

## Yellow Medicine County Board Minutes

April 12, 2005

Chairman Lynn Anderson called this regular meeting to order at 9:00 a.m. with Commissioners Gary Johnson, Louis Sherlin, Jane Remiger, and Ron Antony present. Administrator John Chattin was also present.

**04-12-05-01** Motion by Mr. Antony and second by Ms. Remiger to approve the agenda with the addition of: a boat and water safety grant for \$2,482; lawn mowing by Bohm's LawnCare at the fairgrounds; HAVA equipment; an aggregate mining resolution; an additional appropriation request for jail phone; and the deletion of the parcel based map updating contract. Carried.

The jail cook described some of the kitchen operations and "nutraloaf".

**04-12-05-02** Motion by Mr. Antony and second by Mr. Johnson to approve the consent agenda consisting of: the March 22, 2005 regular meeting minutes (with the addition of Amy Roggenbuck as a meth presenter), additional appropriation/reallocation requests as presented and added; a Jail Reserve Bed Agreement with Chippewa County; and setting of a special meeting with the Upper Sioux Community leadership on April 21, 2005 at 10:00 a.m. in the County boardroom. Carried.

Dan McGonigle of the Granite Falls Advocate Tribune arrived at 9:18 a.m.

Mr. Sherlin reported on Area II Minnesota River Basin Projects, Green Routes, and Western Mental Health Center.

Robert Wolfington of the Marshall Independent arrived at 9:27 a.m.

Mr. Johnson gave updates on Prairie Five Community Action Council, a noxious weed meeting, a comprehensive plan meeting in Granite Falls, Public Health Safety Committee, a combined Prairie Five and UMVRDC meeting, Region 6W Community Corrections, and the Pact 4 Families Collaborative annual meeting.

Lou Ann Nagel, SWCD Manager, reviewed their 2004 accomplishments and programs.

Gary Swanson was present to request a tax abatement on property formally owned by Serena Knutson. Mr. Swanson and Steve Ladner have purchased the property for the relocation and remodeling of a house. He believed the taxes on the lot would be \$43.68 but subsequently discovered that the parcel had a number change and there was still \$2,567.71 of additional back taxes owed. The legal description of the property has been incorrect for many years; otherwise it would have been tax forfeit property long ago. There was considerable discussion over responsibilities for ensuring an accurate deed.

**04-12-05-03** Motion by Mr. Antony and second by Mr. Johnson to abate the \$2,567.71 in back taxes. Carried.

Midge Christianson, Director of Region 6W Community Corrections, reviewed their annual report. They are very busy and anticipate increased activity in the future.

Randy Jacobson, Planning and Zoning Administrator, and Dave Schwerin reviewed a conditional use permit (CUP) application by Mr. Schwerin for a confinement hog barn. The Planning Commission was recommending approval of the CUP.

**04-12-05-04** Motion by Ms. Remiger and second by Mr. Sherlin to grant the CUP to Mr. Schwerin with the following conditions:

- 1) The latest technology shall be used to control odor, if deemed a nuisance by the Jerome Meter, starting with the most economically feasible cost.
- 2) Three (3) rows of trees will be planted, within one year of barn completion, and

maintained on the north side of the barn. Two (2) rows of trees shall be planted and maintained on the east and west sides of the barn. One row will consist of fast growing trees on all three sides of the barn. Second and third rows will be a combination of slower growing trees and shrubs.

- 3) Applicant must notify neighbors within one-half mile radius, 24 hours prior to pumping of pit and spreading of manure.

Carried.

Mr. Jacobson distributed a draft copy of an adult use/sexually oriented business ordinance. An aggregate mining resolution was also considered.

**04-12-05-05** Motion by Ms. Remiger and second by Mr. Antony to adopt the following resolution:

WHEREAS, the Legislature of the State of Minnesota enacted the Minnesota Wild Scenic Rivers Act, Laws 1990, Chap. 391 Art. 6 § 30 for the purpose of preserving and protecting Minnesota's rivers and their adjacent land's outstanding scenic, recreational, natural, historical, scientific and similar values; and

WHEREAS, Minnesota Department of Natural Resources (MDNR) is charged with administering the Wild and Scenic River Management Plan for the Minnesota River which runs through the county; and

WHEREAS, the MDNR's initial Management Plan for the Minnesota River and rules for implementing the Management Plan, created the potential of a shortage of needed sand and gravel and construction aggregates specified by the Minnesota Department of Transportation in the County. Such a shortage would have impaired the County's ability to meet its obligation to provide transportation infrastructure and would have significantly impaired economic growth and development in the County by significantly increasing construction costs; and

WHEREAS to resolve the County's opposition to the Management Plan, the MDNR made certain commitments to the County relating to reserving authority to the County over sand and gravel and keeping a certain portion of the river out of federal regulatory influence; and

WHEREAS, the County specifically sought and obtained the agreement of the MDNR in Minn. Rules Part 6105.1260 to reserve the authority to provide for the much needed sand and gravel aggregates by allowing sand and gravel mining and production be operated within the Wild and Scenic River District to the discretion of the County to wit: "...except for extraction of sand and gravel which shall continue to be a conditional use under the regulatory discretion of local governments."; and

WHEREAS, the Minnesota Department of Transportation County State Aid highway specifications continue to require improved road materials and higher quality sand and gravel aggregates, making the reservation of control of mining and production even more important to the County; and

WHEREAS, now that it is necessary to access the materials in the Wild and Scenic River District to produce those essential sand and gravel aggregates, a question has been raised about the scope of the County's reserved authority and powers; and

WHEREAS, it is the intention of the County Board to resolve that question by clearly stating the extent of the powers it reserved in resolving the potential conflict with DNR regulation.

NOW THEREFORE BE IT RESOLVED by the County Board of Commissioners as follows:

1. It is in the best interest of the County that there be available within the County

- sufficient sand and gravel aggregate products as necessary to the continued operation of a transportation infrastructure and to support construction activities.
2. That the County Board continues to insist that it and the MDNR abide by the agreement reached in resolving the potential conflict between local needs for building materials and state needs by allowing the County to act to regulate sand and gravel extraction in its discretion.
  3. That it is the expressed intention of the County that its regulation of mining and extraction of sand and gravel includes the following activity:
    - a. Loosening and excavating soil and rock materials from the earth by what ever means reasonably necessary,
    - b. Processing the excavated materials by screening, washing, crushing and sorting, all in order to produce sand and gravel aggregates, the material commonly referred to in the county as "sand and gravel."
  4. Based upon the foregoing it is the expressed intention of the county that any facility which produces construction aggregate shall be considered to be a facility extracting sand and gravel and is accordingly authorized by conditional use permit in the Minnesota Wild and scenic River District.

Carried.

There was also discussion with Mr. Jacobson on a gravel pit/road dust problem.

Attorney Tom Kramer and Assistant Attorneys Keith Helgeson and Amanda Sieling addressed the Board. They have been checking with neighboring counties and researching options for additional services when Ms. Sieling is on maternity leave. Most would be charging \$85 per hour or expect commensurate services at some time in the future.

**04-12-05-06** Motion by Mr. Johnson and second by Mr. Antony to utilize Mr. Kramer for additional time needed at a rate of \$65 per hour. Carried.

Changing Mr. Helgeson from a 37.5 hour employee to a 40 hour per week employee was discussed. Neither Assistant Attorney was interested in becoming a salaried employee.

**04-12-05-07** Motion by Mr. Antony and second by Ms. Remiger to change Mr. Helgeson to a 40-hour per week employee. Carried.

There was discussion on the process for establishing a full-time County Attorney position. Concerns over delayed billings were also expressed. Mr. Kramer reviewed the Clark action against the County and a new Larson action. He also noted that their office copier needed replacement.

Engineer John Johnson was present to cover several items.

**04-12-05-08** Motion by Mr. Sherlin and second by Ms. Remiger to adopt the following resolution:

Whereas, the County of Yellow Medicine intends to construct one or more township bridges, which will require Town Bridge Funds in excess of those currently available in the County's State Aid Town Bridge Account;

Now, Therefore Be It Resolved, that the Commissioner of Transportation is hereby requested to approve this request to advance funds from the general fund balance of the Town Bridge Account for financing the construction of these township bridge projects, in the amount of up to \$40,000.00, in accordance with the Minnesota Rules 8820.1500, Subpart 9a.

Furthermore, the County agrees to the following terms and conditions in accepting these advanced funds:

1. The County agrees to execute a contract for construction of all township bridge projects identified by the Commissioner as having been approved for funding with advanced Town Bridge Account funds prior to the next Town Bridge fund allocation.
2. If after receiving notice of project approval using advanced Town Bridge Account funds and prior to execution of a contract, the project is delayed until after the next allocation, the County will notify the Commissioner as soon as practical after the delay is known and release the advanced funds.
3. The County agrees to repay the advanced funds from subsequent year's accruals to the County's Town Bridge Account, using 100% of the County's annual apportionment until advance is repaid.

Carried.

The increased costs associated with dust control measures were reviewed.

**04-12-05-09** Motion by Mr. Johnson and second by Mr. Antony to increase the charge for dust control measures from 40¢ per lineal foot to 50¢ per lineal foot. Carried.

The March 2005 Engineering Report was reviewed. There was also discussion on the need to replace a retiring maintenance worker and concerns expressed over payroll costs and expensive equipment.

**04-12-05-10** Motion by Mr. Antony and second by Ms. Remiger to advertise for, with the intent to hire, a replacement maintenance worker, Carried.

**04-12-05-11** Motion by Mr. Sherlin and second by Ms. Remiger to approve a contract with Lincoln, Lyon and Murray Family Services for technical support services at a rate of \$45 per hour. Carried.

**04-12-05-12** Motion by Ms. Remiger and second by Mr. Sherlin to adopt the following resolution:

**WHEREAS**, the County of Yellow Medicine desires to participate in the Minnesota Housing Finance Agency, HOME Rental Rehabilitation Program, and administer it in accordance with all applicable State and Federal regulations; and

**WHEREAS**, in order to participate in the program it is necessary for the County of Yellow Medicine to file an application, signed by the Southwest Minnesota Housing Partnership Executive Director, with the Minnesota Housing Finance Agency; and

**WHEREAS**, the Yellow Medicine County Board needs to file an Application for Administrative Authority;

**NOW THEREFORE**, be it resolved by the Board of Commissioners of Yellow Medicine County that the Southwest Minnesota Housing Partnership Executive Director is authorized to:

1. File an Application for Administrative Authority with the Minnesota Housing Finance Agency for participation in the HOME Rental Rehabilitation Program; and
2. Administer through the Southwest Minnesota Housing Partnership program funds awarded by the Minnesota Housing Finance Agency for the rehabilitation of rental property in the County of Yellow Medicine.

Carried.

**04-12-05-13** Motion by Mr. Johnson and second by Mr. Sherlin to approve Commissioner's Warrants as present totaling \$115,977.38 and acknowledge review of Auditor's Warrants totaling \$82,139.05. Carried.

**04-12-05-14** Motion by Mr. Sherlin and second by Mr. Johnson to accept a Boat

and Water safety grant in the amount of \$2,482. Carried.

**04-12-05-15** Motion by Mr. Johnson and second by Mr. Sherlin to have Bohm's LawnCare mow the fairgrounds property for \$89.50 per time. Carried.

There were concerns expressed over needed township meetings over HAVA equipment. The Auditor will be asked to address those concerns at the next meeting. Delinquent tax collection and investment planning will also be topics for review.

**04-12-05-16** Motion by Ms. Remiger and second by Mr. Sherlin to approve a contract addendum to continue having the Greater Yellow Medicine Mentoring Program run by the Extension Service with grant funds from the PACT 4 Collaborative. Carried.

A recently completed mutual aid agreement was presented. Mr. Kramer has been working on the agreement for some time.

**04-12-05-17** Motion by Mr. Sherlin and second by Mr. Johnson to approve the Mutual Aid Agreement Relating to the Use of Facilities, Vehicles, Equipment, Supplies, and Personnel, as presented. Carried.

Correspondence was reviewed and announcements made. Additional Commissioner reports were deferred to the next meeting.

Mr. Anderson adjourned the meeting at 12:26 p.m.

Witness:

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Lynn Anderson, Chairman

Attest:

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Carolyn Sherlin, Auditor/Treasurer