

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
 LYON COUNTY BOARD OF COMMISSIONERS
 LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
 March 21, 2006

9:00 AM - Meeting called to order by Chairman Ritter. Members present: Buysse, Fenske, Goodenow, Nelson, Ritter, County Attorney Maes, County Administrator Stomberg, and County Auditor/Treasurer Van Overbeke.

Pledge of Allegiance to the Flag.

Approve Agenda

Goodenow moved, seconded by Buysse to approve the agenda with the following changes: *addition* - LELS-Arbitration Update; *addition* - Closed Session to Discuss 2007 LELS Contract Negotiations; *addition* – Consider One-Floor Library Resolution; *shift* consent agenda item #10 to the regular agenda; consent agenda #13 has been *updated*; and the *presenter* of Consider Turkey Hunting Resolution will be Anita Benson instead of Rick Anderson. All voted in favor.

Consent Agenda

The following per diems and expenses were presented.

	Per Diems	Expenses
Nelson	\$90	\$48.51
Ritter	50	
Fenske	80	30.26

Items 1-13 from the Consent Agenda were presented.

- Minutes from the March 07, 2006 Board Meeting.
- Commissioner Warrants #102081- #102205 dated 03/22/06 in the amount of \$210,465.12.
- Auditor Warrants #102048 - #102061 dated 3/09/06 in the amount of \$116,750.06 and Auditor Warrants #102063 - #102079 dated 3/16/06 in the amount of \$35,423.52.
- Per diems and expenses previously presented.
- Approve quote for metal culverts from Johnston Fargo Culvert, Inc. in the amount of \$24,895.75. Metal Culverts submitted a bid for \$30,577.55. Approve the only quote received for plastic pipe, from Bornhoft Concrete in the amount of \$16,343.65.
- Approve the following unit prices quoted for bituminous patching materials by McLaughlin & Schulz, Inc:

ITEM DESCRIPTION	UNIT OF MEASURE	M & S UNIT PRICE	M & S 2006 PAVING CONTRACT UNIT PRICE
SPEC 2321 MC-250 Mix. Agg. BA-2 Mod. FOB Dept. Trucks	Ton	\$49.00	N/A
SPEC 2360 Plant Mixed Bit. Mat'l. AC FOB Dept. Trucks SPWEB340B	Ton	\$35.50	\$27.00
SPEC 2360 Plant Mixed Bit. Mat'l AC FOB Dept. Trucks SPWEA340B	Ton	\$37.00	N/A
3/8 Minus Winter Mix	Ton	\$50.00	N/A

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
 LYON COUNTY BOARD OF COMMISSIONERS
 LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
 March 21, 2006

MC-250			
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7. Approve award of aggregate processing bid to Fairway Construction Inc. for the total bid amount of \$52,717.50. The following bids were also received: Sterzinger Crush. - \$55,912.50; Rupp Const. Co., Inc. - \$56,285.25; Sweetman Sand/Gr. - \$62,835.00; Sibson Gravel, LLC - \$68,692.50; Central Specialties - \$78,277.50.
8. Approve award of the only bituminous materials bid received to Flint Hills Resources (formerly Koch Materials Company) for the total bid amount of \$189,229.50.
9. Approve proposal with Horizons for aerial photography & topographic mapping for the total bid amount of \$4,500. Martinez Co. submitted a bid for \$5,640.
10. Approve Resolution for Cottonwood River Septic Loan Program (shifted to regular agenda).
11. Approve E911 Maintenance procedures.
12. Approve Out-of-State Travel Request for IT/GIS Director to attend GIS Conference.
13. Approve updated 2005 Reservations, Deferred, and Designating Balances as follow:

Fund Balances as of 12/31/05

Reservations and Deferred Revenues 12/31/2005

Law Library	\$ 67,875.61
Attorney-Seized & Forfeited Property	\$ 11,421.81
Recorder's Tech	\$ 24,496.74
Recorder's Tech-Unallocated	\$ 25,916.00
911 System	\$ 155,993.08
DARE Program	\$ 5,050.23
Sheriff-Seized & Forfeited Property	\$ 8,819.85
Sheriffs Gun Permit	\$ 7,000.07
Sheriff's Canteen Account	\$ 21,594.51
Sheriff's Contingency	\$ 1,787.01
Sheriff's Grant	\$ 6,678.30
VSO-Grant	\$ 2,800.00
Probation-Supervision Fee's	\$ 29,765.32
Fish & Wildlife Trust	\$ 52,259.09
Septic Loans	\$ 97,668.96
Insurance Trust	\$ (5,633.33)
Cash w/ Fiscal Agent	\$ 326,396.97
Recycling & HHW Special	\$ 79,967.24
Missing Heirs	\$ 2,483.07

TOTAL **\$ 922,340.53**

Designated for subsequent years expenditures

Capital Projects-Bldg & Impr	\$ 711,010.54
Capital Projects-LEC	\$ 122,274.46
Water & Natural Resource Flood Cont	\$ 348,107.45
Local Water Imp	\$ 12,432.47
Resource Development	\$ 5,096.90

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
 LYON COUNTY BOARD OF COMMISSIONERS
 LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
 March 21, 2006

Sheriff's Boat & Water	\$ 267.48
Criminal Justice	\$ 305,151.93
Elections	\$ 58,379.47
Historical Projects	\$ 2,021.01
Probation-Teen Court	\$ 585.51
Sheriff's Cars	\$ 1,841.29
Extension-Publications	\$ 2,114.04
Truth in Taxation	\$ 2,207.83
County Cars	\$ 30,813.77
Dedicated Park	\$ 21,440.40
Garvin Park Trust	\$ 216,020.91
County Roads (bonding)	\$3,193,027.35
TOTAL	\$5,032,792.81

Designations set by board

County Roads (levy)	\$ 130,276.45
Aggregate-Sale of Gravel Pit	\$ 20,178.00
Public Works Building	\$ 199,912.12
Designated Building	\$ 611,978.00
Designated SL & VP	\$ 229,698.34
Designated Tech	\$ 102,383.66
TOTAL	\$1,294,426.57

GRAND TOTALS **\$7,249,559.91**

Balances include cash & investments

Goodenow moved, seconded by Buysse to approve Consent Agenda Items 1-9 and 11-13. All voted in favor.

Consider CUP for Marshall Energy (Families of Mark Peterson & Gary Tholen)

John Biren, P&Z Administrator, presented a Conditional Use Permit request from the Families of Mark Peterson and Gary Tholen for the construction of a wind farm (Commercial Wind Energy Conversion System). Peterson and Tholen were on-hand to answer questions. Goodenow – We had a good discussion at P&Z.

Fenske moved, seconded by Goodenow to grant a Conditional Use Permit to Marshall Energy (Families of Mark Peterson and Gary Tholen) for the construction of a wind farm (Commercial Wind Energy Conversion System). The area affected is zoned agricultural. The tracts of land on which the wind farm will be constructed (leased land) are described as follows: Part of the Northwest Quarter (NW1/4), Section 17 and Part of the South Half of the Northeast Quarter (S1/2NE1/4), Section 18, Sodus Township, owned by Vincent and Lilianna St. Aubin; and Part of the Southeast Quarter (SE1/4), Section 18, Sodus Township, owned by Lori Babcock, Amy Beernaert, Melissa Meulebroeck and Bradley Meulebroeck. As per recommendation of the Lyon County Planning and Zoning Commission and the Sodus Township Board. With the following stipulations:

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
March 21, 2006

1. Site may be inspected to ensure compliance of all applicable regulations.
2. Must follow Section 21.5 Wind Energy Conservation Systems as stated in the Lyon County Zoning Ordinance.
3. Site must be kept clean (weeds controlled).
4. Must apply for and obtain permits from other appropriate agencies to operate the wind farm.
5. This Conditional Use Permit is in the agricultural district. Existing and future agricultural uses found in the Lyon County Zoning Ordinance shall be tolerated. These uses may generate noise, dust, vibration, or other nuisances typical of uses allowed in the agricultural district.
6. Future building permits will be reviewed and shall meet the requirements of the County Zoning Ordinance.
7. A copy of the County Board of Commissioner's Motion shall be filed with the County Recorder's Office along with the legal description and address of the property. Additional fees to be paid by the applicant for the actual costs incurred by the County for the recording fees.

All voted in favor.

Consider Findings of the Feedlot Review Committee

Biren requested the Board consider recommendations from the Feedlot Review Committee. The recommendations were from a Findings of Fact developed over the course of nine meetings, including two tours. Many sources of information were utilized in developing the Findings of Fact. The Committee's Findings addressed the following ordinances/program issues: 2,000 Animal Unit Capacity, 40-Acre Requirement, Conditional Use Thresholds, Setback Distance/Odor OFFSET, Current Structure of the Program, and other items. Committee members present were David Josephson, Jack Miller, Dan Polfliet, and Gerald Seehusen. After Biren's presentation, comments from Committee members were heard. As a next step, Nelson asked Biren if he could get Professor Nicolai (developer of the OFFSET model) to come give his inputs to the Board. Goodenow recommended Nicolai's visit to be a public hearing in the evening.

Motion by Nelson, seconded by Buysse to hold an evening public hearing and training session on the Odor/OFFSET Model with P&Z, Feedlot Review Committee, and the Board of Commissioners as soon as possible. Ritter thanked the Committee and Biren for their recommendations.

Natural Resource Block Grant

Paul Henriksen, Environmental Administrator, requested approval for the Environmental Office to submit a final Natural Resource Block Grant Application via E-Link. The grant request is for \$32,642.00 and would require the following match:

1. \$5,344 in general revenue tax dollars for the Water Plan Base Grant of \$18,023. This levy is in place.
2. \$10,000 per year in-kind match from the Lyon County Soil & Water Conservation District (SWCD) for Wetland Conservation Act (WCA) implementation. The WCA amount is \$10,000.
3. \$3,119 in-kind match from the P&Z Office per year for DNR Shore Land Administration. The Block Grant amount is \$3,119.
4. No match is required for MPCA Individual Sewage Treatment System (ISTS) Program. Block Grant amount is \$1,500.

Motion by Goodenow, seconded by Buysse to approve the Environmental Office's submission of the final Natural Resource Block Grant Application via E-Link.

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
March 21, 2006

MRF Study by R.W. Beck

Henriksen presented the Materials Recovery Facility (MRF) Study by R.W. Beck. The report was discussed. No action was taken.

Meeting Recessed at 10:25 AM
Meeting Back in Order at 10:40 AM

Resolution for Cottonwood River Septic Loan Program

Henriksen presented a resolution that would allow the Board Chair to sign Loan Amendment No. 1 for the Loan Agreement for the Cottonwood River Septic Loan Program. The amendment would extend the ability to utilize septic loan funds allocated to Lyon County to 2007. Currently \$94,000 of the original \$284,000 is available for loans.

Motion by Fenske, seconded by Buysse to approve a resolution authorizing the Board Chair to sign Amendment No. 1 to the Loan Agreement for Cottonwood River Septic Loan Program. All voted in favor. Resolution 14-06 is on file with the County Administrator.

Consider Award of Bids; 2006 Bituminous Projects

Anita Benson, Public Works Director/County Engineer, requested the following Board Actions:

1. Award 2006 Bituminous Projects to McLaughlin & Schultz for the low bid amount of \$3,313,661.54. Other bids received were as follows: \$3,333,780.04 - Central Specialties Inc.; \$3,753,820.51 – Duininck Bros. Inc.
2. Consider Approval of Force Account Agreement in the amount of \$84,225.34.
3. Approve Quote from Contech Construction Products, Inc. for geogrid in the amount of \$31,575.03. Brock White submitted a bid of \$37,042.50.

Fenske moved, seconded by Buysse to award 2006 Bituminous Projects to McLaughlin & Schultz for the low bid amount of \$3,313,661.54. All voted in favor.

Ritter moved, seconded by Goodenow to approve Forced Account Agreement in the amount of \$84,225.34. All voted in favor.

Nelson moved, seconded by Goodenow to approve Quote from Contech Construction Products, Inc. for geogrid in the amount of \$31,575.03. All voted in favor.

Approve Quote 2006 Equipment

Benson requested the Board approve quote for pickup purchases from Anton Chevrolet for the total amount of \$31,530.78 (\$33,580.28 with sales tax) contingent on confirmation by 4:30 pm March 22nd, 2006. If confirmation is not received the award will go to Lockwood for \$36,400 (\$38,766 with sales tax). These pickups replace Units 20 and 28. Unit 20 is a 1996 ¾ ton Ford F250 2WD with approximately 108,000 miles. Unit 28 is a 1995 ½ ton Ford F150 4x4 with approximately 137,000 miles. The 2006 budget included \$45,000 for the replacement of these pickups. The quotes received are summarized below.

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
 LYON COUNTY BOARD OF COMMISSIONERS
 LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
 March 21, 2006

Vendor	Make/Model	New Units 20 & 28	Trade In Units 20 & 28	¹ Total	Total w/ Sales Tax
Anton Chevrolet	Chevrolet Silverado 1500 WT	\$32,820.46	\$850 & \$850	² \$31,120.46	\$33,143.29
Lockwood Motors	Dodge Ram 1500	\$37,200.00	\$1,300 & \$800	\$35,100.00	\$37,381.50
Marshall Ford	Ford F150	\$40,313.20	\$100 & \$100	\$40,113.20	\$42,720.56

1. Sales tax and license tab fees are not included in the quotes at the County's request.
2. Due to 2006 Model Year ordering being closed, Anton Chevrolet will attempt to locate units as close as possible to specifications. If equipment is different, pricing will be different (+ or -). Two units have been located which don't have power locks & windows but do have locking differential on rear axle. This results in a deduction of \$439.68. Anton will be able to confirm availability of two units listed above on Wednesday March 22. I recommend keeping Unit 20 (trade in value offered = \$850). This would ease vehicle juggling challenges during the upcoming construction season and increase the cost to \$31,530.78 from Anton.

Benson - I recommend the award to Anton be contingent on confirmation by the 4:30 pm on March 22nd. If confirmation is not received the award will go to Lockwood for \$36,400 (keeping Unit 20 trade in value = \$1,300).

Motion by Nelson, seconded by Goodenow to approve quote from Anton Chevrolet for a Chevrolet Silverado 1500 WT in the amount of \$31,530.78 (\$33,580.28 w/sales tax) contingent on confirmation by 4:30 pm on March 22nd, 2006. If confirmation is not received the award will go to Lockwood for \$36,400 (\$38,766.00 w/sales tax - keeping Unit 20 trade in value = \$1,300). All voted in favor.

Consider Turkey Hunting Resolution

Motion by Goodenow, seconded by Fenske to approve a resolution to close Garvin Park to the Public, except for individuals licensed to hunt wild turkey, from ½ hour before sunrise until noon each day commencing 4/12/2006 through 5/18/2006. All voted in favor. Resolution 13-06 is on file with the County Administrator.

Consider Equipment Purchase

Shawn Strong, IT/GIS Director, requested the Board consider approving the purchases of boardroom enhancements not to exceed \$4,100 and network equipment not to exceed \$1,100 using Designated Technology Funds.

Strong – The boardroom could greatly benefit from a permanently installed projector and PC. Presentations and data could be displayed as needed with little preparation and without borrowing equipment. Training events could be provided to larger audiences. Vendors and other presenters would only need to bring a CD and not all of their equipment.

Audio/visual potentials were discussed. Ritter asked Strong to come up with some suggestions on audio and some cost estimates. Strong said he would bring something in April.

Strong - A public network using a broadband connection will provide the much needed security benefit of removing public terminals from the County's network along with allowing the County to provide wireless internet to Government Center visitors. This separate public network could serve computers anywhere in the building using existing wiring and without compromising the

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
March 21, 2006

existing network. In the event of the county's main connectivity (T1s) being out of service, this additional service may be used to provide a temporary connection to the internet.

Goodenow moved, seconded by Nelson to expend money from Designated Technology Funds, not to exceed \$1,100, to develop a public network in the Government Center.

Lyon County FB&L Feasibility Study – LLMP PHS

John Schuh, LLMP Public Health Services Administrator, and Julie Isenberg, Environmental Health Specialist, presented the Lyon County Food, Beverage, and Lodging Feasibility Study. Schuh explained that a local program would allow for more availability and accessibility to services and would lower fees on average. Currently, FB&L licensing and inspection is administered from the MN Department of Health out of Mankato. Advantages and disadvantages of a local program were presented.

After discussion and consideration, the County Board, by consensus, authorized LLMP Human Services Administrator, John Schuh, to continue developing the proposed Food, Beverage, & Lodging (FB&L) Licensing and Inspection Program for Lyon County. Schuh will return to the Board with a resolution.

State Auditor's Exit Interview

Roger Albertson from the State Auditor's Office reviewed the 2005 Audit Report. He will start the full audit on June 1, 2006.

Approve 2006 Annual Boat & Water Grant

Sheriff Joel Dahl requested the Board approve the 2006 Annual Boat & Water Grant with the Minnesota DNR for the amount of \$980.00 and authorize the Board Chairman and County Administrator to sign the Grant documents. Dahl – The Sheriff's Office has benefited over the past 3 years by receiving grant funds from the MN DNR to assist in a Boat & Water Safety program. The grant funds are mainly used to pay for Deputies time while working Boat & Water Projects on the County lakes.

Motion by Fenske, seconded by Buysse to approve the 2006 Annual Boat & Water Grant with the MN DNR for the amount of \$980.00 and authorize the Board Chairman and County Administrator to sign the Grant documents. All voted in favor.

Approve Rural AED Grant Fund Award

Dahl – The Sheriff's Office has had access to Automatic External Defibrillators (AED) units since a State grant in 1999. The Rural AED Grand Fund Award would allow the purchase of two AED's at the current State Contract Price of \$1,595.00 each by only spending \$277.00 for each replacement.

Motion by Fenske, seconded by Buysse to approve the Sheriff to accept the funding award from the Southwest Minnesota Emergency Medical Service Corporation for the Rural AED Grant. All voted in favor.

Approve Peace Officer resolution

Dahl – With the hire of Deputy Sheriff Bryan Bose, a "Resolution for Peace Officer" is required to comply with the PERA Police & Fire Plan.

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
 LYON COUNTY BOARD OF COMMISSIONERS
 LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
 March 21, 2006

Motion by Buysse, seconded by Nelson to approve the Resolution for Peace Officer – Bryan Bose. All voted in favor. Resolution 16-06 is on file with the County Administrator.

Consider Equipment Replacement – Squad Car/SUV

Mark Mather, Chief Deputy – We have acquired quotes for purchase of a 2006 squad car/SUV. This would include the trade of a 1997 Chevy Lumina with 90,000 miles and a 1999 Ford Crown Victoria with 120,000 miles. The dealerships have agreed to take two trades on one new purchase. This is a 2006 budget item. Mather requested the Board accept the quote on a 2006 Dodge Durango for \$18,550 after trade-ins from Lockwood Motors. The following quotes were received for a 2006 squad car/SUV:

Dealer	Year	Make/Model	Engine	Drive	Quote
Anton Chevrolet	2006	Chevy Impala*	3.9L V6	FWD	\$18,114
Anton Chevrolet	2006	Chevy Trailblazer**	4.2L	4x4	\$20,955
Lockwood Motors	2006	Dodge Charger*	3.5L V6, 24V	RWD	\$21,150
Lockwood Motors	2006	Dodge Charger	5.7L Hemi	RWD	\$22,900
Lockwood Motors	2006	Jeep G. Cherokee**	3.7L V6	4x4	\$22,200
Lockwood Motors	2006	Dodge Durango**	4.7L V8 (Mag.)	4x4	\$23,300
Marshal Ford-Lin-Merc	2006	Ford Explorer**	4.0L V6	4x4	\$20,500
Marshal Ford-Lin-Merc	2006	Ford Crown Victoria (Interceptor)*	4.6L V8	RWD	\$21,800

* Police Package Vehicle

**Includes Towing Package

Dealer	Year	Make/Model	Trade-in
Anton Chevrolet	1997 – 90,000 miles	Chevy Lumina	\$1,000
Anton Chevrolet	1999 – 120,000 miles	Ford Crown Victoria	\$1,000
Lockwood Motors	1997	Chevy Lumina	\$2,500
Lockwood Motors	1999	Ford Crown Victoria	\$2,250
Marshall Ford-Lin-Merc	1997	Chevy Lumina	\$1,000
Marshall Ford-Lin-Merc	1999	Ford Crown Victoria	\$1,400

Motion by Goodenow, seconded by Fenske to accept quote for 2006 Squad Car/SUV from Lockwood Motors for a 2006 Dodge Durango 4x4 in the amount of \$18,550 with trade-ins. All voted in favor.

Motion by Goodenow, seconded by Fenske to purchase a 2006 Dodge Durango 4x4 from Lockwood Motors in the amount of \$18,550 with trade-ins. All voted in favor.

Consider Resolution in Support Of Pipestone Co. Res. 59-2006

Stomberg presented a resolution encouraging LLM Human Services to accept the invitation from Pipestone County to discuss the feasibility of sharing resources.

Motion by Fenske, seconded by Buysse to adopt a resolution encouraging the LLM Human Services Joint Powers Board to accept the invitation to discuss the feasibility of collaborating with Pipestone County Family Services Agency. Resolution 15-06 is on file with the County Administrator.

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
March 21, 2006

Consider One-Floor Library Resolution

Nelson requested the Board consider a resolution stating that Lyon County strongly supports a one-floor library.

Motion by Nelson, seconded by Fenske to approve a resolution supporting that a new library building be designed to have all public materials and staff on the same floor. All voted in favor. Resolution 17-06 is on file with the County Administrator.

Commissioners Business

Meeting Schedule was reviewed.

Goodenow reported on Plum Creek and Economic Development meetings.

Nelson reported on attendance to the RCRCA meeting.

Fenske reported on attendance to two Township meetings (Fairview & Stanley) and a meeting of the Personnel Advisory Committee.

Ritter reported on attendance to Planning & Zoning and Feedlot Committee meetings.

Meeting recessed at 12:53 PM.

Meeting back in order at 12:58 PM.

Motion by Goodenow, seconded by Nelson to go into closed session at 12:58 PM to discuss 2007 LELS Contract Negotiations. All voted in favor.

Motion by Fenske, seconded by Goodenow to come out of closed session at 2:05 PM. All voted in favor.

Buyse Moved, seconded by Goodenow to adjourn the meeting until April 4, 2006 at 9:00 AM. All voted in favor. The meeting was adjourned at 2:05 PM.

Stephen W. Ritter, Chairman

Attest: _____
Loren Stomberg
Lyon County Administrator