

**UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS**  
 LYON COUNTY BOARD OF COMMISSIONERS  
 LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN  
 June 20, 2006

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

Pledge of Allegiance to the Flag

**Approve Agenda**

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

**Consent Agenda**

The following per diems and expenses were presented.

	Per Diems	Expense s
Buysse		
Fenske	\$160	\$68.09
Goodenow	120	
Nelson	200	87.68
Ritter	240	

Consent Items 1-8 were presented.

1. Approve Minutes from the June 6, 2006 Regular Board Meeting and the June 13, 2006 Board of Appeals & Equalization.
2. Approve Commissioner Warrants #103349 - #103464 dated 6/21/06 in the amount of \$126,819.50.
3. Approve Auditor Warrants (pulled from consent agenda for further discussion)
  - a. #103205 - #103263 dated 6/08/06 in the amount of \$160,181.23
  - b. #103302 - #103344 dated 6/15/06 in the amount of \$155,440.35.
4. Approve Per Diems and Expenses previously presented.
5. Authorize Signatures of 2007 Grant JABG 00058. Lyon County has been acting as fiscal agent for the juvenile justice block grant since 2004. The grant has not changed except for our administration fee. The fee for 2007 will be \$543.
6. Award of Bid – SAP 42-599-137 to R&G Construction with a total low bid amount of \$63,198. This project will replace existing 48-year-old bridge L 1870 in Eidsvold Township Section 19/30 with new bridge 42J23. The new bridge will be 1 line of 12' x 6' concrete box culverts. This project is possible through the use of Township Bridge Funds. The bid opening was held on June 13, 2006. Three bids were received as follows:
  - a. R&G Construction (Marshall) \$63,198.00
  - b. Kockelman Construction (Canby) \$65,008.00
  - c. Midwest Contracting (Marshall) \$65,827.00
7. Award of Bid – CP 06:HS to Traffic Marking Services for the low bid amount of \$43,868.50. This is for the annual striping of highways including roads scheduled for seal coating in 2006. The Highway Department budget includes \$55,000 for striping. Benson plans to increase the striping quantities up to the budget amount to take advantage of the favorable prices and provide increased safety on our highways. The bid opening date was held on June 13, 2006. Three bids were received as follows:
  - a. Traffic Marking Services (Maple Lake, MN) \$43,868.50
  - b. United Rentals (Sioux Falls, SD) \$48,369.02
  - c. AAA Striping (Rogers, MN) \$49,607.77
8. Approve final payment to Duininck Bros., Inc. as follows for 2005 Bituminous Projects:

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CP 05:60	\$19,434.92
CP 05:51	9,267.12
CP 05:52	1,348.55
CP 05:68	4,991.47
CP 04:63	13,521.76
CP 05:69	3,335.65
CP 05:84	1,928.75
CP 05:73	3,131.09
CP 05:56	5,410.97
CP 05:66	17,130.76
CP 05:74	(55.38)
FOB & Paver Laid Patching	394.25
SAP 42-607-21	3,338.37
SAP 42-612-09	1,419.49
SAP 42-621-01	826.79
SAP 42-620-12	12,734.18

The IC 134 Forms are on file at the County  
Engineer's Office as required by State  
Statute.

Fenske requested Consent Agenda Item #3 (Approve Auditor Warrants) be pulled to discuss Auditor Warrant #103207 to Brandt & Magnus in the amount of \$2,102.67 for professional services.

Goodenow moved, seconded by Nelson to approve Consent Agenda Items 1,2, and 4-8. All voted in favor.

**Consider CUP to Stattelmann for Street/Bridge Construction in Floodplain**

Goodenow moved, seconded by Nelson to grant a Conditional Use Permit to Scott Stattelmann (owner) and Dan Stattelmann (applicant) to construct a street/bridge in the Floodplain designation. The land is located in the North Half of the Northeast Quarter (N1/2 NE1/4), Section 18 of Lake Marshall Township. As per recommendation of the Lyon County Planning and Zoning Commission and the Lake Marshall Township Board. With the following stipulations:

1. Site to be inspected as needed.
2. Must follow requirements of the Lyon County Zoning Ordinance including the requirements found in Article 6.
3. Must apply and receive permits from road authority prior to changing access use. Road authority may include Klein Addition, MNDOT or Lyon County.
4. Must follow DNR regulations.
5. Permanent legal access to CSAH 7 includes using the private drive located on the south side of the property.
6. Permanent legal access on Highway 23 requires permits from MNDOT or access through the Klein Addition.
7. Roads built in the floodplain need to be according to the Lyon County Ordinance.
8. Bridge built across the channel needs to be designed and built so it does not stage water. Designs need to be reviewed by the DNR prior to approval.
9. Lyon County is not to be held responsible for damages that will be caused by future flood events.
10. Must apply for and obtain permits from appropriate agencies.
11. 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

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fees to be paid by the applicant for the actual costs incurred by the County for the recording fees.

VOTING FOR: Goodenow, Nelson, Buysse, Fenske, Ritter  
OPPOSED: None  
ABSTAINED: None  
ABSENT: None  
DATED: June 20, 2006

**Authorize Attorney’s Enforcement on Noncompliant Land Use**

John Biren, Planning & Zoning Administrator, requested formal authorization to the Lyon County Attorney’s Office to proceed with enforcement of noncompliant land uses found on the Mr. Lydell DeVries property located in section 9 of Lyons Township. Biren - Authorization would include enforcement of the Lyon County Zoning Ordinance with the understanding that voluntary compliance methods were not successful. The noncompliant land issues include three unpermitted mobile homes and salvage vehicles. The Lyon County Planning Commission, with support from the Board, had placed a June 1<sup>st</sup> deadline to have the property brought into compliance. The property remains out of compliance.

Goodenow moved, seconded by Ritter to request the County Attorney to follow and enforce the Planning & Zoning Ordinances. All voted in favor.

**Consent Agenda Item #3 – Approve Auditor Warrants**

Fenske asked for clarification of Auditor Warrant #103207 to Brandt & Magnus in the amount of \$2,102.67 for professional services. Stomberg stated Brandt & Magnus is a Law Office in St. Peter, and the professional fees had been *court-ordered* by Judge Harrelson.

Fenske moved, seconded by Nelson to approve Auditor Warrants #103205 - #103263 dated 6/08/06 in the amount of \$160,181.23 and Auditor Warrants #103302 - #103344 dated 6/15/06 in the amount of \$155,440.35. All voted in favor.

**Presentation of *Materials Recovery Facility (MRF) Study***

Paul Henriksen, Environmental Administrator, presented findings on a Materials Recovery Facility Study based on single-sort collection from Lincoln, Lyon, Pipestone, and Yellow Medicine Counties. The following is a summary of the final estimate costs:

1) Total Building Costs	\$1,320,000	Estimated Sale of Materials:	<u>\$376,000</u>
2) Equipment Costs	<u>990,400</u>	(4700 tons x \$80/ton)	
Total Capital Costs:	<u>\$2,310,400</u>		
3) Staffing	282,000		
4) Operation and Maintenance	<u>98,500</u>		
Total Operating Costs:	<u>\$380,500</u>		

Discussion on capital costs and location. The Board directed Stomberg, Benson, and Henriksen to revise the Plan to account for capital costs and depreciation.

**Discuss Garvin Park Playground Equipment**

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Rick Anderson, Park and Fairgrounds – The Park and Recreation Board has voted to replace the current playground equipment in the picnic area (Garvin Park). Anderson said preliminary estimates of the equipment are between \$64,000 and \$70,000. Park & Rec intends to fund the equipment through donations, DNR Grants with match, and Trust money. Ritter asked Anderson to update the County Board bi-monthly.

Fenske moved, seconded by Goodenow to authorize the Park Department to fund-raise for new playground equipment at Garvin Park. All voted in favor.

Buysse commented there was once a concern that there were no parks in the northern part of the County. Goodenow suggested possible locations where the County already has property. Discussion.

Anderson reported the majority of funding for the Free Stage is complete, and it will be ready by July 15<sup>th</sup>. Anderson will return to the Board with a proposed rental agreement form.

Meeting recessed at 10:05 AM.

Meeting called back to order at 10:21 AM.

**Marshall-Lyon County Library Annual Update**

Wendy Wendt, Director – Marshall-Lyon County Library, presented an annual update. Wendt summarized the 2005 Annual Report, discussed 2006 strategic planning, and answered questions from the Board.

**Consider Enforcement Plan for County Highway/Road Right-of-Way**

Anita Benson, Public Works Director/County Engineer requested consideration of the following proposed enforcement plan for eliminating farming in Lyon County Highway/Road Right-of-Way:

1. Spring 2006 – Letter sent to all rural property owners informing them of the Statute governing road rights of way and consequences for violation of the Statute. Requested voluntary compliance.
2. Prepare Map noting worst violators based on visual inspections. Measure distance from center of road to crop (Completed).
3. Verify worst violators identified on map were on mailing list for spring 2006 letter (Owner/Renter).
4. Send letter requesting crops be mowed/destroyed by deadline.
5. Verify crops mowed/destroyed by deadline. Any failing to comply would be turned over to Sheriff's Department and County Attorney for prosecution.

Goodenow moved, seconded by Buysse to approve the proposed Enforcement Plan (Eliminating Farming in Lyon County Highway/Road Right-of-Way). All voted in favor.

**Consider Approval of Administrative Policy on Compensatory Time**

Benson explained the proposed policy was developed to allow flexibility in allowing the accumulation of compensatory time. Benson – Implementation of this policy will reduce the amount of overtime paid out to employees who request and receive written approval from the County Engineer or Park & Fairgrounds Manager as appropriate for accumulation of compensatory time beyond 40 hours.

Nelson moved, seconded by Buysse to approve Lyon County Public Works Highway & Park Departments Administrative Policy No. A06:01 – *Payment of Overtime or Compensatory Time to*

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*Nonexempt Overtime-Eligible Employees* – with an effective date of June 20, 2006. All voted in favor.

**Consider SMSU Dispatch Contract**

Fenske moved, seconded by Ritter to approve the renewal contract for dispatching service to Southwest Minnesota State University from July 1, 2006 to June 30, 2007 based on a \$500.00 per month or \$6,000.00 per year basis. All voted in favor.

**Accept Donation to Crime Fund**

Goodenow moved, seconded by Buysse to accept a \$100 donation to the Crime Fund from Jeffrey Goodmund. All voted in favor.

**Consider Use of County Land near Cottonwood**

Stomberg requested consideration of the use of County land located between County State Aid Highway (CSAH) 32 and the railroad tracks southwest of Cottonwood. Lyon County has been asked if it would like to sell this piece of property for use as an ATV course by an individual. The County has also been asked by a business in Cottonwood if the County would consider renting the property for use as a grain storage area. The property is not in the city limits. Stomberg presented pros and cons of either selling or leasing the property. Proceeds would go the Highway Department.

Benson – The Highway Department has adequate land in Cottonwood. Leasing to an elevator could be done during the construction off-season. It is not a good location for recreation because of nearby traffic. Leasing the property for grain storage would require permitted use. If used as an ATV park, it would need a conditional use permit.

Stan Berg, Terminal Manager – Farmers Co-op. Elevator Co., explained the elevator would use the area for temporary storage of corn to be used by the feed mill. Berg – We would want to get a good base under it. The storage area was estimated to be 500 ft. by 200 ft.

Ritter – Before we make a decision, let's hear from the City of Cottonwood. All Board members agreed. Ritter asked Cottonwood City Administrator, Greg Isaackson, to respond to the Board with the Council's opinion.

Consideration of Use of County Land near Cottonwood was tabled until the July 6, 2006 meeting.

Meeting recessed at 11:40 AM.

Meeting called back to order at 11:47 AM.

**Consider Red Rock Rural Water System Resolution and Amended Joint Powers Agreement**

Fenske moved, seconded by Nelson to approve Resolution Pertaining to Amended Joint Powers Agreement – Red Rock Rural Water System 2005 Expansion Bonding. All voted in favor. Resolution 23-06 is on file with the County Administrator.

Nelson moved, seconded by Fenske to authorize Chair Ritter's signature of the Red Rock Rural Water System Amended Joint Powers Agreement. All voted in favor.

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**Consider Area II 2007 Levy**

Stomberg presented the proposed Area II Minnesota River Basin Projects, Inc. 2007 levy for Lyon County. Each year the County Board considers the budget and local tax levy for Area II.

Nelson moved, seconded by Buysse approve the 2007 Area II levy for Lyon County in the amount of \$19,437.44. All voted in favor.

**Extend Term of Assistant to Administrator**

Ritter moved, seconded by Goodenow to extend the limited term appointment of Thomas Steffes, Assistant to Administrator for an additional six months with an effective date of June 19, 2006. All voted in favor.

**Auditor Warrant #103207 to Brandt & Magnus**

Fenske moved, seconded by Nelson to approve payment *from the Criminal Justice Fund* of Auditor Warrant #103207 to Brandt & Magnus for professional services. All voted in favor.

**Commissioners' Business**

Meeting schedule was reviewed.

Goodenow reported on the Enterprise Development Corporation, Plum Creek Library, and the Developmental Achievement Center.

Buysse reported on the Association of Minnesota Counties (AMC) Spring 2006 District 8 Meeting and the Lyon County Board of Appeals and Equalization.

Nelson reported on AMC, Board of Appeals and Equalization, Planning & Zoning, RCRCOA, and the mass dispensing clinic exercise at Parkside Elementary School.

Fenske reported on AMC, Board of Appeals and Equalization, and a meeting with Springsted, Inc. and Moody's Investors Service.

Buysse moved, seconded by Nelson to adjourn the meeting until *Thursday*, July 6, 2006 at 9:00 AM. All voted in favor. Ritter adjourned the meeting at 12:37 PM.

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Stephen W. Ritter, Chairman

Attest: \_\_\_\_\_  
Loren Stomberg  
Lyon County Administrator