

**LYON COUNTY BOARD OF COMMISSIONERS
APPROVED MINUTES
COMMISSIONERS ROOM 1 & 2
LYON COUNTY GOVERNMENT CENTER
October 16, 2012**

9:00 AM - Meeting called to order by Chairman Fenske. Members present: Commissioners Goodenow, Ritter, Anderson, Stensrud, County Attorney Maes, and County Administrator Stomberg.

Additions to the Agenda

Addition to set a joint meeting with the Natural Resources and Recreation Board and the County Commissioners, addition to approve County Assessor re-appointment, Flood Damage Reduction Grant, Capital Committee project.

Approve Agenda with additions

Anderson moved to approve agenda with additions, seconded by Stensrud. All voted in favor, motion carried.

Identify any Conflict of Interest – none identified

	Per Diems	Mileage
Fenske	\$ 100.00	\$ 229.77
Goodenow	\$	\$
Anderson	\$	\$
Ritter	\$ 100.00	\$
Stensrud	\$ 150.00	\$ 33.30

Consent Agenda

1. Approve Minutes from October 2, 2012
2. Approve Commissioner Warrants 130936-131024 dated 10/17/12 for \$226,093.88.
3. Approve Auditor Warrants 130883-130907 dated 10/04/12 for \$525,132.37; 130920-130935 dated 10/11/12 for \$314,279.85
4. Approve Per Diems & Expenses
5. Donation for Fairgrounds in the amount of \$2,000 from the 4-H horse project.

Stensrud motioned to approve consent agenda items 1-4, seconded by Goodenow. All voted in favor, motion carried.

5. Donation for Fairgrounds

This monetary donation would be used to help construct an announcing, concession and storage building at the fairgrounds in 2013. The building would be primarily used by the 4-H horse group, for other show events during the fair and when the Horse Arena is rented out for other horse events. A grant has been applied in the amount of \$7,000 and \$14,000 has been requested to be budgeted in 2013 for this structure.

Anderson moved to accept the \$2,000 to be used towards the 4-H horse project, seconded by Stensrud. All voted in favor, motion carried.

Doug Deragisch: SW/WC Service Co-op Wellness Program

The 2013-2014 Wellness Program was presented to the Board. The SWCS Service Co-op charges a 3.6% service fee to Lyon County and is self insured. The Federal Health Care Reform Act (ObamaCare) allows the employer to provide an incentive to employees to participate in Wellness programs; up to 30% of premium amount.

LETTER OF AGREEMENT FOR WELLNESS INSTITUTE SERVICES

Southwest/West Central Service Cooperative Wellness Institute
Southwest/West Central Service Cooperative
Cliff Carmody, Executive Director
1420 East College Drive Marshall, MN 56258

Dear Lyon County,

This letter is to affirm our mutual understanding and agreement between Southwest/West Central Service Cooperative Wellness Institute and Lyon County with respect to the operation of the Wellness Program outlined in the attached Memorandum dated September 12, 2011. The following is a summary of each party's obligation for the 2013 and 2014 plan years.

The Wellness Institute agrees as follows:

- Upon certification of the Service Cooperative's Executive Director as to adequacy of reserves, the Wellness Institute will agree to pay incentives in the amount of \$200 in 2013 for each employee who completes a health risk assessment in October or November of 2012.
- Upon certification of the Service Cooperative's Executive Director as to adequacy of reserves, the Wellness Institute will agree to pay incentives in the amount of \$240 in 2014 for each employee who completes a health risk assessment and participates in biometric screening in 2013.
- The Wellness Institute will direct Blue Cross Blue Shield ("BCBS") to send a report to the Employer listing individuals who have completed and reviewed the health risk assessment. BCBS will send a

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report to the Wellness Institute with the total amount of funds to transfer to Employer. No individually identifiable data shall be provided to the Wellness Institute by BCBS.

- The Wellness Institute will send funds to the Employer in January of 2013 and 2014, based on the total amount of incentives earned.

The Employer agrees as follows:

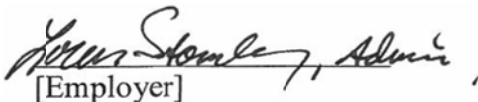
- Employer will communicate the wellness program to employees.
- Employer will sponsor this program for its employees pursuant to either a personnel policy or memorandum of understanding substantially in the form attached hereto, and will follow the ordering rules for allocation of incentives in those model documents. Incentives that are not allocated for any reason shall be returned to the Wellness Institute.
- Employer will permit occasional, limited audits of their wellness program pursuant to agreed-upon-procedures. The purpose of the audits will be to ensure that the incentives due to employees are properly applied.

Both the Employer and the Wellness Institute agree as follows:

- BCBS does not access, nor use, any results or other information from an individual's health assessment questionnaire (which is administered by an outside third party health risk assessment vendor) or information on biometric screening to determine an individual's or employer's group's rates.
- BCBS does not share any individual health assessment results or information with biometric screening with employers; an individual's name, address and program selection, if applicable, may be shared with an employer for purposes of incentive determinations only.
- The Wellness Program is a pilot program, and will sunset on December 31, 2014, unless renewed by agreement of both parties to this letter of agreement.
- The incentives are only available to employees who are enrolled in group health plans made available through the Minnesota Service Cooperatives.
- Incentives will be paid from the Service Cooperative's rate stabilization reserve in 2013.
- Incentives advanced from the Service Cooperative's rate stabilization reserves in 2013, adjusted for increases in incentives and Wellness Program costs, and shall be added to the experience rating of Employer's group health plan for 2014. If the Wellness Program is extended beyond the Pilot Program, the experience rating of the Employer's group health plan shall be adjusted in the same manner going forward.
- The Wellness Institute will charge an administrative fee in the amount of \$5.00 per employee per month (PEPM) who is enrolled in the Employer's group health plan. The administrative fee shall be paid during the Pilot Program from excess reserves rather than assessed directly to participating employers or added to equivalent premium rates.

Nothing herein shall contravene the Joint Power Agreement for Group Employee Benefits and other Financial and Risk Management Services.

Agreed and Accepted,


[Employer]

Dated: 10/16/2012

Ritter moved to authorize the Chair or County Administrator to sign Wellness Program Agreement, seconded by Stensrud.

Voting in favor: Ritter, Goodenow, Stensrud, Fenske

Voting against: Anderson.

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Motion carried 4-1.

Suhail – Accept lowest quote for air-conditioning for Marshall shop.

FEMA approved \$13,900.00 to either restore a shed at Amiret Shop or another project. The Capital Committee recommended approving the air-conditioning project for the Marshall Highway Shop. Two quotes were submitted; Bisbee P&H at \$15,150.00, and Regnier Electric for \$20,467.64. Anderson motioned to approve the low quote from Bisbee for \$15,150.00, seconded by Stensrud. All voted in favor, motion carried.

A joint meeting with the Natural Resources and Recreation Board and County Commissioners is set for November 15th at 7:30pm in CR 1&2. Candace Amberg from Brauer and Associates, Ltd, will present the recreational use concept development plans for Twins Lake Park. The Park Department will handle the newspaper meeting notice and notification of adjoining landowners. The concept plans will be handed out at the meeting.

9:15-9:30- DNR Resolution – Floodplain Buyout

Presenters: Tammy VanOverbeke, Luke Olson, and DNR Area Hydrologist Luke Youngsma. The purpose of the grant is for the costs of removing a flood prone home located on Skunk Hollow Road, or specifically 1095 North Bruce Street. A previous resolution was passed on May 15, 2012 by the County Board that supported a grant funded by 75% FEMA and 25% DNR. If the funding is completed the county will own a 3 acre parcel. This new resolution asks for the County Board to support a grant funded entirely (100%) by the DNR. The grant will be used to buy out the property, remove the home and infrastructure and create a permanent open space to remain in public or non-profit ownership. This project must be completed by June 30th of 2013. Discussion: Ritter: who is responsible for the long term care of this property? Anderson: This property is adjacent to city property; can this be transferred to the city? Youngsma: the only stipulation is that this land be publicly owned so it could go to the city.

Local Government Resolution 29-12

BE IT RESOLVED that Lyon County Emergency Management Department, hereinafter referred to as the "Applicant" act as legal sponsor for the project contained in the Flood Damage Reduction Grant Assistance Program Application to be submitted on October 16, 2012

that Emergency Management _____ is hereby authorized to apply for the Department of Natural Resources for funding of this project on behalf of the Applicant.

BE IT FURTHER RESOLVED that the Applicant has the legal authority to apply for financial assistance, and the institutional, managerial and financial capability to ensure adequate acquisition, maintenance and protection of the proposed project.

BE IT FURTHER RESOLVED that the Applicant has not incurred any costs, and has not entered into any written agreements to purchase property proposed by this project.

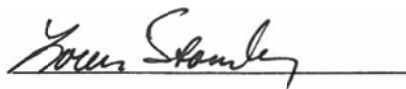
BE IT FURTHER RESOLVED that the Applicant has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the Applicant may enter into an agreement with the State of Minnesota for the above- references project, and that the Applicant certifies that it will comply with all applicable laws and regulations as stated in the contract agreement.

NOW , THEREFORE BE IT RESOLVED that Emergency Management _____ is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the- Lyon County Board of

Lyon County Emergency Management Department on **October 16, 2012.**


WITNESSED

SIGNED:

(Signature)

**Paul Henriksen
Industrial Waste Management Plan Amendment**

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Consider adopting Waste Carcasses Disposal from a Disaster Amendment to the Lyon County Landfill Industrial Waste Management Plan. At times, the result of man-made or natural disasters requires the disposal of animal carcasses. The attached amendment to the Industrial Waste Management Plan would provide as last option disposal for these carcasses.

Disposal of Carcasses Resulting from a Disaster

General:

Animal carcasses that result from a natural and/or manmade disaster will be accepted at the landfill provided that the following restrictions and documentation be provided.

1. The Minnesota Bureau of Animal Health, Minnesota Department of Agriculture and the MN Pollution Control Agency have determined that no alternative (such as bury on site, composting or incineration) exists for the final disposal.
2. Animals were not destroyed as the result of a prion related wasting disease (such as mad cow).
3. Estimated number of carcasses, by count, and the delivery method.
4. Environmental Administrator or Landfill Supervisor to be notified at least 24 hours in advance to help coordinate and prepare disposal area. Landfill staff will consider shorter notice in the event of a declared emergency.

Delivery Requirements:

The following requirements will need to be met.

1. Backhoe will be used by the landfill personnel to excavate hole in the fill area and the customer will be billed an hourly rate for use of backhoe.
2. An odor control material to insure complete control of odors resulting from the decomposition of this material will be provided. Approximately 1 foot thick of lime or lime sludge will be placed on the animal carcasses for odor control and customer will be billed for the total amount of lime used. The landfill coordinating with the MPCA will consider alternative odor control materials.
3. There will need to be coordination with landfill staff before the delivery of the carcasses to insure proper disposal and odor control. Time is needed to coordinate the delivery of lime sludge, back hoe and site disposal location. The material may be in bulk or containerized form.
4. All deliveries should be in by 12:00 p.m. each day to ensure proper handling by landfill staff during normal working hours. Later arrivals, including after normal open hours, will require coordination with staff and may result in additional staffing charges.
5. Location and boundaries of disposal site to be surveyed prior to and after disposal by landfill personnel or its contractor or consultant.
6. The material will be covered with a minimum of two feet of MSW after burial.

Ritter motioned to adopt the Waste Management Plan, seconded by Goodenow. All voted in favor, motion carried.

Sale of Wetland Credits

Consider approving the sale of 0.1 acres from the Lyon County Wetland Credits Bank to Eugene Bossuyt. The Lyon County Board of Commissioners approved the policy which provides for the sale of wetland credits developed from Black Rush Restoration Project. Pursuant to this policy Eugene Bossuyt is requesting the purchase of 0.1 acres. The sale price of these credits is based on current value established by the MN Board of Water & Soil Resources. The 2012 Base Value is \$24,846/ac. The total cost \$2,484.60.

Stensrud motioned to approve the sale of .01 acres from the Lyon County Wetland Credits Bank to Eugene Bossuyt, seconded by Ritter. All voted in favor, motion carried.

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Landfill Annual Meeting Update

Provide update on Annual Meeting of the Landfill Advisory Board, including budget and tipping fee information. The advisory board recommended that the tipping fees could be raised approximately \$3 per ton. Stensrud motioned to increase Lyon County Landfill tipping fee by \$1.00 per ton, seconded by Anderson. All voted in favor, motion carried.

Paul Henriksen discussed the possibility of Renville County and a company near Montevideo partnering with Lyon County for landfill services. Fenske reported that he also explored the possibility of Redwood/Renville counties partnering with Lyon County. This exchange is in preliminary stages right now, but this topic will be discussed in depth after January 1st, 2013.

Update on Global Waste Management Symposium

Paul Henriksen gave an update from the Global Waste Management Symposium in AZ.

**Administrator Stomberg
Lyon County Assessor Reappointment**

State Law requires the board appoint a county assessor for a four year term. The current assessor's term expires on January 1, 2013.

RESOLUTION 30-12

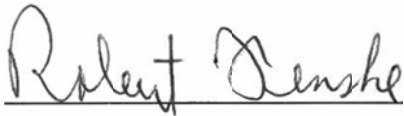
WHEREAS, according to M.S. 273.052 and M.S.273.061 the Lyon County Board of Commissioners shall appoint, by resolution, a county assessor and;

WHEREAS, the current term of the assessor expires on December 31, 2012.

NOW THEREFORE BE IT RESOLVED, that the Lyon County Board of Commissioners hereby re-appoints Dean Champine as the Lyon County Assessor effective January 1, 2013, in accordance with M.S.273.061

Dated this 16th day of October, 2012

Attest



Robert Fenske Board Chair



Loren Stomberg – County Administrator

Stensrud moved, seconded by Goodenow to reappoint Dean Champine as County Assessor for another four year term.

**10:15 Mike Weckwerth and Kerry Netzke
Yellow Medicine River Watershed District - Limestone Water Retention Project presented by**

The Limestone Dam project fell under budget and finished ahead of schedule. The State of MN covered 75% of project costs, with local match of 25% split between Lyon and Lincoln counties, Alta Vista, and Yellow Medicine River Watershed District.

**10:25 Administrator Stomberg
2013 Insurance**

Lyon County has a 12.3% increase in health care insurance premiums for 2013. The veba amounts will stay the same as 2012. The BCBS representative Bill Chukuske was asked to bid this out for competitive pricing, but this was the best insurance pricing option.

Deductible	Monthly Premium	Deductible	Monthly Premium	Deductible	Monthly Premium
\$1,200 Single	\$754.00	\$2,600 Single	\$628.50	\$5,000 Single	\$497.00
\$1,200 Family	\$1,839.50	\$2,600 Family	\$1,534.00	\$5,000 Family	\$1,214.00

Ritter moved to accept the 2013 BCBS renewal rates, seconded by Anderson. All voted in favor, motion carried.

Insularly Benefits

Life and Long Term Disability Insurance renewal rates will stay the same with the same provider. We asked Integrity to bid the dental insurance and found that United Health Care had the best rate and matched our current level of coverage and has a renewal cap of 12% for 2014.

2013 United Health Dental Premiums

Election	Plan	Rates
	Decline	\$0.00

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	Employee	\$33.76
	Employee + Spouse	\$67.53
	Employee + Children	\$71.41
	Employee + Spouse & Children	\$110.21

Anderson moved to renew the Life, LTD and accept United Health Care as dental provider for 2013, seconded by Stensrud. All voted in favor, motion carried.

2013 Cafeteria Contribution

In 2012 the county cafeteria contribution is \$575 for single and \$925 for family. This was a \$25 increase over 2011.

Discussion – Stomberg: the 2013 budget does take in to consideration a \$25 increase in cafeteria contribution for 2013. Goodenow: I would like to contribute another \$50 towards the cafeteria plan. Stomberg: \$25 increase is a \$33,000 and \$50 is a \$66,000 addition to Lyon County Budget for 2013. Ritter: what do other counties contribute? Stomberg: Lyon County would be on the top end of the county contribution scale.

Deductible	Monthly Premium	Cafeteria Towards Premium	VEBA Contribution	Cafeteria Towards Premium with NO VEBA
\$1,200 Single	\$754.00	\$575.00	\$50.00	\$625.00
\$1,200 Family	\$1,839.50	\$875.00	\$100.00	\$975.00
\$2,600 Single	\$628.50	\$520.00	\$105.00	\$625.00
\$2,600 Family	\$1,534.00	\$760.00	\$215.00	\$975.00
\$5,000 Single	\$497.00	\$425.00	\$200.00	\$625.00
\$5,000 Family	\$1,214.00	\$575.00	\$400.00	\$975.00

Anderson motioned to increase the cafeteria contribution \$50 per month per plan, seconded by Goodenow.

Voting in favor:

Anderson
Goodenow
Stensrud
Fenske

Opposed:

Ritter

Motion carried.

Auditor/Treasurer Resignation and Appointment

EJ Moberg has agreed to fill the remaining term, and \$80,000 in compensation per year, beginning October 29th, 2012. Prior to adopt the resolution to appoint EJ Moberg, Administrator Stomberg must resign as Auditor/Treasurer.

RESOLUTION 31-12#

RESOLUTION APPOINTING AN AUDITOR-TREASURER TO FILL UNEXPIRED TERM

WHEREAS; Loren A. Stomberg, Auditor-Treasurer for Lyon County has given notice that he intends to resign as Auditor-Treasurer effective October 29, 2012, and;

WHEREAS; the Lyon County Board of Commissioners has accepted Stomberg's resignation as Auditor- Treasurer, and

WHEREAS; Minnesota Statute 382.02 provides that the County Board appoint to fill vacancies in the unexpired term, and;

WHEREAS; the Lyon County Board of Commissioners has conducted a search for a qualified successor to fill the remaining term;

NOW THEREFORE BE IT RESOLVED; the Lyon County Board of Commissioners appoints E.J. Moberg to fill the remaining term of the Auditor-Treasurer, and;

BE IT FURTHER RESOLVED; that the Lyon County Board of Commissioners shall compensate Mr. Moberg

\$80,000 per year for service as the Auditor-Treasurer.

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Robert Fenske, Chair



Attest:

Loren A. Stomberg, Administrator

Stensrud moved to accept resignation of Administrator Stomberg and approve appointment of EJ Moberg at \$80,000 per year plus benefits , seconded by Goodenow. All voted in favor, motion carried.

10:40 - Cottonwood Shop Resolution

Consider approval of the sublease agreement and approve the resolution relating to lease financing of the project. To obtain financing the City of Cottonwood is proposing a lease-purchase contract with North Star Mutual Insurance Company. The City will make lease payments of principle and interest to North Star. The County will prepay its lease obligation under the sublease agreement. The sublease and city lease run through February 1, 2039, at which time the city and county will have joint ownership of the building. Cottonwood City Clerk Kathy Dahl, Cottonwood City Attorney Mike Cable with Jennifer Hanson from Dorsey Whitney on speaker phone.

Lyon County has issue with the City of Cottonwood requesting an additional \$135,000 to the financing. Assuming the city would like this additional amount removed, this can be removed from the lease financing? Goodenow: explanation as to why we should lease this rather than own? So we lease a third and you need to foreclose on this loan. Kathleen: North Star would own 2/3 of the building until 2039. Stomberg: what would happen to Lyon County's \$180,000 portion if it is foreclosed on? The county is binding itself to this project for 27 years. Hanson: this is the way the financing is written now. If the county really wants ownership of the building, you could enter an agreement with the city and not involve North Star. Fenske: I would like to see us stay on track to buy only 1/3 of the building. We need to make a decision as to how we want this agreement structured.

Stomberg: do we want to own or lease if this changes? Mike: this will change the entire loan portfolio for the city. The city will have to worry about the county defaulting. I am not opposed to any financing arrangement and structure the Board would like. Ritter: we could build a building on the empty lot. The kicker is the city is borrowing the additional \$135,000. Mike: this can be removed from the purchase agreement. Stomberg: you are binding future boards for 27 years. Fenske: we are binding yes, but we need a highway garage and we are buying an asset.

Fenske: our original agreement is that we would purchase 1/3 of the building, with the City of Cottonwood purchasing the other 2/3.

Mike: So the desire is to remove the \$135,000, and establish a default plan, and possess 1/3 of the building. Stomberg: we need an out-clause. As an Administrator I want to see that language in the contract.

Jennifer: this is really something to negotiate between the city and the county, and future changes to the purchase/lease agreement would not involve NorthStar.

After lengthy discussion the Board set a special meeting for 8:00am on Tuesday, October 23rd to

Commissioners Report

Ritter: Airport Commission

Anderson: Insurance Meeting update, MN Parks and Trails Coalition and Legacy dollars

Stensrud: Yellow Medicine Project update, Reverse Drainage Project, RCRCA and Area Two update, Lazarus Creek Dam

Fenske: District 8 Land Use Policy and gravel tax programs in neighboring counties (Rock and Cottonwood) may be something to look at in the future. Nurse Family Partnership update.

11:50am Chair Fenske adjourned until next Tuesday at 8:00am

Upcoming Meetings:

- 10/18/12.....Lyon County Historical Society Annual Meeting 6:00pm
- 10/23/12.....Special Board Meeting for Cottonwood Building Purchase Agreement at 8:00am
- 11/01/12.....Region 8 AMC Meeting – Redwood Falls, 8:00am - Noon
- 11/06/12.....Regular Commissioner Meeting 9:00 a.m. CR 1&2
- 11/12/12.....Lyon County Ag Society Annual Meeting 7:00pm PW Building
- 11/13/12.....Fall Road Tour
- 11/18/12.....Historical Society

Warrants Approved On 10/16/2012 For Payment on 10/4/2012

<u>Vendor Name</u>	<u>Amount</u>
COMPUTER PROFESSIONALS UNLIMITED INC	\$ 4,256.65
LAC QUI PARLE COUNTY SHERIFF'S OFFICE	40,000.00
MARSHALL AREA CHAMBER OF COMMERCE	2,500.00
NOBLES COUNTY SHERIFF	40,000.00

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R & G CONSTRUCTION INC	293,840.35
REDWOOD COUNTY SHERIFF	112,320.44
RENVILLE COUNTY EMERGENCY MANAGEMENT	21,238.30
SHETEK CONSULTING SVCS LLC	3,701.65
17 Payments less than \$2000	<u>7,274.98</u>
Final Total:	\$ <u><u>525,132.37</u></u>

Warrants Approved On 10/16/2012 For Payment 10/11/2012

Vendor Name	Amount
CORELOGIC REAL ESTATE TAX SERVICE	\$ 4,936.00
HARD ROCK SCREENING, LLC	56,337.94
JOHNSON TRENCHING CO	9,250.00
LYON COUNTY	88,750.43
LYON-LINCOLN ELECTRIC COOP INC	4,313.13
MARSHALL MUNICIPAL UTILITIES	22,743.39
MN DEPT OF TREASURY	19,968.00
SECURE BENEFITS SYSTEMS	5,693.43
SW WC SERVICE COOPERATIVES	99,170.50
7 Payments less than \$2000	<u>3,117.03</u>
Final Total:	\$ <u><u>314,279.85</u></u>

Warrants Approved On 10/16/2012 For Payment 10/17/2012

<u>Vendor Name</u>	Amount
A'VIANDS, LLC	\$ 15,371.27
ABRA AUTOBODY & GLASS INC	5,025.05
ANDRIES/KENNETH C	6,586.57
BALATON PUBLISHING COMPANY	4,608.00
BOLTON & MENK INC	18,314.00
CARLSON & STEWART REF., INC.	2,398.60
FARMERS COOP ASSN	11,902.99
FIDLAR TECHNOLOGIES, INC.	4,417.66
FLEET SERVICES DIVISION	5,048.18
FORUM COMMUNICATIONS PRINTING	3,500.00
G3 PROPERTIES LLC	11,082.94
LOCATION TECHNOLOGIES INC	7,087.74
LYON COUNTY HIGHWAY DEPARTMENT	6,329.20
PRAIRIE PRIDE	32,425.83
RATWIK, ROSZAK & MALONEY, P.A.	22,104.49
RELIANCE TELEPHONE SYSTEMS INC	10,000.00
ROYAL TIRE INC	16,701.15
<u>U OF MN REGENTS</u>	16,224.99
71 Payments less than 2000	<u>26,965.22</u>
Final Total:	\$ <u><u>226,093.88</u></u>

Robert Fenske, Chairman

Attest: Loren Stomberg
Lyon County Administrator