

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

Pledge of Allegiance to the Flag.

Approve Agenda

Goodenow moved, seconded by Nelson to approve the agenda with the following additions: add "Authorization to Hire Correctional Officer;" add "Railroad Safety on CSAH 16;" add "Consider Expenditure from Criminal Justice Funds;" and "Appointment to Lincoln Pipestone Rural Water Board." All voted in favor.

Consent Agenda

The following Per Diems and Expenses were presented:

	Per Diems	Expenses
Fenske	\$120.00	\$67.64
Nelson	\$ 40.00	\$34.72

Consent items 1-4 and 6 were presented.

1. Approve Minutes from the October 3, 2006 Regular Meeting.
2. Approve Commissioner Warrants #105009 - #105126 dated 10/18/06 in the amount of \$158,982.39.
3. Approve Auditor Warrants.
 - a. #104923 - #104944 dated 10/05/06 in the amount of \$480,614.44.
 - b. #104946 - #104980 dated 10/12/06 in the amount of \$272,625.91.
4. Approve Per Diems and Expenses.
5. Approve Recycling Rates for Waste Electronics Collection Day (pulled from consent agenda).
6. Approve Work Request from R.W. Beck to perform specific engineering services as they relate to permit reissuance of the landfill.

Fenske requested that item #5 be pulled for further discussion. Goodenow moved, seconded by Nelson to approve consent items 1,2,3,4, and 6. All voted in favor.

Recycling Rates for Waste Electronics (pulled from Consent Agenda)

Fenske requested clarification on whether the rates were the same as last year and whether E-waste would take appliances. Benson stated the rates were the same and there would not be a reduced rate for appliances. Fenske moved, seconded by Goodenow to approve Consent Agenda Item #5. All voted in favor.

Authorization to Hire Correctional Officer

Brad Marks, Jail Administrator, requested authorization to hire Brandon Athen as a Correctional Officer. Motion by Buysse, seconded by Goodenow to authorize to hire Brandon Athen as a Correctional Officer with a starting date of November 1, 2006 and a pay rate of \$12.27 per hour. All voted in favor.

Accept Donation from SMI & Hydraulics, Inc.

Bob Polejewski of the Lyon County Fair Board, requested the Commissioners to accept the donation from SMI & Hydraulics, Inc. for the cost of the materials used on the Portable Stage. Polejewski- This project was more expensive than originally anticipated. After the donations, this would still leave us around \$7,000 short. Nelson- This would be a capital investment since the

rent money coming back is a capital shift and will pay itself back. Motion by Fenske, seconded by Goodenow to accept the donation of \$10,138.77 from SMI & Hydraulics, Inc. for the cost of the materials used on the Portable Stage and to formally thank SMI for their donation. All voted in favor.

Discuss East & West Twin Lakes Opportunity

John Biren, Planning and Zoning Administrator, updated the board on developments of the East and West Twin Lakes opportunity that was presented to the Board during the October 10, 2006, Road and Bridge Tour. Carmen and Amy Christensen own 28 acres of land between East and West Twin Lakes and have expressed interest in offering land for development of a public access and/or park. The levels of the lakes are unstable and East Lake has gone up over the last 20 years. The existing accesses, the boat landing and parking area to East Twin Lake, have been submerged for years. Biren- The DNR is allowed 7 acres per access and may help finance and develop this area. This proposal has not yet been formally given to the Park Board but it is on the next agenda. Benson- The next step would be to work with the Park Board and set up a Public Informational meeting to discuss the possible County Park and lake accesses and obtain cost quotes for an appraisal and legal survey of the property.

Motion by Goodenow, seconded by Ritter to request the Park Board to review the proposal of the County Park at East and West Twin Lakes and come back with recommendations to help determine cost of appraisal and survey, if necessary, of the land. All voted in favor.

Discuss Transportation Amendment

Benson gave the board an update on the Transportation Amendment that will appear on the ballot in November. If this amendment passes, it will commit approximately \$3.8 million dollars over 10 years and into the future for Lyon County's 319 miles of State Aid Highways and also increases funding for the Township Roads. The proposal is for 60% to go to the Highway User Trust Fund and 40% to Transit funding. Most importantly is that it is predictable and reliable funding.

E-911 Signage Project Update

Benson updated the board on the E911 Signage Project. Numerous addresses were found to have been assigned incorrect addresses and others were found to have no addresses assigned to them at all. Benson proposed that all those that need to change their address, due to county error, be compensated \$100 to correct their addresses. This would affect approximately 30 property owners. Six of these property owners were also identified last spring to have incorrect addresses and will again have to change their addresses. A personal telephone call has gone out to these property owners offering our sincere apology. Property owners are being mailed notices of the new property addresses being assigned and of the address changes required. Signage will be installed prior to the Final Assessment Hearing scheduled for November 21, 2006. Motion by Nelson, seconded by Buysse to authorize \$100 compensation to those property owners who need to change their addresses due to county error. All voted in favor.

ROW Management Update

Benson reported that a concern has been expressed that a hole located along CSAH 11 could be a liability issue for Lyon County. The hole is located approximately 20' within the CSAH 11 right of way. The ROW width from the center of the CSAH 11 is 60 ft. The County is required to maintain the recovery area obstacle free for County State Aid Highways. It was decided to have a couple of commissioners along with a representative of Public Works to approach the property owner and see if they are interested in repairing the hole. The county would be willing to do the work and bill the property owner their fair share of the cost.

Public Hearing on the 5-Year-State-Aid Road & Bridge Capital Improvement Plan

Chairman Ritter opened the Public Hearing on the 5-Year State Aid Road and Bridge Capital Improvement Plan at 10:00 AM. Benson presented the proposed 5 yr plan to the board. Ritter opened the floor to comments and questions from the public. There were none. Fenske moved, seconded by Buysse to approve the Five Year State Aid Road and Bridge Capital Improvement Plan. All voted in favor. Ritter closed the Public Hearing at 10:20 AM.

ROW Management Update continued.

In the Spring of 2006, a letter was sent to all rural property owners informing them of the Statute governing road right of way and consequences for violation of the Statute, requesting voluntary compliance. A map noting violators, based on visual inspections, was done and additional letters were sent requesting that crops be mowed/destroyed by a deadline of July 21, 2006 or the matter would be turned over to the Sheriff's Department and County Attorney for prosecution. Due to limited staffing, the verification work did not happen until September 22, 2006. 20 locations were not in compliance with the County's request. The harvest season is underway which makes legal action to enforce this plan a mute point. Benson suggested a mailing to those not in compliance a letter stating that the County is aware of their failure to comply and that if they chose to plant crops within the ROW next Spring, the County will immediately turn the matter over to the legal process. Benson will develop an ongoing plan to enforce these rules through education. A map does exist on the web site showing the ROW measurement for each road and they are verifying the accuracy of these maps.

Consider MNDOT/BNSF Agreement No. 89942

MNDOT/BNSF Agreement no. 89942 is the administrative document required to ensure the installation of Railroad Crossing Signals and Gates on CR 59 near Russell. The County's share of the cost is \$15,495.30 and has been included in the proposed 2007 Highway Department budget. Motion by Fenske, seconded by Goodenow to approve the agreement and adopt the resolution authorizing the Chairman of the Board and the County Administrator to sign the MNDOT/BNSF Agreement No. 89942. All voted in favor.

Railroad Safety on CSAH 16

Benson reported that the Minnesota Office of Rail is planning a 2010 project to install signal lights and gates on CSAH 16 south of Russell on the Burlington Northern track. The County's projected share is \$20,000. Before final plans are approved, the Minnesota Office of Rail requires County Board support and understanding of the project. Motion by Fenske, seconded by Goodenow that the County agrees that the project with the Minnesota Office of Rail to install signal lights and gates on CSAH 16 and understands that there will be a local match. All in favor.

Meeting recessed at 10:35 AM.
Meeting was called back to order at 10:50 AM

Lyon County Museum Update

Ellayne Conyers of the Lyon County Museum thanked the Board for their financial support and updated them on some of the new exhibits at the Museum. The Museum has requested a \$600 increase in the budget from both the County for additional staff. Ritter- We don't think that will be a problem and it is included in the preliminary budget.

Consider Expenditure from Criminal Justice Funds

Stomberg presented a claim from Data Dimensions in the amount of \$2,520.00 for computer updates to the County Attorney's computer database due to state mandated changes. According to County Attorney Maes, this is a valid expense to be paid out of the Criminal Justice Fund. Motion by Goodenow, seconded by Buysse to pay Data Dimensions \$2,520.00 out of the Criminal Justice Fund for state mandated changes to the County Attorney's computer database. All voted in favor.

Appointment to Lincoln Pipestone Rural Water Board

Motion by Buysse, seconded by Nelson to appoint Earl De Wilde and Kenneth Buysse for a four year term to the Lincoln Pipestone Rural Water Board. All voted in favor

Public Hearing – Petition for Abandonment of County Ditch 40

Chairman Ritter opened the Public Hearing for the Petition for Abandonment of County Ditch 40 at 11:00 AM. Tom Wenzel, the Design Engineer of the MN Board of Water and Soil Resources informed the board that they have secured four easements from land owners to restore the land to native grasses and to wetlands along County Ditch 40. A map showing the areas of the drainage branches that would be removed was displayed.

Buysse commented that according to Minn. Stat. § 103E.071, the County Attorney shall be present at all Ditch Public Hearing. Due to a jury trial, County Attorney Maes was unable to attend the hearing. Stomberg had spoken to Maes prior to the hearing and it was County Attorney's opinion that this petition is not an abandonment but would be an impoundment, which would first need approval from the state and his recommendation is that the Board deny the petition. Wenzel informed the board that they have done close to sixty hearings like this and this is the first time this issue has come up. Wenzel voiced his concern that they will lose their funding at the end of the month if the petition is not passed by then.

Ritter opened the floor up to comments from the public.

Scott Williams, homeowner on the corner of Hwy 23 and 91, voiced his concern that once the ponds fill up, the water has to go somewhere, leaving him with no protection. Williams-There is nothing to protect his place and I will hold the County liable for future damages. Fenske- you should have less water if the water flows into a reservoir and released slowly. Williams- I will argue with that- I have seen what has happened the last couple of years and I am concerned about surface water. I'm just asking you to think before you approve it. Wenzel- We have put great effort in the design that there will be no more water passing downstream than what currently exists and this will create much more storage.

Wenzel-In my opinion, there would be no impact to the property owners land if we would improve the system through CREP and abandon the system utilizing the storage system.

Norman Evans, landowner had a concern whether the main line would be affected. It would not.

Since Attorney Maes was unable to attend the hearing, Chairman Ritter suggested the hearing be continued if no objection by the petitioners. Motion by Buysse, seconded by Goodenow to continue the Public Hearing for the Petition for Abandonment of a portion of County Ditch 40 to 10/24/06, at 9:00 AM. All voted in favor.

Southern MN Tourism Association

Beth Anderson and Colleen Marcus updated the board on the activities and projects of the Southern MN Tourism Association. A new tag line of "You'll be Surprised" is being used on all their marketing brochures. Goodenow encouraged them to visit with the Marshall Convention and

LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
October 17, 2006

Visitor's Bureau, along with local Economic Directors and Schwan's Corp. Ritter thanked them for coming and that the board would consider funding when they finalize the budget.

Set Cafeteria Contribution

Open enrollment of County benefits occurs at the end of October. Stomberg presented the insurance rates for 2007 and recommended to the Board that the County's cafeteria contribution remain the same as for 2006. Stomberg noted that the dental rates have gone up 18% for 2007. Stomberg has checked into other vendors, and has found that our rates are still competitive. Motion by Nelson, seconded by Ritter to set the employer contribution for the 2007 cafeteria plan at \$525/month for a single policy and \$900/month for dependent coverage with \$41/month for single policy and \$115/month for dependent coverage going towards the VEBA Health Account for employees choosing the VEBA Insurance option. All voted in favor.

Commissioners' Business

Meeting schedule was reviewed.

Goodenow reported on the Library Board and the progress of the DAC building project.

Nelson reports on Area II, RCRCA and the Road Tour.

Fenske shared a postcard from the Extension on their new location, commented on the need for the proposed jail, reported on the Airport Commission and the Road Tour.

Ritter informed the board that they have come to a tentative agreement with the Unions and Human Services and is meeting with Public Health. He also attended the Garvin Park Fund Raiser.

Motion by Buysse, seconded by Goodenow to adjourn the meeting at 12:25 PM until November 7, 2006, at 9:00 AM.

Stephen W. Ritter, Chairman

Attest: _____
Loren Stomberg
Lyon County Administrator