

OFFICIAL MINUTES

LYON COUNTY BOARD OF COMMISSIONERS

LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN

April 18, 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 Nelson to approve the agenda with the following additions: Consider Approval of 2005-2006 LELS Contract; Appointment to Library Board's Site Selection Committee; and Closed Meeting to Discuss Pending Litigation. All voted in favor.

Consent Agenda

The following per diems and expenses were presented.

	Per Diems	Expense s
Buysse	\$	\$
Fenske	360	486.44
Goodenow	40	
Nelson	80	52.96
Ritter	370	27.14

Items 1-9 from the Consent Agenda were presented.

1. Approve Minutes from the April 4, 2006 Regular Meeting.
2. Approve Commissioner Warrants #102465 - #102580 dated 4/19/06 in the amount of \$87,546.73.
3. Approve Auditor Warrants #102396 - #102407 dated 4/06/06 in the amount of \$118,067.32 and Auditor Warrants #102419 - #102435 dated 4/13/06 in the amount of \$45,883.37.
4. Approve Per Diems and Expenses previously presented.
5. Approve Solid Waste Quotes from Ritter's for Garvin Park (2006). Two quotes, each to provide three 1.5 yd. dumpsters from May 1 until Oct. 30, were received as follows:
 - a. Dumping of 3 dumpsters from the week before Memorial Day until Sept. 30
 - i. Ritter's - \$420 + tax
 - ii. Curry's - \$684 + tax
 - b. Empty dumpsters on an as needed basis before Memorial Day and after Sept. 30
 - i. Ritter's - \$10/dump/dumpster + tax
 - ii. Curry's - \$12/dump/dumpster + tax
 - c. Empty dumpsters owned by Garvin Park on an as needed basis
 - i. Ritter's - \$30/dump + tax (6 yd. dumpster); \$7/dump + tax (1 yd. dumpster)
 - ii. Curry's - \$30/dump + tax (6 yd. dumpster); \$10/dump + tax (1 yd. dumpster)
6. Approve contract with Steve Herigon for beaver removal on Co. Ditch 62 at the rate of \$25 per beaver.
7. Approve contract with Tom Marks for beaver removal on Co. Ditch 70 at the rate of \$25 per beaver.
8. Approve Southwest Minnesota Ducks Unlimited Lawful Gambling Permit.
9. Approve the Lyon County Identification Badge Policy.

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Goodenow moved, seconded by Nelson to approve Consent Agenda Items 1-9. All voted in favor.

Consider CUP – Francis Timmerman to Extract Gravel Material

John Biren, Planning & Zoning Administrator, requested Board approval of a Conditional Use Permit (CUP) for Francis Timmerman to extract gravel material. Nelson – Is this a new gravel pit? Biren – No, but it is a significant expansion.

Buysse moved, seconded by Fenske to grant a Conditional Use Permit to Francis Timmerman to extract gravel material. The area representing the request is zoned agricultural. The land is owned by Francis and Mary Timmerman and is described as the East Half of the Northwest Quarter (E1/2 NW1/4), and Lots One (1) and Two (2), Section 30, Custer Township. As per recommendation of the Lyon County Planning and Zoning Commission and Custer 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 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 backslope of 4:1 or flatter.
7. Responsible for maintenance on roads that trucks will be hauling on.
8. Responsible for dust control on haul roads.
9. Haul roads designated as: 230th Avenue and US Highway 14
10. Owner must notify Lyon County when work is complete.
11. Must obtain permits from appropriate agencies.
12. 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.
13. Must comply with Soil and Water and DNR regulations.

All voted in favor.

Consider CUP – Major Essential Service to Charter Communication

Biren requested Board approval of a Conditional Use Permit (CUP) – Major Essential Service for Charter Communication to install fiber optic cable in the road right-of-way.

Goodenow moved, seconded by Buysse to grant a Conditional Use Permit – Major Essential Service to Charter Communication to install fiber optic cable in the road right-of-way. The areas affected are zoned agricultural and unincorporated village.

The fiber optic cable route will run from Highway 23, east side of Marshall, Minnesota, to the east side of Tracy, Minnesota into Redwood County (starting from Marshall, the line will run on the South side of 270th Street to the West side of CSAH 9, to the South side of 190th Street to the East side of CSAH 9, to the East side of County Road 71 to the South side of County Road 54, and following the South side of CSAH 14 into Redwood County).

The fiber optic cable is proposed to run in the right-of-way of the following sections of land:

Lake Marshall Township: NE1/4 Section 10 and North Half of Sections 11 and 12

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Clifton Township:	North Half of Section 7 East Half of Sections 7, 18, 19, 30 and 31
Amiret Township:	East Half of Sections 6, 7 and 18 NE1/4 Section 19 West Half of Sections 20, 29 and 32
Monroe Township:	West Half of Sections 5, 8, 17 and 20 North Half of Sections 29, 28, 27, 26 and 25

As per recommendation of the Lyon County Planning and Zoning Commission, Lake Marshall, Clifton, Amiret and Monroe Township Boards. With the following stipulations:

1. Site to be inspected as needed.
2. Fiber Optic Cable to be installed in the right-of-way.
3. All drainage facilities and patterns shall be repaired to pre-construction condition as soon as possible after construction.
4. Rocks, slash and other construction debris shall be removed from each individual section of land where construction takes place within ninety (90) working days of the commencement of major essential service construction on that individual section of land. For purposes of this subsection, working days are defined as: all days except days between November 15 and April 15 (winter), or any day when more than ½ inch of precipitation has fallen. For purposes of this subsection, section of land is defined as a numbered section as defined by the Government Land Survey, or a portion thereof.
5. Shelterbacks, windbreaks, fences and vegetation shall be restored to pre-construction condition with the following exceptions.
 - (a) Shelterback and windbreak replacement shall be to pre-construction density and may allow for operation maintenance of essential service lines.
 - (b) Critical areas (slopes greater than 12%, drainage ditch banks and areas subject to severe erosion) shall be seeded and mulched as soon as possible after construction. Drainage ditch banks shall be seeded and mulched a minimum of 16 ½ feet in width from the top of the ditch spoil banks on each side of the ditch.
6. If preliminary engineering, surveys or other documentation is provided, modifications to accommodate future drainage or roadway construction activities may be required.
7. Major essential service construction activities shall be conducted in such a manner as to minimize impacts on livestock movements and access to agricultural fields.
8. A copy of the 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.

All voted in favor.

Approve Quote – CR 55 Culvert Replacement CP 05:55

Anita Benson, Public Works Director/County Engineer, requested Board approval of the low quote for County Project 05:55 submitted by Midwest Contracting for the amount of \$27,460.00. Benson - Quotes were opened for CP 05:55 at 1:00 pm on April 12th. Two quotes were received as follows: Midwest Contracting - \$27,460.00, and R & G Construction - \$35,374.00. This project will replace a 6' x 8' cast-in-place concrete box culvert with timber extensions and an 82" x 64" concrete arch pipe in Eidsvold Township on County Road 55. The new culverts will be one line of salvaged 115" concrete arch pipe and one line of salvaged 102" concrete arch pipe. CR 55 is one of the bond-funded projects. The pipe replacement will be funded with bond funds.

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Fenske moved, seconded by Buysse to approve the low quote amount for CP 05:55 submitted by Midwest Contracting for the amount of \$27,460.00. All voted in favor.

E-911 Proposed Ordinance Amendment

Benson requested direction from the Board on whether to proceed with the process for amending the E-911 Signing Ordinance. Benson – One part of the Ordinance needs changing for sure. On page three of the Ordinance, it states that “No two properties shall have the same number.” It should state “address” instead of number. The proposed amendment also includes a provision which would allow the use of 3-digit address numbers on private roads: “Residence numbers on private roads may be assigned 3 digit address numbers and shall increase from West to East on streets and increase from South to North on avenues.” This would eliminate the need for everyone in the Klein Addition to change their address. However, twelve would still need to change their addresses because of odd-even issues. The proposed amendment says “may,” but the intent is for *future* addresses to be 4-digit in case the private road goes public.

Nelson moved, seconded by Fenske to hold a Public Hearing on May 16, 2006 at 9:30 AM to discuss amending the E-911 Signing Ordinance. All voted in favor.

Appointment to Library Board’s Site Selection Committee

Stomberg informed the Board that the Marshall City Council has invited a representative to sit on the City of Marshall’s Library Site Selection Committee. Stomberg asked that Chair Ritter appoint a representative to the Committee. After receiving input from the Board, Chair Ritter appointed Mark Goodenow to sit on the Site Selection Committee.

Goodenow stated that Mr. Karr and the Library Board will review the Committee’s selection.

Consider Shetek Wind, LLC C-BED Resolution

Stomberg requested that the Board consider the approval a resolution acknowledging the Community-Based Energy Development status for the Shetek Wind Energy Center project. Stomberg – The resolution states that we support the project as a C-BED project, but we reserve the right to grant or deny any applications for permits or licenses.

Goodenow moved, seconded by Nelson to approve the Resolution of the Lyon County Board of Commissioners Acknowledging Community-Based Energy Development (C-BED) Status for Shetek Wind, LLC. All voted in favor. Resolution 20-06 is on file with the County Administrator.

Consider SW MN PIC Joint Powers Agreement

Stomberg requested that the Board consider the approval of the *Job Training Partnership Act Joint Powers Agreement*, also known as the *Workforce Investment Act Joint Powers Agreement*.

Buysse moved, seconded by Fenske to approve the Job Training Partnership Act Joint Powers Agreement for the Counties of Region 6W and Region 8. All voted in favor.

Compensatory Time Policy Revisions

Stomberg requested the Board consider the following addition to the current compensatory time policy (3200 PAY ADMINISTRATION).

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3200

PAY ADMINISTRATION

(From page 3200-3)

Payment of Overtime or Compensatory Time to Nonexempt Overtime-Eligible Employees

Nonexempt employees not covered by the provisions of a collective bargaining agreement receive compensatory time off for overtime worked at 1½ times the employees' straight time rate. Only where divisions/departments have budgets allocated for overtime payment can employees be paid for overtime rather than receiving compensatory time off.

Unless covered by a Board-approved, departmental policy to the contrary, employees may not accumulate more than 40 hours of compensatory time. Division/department heads are responsible for managing within the 40 hour limit. Scheduling of compensatory time off is at the discretion of division/department head.

Stomberg – Our current policy limits the amount of compensatory time that can be accumulated to 40 hours. This policy has been in place for several years and has been a good policy for a majority of County departments. There are County functions that are seasonal in nature in which employees are required to work a substantial amount of overtime - e.g. the Highway Department's inspectors are subject to the contractors' hours. In these cases, it would be advantageous to the County to increase the maximum accumulation limit which would allow employees to take time off during the slower season rather than cash payments of time and a half. Adopting the proposed language does not increase or decrease the current 40-hour limit. It allows a division or department head to request Board approval to increase or decrease the maximum accumulation on a case-by-case basis. If the department has budgeted for overtime, the employee could choose between comp-time and overtime. If not, the employee would have to take comp-time.

Fenske moved, seconded by Buysse to revise the current compensatory time policy. All voted in favor.

Park & Recreation Board Appointment

Rick Anderson, Park Supervisor, requested the appointment of Nancy Dilley to the Park and Recreation Board. Chair Ritter asked for and received input from the Board.

Chair Ritter appointed Nancy Dilley to the Park and Recreation Board as of April 11th to replace Marcella Brekken.

Anderson invited the Board to the Garvin Park Annual Open House on Sunday July 30th, 12:30 PM – 3:30 PM.

Roof of 1939 Addition

Ron Krause, Facilities Maintenance Manager, requested authorization to repair or replace the roof on the 1939 addition at the Lyon County Government Center. Krause - It was replaced in 1989, but its white, plastic membrane has a tendency to crack. The roof is 3400 ft². We would tear off the old material but leave the insulation and cement deck. The replacement roof would be rubber with rock ballast. I'm estimating it would cost \$18,000 to \$20,000.

Goodenow – Is the roof leaking right now? Krause – No. I keep fixing the leaks. Ritter – Is this in the budget? Stomberg – No. Fenske – How would we fund it? Stomberg – With the Building Fund.

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Goodenow moved, seconded by Fenske to authorize the Facilities Maintenance Manager to solicit quotes for roof replacement of the Lyon County Government Center's 1939 addition.

Employee Entrance Project

Krause requested authorization to proceed in changing the South emergency exit into an employee entrance. Krause – The Safety Committee requested me to look into the cost of turning the South emergency exit into an employee entrance. I am estimating the cost to be approximately \$1,272. My department would do the work. We would do the gravel, the concrete forming, the locks, and put a sidewalk in that would lead directly to the crosswalk.

Goodenow – This is for the tenants, so this could be paid for out of the rent. There may also be some security issues with this extra entrance. Benson – The Safety Committee would like to make a Security Policy.

Fenske moved, seconded by Goodenow to authorize the Maintenance Staff to convert the South emergency exit into an employee entrance, with the funds coming from rental fees.

Meeting recessed at 10:00 AM.

Meeting was called back in order at 10:15 AM.

Southwest Regional Development Commission – Executive Director Jay Trustee

Jay Trusty, Executive Director of the Southwest Regional Development Commission (SWRDC) visited with the Board to discuss issues raised at the April 4th meeting. Trusty explained that the SWRDC resolution is to support the SWRDC's application for federal funds. Trusty – We will likely have a 75% match this year. Of the approximately \$90,000 Lyon County collects for the SWRDC, about half goes to debt service of the (Prairie Expo) bond and the rest goes to service.

Trusty stated that the bond could not be paid off early, but it may be possible to pay into an escrow account. Trusty confirmed that a county is obligated to collect taxes for an entity such as the SWRDC, and that an individual county cannot opt out of the SWRDC.

Goodenow moved, seconded by Fenske, to pass the resolution in support of SWRDC's application. All voted in favor. Resolution 19-06 is on file with the County Administrator.

Sounds of Summer – Tracy Veglahn

Tracy Veglahn, Marshall Area Chamber of Commerce, informed the Board on this year's Sounds of Summer festival. Due to this and next year's downtown renovation, the Sounds of Summer Planning Committee is working with Rick Anderson to use the Fairgrounds for Saturday, August 19th's concert. The general consensus of the Board was to proceed forward.

E911 Address Discussion – Steve Swanson

Citizen Steve Swanson requested that his property be excluded from the E911 Signage Ordinance. Benson presented background information. Ritter called for a motion three times. Hearing none, the Board took no action.

LLMP Public Health Services

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Administrator John Schuh provided an update on LLMP Public Health Services. Schuh stated he would present a FB&L resolution at a later date.

Consider Approval of 2005-2006 LELS Contract

Stomberg requested Board authorization of the 2005-2006 LELS Contract. Stomberg stated that LELS had signed it.

Goodenow moved, seconded by Fenske to authorize the Chair's signature of the 2005-2006 LELS Contract. All voted in favor.

Commissioners' Business

Meeting schedule was reviewed.

Goodenow reported on the Developmental Achievement Center's final drawings. The bid estimate is \$635,000. The DAC hopes to bid soon, but it first needs to have the State Architect's approval. Goodenow reported on the Lyon County Enterprise Development Corporation and the Library Board as well.

Nelson reported on the Jail Committee, Area II, and RCRC.

Fenske reported on the Lyon County Regional Landfill, Airport Commission, and the Transit Advisory Board.

Ritter reported on the Jail Committee, Public Health, Planning & Zoning, and the Park Board.

Goodenow moved, seconded by Nelson to enter into a closed session at 11:59 AM to discuss pending litigation. All voted in favor.

Fenske moved, seconded by Goodenow to come out of closed session at 12:38 PM. All voted in favor.

Buysse moved, seconded by Goodenow to adjourn the meeting until May 2, 2006 at 9:00 AM. All voted in favor.

Stephen W. Ritter, Chairman

Attest: _____
Loren Stomberg
Lyon County Administrator