

**LYON COUNTY BOARD OF COMMISSIONERS  
APPROVED MINUTES  
COMMISSIONERS ROOM 1 & 2  
LYON COUNTY GOVERNMENT CENTER  
October 23, 2012**

**8:00 AM – Meeting called to order by Chairman Fenske. Members present: Commissioners Goodenow, Ritter, Anderson, Stensrud, County Attorney Maes, and County Administrator Stomberg.**

**Pledge of Allegiance to the Flag**

**Approve Agenda**

Ritter moved, seconded by Goodenow to approve the agenda. All voted in favor.

**Identify any Conflict of Interest**

None Identified

**Sale of Wetland Credits**

The Lyon County Board of Commissioners approved the policy which provides for the sale of wetland credits developed from the Black Rush Restoration Project. Pursuant to this policy Jim Opdahl is requesting the purchase of 0.31 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 is \$7,702.26.

**PURCHASE AGREEMENT  
FOR  
WETLAND BANKING CREDITS**

THIS AGREEMENT is made this 23rd day of October between County of Lyon (Seller) and Jim Opdahl (Buyer).

1. Seller agrees to sell to Buyer, and Buyer agrees to buy from Seller, the wetland banking credits (Credits) listed below:

Credits to be Sold							
Credit Sub-group	NWC or PVC	Acres or square feet	Wetland Circ. 39 type	Plant Community Type	Cost per acre or square foot	State fee 6.15%	Fee Cost
A.	<b>NWC</b>	<b>0.31 acres</b>	<b>4</b>	<b>Deep Marsh</b>	<b>\$24,846/ac</b>	<b>\$1615/ac</b>	<b>\$500.65</b>
B.							
Totals							

Check here if additional credit sub-groups are part of this account and are listed on an attachment to this document.  
 1A separate credit sub-group shall be established for each wetland or wetland area that has different wetland characteristics.  
 2Circular 39 types: I, IL, 2, 3, 4, 5, 6, 7, 8, B, U.  
 3Wetland plant community type: shallow open water, deep marsh, shallow marsh, sedge meadow, fresh meadow, wet to wet-mesic prairie, calcareous fen, open bog or coniferous bog, shrub-carr/alder thicket, hardwood swamp or coniferous swamp, floodplain forest, seasonally flooded basin. **See *Wetland Plants and Plant Communities of Minnesota and Wisconsin (Eggers and Reed, 1997)* as modified by the Board of Water and Soil Resources, United States Army Corps of Engineers.**

2. Seller represents and warrants as follows:

- a. The Credits are deposited in an account in the Minnesota Wetland Bank administered by the Minnesota Board of Water and Soil Resources (BWSR) pursuant to Minn. Rules Chapter 8420.0700-.0760.
- b. Seller owns the Credits and has the right to sell Credits to the buyer.

3. Buyer will pay Seller a total of \$7,702.26 for the Credits at Closing:

4. Buyer agrees to pay to a withdrawal fee of \$ 500.65 to the State of Minnesota based on the BWSR Wetland Credit Fee Schedule. Upon submittal of the Application for Wetland Credits, Buyer will execute a check made out for this amount, payable to the Board of Water and Soil Resources.

5. Seller will sign a fully executed Application for Withdrawal of the Credits in the form specified BWSR, provide a copy of the Application for Withdrawal to the Buyer and forward the same to the BWSR along with the check for the withdrawal fee.

6. Buyer has applied or will apply to Lyon Soil & Water Conservation District (LGU) for approval of a replacement plan utilizing the Credits as the means of replacing impacted wetlands. If the LGU has

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not approved the Buyer's application for a replacement plan utilizing the Credits, then either Buyer or Seller may cancel this Agreement by giving written notice to the other. In this case, neither Buyer nor Seller shall have any further obligations under this Agreement.



(Signature of Seller)

  
(Signature of Buyer)

Ritter moved, seconded by Stensrud to approve the sale of 0.31 acres to Jim Opdahl. All voted in favor.

**Gravel Pit Lease Agreement**

Stensrud moved, seconded by Goodenow to approve the 21 year gravel lease agreement with Herb Scheffler. All voted in favor.

**Cottonwood Shop Sublease**

CERTIFICATION OF MINUTES RELATING TO LEASE FINANCING OF A PROJECT, AUTHORIZING THE PREPARATION, EXECUTION AND DELIVERY OF A SUBLEASE RELATED THERETO

Issuer: Lyon County, Minnesota

Governing Body: Board of County Commissioners

Kind, date, time and place of meeting: A regular meeting held October 23, 2012, at 8:00 A.M., in the Lyon County Government Center in Marshall, Minnesota.

Members present: Anderson, Stensrud, Goodenow, Ritter, Fenske

Members absent: None

Documents Attached:

Minutes of said meeting (including):

RESOLUTION NO. 32-12

RESOLUTION RELATING TO LEASE FINANCING OF A PROJECT,  
APPROVING THE EXECUTION AND DELIVERY OF A SUBLEASE  
RELATED THERETO

I, the undersigned, being the duly qualified and acting recording officer of the public corporation referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of said corporation in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the governing body of said corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at said meeting; and that said meeting was duly held by the governing body at the time and place and was attended throughout by the members thereof, pursuant to call and notice of such meeting given as required by law; and that the Resolution described above has not as of the date hereof been amended or repealed.

WITNESS my hand officially as such recording officer on October 23, 2012.



County Administrator

Commissioner Stensrud introduced the following resolution and moved its adoption, which motion was seconded by Commissioner Anderson:

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RESOLUTION RELATING TO LEASE FINANCING OF A PROJECT, APPROVING THE  
EXECUTION AND DELIVERY OF A SUBLEASE RELATED THERETO

WHEREAS, the City of Cottonwood, Minnesota (the "City") has represented that it plans to acquire certain land (the "Land") and a building located thereon (the "Building"; together with the Land, the "Project") within the City to be used for the purpose of a joint public works building with Lyon County, Minnesota (the "County"); and

WHEREAS, the City has represented to the County that it plans to finance the acquisition of the Project pursuant to a financing transaction in which the City will lease the Land to North Star Mutual Insurance Company (the "Lender") pursuant to a Ground Lease dated as of October 1, 2012, and pursuant to which the Lender will lease the Project back to the City and grant to the City an option to purchase the Project pursuant to the terms and conditions of a Lease and Purchase Option Agreement dated as of October 1, 2012 between the Lender, as lessor, and the City, as lessee; and

WHEREAS, the County will sublease a portion of the Project from the City pursuant to a Sublease Agreement (the "Sublease"), pursuant to which the County shall agree to pay a share of the costs of acquiring and constructing the Project, as further described in the Sublease;

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

1. Prepayment. This Board hereby approves the prepayment in the lump sum amount of \$180,000.00 for the County's share of acquiring and constructing the Project pursuant to the Sublease.

2. Execution and Delivery of Sublease. A form of the Sublease has been prepared, submitted to the County and filed with the County Administrator. The Sublease is hereby approved. The Sublease shall be executed in the name and on behalf of the County by the Chair and County Administrator in substantially the form on file, but with such changes therein as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof. All of the provisions of the Sublease, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated herein.

3. Execution of Other Documents. The Chair and County Administrator are authorized and directed to execute such certificates and other documents as may be necessary and appropriate to effectuate the transactions contemplated by the Sublease. In the absence or disability of the Chair or County Administrator, the acting Chair or County Administrator is authorized to execute the Sublease and any such other documents.

4. Effective Date. This resolution shall be effective immediately upon its final adoption.

Upon vote being taken upon the foregoing resolution, the following voted in favor there of:

Anderson, Stensrud, Goodenow, Ritter, Fenske

And the following voted against the same: None

Whereupon the resolution was declared duly passed and adopted.

**9:00 AM – Ritter moved, seconded by Stensrud to adjourn. All voted in favor.**



Robert Fenske, Chair

Attest:



Loren A. Stomberg, Administrator