtime. The County Board could choose to do this; it is an option. Benson expressed concern at the already high mileage per operator. Benson – If it is an option, I need to rework the numbers.

Fenske – Has the Township Board talked about the two options (*re: 2-yr maintenance vs. cash*)? Verkinderen – I'd take the cash option.

Goodenow – What about the question on the easement? Benson – I will research the 50 ft. easement for Tuesday's meeting.

Benson - Regarding rates, it wouldn't be a fixed rate. It would reflect the actual time and work done as well as which individual did it.

Mann – I have two more things. Eight of the nine residents are against this and it bothers me that you're looking at going forward. What do we do if our area develops?

Goodenow contrasted the Lochland Hills situation with the Klein Addition. Goodenow also said that in the case of further development, the Planning & Zoning Commission has a system to address road maintenance.

Diane Konjura – I also submitted a letter, and it isn't here, but I agree with Tom and Ron. We won't seem to have any service for the property taxes we pay.

Goodenow – Our goal for roads is to have the correct jurisdictional control of roads. We need to centralize the money for maintenance. Fenske – Many residents signed the statements, but they did not give any reasons why they are against this. I think we've answered the questions regarding maintenance. You need to work with others in your township and your township board. Goodenow – Part of the reason we bother to do this is that CSAH's (County State Aid Highways) get aid from the State. Gravel County Road's do not. These gravel County Roads are paid by your property taxes. When you switch the gravel County Road to a Township Road you get state aid.

Hoff – How will ditch mowing and weed control be done? Benson – State laws regulate when we can mow and when we can't. As far as weeds go, we do not spray. Verkinderen – Whoever lives along a road mows it. Benson – There's nothing preventing a township from hiring mowers just as is done with snow removal and grading. Mann – Ditch weed ordinances will take care of individuals who don't take care of their ditches.

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Mann – One more thing. We talked three years ago about repairs on Lake Marshall. We did get a benefit from the cleanup of the ditch. If Lake Marshall could be reclaimed, it could be 12'-16' deep and would benefit the County.

Doty stated that Lake Marshall Township cannot break even on CR 81 if turned back.

After no further public comment, Ritter adjourned the public hearing at 9:01 PM.

Stephen W. Ritter, Chairman

Attest: _____
Loren Stomberg, Lyon County Administrator