

OFFICIAL MINUTES

LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
May 16, 2006

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

Pledge of Allegiance to the Flag.

Approve Agenda

Nelson moved, seconded by Goodenow to approve the agenda with the following changes: pull Asst. to Administrator Vacancy, tabling it until next meeting; add HAVA Election Equipment Discussion. All voted in favor.

Consent Agenda

The following per diems and expenses were presented.

	Per Diems	Expense s
Nelson	\$80	\$52.96

Items 1-6 from the Consent Agenda were presented.

1. Approve Minutes from the May 2, 2006 Regular Board Meeting.
2. Approve Commissioner Warrants #102826 - #102941 dated 5/17/06 in the amount of \$146,221.01.
3. Approve Auditor Warrants #102776 - #102797 dated 5/04/06 in the amount of \$28,924.59 and Auditor Warrants #102799 - #102824 dated 5/11/06 in the amount of \$173,411.24.
4. Approve Per Diems and Expenses previously presented.
5. Authorize Advertising for Bids (SAP 42-599-137) and set the bid opening date for June 13, 2006 at 11:30 AM in Conference Room 3 of the Lyon County Government Center. This project will replace an existing 48-year old bridge, L 1870, in Eidsvold Township Section 19/30 with a new bridge 42J23. The new bridge will be one line of 12' x 6' concrete box culverts.
6. Authorize Advertising for Bids (CP 06:HS) and set the bid opening date for June 13, 2006 at 11:45 AM in Conference Room 3 of the Lyon the Lyon County Government Center. This is for the annual striping of highways including roads scheduled for seal coating in 2006.

Fenske moved, seconded by Goodenow to approve Consent Agenda Items 1-6. All voted in favor.

VSO Update and Reappointment

Jim Hubley, Veterans Services Officer – I'm just coming in today to give an update...No one will be out at SMSU this summer. We're not sure what we'll do in the fall, but they want to start a mentorship. We will be meeting this summer to discuss it.

Goodenow moved, seconded by Fenske to recognize that the VSO director is reappointed for another four-year term. All voted in favor.

Consider CUP – Janet Fuhrmann

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John Biren, Planning & Zoning Administrator, requested approval of a Conditional Use Permit (CUP) for Janet Fuhrmann to extract sand, gravel, and general fill material. Ritter – Is it your agency's responsibility to ensure dust control? Biren – Yes. Fenske – Does the CUP address the concerns of the attached letter? Biren – Yes.

Goodenow moved, seconded by Nelson to grant a Conditional Use Permit to Janet Fuhrmann to extract sand, gravel and general fill material. The area representing the request is zoned agricultural. The land is owned by Janet and James Fuhrmann and is described as the West Half of the Northeast Quarter, Section 9 of Clifton Township. As per recommendation of the Lyon County Planning and Zoning Commission and the Clifton 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: 270th Street, County Road 73 and State Highway 19.
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 – McLaughlin & Schultz, Inc.

Biren requested approval of a CUP for McLaughlin & Schulz, Inc. for gravel crushing and processing; asphalt plant; and a wash plant on land zoned agricultural. Biren – There are a lot of dust-control issues in this area. The Township collected 2005 #'s and will be charging haulers based on this research. The Township Board has had input, and their concerns are addressed in this CUP. Goodenow – Will there be signage for the trucks pulling onto County Roads 13 and 15? Biren – Yes.

Fenske moved, seconded by Nelson to grant a Conditional Use Permit to McLaughlin and Schulz, Inc. for gravel crushing and processing; asphalt plant; and a wash plant on land zoned agricultural. The land is owned by McLaughlin and Schulz, Inc. and is described as the Southwest Quarter (SW1/4), Section 2, Coon Creek Township. As per recommendation of the Lyon County Planning and Zoning Commission and the Coon Creek 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.

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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: County Road 13, County Road 15 and 210th Street.
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, MPCA and DNR regulations.
14. Will notify Public Works of location of road approach and location of E-911 signage.

All voted in favor.

Consider CUP – James Orren

Biren requested approval of a CUP for James Orren to move in a mobile home as a single-family residence (temporary use while building a home). The land is zoned agricultural.

Goodenow moved, seconded by Nelson to grant James Orren a Conditional Use Permit to move in a mobile home as a single-family residence (temporary use while building a home). The area representing the request is zoned agricultural. The property is owned by James and Ann Orren and is described as part of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4), Section Eighteen (18), Vallery Township, Lyon County, Minnesota. As per recommendation of the Lyon County Planning and Zoning Commission and the Vallery Township Board.

With the following stipulations:

1. Conditional Use Permit is granted for a period of three years. Property owners must request an extension if home is not completed in three years.
2. Mobile home to be removed from the property within six months after home is completed.
3. Site may be inspected to ensure compliance of all applicable regulations.
4. Must follow the Lyon County Zoning Ordinance.
5. Mobile home cannot be rented out, this is to be used as a primary residence for James Orren and his family. Will be constructing a house on this tract of land.
6. Mobile home to be anchored and skirted.
7. Septic system to be designed and installed by a licensed contractor and inspected by Lyon County.
8. Must notify Planning and Zoning Office if site is sold.
9. 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.

All voted in favor.

Discuss Permit for Meteorological Tower

Biren - The zoning office has received a request by a local landowner to put up a meteorological tower. This particular meteorological tower will collect wind data. In turn the data will be used in the site development of a large wind farm. The proposed wind farm will likely generate much more than 5 megawatts and will likely be located in parts of Lyon and Murray Counties. Because of the size of this proposed wind farm, the state will preempt our ordinance from applying to this

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project. In the mean time the developer/local landowner would like to install the meteorological tower. The tower will be temporary and will be taken down once the wind farm is constructed or when a decision has been made not to construct. Our current wind or tower ordinances do not mention meteorological towers. I want to consider the meteorological tower a permitted use. I would like support to call it an accessory structure. The applicant is willing to meet the minimum setback and lot size requirements that a commercial wind tower would have to meet. The applicant realizes the permit that Lyon County Planning and Zoning gives out is a land-use permit which indicates compliance with the ordinance, but it does not exempt or cover other agency requirements such as FAA, AWE, PUC, DNR, MPCA, etc..

Consider Charitable Gambling Permit – Redwood River Sportsman Club

Stomberg requested approval of a charitable gambling permit for a raffle for the Redwood River Sportsman Club. The raffle will be held August 19, 2006. The Township has approved the permit.

Goodenow moved, seconded by Nelson to approve the *Minnesota Lawful Gambling LG220 Application for Exempt Permit* with no waiting period for the Redwood River Sportsman Club's raffle to be held on August 16, 2006. All voted in favor.

Public Hearing – Proposed Amendment to the E-911 Signing Ordinance

Ritter opened the *Public Hearing – E-911 Proposed Ordinance Amendment* at 9:30 AM.

Stomberg – The draft amendment of the E-911 Signing Ordinance reflects language to correct a reference to number rather than address in the current ordinance language. The number of addresses per mile is changed to addresses per road in a section in recognition that not all sections are one mile in length.

Stomberg - The proposed amendment also includes a provision which would allow the use of 3-digit address numbers on private roads. Public comments received indicates a desire to specifically name the "Klein Subdivision" rather than "private road" to avoid another address change in the future if the roads ever become public roads. Language in the attached ordinance is provided to allow selection of either option by the County Board. I would like to receive comments on the proposed amendment. If there are no issues identified, then I ask that the ordinance amendment be adopted.

Fenske – If we name the Klein Subdivision, what about other developments in the future?

Stomberg – Future developments would have to be 4-digit. Goodenow stated that if the first option were taken ("private roads" as opposed to "Klein Subdivision") it could lead to similar situations in the future. Goodenow – Should we include wording in the second option to name the "existing" Klein Subdivision – not including future additions? Biren – A new addition would not be included with the current Klein Subdivision. It would be a new addition, and it would need to comply with the E-911 Signing Ordinance. Goodenow – So any future additions will be 4-digit? Biren – Yes.

Ritter opened the Hearing to comments from the Public. Ritter asked three times for comments from the Public. Hearing none, Ritter adjourned the Public Hearing.

Nelson moved, seconded by Fenske to adopt the amended Lyon County E-911 Signing Ordinance as presented and specifically naming the Klein Subdivision. All voted in favor. The amended section is listed below with strikethroughs denoting deleted language and underlines denoting new language. A printed copy of the entire Lyon County Enhanced 9-1-1 (E-911) Signing Ordinance is available for inspection by any person during regular office hours (M-F, 8:30 – 4:30) at the office of the County Administrator.

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Section 5: Addressing System

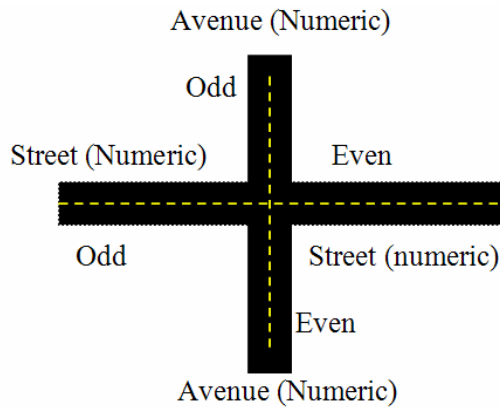
County roads shall maintain their existing designation (number). All new avenue and street designations on County roads shall be in addition to the existing designation. Signs erected pursuant to this ordinance shall include both designations and shall be in addition to and not replace existing signs thus creating a “dual designation” of some roads. No two roads shall be given the same number.

Roads identified as avenues will run North/South and are numeric. The numbers assigned to avenues will increase as you travel to the East. The West/East numbering of avenues will start at 110th Avenue and increases to 340th Avenue in the eastern area of the County.

Roads identified as streets will run East/West and are numeric. The numbers assigned to streets will increase as you travel to the North. The South/North numbering of streets will start at 100th Street and increases to 340th Street in the northern area of the County.

There are 100 potential addresses per ~~mile~~ road in a section. Residence numbers start at 1000 and increase from West to East on streets and will increase from South to North on avenues. No two properties shall have the same ~~number~~ address.

Residence numbers in the Klein Subdivision may be assigned 3 digit address numbers and shall increase from East to West on streets and increase from North to South on avenues.



Set Ditch Hearing/Levy

Todd Hammer, Asst. P & Z Administrator requested a date be set for the annual ditch maintenance hearing.

Ritter - The Annual Ditch Maintenance hearing will be on Tuesday, August 15th starting at 1:00 PM with the County Ditches and 1:30 PM with Joint Ditches.

Hammer informed the Board there will need to be tax abatement on County Ditch 4. A 20% levy was placed on the original CD 4, but it was supposed to be on the improved section. Hammer – We have a viewers’ report of the original ditch from 1908. It was repaired in 1956, and that report doesn’t show the entire ditch. We meant to have the levy on the improved section. Van

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Overbeke stated abatement could be done on the entire ditch and then set the correct levy in August. Hammer recommended going ahead with the repairs on CD 4.

Consider GIS Project Management Agreement with MMU

Shawn Strong, IT/GIS Coordinator, requested approval of an agreement with Marshall Municipal Utilities to provide project management services for the conversion of utility infrastructure data from CAD to GIS. Strong - MMU and Lyon County GIS have discussed establishing an agreement to provide GIS project management services to MMU for their conversion from CAD to GIS. MMU will be contracting with United Service Group (USG) for the data conversion and is purchasing ESRI software to maintain the utility data at MMU. Lyon County will oversee the project and offer input to keep the process on track and moving forward. Estimated amount of work could range from 20 to 40 hours over the next 6 months. Benefits for Lyon County will include improved data sharing opportunities, uniform data standards between agencies, and the establishment of a local GIS committee for future collaboration efforts. The City of Marshall has also expressed interest in collaborating with Lyon County and MMU on various future GIS projects. Discussion. Stomberg – Since you will need to go to Elk River, I think it should be spelled out in the contract that mileage will be reimbursed at the IRS rate.

Fenske moved, seconded by Goodenow to approve the *GIS Project Management Agreement* between Lyon County and Marshall Municipal Utilities with the mileage rate amendment. All voted in favor.

Meeting was recessed at 9:57 AM.

Meeting was called back in order at 10:07 AM.

HAVA Election Equipment Discussion

Van Overbeke – I want to update the Board on the HAVA (Help America Vote Act) election equipment. Our county will not be receiving the \$90,000 from the State (\$3,000 per precinct). Van Overbeke stated the approximately \$232,000 of Federal money covers the equipment itself, but does not cover the basic cost for the balance of the equipment. Van Overbeke informed the Board that she will return in June with a new resolution and new election equipment plan.

Commissioners' Business

Meeting schedule was reviewed.

Goodenow reported on the following: Law Library, EDA, Plum Creek Library System, and the DAC. Goodenow stated the building committee for the new library asked there be a representative from the County.

Ritter appointed Mark Goodenow to the Building Committee for the new library.

Ritter reported on the following: Law Library, Jail Committee, and LLM Human Services.

Fenske reported on LLM Human Services.

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

Goodenow moved, seconded by Nelson to adjourn the meeting until June 6, 2006 at 9:00 AM. All voted in favor. Ritter adjourned the meeting at 10:51 AM.

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Stephen W. Ritter, Chairman

Attest: _____
Loren Stomberg
Lyon County Administrator