

Closed Attorney Client

Member Ritter introduced the following Resolution and moved its adoption:

RESOLUTION CLOSING BOARD MEETING

WHEREAS, the Minnesota Open Meeting Law, Minn. Stat. § 13D.05, subd. 2(b) states that “meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege”; and

WHEREAS, the County Board seeks to meet with its attorney to obtain advice regarding a pending lawsuit, Jeanine Barker, et. al v. County of Lyon, et. al.; and

WHEREAS, it would be detrimental to the interests of the County for the County Board to hold a public discussion with its attorney regarding its legal position(s), strategy, etc., where an opposing party or opposing attorney could listen to or be made aware of the County’s positions; and

WHEREAS, it is in the best interest of the County for the Board to obtain legal advice in a confidential setting to maintain the attorney-client privilege.

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

1. The Board hereby closes based upon the attorney-client privilege pursuant to Minn. Stat. § 13D.05, subd. 3(b);
2. The specific subjects to be discussed, pursuant to Minn. Stat. § 13.01, subd. 3, are the claims raised in the above-referenced lawsuit, and the defenses and legal positions to be taken by the County.

The motion for the adoption of the foregoing Resolution was duly seconded by Goodenow and upon a vote being taken thereon, the following voted in favor thereof: Anderson, Stensrud, Fenske, Ritter, Goodenow

and the following voted against the same:
None

Whereupon said Resolution was declared duly passed and adopted.

Closed Real Estate Negotiations

Cottonwood Hydroswing Building and Kerkaert Building

9:30- Meeting was called to order by Chairman Fenske. Members present: Stensrud, Goodenow Fenske, Ritter, Anderson, County Administrator Stomberg, County Auditor/Treasurer Van Overbeke, and Attorney Maes

Pledge of Allegiance to the Flag

Approve Agenda

Stomberg – We need to add Mather and the Hazard Mitigation Grant Application under Biren’s time. Ritter moved, seconded by Stensrud to approve the agenda. All voted in favor.

Identify any Conflict of Interest

Ritter - I will abstain from voting on the recycling contracts.

	Per Diems	Expenses
Fenske	\$ 100.00	\$
Goodenow	\$	\$
Anderson	\$ 150.00	\$ 129.87
Ritter	\$ 100.00	\$
Stensrud	\$ 150.00	\$ 46.62

Consent Agenda:

1. Approve Minutes from May 1, 2012
2. Approve Commissioner Warrants 129187-129286 in the amount of \$ 99,513.94 dated 5-16-12
3. Approve Auditor Warrants 129023-129044 in the amount of \$92,958.24 dated 5-3-12 and 129166-129186 in the amount of \$123,960.28 dated 5-10-12

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4. Approve Per Diems & Expenses
5. Accepted lowest bid for Patching Material and signed the contract for McLaughlin & Schulz, Inc., in the amount of 255,590.00
6. Accepted lowest bid for Gravel Crushing or Aggregate Processing and signed the contract for Hard Rock Screening, LLC of Little Falls, MN, in the amount of 87,637.50
7. Accepted lowest bid for Patching Material and signed the contract for Flint Hills Resources, LP, in the amount of 274,528.75

Anderson – I want to pull number 1 for discussion. Goodenow moved, seconded by Ritter to approve consent agenda items 2-7. All voted in favor.

Consent Agenda item number 1: Approve minutes from May 1, 2012

Anderson – I would like to see the vacation time discussion put in the minutes. Stomberg – Put in the motion. Anderson moved, seconded by Ritter to add the contracted vacation time for Carolyn McDonald to the 5/1/2012 minutes. All voted in favor.

SWHHS Redwood County Resolution

Walker – Reviewed the Joint Powers Agreement with the Board. Redwood County made application prior to 7/1 and no resolution will be necessary from Lyon County. The SWHHS Board will accept the Redwood County Application at their board meeting on May 16, 2012.

Law Enforcement Contract

Mather – The contract is between Lyon County and the City of Balaton. We will not adding any new employees at this time. We will be using our part-time Deputies. The contract would be for 30 hours a week. They would pay the County \$4,660.80 per month. Fenske- When does the contract go into effect? Mather – June 1st and will be for six months. Anderson moved, seconded by Stensrud to approve and sign the contract. All voted in favor.

Hazard Mitigation Grant Application

VanOverbeke – We are starting a Hazard Mitigation Grant Application for a home owner located on Skunk Hollow Road. The address is 1095 North Bruce. Biren – The funding is 25% DNR and 75% FEMA. If the funding is completed the county will own a 3 acre parcel. Anderson moved, seconded by Ritter to continue to move forward to complete the grant. All voted in favor.

CUP – Replace a Mobile Home for Robert Gee

Stensrud moved, seconded by Goodenow to grant Robert Gee to replace a mobile home according to Article 15, Section 15.11, F.1(a) of the Lyon County Zoning Ordinance. The property is zoned agricultural and described as all that part of the West Half of the Southwest Quarter (W1/2 SW1/4), Section 12, Stanley Township. As per recommendation of the Lyon County Planning Commission and Stanley Township. With the following stipulations:

1. Conditional Use Permit is granted in accordance with Article 15, Section 15.11, F.1(a) of the Lyon County Zoning Ordinance. Farm Employment must be the primary occupation of at least one adult occupant of the mobile home.
2. Site may be inspected to ensure compliance of all applicable regulations.
3. Land Use Permit for mobile home is for mobile home to be lived in an agricultural capacity. When this use changes, the mobile home must be moved or establish a change of use by applying for and receiving a new conditional use permit.
4. Must notify Planning and Zoning Office when use changes.
5. Mobile home cannot be rented out.
6. Must follow the Lyon County Zoning Ordinance.
7. Mobile home to be anchored and skirted.
8. 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 of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

VOTING FOR: Stensrud, Goodenow, Anderson, Ritter, Fenske

OPPOSED: None

ABSTAINED: None

ABSENT: None

DATED: May 15, 2012

CUP - Buysse Trucking and Gravel to operate a Gravel Pit

Ritter moved, seconded by Stensrud to grant a Conditional Use Permit to Buysse Trucking & Gravel to operate a gravel pit. The property is zoned agricultural. The affected property is owned by John Wambeke and is located in the Southwest Quarter, Section 5 of Eidsvold Township. As

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per recommendation of the Lyon County Planning Commission and the Eidsvold Township Board. With the following stipulations:

1. Conditional Use Permit will be reviewed annually.
2. Conditional Use Permit is granted for 40 acres or the life of the operation whichever is less.
3. Top soil will be stockpiled and used for reclaiming and leveling.
4. Reclaiming and leveling of land is to be done as the work progresses.
5. Grade site after extraction is completed so as to render it usable, seeding required avoiding erosion and an unsightly mar of the landscape.
6. Must maintain a back slope of 4:1 or flatter.
7. Responsible for maintenance on the roads trucks will be hauling on.
8. Responsible for dust control on haul roads and service roads within the site.
9. Haul roads designated as: 190th Street to County Road 1.
10. Owner must notify the Lyon County Zoning Office when work is complete.
11. Must obtain permits from appropriate agencies.
12. Must comply with Soil and Water and DNR regulations.
13. Consult with township regarding driveway access requirements.

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 of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

VOTING FOR: Ritter, Stensrud, Anderson, Fenske, Goodenow

OPPOSED: None

ABSTAINED: None

ABSENT: None

DATED: May 15, 2012

Lyon County SWCD Cooperative Agreement

Discussion on the Lyon County SWCD Cooperative Agreement included hiring, equipment, operation of programs and a transition plan. Ritter moved, seconded by Goodenow to approve the SWCD Cooperative Agreement. Discussion for the need of a budget before approval. Fenske – Stomberg and Biren will put together the budget. Ritter withdrew the motion, seconded by Stensrud to bring the budget and the Cooperative Agreement to the June 5th meeting. All voted in favor.

10:30 a.m. Meeting Recessed

10:40 a.m. Meeting called back to order

JD 6 Fairview Redetermination

Stensrud moved, seconded by Anderson to appoint Steve Johnson as a viewer on the JD 6 Redetermination project. All voted in favor.

CD 36 – City of Tracy

Discussion on future repair and maintenance of CD 36. Hammer and Anderson will meet with the City of Tracy and continue to keep the board informed.

City of Marshall TIF Projects

Ben Martig gave an update on the City of Marshall TIF Projects.

Summer help and on-call Employees

Anderson moved, second by Ritter to ratify the employment offers for the following summer and on call help. All voted in favor.

Summer Help

Ashley Krogen \$10.25 (Highway Maintenance) with a start date of May 14, 2012

Alyssa Bahn \$9.00 (Garvin Park) with a start date of May 14, 2012

Luke Sanders \$8.75 (Fairgrounds) with a start date of May 21, 2012

Cody Sleiter \$8.75 (Highway Maintenance) with a start date of May 21, 2012

On Call

Scott Myhre \$14.75 (Portable Stage Hauler with Flexible Schedule)

Marvin VanAcker \$13.50 (Highway Maintenance) with a start day of May 21, 2012

Compensatory Time Exception

VanOverbeke – I would like the board to consider a policy variance for earning comp time for my accounting staff during the audit time. Stomberg – Max is 40 hours it varies in the union contracts and we have additional hours for the construction season. Stomberg - It is not a large issue in this department. Goodenow – We need to develop the written policy and put it in place for the department. Fenske – Stomberg and VanOverbeke to work on the policy.

Accept Low Bid for Truck

Anderson moved, seconded by Ritter to accept the low bid for the purchase of the truck from Olson & Johnson for \$226,548.93. All voted in favor.

Grandstand Roof Replacement

Discussion on bids for the grandstand roof replacement. Oakland – wiring is additional. We need repairs to the existing structure so it is capable of supporting a new roof. Anderson – Should we fix or replace? Ritter – Makes no sense to fix the roof if the structure needs repairs. What would it cost to do the concrete work? Fenske – We need to have additional estimates for the structural repairs, demo and or estimates for a new structure.

Recycling Contract

Paul – 2 bids received. Waste Management bid \$25,683 per month and Southwest Sanitation bid is \$21,389 per month. Southwest Sanitation bid also included options for recycling collection every other week or weekly. Fenske – 5 year contract, 2013 through 2017. Stensrud moved, seconded by Anderson to award Southwest Sanitation the Recycling Contract.

Voting in favor:

Anderson
Fenske
Goodenow
Stensrud

Abstained:

Ritter

Landfill update with SAIC

Fred Doran gave the landfill update and provided a work order request to evaluate building options which would allow the landfill to stay open during windy conditions. Goodenow moved, seconded by Stensrud to approve the Waste Transfer Building Evaluation Agreement. All voted in favor.

University of Minnesota Extension Agreement

Anderson moved, seconded by Stensrud to accept the University of Minnesota Extension Agreement. All voted in favor.

Reviewed Meeting Schedule

Commissioner Report

Goodenow reported on Library and Plum Creek.

Ritter reported on P & Z.

Stensrud reported on City of Cottonwood shop, RCRCA, Area II and Airport Commission,

Anderson reported City of Cottonwood, Government Security, Extension, and County Based Purchasing,

Fenske reported on the City of Cottonwood, Amateur Sport, and Regional Development Committee.

12:30 p.m. Ritter moved, seconded by Goodenow to adjourn. All voted in favor.

<u>Vendor Name</u>	<u>Amount</u>
Payments less than 2000	\$ 11,835.00
DIEBOLD LAW FIRM	2,839.99
GREAT PLAINS NATURAL GAS CO	20,833.33
MARSHALL LYON COUNTY LIBRARY	32,625.65

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MN DEPT OF CORRECTIONS STS	3,965.00
QUARNSTROM & DOERING P.A.	5,898.87
RUNCHEY, LOUWAGIE & WELLMAN	9,918.00
STONEBERG, GILES & STROUP P.A.	5,042.40

Final Total: \$ 92,958.24

Vendor Name	Amount
LAC QUI PARLE COUNTY SHERIFF'S OFFICE	\$ 37,620.00
LYON-LINCOLN ELECTRIC COOP INC	4,206.98
MARSHALL MUNICIPAL UTILITIES	21,849.55
MN DEPT OF PUBLIC SAFETY	3,981.98
SECURE BENEFITS SYSTEMS	5,497.24
WELLS FARGO REAL ESTATE TAX SERVICE	5,291.00
YELLOW MEDICINE COUNTY SHERIFF	40,000.00
14 Payments less than \$2000	5,513.53

Final Total: \$ 123,960.28

Vendor Name	Amount
ADVANCE OPPORTUNITIES	\$ 2,270.53
COMPUTER MAN, INC/THE	3,331.24
FARMERS COOP ASSN	8,495.26
JOHNSON TRENCHING CO INC	5,570.00
KETTERLING SERVICES INC	4,100.00
KRAUSE/RONALD	2,130.65
MN ELEVATOR INC	3,174.00
POWERPLAN---RDO EQUIPMENT INC	2,075.20
REDWOOD COUNTY AUDITOR-TREASURER	3,997.36
RELIANCE TELEPHONE SYSTEMS INC	5,000.00
RUNNINGS SUPPLY INC	2,476.74
VATACOM	2,450.99
WASTE MANAGEMENT	23,544.50
WEST CENTRAL SANITATION INC	2,220.04
86 Payments less than 2000	28,677.43

Final Total: \$ 99,513.94